

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 9, 2020

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Andrea A. Hickey

Jim Monteverde

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

2 * * * * *

3 (6:40 p.m.)

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

7 CONSTANTINE ALEXANDER: To the audience who's
8 hearing me, welcome to the June 9, 2020 meeting of the
9 Cambridge Board of Zoning Appeals, the first to be held
10 virtually. Brave new world we're in. My name is
11 Constantine Alexander, better known as "Gus" - that's my
12 nickname, Gus Alexander -- and I am the Chair.

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

22 This meeting is being audio and visually recorded,

1 and is broadcast on cable television Channel 22, within
2 Cambridge. There will also be a transcript of the
3 proceedings.

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

11 Generally, you will have up to three minutes --
12 no, not generally; you will have up to three minutes to
13 speak, but that might change based on the number of
14 speakers.

15 I'm going to go farther than that. No more than
16 three minutes to speak. I'm going to ask our staff to alert
17 our speakers if they get around two minutes and 30 seconds
18 that they've got 30 seconds left, and at the end of the
19 three minutes, I'm going to cut off the microphone.

20 We're going to go mute. I do that not because I'm
21 trying to be nasty or dictatorial, but we have a long
22 schedule tonight, and we're in unchartered waters with

1 regard to these remote hearings, and we just can't go
2 through discussion or presentation after presentation with
3 the same point being made as the prior speaker, and the same
4 point being made over and over.

5 Okay. I'm going to ask by asking the staff to
6 take Board member attendance, and verify that all members
7 are audible.

8 Sisia?

9 SISIA DAGLIAN: Yep. Gus?

10 CONSTANTINE ALEXANDER: Yep.

11 SISIA DAGLIAN: Brendan?

12 BRENDAN SULLIVAN: Brendan Sullivan, present.

13 SISIA DAGLIAN: Janet Green?

14 JANET GREEN: Janet Green.

15 SISIA DAGLIAN: Andrea Hickey?

16 ANDREA HICKEY: Andrea Hickey.

17 SISIA DAGLIAN: And Jim --

18 CONSTANTINE ALEXANDER: -- Monteverde.

19 SISIA DAGLIAN: -- Monteverde.

20 JIM MONTEVERDE: Yep. Jim Monteverde is here.

21 SISIA DAGLIAN: Thank you.

22 CONSTANTINE ALEXANDER: Thank you. Good, we're

1 all here.

2 The cases for tonight are all continued cases.
3 These are cases that started at an earlier date, before
4 COVID-19 really hit, and for one reason or another were
5 continued to give the petitioners time to revise their plans
6 or get more information or what have you.

7 So these cases we have a little bit of familiarity
8 -- the Board members do -- with the facts, but only a little
9 bit.

10 The first case I'm going to call is Case Number
11 017257 -- 41 Magoun Street. The staff will now unmute you.
12 Please begin by introducing yourself -- I'm talking about
13 the petitioners, and any other speakers on your team, then
14 commence your presentation.

15 NEHEET TRIVEDI: Hi, my name is Neheet Trivedi.
16 That's spelled N-e-h-e-e-t T-r-i-v-e-d-i. I'm at 41, 43
17 Magoun Street, and this is --

18 KATE MCGOVERN: Hi, my name is Kate McGovern.
19 This is Kavi (phonetic), our 3-year-old, and our 3-year-old
20 is here as well. We're also at 41, 43 Magoun Street.

21 NEHEET TRIVEDI: And Kate is K-a-t-e McGovern, M-
22 c-G-o-v-e-r-n. And I'm joined by Judy and Paul Robertson.

1 Judy, do you want to unmute yourself and just introduce
2 yourself from 45 Magoun?

3 JUDITH ROBERTSON: Okay, done. Can you hear me?

4 NEHEET TRIVEDI: Yes. I think if you state your
5 names and spell your names.

6 JUDITH ROBERTSON: My name is Judith Robertson, J-
7 u-d-i-t-h R-o-b-e-r-t-s-o-n, 45 Magoun Street in Cambridge.

8 JAMES ROBERTSON: My name is James Robertson, J-a-
9 m-e-s Robertson, R-o-b-e-r-t-s-o-n, 45 Magoun Street in
10 Cambridge.

11 NEHEET TRIVEDI: Okay. I'll begin the
12 presentation. Sisia, if you could pull it off that would be
13 great. I have a quick, clarifying question. Do I only have
14 three minutes to start here, or can I go over three?

15 CONSTANTINE ALEXANDER: I'm sorry. I didn't --
16 you have to repeat the question, please.

17 NEHEET TRIVEDI: I'm saying, do I only have three
18 minutes to start here, or can I go over three?

19 CONSTANTINE ALEXANDER: I'm sorry, I think you
20 have to repeat the question, please.

21 NEHEET TRIVEDI: I'm saying, do I only have three
22 minutes to start here, or can I go over three for the

1 present?

2 CONSTANTINE ALEXANDER: Oh, no for our -- for the
3 presentation, you can go over three minutes. I ask that you
4 try not to, or get as close to three as possible. But the
5 three minutes is really for people who want to -- who are
6 not the petitioners, but want to speak to the matter at
7 hand.

8 NEHEET TRIVEDI: Okay. So you can go more than
9 three minutes.

10 JAMES ROBERTSON: Okay, that sounds great. Thank
11 you, Gus. I'll try to keep it quite brief. I'll jump right
12 in here. You know, we're presenting to receive permission
13 for a driveway in between our homes at 41, 43 and 45 Magoun
14 Street. There's a lot of information on the application,
15 which I won't repeat.

16 But I wanted to highlight here the main reason
17 that we're here to apply today. The first and primary
18 reason is safety, which I'll talk through in a moment.

19 The second is electric vehicles, and enable us to
20 move to electric vehicles, and the third is to maintain tree
21 coverage. Let me just briefly just touch on two, since I
22 won't get to it in the presentation.

1 Currently, we only have street parking. Both of
2 us would like to move to electric vehicles. We plan to
3 install solar. We can't do that, unless we have all street
4 parking.

5 But let's talk primarily about safety.

6 Sisia, can you go to the next slide?

7 So there's two issues when it comes to safety.

8 One is the abundance of traffic on our street, even those
9 residential, and two is the speed.

10 So first, let's talk about traffic that goes
11 through our street. Magoun Street, which is in the middle
12 of this diagram here, is a residential street in North
13 Cambridge, but we get a lot of street traffic for three
14 reasons.

15 The first is that a light at Alewife Brook on Mass
16 Ave right there in the corner -- the traffic gets really
17 backed up down Mass Ave, and people cut onto our street,
18 which I'll show in one second, particularly during rush
19 hour, to get onto Route 2, as you can see in the red lines
20 here.

21 The second thing is Linea Cambridge, which is a
22 residential building at the end of our street. There's only

1 two ways to get there -- primarily Magoun Street and
2 Whittemore. So we get a lot of that traffic.

3 The third, as [14:36 indiscernible applied] is a
4 big, commercial area, and actually happened to just be
5 bought recently. It's going to get further developed; we
6 get a lot of that traffic too. So we get a lot of traffic
7 that's not -- mostly people not living on our street.

8 The second issue is speed.

9 Sisia, can you go to the next slide?

10 CONSTANTINE ALEXANDER: Before we get to the second
11 issue, I want to ask a question about the same -- it's not
12 clear to me why it's not any more safe if we had granted you
13 the relief, because someone could be pulling out of the
14 driveway -- your driveway -- between two cars that are
15 parked on the street on either side of the driveway.

16 And if people -- and I'll take it they do -- speed
17 down your street, I don't know why you'd be any more safe.
18 I have a problem with that argument in favor of the relief
19 you're seeking.

20 NEHEET TRIVEDI: Um-- well, let me get to --
21 actually we can go to a couple slides down here. Sisia, can
22 you just go down a little bit? Go down a little bit more,

1 and go down a little bit more. So right here. So that's
2 the image of the car.

3 So this here is an image of a car that was parked
4 in front of the Robertson house. And it was damaged while
5 it was damaged while it was parked. And so, you can imagine
6 if one of the Robertsons was here trying to get into the
7 car. Paul is hard of hearing. He likely would not have
8 heard that vehicle; could have been injured.

9 If it was my wife and I -- my wife and I have two
10 kids now. We would have to stand in the street in order to
11 put our child into the car, irrespective of which side of
12 the street it's on. Now, we're typically doing that in the
13 morning, when we're dropping off our kids at day care.

14 And so, we have to spend an extra amount of time
15 in the street putting our kids in the car, and we have --
16 particularly my wife -- has almost been hit on several
17 occasions. A child has almost been hit on several occasions
18 because we're in the street at that hour, and traffic is
19 coming by very quickly.

20 Now, if there are -- if we have the -- to answer
21 your question, if we have the driveway, we have a field of
22 view where we can slowly pull out and see if there's a car

1 coming, and then reverse out into the street and drive down.

2 And from what I understand, there hasn't been any
3 -- there haven't actually been any accidents of people --
4 you know, pulling out, and having their car struck.

5 But it would actually help as well to have our
6 driveway there for our neighbors across the street. You'll
7 see they wrote two letters of support for this, because when
8 they come out, they want to be able to have a little bit
9 more space to turn out to make it more safe for them.

10 And by the same argument, we would have space
11 across the street from us as well, pulling out onto their
12 side.

13 So once again, we have evidence here of a car that
14 was parked that was struck, that if one of us was there, we
15 likely would have been injured, or possibly worse, and we
16 don't have evidence of people pulling out and getting hit,
17 but we know we'll have more space and more time to do that.

18 So it's pretty clear I think from this that the
19 safety is a significant issue, and us being in the street,
20 we've had serious issues being and spending time in the
21 street to put our children in the car.

22 If there isn't any more point on that, I can keep

1 on going with the rest of the presentation. Is there
2 anything else on that particular point to address?

3 CONSTANTINE ALEXANDER: I'm fine. I don't know
4 about the other members of the Board. You can go on with
5 the rest of your presentation. Then, I'll make some
6 comments and I'm sure other members of the Board will as
7 well.

8 BRENDAN SULLIVAN: This is Brendan Sullivan. The
9 main question that I have is the area that you have
10 designated to park four cars.

11 If staff could scroll down to the parking plan?
12 And I just find it totally inconceivable to be able to park
13 four cars in that area, and not have car jockeying back and
14 forth all the time.

15 The other thing is that once a curb cut goes in,
16 and I walked around my own neighborhood and I -- obviously,
17 observant of the scene -- is that what happens as far as the
18 neighbor across the street, doesn't always have a clear path
19 to back out into what would be a curb cut area, because the
20 person that has that driveway, that created that curb cut,
21 tends to park their car across there.

22 It's an easier in and out than having to pull in.

1 And how you can park four cars between those
2 houses and open up the doors and be able to get into the car
3 and exit the car -- I just cannot fathom how that is
4 workable.

5 So that's where I am on that. I'm sensitive to
6 the safety issue, and I know Magoun Street very, very well.
7 I have the same issue on my street, where cars are avoiding
8 a light, and they come down my street. My car has been hit
9 years ago, and, you know, the person just kept on going.

10 So your experiences are somewhat my experiences.
11 But I have a problem with putting four cars into that space
12 so close to the house and being able to open up the doors
13 and maneuver back and forth with vehicles.

14 CONSTANTINE ALEXANDER: Let me just follow up with
15 that comment. As you know, our zoning bylaw does not allow
16 front-yard parking. It is the position of the Planning
17 Board that this Board should not encourage or allow front
18 yard parking. Community Development has the same views.

19 So you start out with -- you know, a city policy
20 that's not supportive of what you want to do. Then you --
21 on top of that, the parking spaces that you've set aside do
22 not meet our dimensional requirements of the code. And

1 that's Brendan's point. How do you open the doors if four
2 cars are there side by side?

3 So, you know, I have a lot of problems with what
4 you're proposing, not because of the concept you have, but
5 there are just some lots -- some areas -- that just aren't
6 amenable for front yard parking, and certainly shared
7 parking, which is what you're proposing.

8 NEHEET TRIVEDI: So I think there were three
9 issues that were raised. Let me talk about the first one of
10 whether or not we would have a car there parked, because
11 people get a curb cut and they just park in front of their
12 lot, their cut.

13 First off, we can't do that, because we have a
14 mutual easement. So by definition, we would not be able to
15 block each other's driveway. So we have no intention of
16 blocking each other's spots. That's the first thing. And
17 once again, we're doing this as a shared application.

18 Second, the city ordinance provides for compact
19 parking, which is 7.5 x 16 feet. So as we move -- first of
20 all, so there's an opportunity for us to park compact
21 vehicles within spaces that are -- that meet the requirement
22 of a compact car size.

1 Now, of course we're requesting relief because
2 this is supposed to be full-size. But there is a compact
3 car size definition, of which this meets.

4 And so, in addition to that point, our hope is to
5 move to electric vehicles, which are also smaller typically
6 in nature.

7 ANDREA HICKEY: Could I ask a question -- I'm
8 sorry to interrupt. The two spaces that are closest to the
9 street, can you walk me through how those meet the compact
10 car size requirements? Because I'm not seeing that.

11 NEHEET TRIVEDI: Yeah, sure. The requirement is
12 7.5 x 16 feet.

13 ANDREA HICKEY: Right. For a compact car,
14 correct.

15 NEHEET TRIVEDI: Right. So we have more than
16 that.

17 ANDREA HICKEY: In the front spaces, I'm showing
18 the one closest to Number 45 as a maximum to the lot line of
19 15.1. Am I reading that wrong?

20 NEHEET TRIVEDI: Yeah. To be clear -- and I can
21 see how you might read it that way, because this is the way
22 that the surveyor did it -- it's actually 16 feet. So the

1 space from the front lot to the front of the property is 15
2 feet, but the actual space that we're recommending here is
3 16 feet.

4 ANDREA HICKEY: All right. So you're not showing
5 the spaces as requested specifically on this plan, we're
6 just suppose draw a conclusion? Is that --

7 NEHEET TRIVEDI: Well, so once again, the surveyor
8 did this. So if you look at spot 1, you see that's exactly
9 fitting 7.5 x 16 feet. Do you see --

10 ANDREA HICKEY: Right, I see that. I'm not asking
11 about those; I'm asking about the ones that are closest to
12 the street. But I see what you're saying.

13 JIM MONTEVERDE: Yeah. Andrea, this is Jim
14 Monteverde. I think as I read the diagram, what's being
15 explained is the spaces -- I can see the spaces delineated,
16 both the ones in the front and ones in the back as all being
17 within the compact size.

18 ANDREA HICKEY: Okay.

19 JIM MONTEVERDE: Right? Because they're held back
20 from the street line by -- I think it's a three-foot
21 dimension.

22 ANDREA HICKEY: Three foot from -- I see that,

1 yeah.

2 JIM MONTEVERDE: So I think I can see the line
3 work that shows the four spaces.

4 ANDREA HICKEY: Okay.

5 JIM MONTEVERDE: I think I can get that far.

6 ANDREA HICKEY: Okay.

7 JIM MONTEVERDE: That's as far as I can get.

8 ANDREA HICKEY: Great. If the petitioner can
9 please continue.

10 NEHEET TRIVEDI: Yeah. I mean, once again, I
11 mean, you know, we're not experts at this. You know, we're
12 homeowners. We met with Ranjit a couple times, we walked
13 through this, and we got his feedback on this. We had a
14 surveyor put this together.

15 And so, you know, the feedback we got is that we
16 need to be at least 7.5 x 16 feet, so, you know, we had the
17 surveyor design this so that each of them is at least 7.5 x
18 16 feet.

19 Now, to the other point about front yard parking,
20 you know, we could theoretically just have spots 1 and 2.
21 That would certainly -- you know, we would have more parking
22 off-street than on-street.

1 The reason we included 3 and 4 was simply because
2 our understanding was based on feedback from kind of -- as
3 we read the ordinances, the city would like to have more
4 cars off the road to create more safety.

5 So, you know, once again, we're not zoning
6 experts, we're just homeowners trying to create safety for
7 our children and ourselves -- for Paul and Judy. And so,
8 and based on feedback from ISD, you know, we included the
9 four.

10 But, you know, we could just have 1 and 2. That
11 would still serve the purpose. We only have one car anyway,
12 so we would still be able to get the safety that we need out
13 of it in electric vehicles.

14 And in terms of -- once again -- maneuvering in
15 and out -- I think as I mentioned, this will allow us to
16 move to compact vehicles. Secondly, compact vehicles tend
17 to be smaller, and third it fits within the compact car
18 requirements.

19 So -- and as you move kind of closer to the
20 street, you'll also see the space kind of opens up a bit.
21 So there is more space to open the doors. And we have
22 talked -- Judy, Paul and I -- we've talked extensively about

1 this. We feel like we can make it work.

2 JIM MONTEVERDE: Mr. Chair, can we ask a question?

3 CONSTANTINE ALEXANDER: Go ahead.

4 JIM MONTEVERDE: This is Jim Monteverde. Sisia,
5 or anybody else on the Board, can you confirm for me is
6 there a requirement about a five foot separation of parking
7 from a dwelling? Is there a dimensional requirement? Can
8 you park right up against a building?

9 CONSTANTINE ALEXANDER: No.

10 SISIA DAGLIAN: No, you can't.

11 CONSTANTINE ALEXANDER: There's an exemption for
12 one and two-family houses.

13 JIM MONTEVERDE: Okay. So for one and two-family
14 you can in fact park hard up against the building?

15 ANDREA HICKEY: Yes.

16 NEHEET TRIVEDI: And can you pull up the slide
17 just a little bit? Can you go back towards the pictures of
18 other parking in the neighborhood?

19 JIM MONTEVERDE: Let me finish for a second,
20 please?

21 NEHEET TRIVEDI: Oh, I'm sorry. I'm sorry.

22 JIM MONTEVERDE: Before you go -- no, I'm sorry, I

1 was --

2 NEHEET TRIVEDI: I'm sorry.

3 JIM MONTEVERDE: -- I was just warming up. I had
4 a couple other comments.

5 NEHEET TRIVEDI: Okay.

6 JIM MONTEVERDE: So, you know, that one's out of the
7 way. That's good. You're actually allowed to park hard
8 along the housing. I think it's the two spaces in the front
9 I would definitely have an objection to parking in the front
10 yard.

11 I am not comfortable with the side by side
12 arrangement deeper into the lot, but if that's allowed, it's
13 allowed.

14 I would certainly be more amenable if those were
15 one behind the other, so that in fact there was some
16 breathing room on either side of them, if in fact you're
17 sharing these spaces between the two lots.

18 But I don't -- I wouldn't favor this four parking
19 configuration, whether it's paved -- I don't know how you'd
20 do the paving then, because frankly if you pave it, somebody
21 will use it -- whether it's you or some -- you know, future
22 homeowner.

1 So I'm not -- at the moment, I have my concerns
2 about just the scheme overall.

3 ANDREA HICKEY: If I could cut in for a second --
4 this is Andrea Hickey again --

5 JIM MONTEVERDE: Yep.

6 ANDREA HICKEY: Maybe one of my colleagues can
7 chime in, but I'm still having an issue with the side yard
8 kind of setback for a driveway. I'm not understanding how
9 it's the plan of the house.

10 NEHEET TRIVEDI: It -- Sisia can you go back a
11 slide, and then go back two slides, actually? Keep on going
12 a little bit more, a little bit more. Right here. Sorry,
13 and go down. Can you zoom in?

14 Yeah, so, I mean, just as a way of comparison --
15 can you go up a little bit? Go right here, just right.

16 ANDREA HICKEY: Yeah, if you're going to tell me
17 that other people do it, that's not sort of the answer I'm
18 looking for.

19 NEHEET TRIVEDI: And can you go back down to our
20 design. And then Andrea, can you help me understand -- you
21 said -- I understand the front yard setback issue. I'm
22 trying to understand parking between houses -- I mean from

1 our feedback -- I'm just trying to understand what the --
2 well, maybe this will help.

3 The alternative would be to park in our back yard.
4 But there would be some impacts of that. The first off is
5 trees. We have seven trees that are between 75 and 100
6 years old in our back yard.

7 And so, in our conversations with people in the
8 city and other places, we understood that the interest is in
9 keeping tree cover and not impacting them, not being
10 anywhere close to them.

11 That was a concern that we tried to heed to or
12 alleviate by putting these in between the houses.

13 The second thing is behind -- just immediately
14 behind them, even, there are some very old trees that --
15 once again, we understand given the city ordinance to keep
16 tree cover and not remove trees over eight inches, we're
17 confined to this area we have.

18 The second thing is, I think, these lots were, you
19 know, designed 100 odd years ago, 40 feet wide and, you
20 know, almost every home on the block has parking -- you
21 know, I'm between -- I guess I understand that's maybe not
22 an argument we should be making here.

1 But I guess if we want to improve our safety and live
2 in Cambridge -- I mean, we're all -- you know, we're kind of
3 dedicated to living in the city. My wife was born and
4 raised here, I've been here for 10 years -- Judy and Paul;
5 this home has been in their families for decades.

6 We're kind of stuck, based on kind of the
7 requirements of what the city has said, and trying to keep
8 our neighbors -- respect our neighbors. Our neighbors --
9 you know, it's rare to have back yard parking.

10 And so, -- and once again, if we go further back,
11 we run into the tree issue. So we're kind of limited as to
12 what we can do, and the feedback we got from the city, the
13 feedback we got from our neighbors, the feedback we're
14 getting from kind of the ordinances, is that this is the
15 spot we have.

16 And we understand, once again, if the BZA is
17 uncomfortable with 3 and 4, spots 3 and 4, I think we'd be
18 comfortable saying only 1 and 2 -- you know, rather just say
19 that we could -- you know, have that part of the variance
20 not improved, but the rest of it improved.

21 But, you know, I think that's what -- basically we
22 designed this based on all the constraints that we had.

1 Does that make sense? Am I answering -- do you feel like
2 I'm answering your question?

3 ANDREA HICKEY: Yes, thank you.

4 JIM MONTEVERDE: Yeah. This is Jim Monteverde.
5 Just to follow up. Unfortunately -- do you have a plan that
6 basically shows the trees and whatever else further deeper
7 in the lot that you're trying to avoid? Just so I can
8 understand your argument?

9 NEHEET TRIVEDI: Do you see -- ah, do you see the
10 word, "lawn"?

11 JIM MONTEVERDE: Yeah.

12 NEHEET TRIVEDI: 45 Magoun, do you see where it
13 says, "lawn"?

14 JIM MONTEVERDE: I do.

15 NEHEET TRIVEDI: Like, just -- so that's where
16 some of the old trees are. So it's basically kind of right
17 there. And then they're kind of dispersed throughout the
18 back yard. But the ones that are just where it says "lawn"
19 is one of the main constraints that we have.

20 JIM MONTEVERDE: So I guess I'm saying without a
21 plan that shows that that configuration, you know, how it
22 would lay out, and what in fact would be the disadvantages

1 to it...

2 I can't quite follow it narratively from you to
3 understand that there is or isn't a parking scheme that can
4 work there. If that would be any more palatable to the
5 Board than the two spaces between the two houses?

6 NEHEET TRIVEDI: Yeah. I mean, I think that's --
7 you know -- I guess I'm -- once again, I'm new at this, so
8 [laughter] we're not experts at dealing with this. I guess
9 I'm just trying to understand is there -- would you like to
10 see pictures of that?

11 I guess we can pull up maybe --

12 JIM MONTEVERDE: Well, I'm asking the other
13 members of the Board; is there really an option here to
14 present, or to be presented to us, of some optional
15 configuration that doesn't involve the -- if in fact, you
16 know, what you're stating -- that there's another scheme
17 that has its complications because of tree cover, is it
18 worth seeing that just to understand what you're up against?
19 That's really to the other members of the Board.

20 CONSTANTINE ALEXANDER: Yeah, I will speak. I
21 mean, what you're hearing from the petitioner is that there
22 is a basic lack of sympathy for front yard parking. You've

1 got the city policy, and that's how it is. We've turned
2 down many cases where people seek front yard parking.

3 NEHEET TRIVEDI: Okay.

4 CONSTANTINE ALEXANDER: And you can -- there's an
5 alternative. You can avoid the front yard parking by using
6 the back of the lots, which you see has trees, but we don't
7 see them on the plans you've submitted. That's something
8 else. Maybe that's the way you have to go.

9 But to -- I think what you're asking for, in my
10 opinion, and I'm only one of five, is a lot. It's something
11 that is very hard to justify from a zoning point of view,
12 and from a precedential point of view. That's how I'm
13 coming out on this.

14 You want to come back with an al -- I hate to say
15 this, but an alternative plan, we'll continue this case and
16 try some other approach that avoids the problems you're
17 hearing tonight, that might be the best thing.

18 If we go to such a no, if we go to a vote tonight,
19 or whenever we go for a vote, you have to get four votes out
20 of five to get the relief you're seeking.

21 And if you're turned down, you can't come back
22 seeking that relief for two years, unless what you want to

1 do next time around is -- I forget the exact words -- is
2 substantially different from what you're proposing tonight.

3 NEHEET TRIVEDI: Okay.

4 CONSTANTINE ALEXANDER: So, often we have
5 situations like this. Petitioners are hearing the Board
6 members taking their temperature, decide to -- wait a
7 minute, we'll go back and try again. You have the benefit
8 of the skepticism and the problems that we've raised, and
9 you can present a more meaningful case, I think, than you're
10 doing tonight.

11 Not that you're not trying hard and doing a good
12 job, but you're shooting in the dark. You didn't really
13 know how we feel about these things.

14 Now you do, and I'm wondering whether you might
15 want to reconsider tonight postponing this hearing, going
16 back, thinking about this, coming back with new plans, and
17 we would continue the case and take it from there.

18 You might not get relief the next time around
19 either. You might get it. You might get it tonight. I
20 can't tell you. We haven't taken a vote yet. But that's
21 where I think Jim is going, and it's something I'm
22 sympathetic to.

1 JANET GREEN: Gus?

2 CONSTANTINE ALEXANDER: Yep.

3 JANET GREEN: I'd like to also make a comment that
4 would make it -- well it's a question, actually, first. And
5 that is, if ahead of the driveway you've got spaces that are
6 called, "lawn," it doesn't seem to me that they're big
7 enough to really be anything useful as a lawn.

8 We don't know that, but maybe if your cars were
9 coming -- if you sound amenable and understanding about not
10 having 3 and 4, maybe if you had 1 and 2 in a single line,
11 rather than trying to fit them both in so close to the
12 house, that might -- if you --

13 ANDREA HICKEY: but --

14 JANET GREEN: -- didn't have the lawn part, that
15 might work.

16 ANDREA HICKEY: Yeah, Janet, in my mind, that is
17 not preferable, because that space would be even more in the
18 front yard, in my opinion, than 3 or 4 right now.

19 The front yard issues with parking I have a
20 problem with. 3 and 4 I have a problem with. I'm trying to
21 get past 1 and 2. I think they're really tight. I think
22 pulling in and backing out onto the street could be

1 dangerous.

2 So that's where -- that's my temperature at the
3 moment.

4 BRENDAN SULLIVAN: Brendan Sullivan. I would
5 agree with Andrea's thoughts. I don't need to elaborate on
6 it, but I concur with her reasoning on it.

7 NEHEET TRIVEDI: Okay. So what I'm hearing is --
8 I just want to make sure if we go back to, you know, if us
9 as neighbors talk about this, then we go back to the
10 surveyor, then we come back to the city -- what I'm hearing,
11 what I'm hearing is 3 and 4 there's not a lot of appetite
12 for. We understand that.

13 I think we can -- as I said in the beginning, what
14 we want to do is be able to use -- live in our homes without
15 fear that we're going to get hit having cars on the street.

16 So -- and right now we only have one car. So we
17 could live with 1 and 2; I think that's perfectly fine, and
18 that would help address our concerns. But what I'm hearing
19 is that that would alleviate most of the concern, but I
20 don't know if that would pass or not today.

21 But what I'm also hearing is, is there, you know,
22 is there another design for 1 and 2 getting in and out of

1 the car is a little bit easier? I mean, I don't know. We'd
2 have to kind of relook at that and see if there's a way.

3 But, you know, the challenge is we have the space
4 between the houses, right? You know, we can't move the
5 houses without exceptional cost.

6 But am I hearing it correctly? Am I missing
7 anything? I guess another way to put it, is there any other
8 concerns that anyone else has, besides those two?

9 ANDREA HICKEY: Yeah, my concerns about 1 and 2
10 are how close they are together to each other, how close
11 they are to the house. And my concern is pulling in sort of
12 head first means we have to back out onto the street. So
13 those are my concerns about safety and 2.

14 NEHEET TRIVEDI: Andrea, if we backed into the
15 spot, we shouldn't have that issue. Does that make sense?

16 ANDREA HICKEY: That's true. But I'm not sure
17 that's sort of the natural inclination of someone --

18 NEHEET TRIVEDI: All right.

19 ANDREA HICKEY: -- who just got home and wants to
20 get into the house. But anyway.

21 NEHEET TRIVEDI: Well, I guess to that point -- I
22 mean, if we just talk about that for a second, if 3 and 4

1 are not there, right? Once we pull back out, then we can
2 see the road, right? Just as anyone else can be able to see
3 the road from their house. So what would be the --

4 ANDREA HICKEY: Well, over your shoulder or in
5 your rear-view mirror if you pulled in straight away, but I
6 don't know if anyone else has an issue with that. I think
7 Gus at the beginning expressed concern about that.

8 JANET GREEN: I feel that's a common experience
9 all over the city, you know, really having to be quite
10 careful when you back out of your driveway. I mean, it's
11 hard to say that this one circumstance that that would be,
12 you know, more of a hazard than hundreds and thousands of
13 other houses in Cambridge.

14 NEHEET TRIVEDI: Yeah, I guess you would have to
15 -- I guess you would have to say that if we don't have a car
16 within the first 15 feet, that should solve the issue,
17 right? I understand if there isn't a car within the first
18 15 feet, you don't have a lot of time to react.

19 JANET GREEN: Yeah.

20 NEHEET TRIVEDI: But if there isn't a car in the
21 front yard setback, then that would be the same --

22 JANET GREEN: Yeah. I really agree with the front

1 yard parking that you don't want to have in front.

2 NEHEET TRIVEDI: Right.

3 JIM MONTEVERDE: And again, the discussion --
4 sorry, this is Jim Monteverde. What I raised before about
5 just, you know, studying another option is you brought it
6 up. You described it as something you'd looked at. We just
7 can't respond to it, because we can't see it. We can't see
8 it with a -- you know, the survey that places the trees.

9 So whether you need a survey or you just need
10 someone to lay out some parking for you or just look at the
11 configurations to see if in fact you have an option of what
12 you're presenting that either gets you the four vehicles in
13 a different configuration? I mean, I think that's up to
14 you.

15 The other objections just about the parking and
16 the front yard you've heard from all of us.

17 NEHEET TRIVEDI: Okay. Okay. Well then I guess
18 -- you know, I guess what makes the most sense, to Gus's
19 point is that we speak with Judy and Paul and we see if
20 there's something else that can work, and if it can then
21 we'll come back with that, and if it can't, then we'll let
22 you know.

1 And I guess we'll go from there. Does that seem
2 like a reasonable next step?

3 CONSTANTINE ALEXANDER: I think -- okay, I think
4 we're at the point -- we all are in agreement, really --
5 that we need to continue this case.

6 NEHEET TRIVEDI: Okay, okay.

7 CONSTANTINE ALEXANDER: You have the benefit of
8 the feedback from us, we've learned a lot more about the
9 property than we knew -- certainly by reading the files.

10 So the question is how much time do you need, and
11 how much -- and how well it fits into our schedule. We have
12 a busy next month or two catching up with all the cases that
13 have not been heard over the last few months. It will be a
14 while before we can have a case come back.

15 But that time might be to your benefit. We'll
16 give you some time to think about it, to maybe present
17 alternative plans.

18 So do any members disagree with me, or should we
19 talk continuing the case? Assuming you want to do it, sir,
20 it's your call.

21 NEHEET TRIVEDI: I mean, I think it makes sense to
22 continue. I think if we can come back in, like, two months,

1 that's fine. I think that's very reasonable, and will give
2 us a chance to review it and represent.

3 CONSTANTINE ALEXANDER: Let me ask the staff.
4 Sisia, when will --

5 SISIA DAGLIAN: Yeah. We could continue as soon
6 as August 13.

7 CONSTANTINE ALEXANDER: August 13?

8 SISIA DAGLIAN: Yeah, if everyone's available, or
9 does the August 27 is also a meeting date, and then there's
10 September 10 and 24.

11 CONSTANTINE ALEXANDER: Yeah, I think September
12 too. I can't do, for example -- I should point out to you,
13 sir, is that... if we call this a case heard, we got into
14 the merits of the case.

15 So if we continue it, when we readjourn and
16 reconvene to talk about the case, we need the same five
17 people who are here tonight. You can't have other Board
18 members.

19 And I -- for example, August 27, I know -- I don't
20 know, but I'm pretty sure I'm not going to be able to make
21 it. So I think September would be a safer time. It gives
22 you more time -- I think that's a time that works best.

1 August 10 you said, Sisia?

2 SISIA DAGLIAN: August 13.

3 CONSTANTINE ALEXANDER: August 13, I'm sorry.

4 SISIA DAGLIAN: So September 10 is better for you?

5 CONSTANTINE ALEXANDER: No, I think September -- I
6 think Brendan and I feel September 10 would be a better
7 time.

8 SISIA DAGLIAN: Okay.

9 CONSTANTINE ALEXANDER: Okay? Does that work for
10 you?

11 SISIA DAGLIAN: Is that good for the petitioner?

12 NEHEET TRIVEDI: Yeah, that's fine for us. Paul
13 and Judy, September 10, would that work for you?

14 JUDITH ROBERTSON: Ah, yes it would. And by the
15 way, Neheet, thank you very much. You did a wonderful job.

16 BRENDAN SULLIVAN: Check with Andrea and Jim.

17 ANDREA HICKEY: Yes, that's fine with me.

18 CONSTANTINE ALEXANDER: Jim?

19 SISIA DAGLIAN: Janet?

20 JIM MONTEVERDE: Yes, Jim Monteverde. That's
21 fine.

22 CONSTANTINE ALEXANDER: And Janet, it's okay with

1 you?

2 JANET GREEN: Yes.

3 CONSTANTINE ALEXANDER: Okay.

4 JANET GREEN: It's fine with me.

5 CONSTANTINE ALEXANDER: There are certain
6 procedures we've got to go through in a second regarding
7 continued cases. But anyway, the Chair moves that we
8 continue this case as a case heard until 7:00 p.m. on
9 September 10, subject to the following conditions.

10 Brendan?

11 BRENDAN SULLIVAN: This is Brendan Sullivan.
12 Sisia, are we going to go with 6:00 until when, or will we
13 be starting at 7:00 in September?

14 SISIA DAGLIAN: I think we'll start at 7:00.

15 BRENDAN SULLIVAN: 7:00. Okay. Okay.

16 CONSTANTINE ALEXANDER: So, to 7:00 p.m. on
17 September 10, subject to the following conditions:

18 The first is that you have to sign a waiver of
19 time for decision. Otherwise, we'll be forced to decide the
20 case at a time when you don't want us to decide it.

21 Ordinarily, if we had a hearing in person, we would have the
22 form for you to sign and tonight you'd be all done. We

1 don't have that, obviously, with remote hearings.

2 So I'm going to move that you must sign -- you
3 must go to ISD Department and sign a waiver of time for
4 decision -- it's a standard document -- within one week from
5 tonight. Failure to do that would mean the case has got to
6 be dismissed and relief denied. So I'll give you a week to
7 get down there, but you have to do that.

8 That's the first condition. These are standard --
9 except for this condition regarding the virtual meeting,
10 these are all standard.

11 Now the second is that you must do a new posting
12 sign and maintain it for the 14 days, as you did, for this
13 hearing. And you get that from the Special Services
14 Department.

15 And third -- this will be relevant -- to the
16 extent you have new plans, revised plans, alternative plans,
17 all kinds of thing we have been talking about tonight, those
18 -- and it can be more than one -- those plans and the
19 amended dimensional forms, must be in ISD's files no later
20 than 5:00 p.m. on the Monday before September 10. That's to
21 allow Board members and members of the city, or citizens of
22 the city, to look at them and to make whatever judgment they

1 wish.

2 So on the basis of all of those conditions, I move
3 that we grant the continuance. We've got to do it by roll
4 call, right, Sisia?

5 SISIA DAGLIAN: Yes. For both the variance and
6 the special permit, I guess. Or no, just -- sorry.

7 CONSTANTINE ALEXANDER: Okay. I vote in favor of
8 the continuance.

9 BRENDAN SULLIVAN: Brendan Sullivan, yes.

10 JANET GREEN: Janet Green, yes.

11 ANDREA HICKEY: Andrea Hickey, yes.

12 JIM MONTEVERDE: And Jim Monteverde, yes.

13 ANDREA HICKEY: Okay.

14 [All vote YES]

15 CONSTANTINE ALEXANDER: Okay. This case will be
16 continued. Now we got three other related cases. I think
17 we need to continue them as well, because they're all really
18 part and parcel of one bigger case, if you will. So, how to
19 do this in an efficient way. I'm going to try to shortcut a
20 little bit.

21 The Chair moves that Case Number 017213, which is
22 41-43 Magoun Street; Case Number 017257 -- 41 Magoun Street;

1 and lastly, we'd just done this one, Case Number 017212 --
2 45 Magoun Street; all of these be continued until September
3 10, subject to the same conditions we just imposed on the
4 case we've been hearing tonight.

5 NEHEET TRIVEDI: Is there --

6 CONSTANTINE ALEXANDER: Yes?

7 NEHEET TRIVEDI: One more, is there one more case,
8 too, for 45 Magoun? I think there were two cases for 45
9 Magoun, right?

10 CONSTANTINE ALEXANDER: I thought I got them both,
11 maybe I missed.

12 ANDREA HICKEY: Yeah, there were --

13 CONSTANTINE ALEXANDER: Yeah, there are.

14 ANDREA HICKEY: -- two cases; four all together.

15 CONSTANTINE ALEXANDER: Yes. All four of those
16 cases will now be continued until September 10 at 7:00 p.m.,
17 assuming we all vote that way. All those in favor? Oh,
18 we've got the vote, we already took the vote.

19 BRENDAN SULLIVAN: The Robinsons should sign a
20 waiver also.

21 CONSTANTINE ALEXANDER: Say it again?

22 BRENDAN SULLIVAN: This is Brendan Sullivan. I'm

1 saying to the Chair that the Robertsons should also sign a
2 waiver.

3 CONSTANTINE ALEXANDER: Oh, yes, exactly.
4 Whosever's case is being continued, and the Robertsons
5 having two cases continued as well, must also sign the
6 waiver of time for a decision, by next Monday at 5:00 p.m. -
7 - by next Monday, 5:00 p.m. So I guess that's where we are.
8 We'll see you and these cases in September.

9 COLLECTIVE: Thank you very much.

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2 (6:45 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair now will call --
7 we have two cases at 93 Windsor Street. One is 017229, and
8 the other is 017272. They're basically identical cases,
9 except one is seeking parking relief and the other is not.
10 But the substance of the case is the same; it's the use
11 variance for a restaurant in a residential district.

12 So I'm going to call the case. I'm going to ask
13 the petitioner, which is the case that you want to focus on,
14 of these two? Well, first of all, I need the petitioner to
15 introduce himself. Hello?

16 ANDREA HICKEY: They may need to unmute.

17 CHRIS SWYNAR: Hi, this is Chris Cwynar with the
18 landlord property owner. I'll spell my name, it's C-h-r-i-
19 s, last name C-w-y-n-a-r.

20 RICHARD LYNDSS: Good evening Mr. Chairman and
21 members of the Board; Richard Lynds, Attorney for the
22 petitioner, 245 Sumner Street, East Boston, here on behalf

1 of both the landlord, 93 Windsor LLC: as well as the
2 proposed operator, Ali Yetschalu (phonetic), who I believe
3 is also on the call and available to answer any questions.

4 Mr. Chairman, just briefly, just procedurally, I
5 know there are two matters that are on the agenda this
6 evening.

7 The Board may recall where back prior to the
8 pandemic, the Governor's order, relative to the first, which
9 is listed as the second hearing that did not have a special
10 permit: We had requested at that time to continue the
11 matter in order to add the special permit request, and
12 therefore the matter that's before the Board with the
13 special permit is the matter that should be proceeding this
14 evening is my understanding.

15 CONSTANTINE ALEXANDER: Fine. And that -- just
16 for the record, that case with the special permit is Case
17 Number 017272. Okay, sir? The floor is yours.

18 RICHARD LYNDS: Thank you, Mr. Chairman. As I
19 mentioned, we are before the Board for a variance and a
20 special permit for the property located at 93 Windsor
21 Street. The site consists of a single story, legally,
22 preexisting, nonconforming structure which sits on a 3043

1 square foot lot.

2 This was last used as a café with takeout, and
3 prior to that was a convenience store. Since its inception
4 it has continually been used for commercial space, and
5 really hasn't changed much in its existing footprint for
6 what's there today.

7 The proposal seeks to operate a full service
8 restaurant with alcohol and no entertainment. The
9 restaurant will be styled as a Turkish bistro.

10 The operator has extensive experience in the
11 restaurant industry, where he started back in New York over
12 thirty years ago before bringing his concept here to the
13 Boston area, where he successfully continually operates two
14 restaurants -- one in the South End, as well as one in
15 Charlestown.

16 They are looking to bring this concept here to
17 Cambridge. We believe this will be the first Turkish
18 restaurant in the city. So the operator is extremely
19 excited about this opportunity.

20 Dining will be located on the main level. There
21 will be a total of 55 seats -- obviously that would be
22 subject to a local ordinance and the requirements relevant

1 to distancing, but the request would be for 55 seats, as
2 originally filed and subject to change, based upon the
3 requirements from -- I assume from the City of Cambridge, as
4 well as any other --

5 CONSTANTINE ALEXANDER: Will there be any sidewalk
6 seating? Or all the restaurants all indoors?

7 RICHARD LYNDS: The restaurant is located indoors.
8 I'm not certain how Cambridge is approaching it during COVID
9 for seasonal outdoor seating. But certainly, we would
10 comply with any of the ordinances and requirements. But
11 we're not petitioning for that as part of the application
12 here.

13 CONSTANTINE ALEXANDER: No, the reason I asked the
14 question, it's not a COVID issue; it's a residential issue.
15 You're in a residential district.

16 RICHARD LYNDS: Right.

17 CONSTANTINE ALEXANDER: If there is eating
18 outdoors into the evening, it's going to disrupt the
19 residential life of that area. I'm very troubled by that.
20 That -- the more -- that's the thing that troubles me the
21 most about what you're proposing to do.

22 So I'm going to propose, when we get to a vote --

1 and I don't know if Board members agree with me -- propose
2 there will be no sidewalk seating. All of the seating will
3 be within the restaurant.

4 RICHARD LYNDS: That is the concept, Mr. Chairman,
5 that we've applied for. I apologize, I thought you were
6 asking about requirements to address seating during the
7 pandemic, as regards the order.

8 But there is no proposed outdoor seating as relief
9 that's before the Board, and it's part of the request when
10 we meet before the Board.

11 Just getting back to the layout of the program and
12 the building, the basement will be utilized for storage and
13 prep.

14 The proposed hours of operation at this time, and
15 obviously subject to conditions by the bedside -- are 11:00
16 a.m. to 11:00 p.m. daily. I suspect that the weekends would
17 probably be later opening, as opposed to during the
18 weekdays.

19 Employees would typically arrive somewhere around
20 9:30 a.m. to begin prep and to begin the day's work.

21 We are requesting variances -- I think it's been
22 indicated in the public notice for the restaurant -- with

1 alcohol as well as special permits to reduce the parking.

2 CONSTANTINE ALEXANDER: On the weekends, what will
3 be the closing date? It's going to be later than 11:00
4 p.m.?

5 RICHARD LYNDS: Nope, they're all 11:00 p.m.

6 CONSTANTINE ALEXANDER: Okay.

7 RICHARD LYNDS: Each night at 11:00 p.m. With
8 respect to the current conditions, there is available space
9 to the right side of the building if you're looking at it
10 from School Street. We probably can accommodate a total of
11 two parking spaces on site.

12 Again, the condition of this building has been the
13 same probably since it was constructed. There isn't much
14 option or opportunity for parking on site, and therefore we
15 do require the relief that we are requesting, with respect
16 to the reduced parking requirement.

17 And just to put this in perspective, I know this
18 usually becomes an issue when looking at a business or a new
19 business such as this, but there really isn't much that
20 could happen here without -- you know, without requesting
21 some type of relief for parking. The building is the
22 building, the space is the space, there's not much more we

1 can do with respect to that.

2 I am aware of a letter that was submitted to the
3 Board, raising a number of objections. I can address those.
4 We've had an opportunity to address this with both ownership
5 and the operator. I believe the first involved trash.

6 We've had a chance to speak to the owner, as well
7 as how the operator will deal with commercial trash, and to
8 ensure that it is located in a closed dumpster, and to be
9 very sensitive to the concerns and issues that were raised
10 by the abutter who I believe operates the Windsor Inn.

11 You know, certainly it is incumbent upon the
12 operator to comply with local ordinances, but we've also
13 stressed in the lease between the owner and the operator
14 that they must -- you know, the over and above the call of
15 duty when it comes to trash management at the premises.

16 With respect to parking, I understand the issue
17 that was raised by the abutter isn't necessarily about the
18 parking -- in general, the parking specific is his property,
19 and there is a concern that with past uses, parking would
20 interfere with his access or his driveway.

21 We certainly do not want that to be an issue, and
22 the operator is very aware of that.

1 One of the things that we would propose to the
2 extent that it was acceptable to the city, is to provide
3 signage to ensure that patrons of the restaurant understand
4 that the parking in that area closest to the Windsor Inn is
5 not related to the restaurant, and therefore they should
6 avoid that, or avoid interfering with that parking at that
7 location.

8 The last issue that was raised is relative to
9 noise. Again, we're not seeking to have any entertainment
10 at this location. This would be operating very similar to
11 what was operating when it was a café with takeout.

12 I believe the concern involved some early morning
13 concerns over noise. As I mentioned, I think the earliest
14 we would see employees at the site would be around 9:30 in
15 the morning to get the day's prep started. I don't expect
16 there to be a significant amount of impact based upon the
17 number of employees that would be on site.

18 As to the general operation of the building and
19 the noise that is generated from the noise of the operation
20 of a restaurant, I think that just goes with the territory
21 for having a commercial building.

22 We obviously want to be sensitive to the

1 neighborhood, and not looking to create any undue impact on
2 the surrounding area. And certainly, I think the fact that
3 there will be no entertainment at the site -- you know,
4 would address a lot.

5 So those are the three issue I believe that were
6 raised in the Board, and I'm happy to answer any questions
7 or address any concerns.

8 CONSTANTINE ALEXANDER: All right. Well, I'll
9 just make a comment, and we'll address this later. As
10 you're well aware as an attorney, you're seeking a use
11 variance. Use variances are very difficult to obtain --
12 mainly because the requirements for a variance point towards
13 structural issues, not usage.

14 RICHARD LYNDS: Yep.

15 CONSTANTINE ALEXANDER: And so, you've got an
16 uphill battle in terms of getting --

17 RICHARD LYNDS: Understood.

18 CONSTANTINE ALEXANDER: A variance, or getting it
19 sustained, similar to if you take it to court. You
20 appreciate that, I think.

21 RICHARD LYNDS: I do, I do. Thank you.

22 CONSTANTINE ALEXANDER: Questions from members of

1 the Board at this point?

2 JANET GREEN: I have a question about -- can you
3 tell us somewhat about the previous uses for this site?
4 What's been there before, how long, et cetera?

5 RICHARD LYNDS: Through the Chair, the most recent
6 use involved a use that was a café with takeout. So it was
7 food service. I believe it was called, "Brew on the Grid."

8 They had operated for about -- I think after the
9 Board had granted relief for that, they had operated for
10 about 18 months. And it's -- since they've gone out of
11 business, I believe the place has remained vacant ever
12 since.

13 It is somewhat of a challenging site to lease for
14 anything but food service use. I mean, it certainly would
15 work well as office or other type of smaller less intense
16 uses. But in any event, I think based upon what we're
17 looking at for allowed uses of the area, we would need some
18 type of relief.

19 Prior to that, it was a variety store, but it also
20 had food service included with it as well. And I believe
21 that was the longer type of use prior to the café with
22 takeout.

1 JANET GREEN: Thank you.

2 JIM MONTEVERDE: This is Jim Monteverde. Is there
3 in the material that's submitted a site plan or a plan?

4 RICHARD LYNDS: A floor plan, sir?

5 JIM MONTEVERDE: No, no, just a site plan?

6 RICHARD LYNDS: Yes.

7 JIM MONTEVERDE: I'm basically curious how you do
8 -- I don't think that noise issue really has to do with --
9 although in part it could be staff coming and going. It's
10 basically how you're going to do trash pickup, when is the
11 service vehicle going to come in to deliver a food product,
12 et cetera? How does that work just -- yeah, there you go.
13 Just a survey is fine.

14 RICHARD LYNDS: So as you can see, the corner --
15 on School Street is where the access to the building would
16 be.

17 JIM MONTEVERDE: Yeah.

18 RICHARD LYNDS: And it's pretty -- probably two-
19 car wide, maybe a little bit more size driveway area. We
20 would propose to have the dumpster located closer to our
21 building -- to the closest point to our building, and
22 furthest away from the abutter on Windsor and School Street.

1 JIM MONTEVERDE: Right.

2 RICHARD LYNDS: We could provide an enclosure if
3 the Board were to require that. I think that that's
4 something that has proven worthwhile on other projects I've
5 worked on.

6 Deliveries as well could be easily addressed
7 without impacting traffic, either on School or Windsor, by
8 bringing -- you know, this size restaurant, the types of
9 deliveries that you're looking at would probably be smaller,
10 and we could ensure, you know, with the operator that that
11 was -- that area is used for those types of deliveries and
12 goods.

13 CONSTANTINE ALEXANDER: Jim, I would observe that
14 before the café, it would last only 18 months, there was a -
15 - I gather, a beloved food market there; a minimarket,
16 supermarket.

17 JIM MONTEVERDE: Yep.

18 CONSTANTINE ALEXANDER: And there for many years.
19 And they must have had the same delivery issue. They've got
20 to have food coming in and out.

21 JIM MONTEVERDE: Yep.

22 CONSTANTINE ALEXANDER: I'm not sure that a

1 restaurant will have more of an impact in terms of
2 deliveries and the like than what was there before.

3 JIM MONTEVERDE: Yeah. I agree I think I -- and
4 I'm just sensitive to the issue, because I live in a similar
5 -- you know, residential to commercial and restaurant rich
6 environment. And there are definitely neighborhood issues
7 around trash from restaurants.

8 I don't think it's so much the loading. Loading
9 is really just how you're going to get in and get out, and
10 where is that going to happen so it doesn't impact anyone?

11 The trash from a restaurant is definitely
12 different than the trash from a convenience store or a
13 grocery store, and is problematic. And I just have a
14 concern about the change of use so that -- or what you're
15 asking for for the special permit in terms of the use. That
16 restaurant use within the -- you know, not in the allowed
17 zone, I just had to share just I have some concerns with it.

18 CONSTANTINE ALEXANDER: All right.

19 RICHARD LYND: Through the Chair, if I may just
20 quickly respond on the trash issue. One of the things that
21 I believe the operator -- you know, prides himself on is the
22 type of cuisine that he's preparing. A lot of this is, you

1 know, fresh food where the level of waste really is limited.

2 So we're not looking at a lot of recyclables for a
3 lot of trash that gets produced in connection with the
4 operation of the restaurant.

5 So while it certainly will be different from a
6 convenience store or the café with takeout, we are certainly
7 going to be sensitive to those trash issues.

8 And I know the landlord has been very specific in
9 the lease about, you know, ensuring that the level of trash
10 management is, you know, over and above what would be
11 expected normally.

12 CONSTANTINE ALEXANDER: Thank you. Any further
13 questions from members of the Board at this point? Okay,
14 I'm going to open the matter up to public testimony. We do
15 have a letter of opposition, which I'll read into the record
16 if need be, after we hear from anyone who wishes to speak on
17 this matter.

18 So if you wish to speak, go through the
19 procedures, give your name and address and we'll see you on
20 the screen.

21 Mr. Shulman, you were on before. I assume you're
22 going to want to speak?

1 MARC SHULMAN: Hello.

2 CONSTANTINE ALEXANDER: Hello.

3 MARC SHULMAN: Can you hear me?

4 CONSTANTINE ALEXANDER: I can hear you. I don't
5 see you, but I can hear you.

6 MARC SHULMAN: Okay. I guess that's good enough
7 for me. This is Mr. Shulman from 85 Windsor. I expressed
8 my concerns due to the history.

9 We've lived here for 25 years, my wife and my two
10 kids, and the garbage issue is not only the storage of the
11 garbage; it is also when people leave the building -- the
12 last two incarnations -- they would either post themselves
13 on our front porch and/or leave trash along the way.

14 So I would request that they put some sort of a
15 garbage disposal outside the building, so people wouldn't
16 leave it at our doorstep.

17 CONSTANTINE ALEXANDER: Okay.

18 MARC SHULMAN: That's the other -- that's the one
19 concern. The traffic superhighway created by the dumpsters
20 of Main Street and Windsor Street and School Street needs
21 extreme oversight to prevent that infestation.

22 CONSTANTINE ALEXANDER: Do I understand that if

1 the trash problem can be ameliorated to your satisfaction,
2 that you do not otherwise have an objection to this
3 restaurant?

4 MARC SHULMAN: I'm a restaurateur for 25 years.
5 I like restaurants, and I just want to make sure we're not
6 being glossed over and ignored, when it comes to this use.

7 CONSTANTINE ALEXANDER: Maybe as an experienced
8 restaurateur --

9 MARC SHULMAN: Yep.

10 CONSTANTINE ALEXANDER: -- you can help these
11 folks deal with the trash.

12 MARC SHULMAN: Yep.

13 CONSTANTINE ALEXANDER: I'm sure they will be
14 amenable to receiving any advice.

15 MARC SHULMAN: If they could reach out to me that
16 would be great. I'm next door.

17 CONSTANTINE ALEXANDER: Mr. Lynd, I trust you're
18 making note of this.

19 RICHARD LYNDS: I am, Mr. Chairman. Just real
20 quick to Mr. Shulman's point about the trash being left on
21 steps -- and certainly we understood that that was a prior
22 concern. This restaurant, unlike the prior two uses, would

1 not have takeout. So everything would be consumed on the
2 premises.

3 MARC SHULMAN: Excellent.

4 CONSTANTINE ALEXANDER: Mr. Shulman, since you've
5 spoken now, I think it -- and Mr. Lynd just summarized it --
6 I take it there's no need to read the letter that you've
7 written to us?

8 MARC SHULMAN: No. There are just four major
9 points that I want addressed, and it would be simple to have
10 Attorney Lynd contact me and review them, and then we could
11 find a solution that would be amenable to both sides.

12 CONSTANTINE ALEXANDER: Okay.

13 RICHARD LYND: Sure. I have your contact
14 information.

15 MARC SHULMAN: Excellent.

16 CONSTANTINE ALEXANDER: Anyone else wishes to be
17 heard on this matter? Apparently not, so I'm going to close
18 public testimony. There is nothing in writing in our files,
19 other than this letter or memo from Mr. Shulman that we've
20 been really dealing with.

21 So time for a decision. Want to hear from members
22 of the Board, or do we want to go to a vote? I can make a

1 motion, like we always do, in the affirmative, to give the
2 relief, and then we see how the vote goes. Or do people
3 want to express views before we do that?

4 ANDREA HICKEY: I'm ready for a vote.

5 JANET GREEN: This is Janet, I'm ready for a vote.

6 BRENDAN SULLIVAN: Brendan -- I'm ready for a
7 vote.

8 JIM MONTEVERDE: Yeah, this is Jim. I'm ready.

9 CONSTANTINE ALEXANDER: Okay. The Chair moves
10 that we make the following findings with regard to the
11 variance being sought -- excuse me, I want to make sure we
12 have -- okay, we've got to deal with the special permit of
13 parking as well. Let's just stick with the variance. We
14 make the following findings with regard to the variance
15 being sought:

16 That a literal enforcement of the provisions of
17 the ordinance would involve a substantial hardship to the
18 petitioner or appellant. This hardship flows from the fact
19 that this building was always built as a commercial
20 building.

21 It's not amenable to easy conversion to
22 residential use. You'd have to basically tear the building

1 down, I think, and build a whole new building, and that's an
2 expensive proposition. So there is a literal hardship if we
3 don't grant the use variance being sought.

4 That the hardship is owing to the fact of the
5 shape of the structure and the nature of the structure,
6 which -- again, as I've indicated -- is a structure that was
7 built for commercial use, and then along the way the area
8 was zoned for residential.

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

13 In this regard with the conditions I'm going to
14 suggest will not be a -- should not adversely affect the
15 neighborhood.

16 It will provide an additional eating option for
17 the neighborhood in an area of town that may need this kind
18 of restaurant availability for the people in the immediate
19 area, and of course from anybody elsewhere in the city or
20 outside the city to come and use and benefit the restaurant.

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

1 operate a restaurant at this site, subject to the following
2 conditions.

3 1) That there will be no seating on the sidewalk
4 of the structure, given the fact there's no parking lot, all
5 of the seating will be within the structure itself.

6 2) That the petitioner will make all due efforts
7 to deal with trash, trash disposal. They are required to
8 maintain a trash disposal -- I don't even want to call it --
9 receptacle outside the structure, so people can get through
10 to their trash there, and will use their best efforts to
11 work with the neighbors to minimize the impact on the
12 residents from the trash issue that might arise from the
13 restaurant.

14 That's it. Any other conditions or suggestions
15 from members of the Board? Apparently not. Brendan?

16 Okay. All those in -- I'm going to do a roll call
17 vote. All those in favor of granting the variance subject
18 to the conditions I've outlined? We'll go one by one. I
19 see Jim on the screen. Jim, do you want to be the first?

20 JIM MONTEVERDE: Yes. I vote not.

21 CONSTANTINE ALEXANDER: You vote no?

22 JIM MONTEVERDE: Correct.

1 CONSTANTINE ALEXANDER: Okay. Who else wants to
2 vote?

3 ANDREA HICKEY: Andrea. I vote yes.

4 JANET GREEN: Janet. Janet, I vote yes.

5 BRENDAN SULLIVAN: Brendan Sullivan, yes.

6 CONSTANTINE ALEXANDER: And the Chair votes yes.

7 [FOUR VOTE YES, ONE VOTES NO]

8 So four votes yes, the motion has been carried,
9 and the variance granted.

10 RICHARD LYNDS: I'm sorry, with respect to
11 parking?

12 CONSTANTINE ALEXANDER: Yes. You're seeking --

13 RICHARD LYNDS: Yeah, I'd just reiterate what we
14 raised previously for the prior discussion. We're
15 requesting to allow the reduction of parking. I believe the
16 total parking that we require would be 22 spaces, which is
17 one space for every 2.5 seats.

18 And therefore because of the conditions that we
19 described in the previous petition, we are unable to provide
20 that in order to have this use, which was just supported by
21 the Board.

22 CONSTANTINE ALEXANDER: Okay, thank you.

1 Questions for members of the Board regarding the
2 parking issue? Apparently not. I'll open the matter up to
3 public testimony.

4 CONSTANTINE ALEXANDER: Mr. Shulman, do you have
5 any comments? I think you said no, but I'll give you a
6 chance to change your mind.

7 ANDREA HICKEY: Gus?

8 CONSTANTINE ALEXANDER: Do you have any comments
9 on the parking?

10 ANDREA HICKEY: Sorry.

11 CONSTANTINE ALEXANDER: Mr. Shulman?

12 ANDREA HICKEY: He's muted.

13 CONSTANTINE ALEXANDER: He's muted? Unmute Mr.
14 Shulman.

15 ANDREA HICKEY: Gus, can you also give
16 instructions to the general public about raising hands and
17 --

18 CONSTANTINE ALEXANDER: Oh, yeah.

19 ANDREA HICKEY: -- using the phone buttons.

20 CONSTANTINE ALEXANDER: Okay, let me just -- I
21 should have read these earlier. All -- any member of the
22 public who wishes to speak must click the button that says,

1 "Participants" and then click the button that says, "Raise
2 hand." If you're calling in by phone, you can raise your
3 hand by pressing *9 and unmute or mute by pressing *6.

4 So Mr. Shulman, if that's what's holding you up?

5 MARC SHULMAN: You can hear me now?

6 COLLECTIVE: Yes.

7 MARC SHULMAN: Okay, yeah. Like I said, the only
8 concern was in the previous incarnations the cars would park
9 in our driveway and at the base of our driveway.

10 It just needs to be clear that I don't plan on
11 running into the restaurant to let them know that we're
12 blocked; its too much work. So they can just let the
13 customers know that they can't park in our driveway. That's
14 all.

15 CONSTANTINE ALEXANDER: Can there be signage put
16 up by the petitioner to instruct -- you see these around the
17 city -- instructing people patronizing the restaurant that
18 they may not park and block the driveway of the abutter?

19 RICHARD LYNDS: We're happy to do that. If the
20 city has no issue with it, we will certainly do that.

21 CONSTANTINE ALEXANDER: Okay. With that, any
22 others to comment? Mr. Shulman, or are we ready -- can we

1 move on?

2 MARC SHULMAN: No, that's it. Thank you so much.

3 CONSTANTINE ALEXANDER: Thank you. Ready for a
4 vote? And now I'm going to close public testimony. Further
5 discussion on the parking, or ready for a vote?

6 CONSTANTINE ALEXANDER: Ready for a vote.

7 ANDREA HICKEY: Ready.

8 BRENDAN SULLIVAN: Ready.

9 CONSTANTINE ALEXANDER: Okay. The Chair moves
10 that we grant the petitioner a special permit with regard to
11 parking, so as to not meet the parking requirements of our
12 ordinance.

13 And the special permit is necessarily -- we make
14 the following findings.

15 If the requirements of the ordinance cannot be met
16 unless we grant this special permit, by reducing the amount
17 of parking.

18 That traffic generated or patterns in access or
19 egress resulting from the lack of parking will not cause
20 congestion, hazard, or substantial change in established
21 neighborhood character, with regard to this, that will be
22 subject to the requirement that the petitioner use all

1 reasonable efforts to discourage patrons of the restaurant
2 from parking in neighboring properties or interfering with
3 parking on neighborhood properties.

4 That the continued operation of or development of
5 adjacent uses, as permitted in the ordinance, will not be
6 adversely affected by the nature of the proposed use. And
7 again, that assumes that the trash removal, which I'll deal
8 with in a second, and the parking will be dealt with as I've
9 indicated.

10 No nuisance or hazard will be created to the
11 detriment of the health, safety and/or welfare of the
12 occupant of the proposed use, or the citizens of the city,
13 and that generally what is being proposed will not impair
14 the integrity of the district or adjoining district, or
15 otherwise derogate the intent and purpose of this ordinance.

16 So I would just make an observation as part of the
17 record is that it is not unusual in the City of Cambridge
18 for restaurants not to provide off-street parking. Go to
19 Inman Square, for example -- Jim can testify to that -- and
20 almost no restaurant there has any off-street parking. Some
21 do, but not many.

22 So this is not an unusual request, and if we

1 impose the following conditions with regard to the parking -
2 - namely that, and I should have done this with regard to
3 the variance as well -- I'll go back to the variance in a
4 second -- in regard to parking that the petitioner will use
5 all reasonable efforts to discourage parking in the area of
6 the restaurant by patrons of the restaurant that interferes
7 with the use of parking spaces by neighboring properties.

8 And if I might go back to the variance, the
9 variance: There should be a condition that the petitioner
10 will maintain disposal of the apparatus or the like to
11 minimize any trash issues that could arise from the
12 restaurant use.

13 Anyway, going back now to the special permit, all
14 those in favor of granting the special permit on this basis
15 I've just indicated, we need a vote.

16 BRENDAN SULLIVAN: Brendan Sullivan, yes.

17 JANET GREEN: Janet Green, yes.

18 ANDREA HICKEY: Andrea Hickey, yes.

19 JIM MONTEVERDE: And Jim Monteverde, yes.

20 CONSTANTINE ALEXANDER: And Gus Alexander, yes.

21 Special permit granted. Thank you.

22

1 [All vote YES]

2 RICHARD LYNDS: Thank you very much, Mr. Chairman,
3 member of the Board.

4 CONSTANTINE ALEXANDER: Mr. Lynd, are you still
5 there?

6 JANET GREEN: He's gone, I think.

7 RICHARD LYNDS: No, I'm here.

8 CONSTANTINE ALEXANDER: Okay. We need a mo -- we
9 have the second petition, 93 Windsor Street.

10 RICHARD LYNDS: Oh, that's right.

11 CONSTANTINE ALEXANDER: Can I ask you to move to
12 withdraw that petition?

13 RICHARD LYNDS: Yeah. So moved, Mr. Chairman,
14 thank you.

15 CONSTANTINE ALEXANDER: Okay. In that case, it's
16 been withdrawn. Thank you.

17 RICHARD LYNDS: Thank you.

18 CONSTANTINE ALEXANDER: All right. Give me a
19 second to just catch up on the agenda.

20 With regard to the withdrawal by the petitioner of
21 the second petition on Windsor Street, we need a vote to
22 accept that withdrawal. All those in favor of accepting the

1 proposed withdrawal?

2 BRENDAN SULLIVAN: Brendan Sullivan, yes.

3 JANET GREEN: Janet Green, yes.

4 ANDREA HICKEY: Andrea Hickey, yes. Jim?

5 CONSTANTINE ALEXANDER: Well, Gus Alexander, yes,

6 and we've got four votes. So that's enough.

7 [3 VOTE YES, JIM M STEPPED AWAY)

8 CONSTANTINE ALEXANDER: So that's been done.

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(7:15 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey,
Jim Monteverde

CONSTANTINE ALEXANDER: Now let's move on to
actually a series of cases.

ANDREA HICKEY: Thanks. I think we need to bring
Jim in. Sisia, are you able to do that?

CONSTANTINE ALEXANDER: We need Jim for the next
cases, absolutely.

SISIA DAGLIAN: Did he drop out?

ANDREA HICKEY: Yeah, I don't see him on my
screen.

CONSTANTINE ALEXANDER: I don't see him either.

ANDREA HICKEY: Or maybe he's taking -- he might
have stepped away for a minute.

CONSTANTINE ALEXANDER: That's what I suspect.
Let's wait until he returns. We have to wait until he
returns.

[Pause]

ANDREA HICKEY: There he is.

1 CONSTANTINE ALEXANDER: Welcome back, Jim.

2 JIM MONTEVERDE: All right. I needed some more
3 water. It's hot in here.

4 CONSTANTINE ALEXANDER: Okay. I was saying we're
5 going to go on. We have three next cases, they're all
6 related. And I'm going to suggest -- we've never done this
7 before, but I'm going to suggest we sort of take them
8 collectively.

9 We'll have to take separate votes in each case,
10 but I don't think we need to go through the falderal of
11 calling each case one after another and hearing the
12 petitioner's attorney basically repeat the same points over
13 and over again.

14 So with that, I'm going to call the following
15 cases: Case Number 017260 -- 80, I don't know if that's
16 "Gerry or Gerry's [different pronunciation] Landing Road" --
17 Case Number 017261 -- 197 Coolidge Hill; and lastly Case
18 Number 017262 -- 30 Gerry or Gerry's Landing Road.

19 Anyone here wishing to be heard on this matter?
20 And again, you've got to -- the Council or the petitioner
21 must -- now you have to click the button that says,
22 Participants" and then click the button that says, "Raise

1 hand." If you're calling in by phone, you can raise your
2 hand by pressing *9 and unmute and mute by pressing *6.

3 Anyone out there for these three cases?

4 TAD HEUER: Yes, Mr. Chairman. Tad Heuer from law
5 firm Foley Hoag on behalf of the petitioner at Buckingham,
6 Browne and Nichols School. That last name for the
7 transcriptionist -- although I would hand a card to them if
8 I were there -- I would spell as H as in house -e-u-e-r.

9 Joining me this evening to provide any context or
10 assistance that the members of the Board may wish to have on
11 this presentation are four individuals.

12 The first is Dr. Tara Goldman, who is the COO and
13 CFO of the school; Dr. Jen Price, who is the Head of School.
14 Derek Bross, who is the Director of Facilities at the
15 school, and Cynthia Westerman, who is the school's Project
16 Manager.

17 Mr. Chairman, I entirely concur with your proposal
18 that these cases be heard together. As the Board has seen
19 from the presentation on file, while there are slight
20 differences in the rationale for granting relief to each
21 parcel here, the requested relief, which is a variance
22 permitting educational use is the same..

1 and given the significant similarities, it is more
2 efficient to make an individual -- a single presentation,
3 while of course identifying any issues that are unique to a
4 given parcel, and of course that will enable the votes to be
5 taken individually as per each parcel.

6 So because this is three separate cases being
7 heard at once, I can't promise to be brief, but I can
8 promise to be concise, so I hope you will bear with me.

9 Obviously, if you have questions please ask, but I
10 want to give you a bit of a roadmap to where I'm planning on
11 going, so you understand where I am in the presentation at
12 the outset.

13 So the first thing I'd like to do is introduce the
14 school, so you can hear something about it. We're going to
15 introduce the site with some maps, explain generally the
16 relief that's being requested here, and also, some of the
17 discussions we held with neighbors and other city officials
18 in preparation for this hearing.

19 Then I'd like to show you some photos of the sites
20 and explain the current intent of BB&N as to how their sites
21 will be used. And then I'd like to proceed to the standard
22 four familiar legal requirements for a variance, explaining

1 why each of three sites meets the criteria.

2 Question, or would you like me to go out of order
3 in that sense on the Board? I obviously am at the pleasure
4 of the Board in this respect.

5 Hearing none, so I want to start just to first
6 mention, discuss who BB&N is for those not familiar. It is
7 a pre-K to Grade 12 non-profit, independent educational
8 institution, and was created back in the '70s through the
9 merger of two much older Cambridge schools -- the Browne and
10 Nichols School from 1883 and the Buckingham School from
11 1889.

12 Because of this merger history, it doesn't have a
13 single campus. It utilized the campuses of those respective
14 schools, and is now spread out across several locations,
15 both in the City of Cambridge as well as Watertown.

16 The parcels before you this evening, and three
17 petitions, involve continuous parcels. They are all owned
18 or controlled by BB&N. They are 80 Gerry's Landing, 30
19 Gerry's Landing, and 197 Coolidge Hill, and they are located
20 in a Res A1 or the Res A2 District, or portions thereof.

21 Just so you know what the general request is
22 again, it's for each of the three parcels. It's for a use

1 variance from Section 4.56 C1-3 of the ordinance, which
2 would authorize the school to utilize each of the parcels
3 for day care, preschool, kindergarten, primary or secondary
4 school uses, which is what we've described in the parcels in
5 the petitions as educational uses; and of course all uses
6 accessory there too -- including but not limited to parking.

7 One thing I do want to note -- it's in a footnote
8 in our memo, and I would ask that if the Board grants
9 favorable relief that this be appropriated in its decision -
10 - is that the way the institutional use regulations are
11 drafted, they speak of elementary school and secondary
12 school, as well as day care and primary school, but they do
13 not speak necessarily to middle schools.

14 There is a middle school here, and as I will
15 discuss, some of these facilities are actually used by the
16 entire scope of the schools' students. They are bused to,
17 for instance, the athletic facility, and certainly a lot of
18 the administrative functions that we're going to be
19 discussing tonight are common to the entire school's
20 operation.

21 So we would ask that any relief granted be
22 throughput that entire scope of day care preschool up

1 through grade 12.

2 So if I could ask ISD to put up the presentation
3 that we've provided, that would be useful. So the
4 presentation on your screen at the moment, the first nine
5 pages here are simply the cover sheets with the requested
6 relief for each of the three parcels; the supporting
7 statements for each of the parcels and the dimensional
8 forms.

9 I don't think there's a significant need for the
10 Board to focus on these at the moment, primarily because
11 BB&N is not requesting any dimensional relief this evening.
12 This is a request solely for a variance for use for each of
13 the three parcels.

14 So I'm happy to answer any questions about the
15 sites and any dimensions; those will not be -- I don't
16 believe -- a primary issue for the Board's decision this
17 evening.

18 CONSTANTINE ALEXANDER: Mr. Heuer? I'm sorry.

19 TAD HEUER: Yes.

20 CONSTANTINE ALEXANDER: I just want to make it
21 clear, so the relief you're seeking tonight -- the variances
22 --

1 TAD HEUER: Correct.

2 CONSTANTINE ALEXANDER: -- continue to use the
3 three parcels for educational purposes but not beyond that,
4 you're not seeking relief beyond that point, tonight? You
5 might have to come back and build a building, you might need
6 dimensional relief or not, and the like. Am I correct?

7 TAD HEUER: You're absolutely correct, Mr.
8 Chairman. So I want to make one clarification. As to 80
9 Gerry's Landing, that parcel is currently in educational use
10 right now.

11 CONSTANTINE ALEXANDER: Okay.

12 TAD HEUER: And as I'll discuss, there's a bit of
13 a quirk as to why the remainder of it is not, although it
14 has always been used as such prior to the creation of the
15 institutional Overlay District.

16 The other two parcels are more recently acquired
17 by the school. They are in the Res A1 District, and those
18 would be requests for variances to utilize those for
19 educational uses, they have not been so utilized to date.

20 But to your larger point, that is absolutely
21 correct. There is no request this evening for dimensional
22 relief for any of the three parcels before you. If the

1 school determined that those parcels required dimensional
2 relief, either for reuse of the existing structures that
3 they cannot perform by right under simply a building permit,
4 or if they decided to -- you know, undertake additional work
5 that required additional dimensional relief, we would need
6 to come back to the Board.

7 At the moment, there's no such intent by the
8 school, and quite frankly until they know that the parcels
9 can be used for educational uses, it would be imprudent for
10 them to go and start planning what a building or an
11 extension or an adaptation or a renovation might look like.

12 So I understand, obviously, that the Board prefers
13 to see these cases today. Mr. Chairman, you often referred
14 to it as not wanting to slice the salami, but in this
15 situation, I believe it is appropriate and reasonable to
16 proceed in parts -- first with the use variances, and then
17 to the extent even necessary coming back on a later date for
18 dimensional variances, or the relief.

19 CONSTANTINE ALEXANDER: Okay. So here I just want
20 to provide some general overview of the site. We'll get
21 into it and narrow a bit closer. Here, this is the overview
22 of the site. It's on the left-hand side of your screen to

1 the west; Gerry's Landing Road, which is the extension of
2 Route 2. You can see there's a baseball field there --
3 although the baseball field to the south is the current
4 upper school building.

5 To the west is another school playing field. And
6 to the north of that you see a white building with solar
7 panels on the roof; that's the current athletic facility.

8 To the right of that athletic facility is the
9 current parking lot.

10 And then as you move north into that tree line,
11 there are three structures that are going to be relevant
12 this evening, and we'll see them closer up in a moment.
13 Just so you have a bit of orientation to start, the one with
14 the red roof is 197 Coolidge Hill.

15 The one with the gray just to the north of the
16 parking lot is Forbes House, which is the current Admissions
17 Office. And then up in the tree line there's a dark, gray
18 roof and that is 30 Gerry's Landing.

19 So if we could have the next page.

20 Here is a -- just a general overlying outline of
21 the lots that are at issue here. The school at 80 Gerry's
22 Landing is comprised of that entire 10-acre north to south

1 lot with the baseball field in the middle, the school at the
2 bottom and the other part is at the top.

3 30 Gerry's Landing is the yellow structure with
4 the two blue elements to it at the north. And then again
5 197 Coolidge Hill is the red roofed structure sandwiched
6 between them.

7 Next page, please.

8 So I mentioned in response to the Chairman's
9 question that there's an issue with 80 Gerry's Landing not
10 necessarily being entirely in or outside of the
11 Institutional Overlay District.

12 And what you see here -- and that's the relevant
13 issue tonight -- is the blue line. And that blue line is
14 the Shady Hill School, Buckingham Browne & Nichols School
15 Institutional Overlay District under the ordinance.

16 Shady Hill School is another primary and secondary
17 school directly to the north, and you can see it listed
18 there as Shady Hill School. Or it's the -- it's above this,
19 it's to the west, if this were oriented by the compass.

20 So you can see here that the Institutional Overlay
21 District outlined in blue encompasses the vast majority of
22 BB&N's educational facility at the moment.

1 For reasons quite frankly lost to history, it
2 bisects an existing structure -- the Nichols Athletic
3 Center, and it does not extend out into the parking lot --
4 the full extent of the parking lot right below that, which
5 is to the east. It also leaves off that portion in yellow
6 to the right on your screen, which is where there is parking
7 and the Admissions Office.

8 So if I can go to the next screen.

9 And here again is a much closer issue -- I think
10 we're going to be returning to the slide several times this
11 evening. These, again, are the three parcels with their lot
12 lines and some of the abutters.

13 So again, you can see 30 Gerry's Landing to the
14 upper left, 197 Coolidge Hill to the lower, and then the
15 Nicholas Athletic Center, which comprises most of what
16 you're seeing on that portion of 80 Gerry's Landing.

17 So before I get into the substance of this, I just
18 want to make a couple of points, because I know they're of
19 interest to the Board in these types of cases.

20 BB&N did meet with ISD extensively prior to
21 submitting this petition. ISD and the Commissioner
22 indicated that use variance relief was the appropriate

1 relief to be sought in this instance.

2 BB&N also conferred with the Executive Director of
3 the Cambridge Historical Commission prior to submission.
4 Mr. Sullivan indicated that he takes no position on these
5 petitions.

6 And finally, BB&N engaged in extensive community
7 outreach. Prior to submitting back in February, they met
8 with six of their closest abutters and held a community-wide
9 meeting for anyone on Coolidge Hill, which is approximately
10 50 residences -- in February, before submitting an order to
11 make sure that they had any input that that neighborhood
12 wanted to give on these petitions.

13 I am pleased to report, Mr. Chairman, that this
14 outreach has led to unanimous support in writing from all of
15 our direct abutters. So that's Mount Auburn Hospital, which
16 is across the road to the northeast; Shady Hill School,
17 which is to our southwest.

18 Dr. Tyron Petchett (phonetic), who is the owner or
19 the former owner of 197 Coolidge Hill, as well as a combined
20 letter that -- you know, I believe the Chair has in the file
21 that was submitted this afternoon from the owners of 1
22 Gerry's Landing, which on this slide is a property to the

1 north and west of 30; from 3 Gerry's Landing, which is the
2 property below that; 181 Coolidge Hill, which is the
3 property below that; as well as 177 Coolidge Hill; 175
4 Coolidge Hill; and 6 Coolidge Hill Road; all of which are
5 statutory abutters under 40A.

6 So the reason we are seeking the relief this
7 evening, which I'll get into now, is due to severe space
8 constraints that the school has encountered as it has
9 attempted to educate its students in the 21st century.

10 As I discussed, they have several spaces in the
11 city, but since 2004, their central administration for all
12 their grades, due to these constraints, has been forced to
13 be housed in rented facilities; first in Cambridge, and
14 since 2008 in Watertown, which is over a mile away from this
15 location, over a mile and a half away from the other schools
16 in mid-Cambridge.

17 Quite frankly, this arrangement is educationally
18 and administratively and financially suboptimal, to say the
19 least. It requires staff, both educational and
20 administrative, to spend time driving between locations.

21 It makes education collaboration challenging, it
22 increases traffic, and moreover requires BB&N, this non-

1 profit, to expend funds renting facilities that could be
2 better put towards the central educational mission.

3 So in order to alleviate these constraints, BB&N
4 has acquired two parcels -- 30 Gerry's Landing and 197
5 Coolidge Hill -- that directly abut its existing 10-acre
6 upper school campus, which is eight.

7 To make use of these parcels, however, BB&N
8 requires use variances from Section 4.56, which are the
9 institutional use regulations, to authorize them to use
10 parcels that are outside of the Overlay District for
11 educational purposes.

12 Again, it's slightly different for 80 Gerry's
13 Landing, because that is -- as I mentioned -- predominantly
14 in the Institutional Use Overlay District and doesn't
15 require any relief from the Board.

16 We're merely talking about that small bump out to
17 the east of the parking lot and the northern portion, where
18 there is currently the Admissions Office.

19 Under the regulations for educational uses outside
20 the IOD are not permitted by special permit, which is why
21 we're here on a variance. And again, that's at the
22 recommendation of ISD.

1 Before moving on to show you the parcels
2 themselves and the photos, I do want to make one note.
3 There's a letter in our file that we submitted by the Monday
4 previous that address some unique situations here because of
5 COVID.

6 There is an additional measure of urgency here,
7 given the pandemic, and to be clear that the pre COVID
8 reasons that we submitted in our petition submitted in
9 February remain, we believe, compelling and valid bases in
10 and of themselves to grant the relief requested.

11 You know, even pre-COVID, using these properties
12 for educational purposes was essential to BB&N's ongoing
13 educational mission.

14 However, as you have probably seen and/or read in
15 the news, strict social distancing is likely to be mandatory
16 for educational institutions certainly this fall and quite
17 frankly for the foreseeable future, which creates a
18 significant additional hardship in terms of the need to
19 utilize every available square foot of space in order to
20 educate students safely in compliance with state law. And
21 we would say that that only further supports the grant of
22 the relief requested.

1 And again, school is expected to open on September
2 8. Teachers are expected back on August 26. The school
3 does need to know whether they can use these properties
4 towards educational purposes essentially immediately at this
5 point.

6 So moving on, I just want to provide you some
7 photographs of each of the three sites just briefly. You
8 can move through, that's the site plan. If anyone has
9 detailed questions, we can talk about it.

10 This photograph is a photograph of this site as it
11 was purchased back in the 1920s or '30 seconds. You can see
12 in the distance to the right that is 30 Gerry's Landing.
13 That is the mansion house that's been purchased.

14 So if you move on here, I'd like to share a couple
15 of photos of 80. These photos you see are of the Admissions
16 Office. They are from that northern portion of 80, for
17 which we are requesting relief. It's a small [1:41:20 audio
18 unclear established] district in 1980 has been used for or
19 institutional purposes.

20 You can continue to scroll through these.

21 This is a view of the parking lot area that is
22 also subject or not in the Overlay District, for reasons

1 that are unclear to us. And again, a view from across
2 Gerry's Landing Road looking back west towards the athletic
3 facility in that part. I believe there's one more for this
4 one? No.

5 So again, 80 Gerry's is located predominantly in
6 the Res A2 District. Those two small portions I mentioned
7 are in the Res A1. But since 1980, the entire school has
8 been in the Overlay District, meaning that for a vast
9 majority of the school's site does not require any relief
10 this evening at all.

11 It's merely for those other two portions. We
12 entirely recognize that to the extent that they are
13 preexisting uses to the Overlay District, that current
14 education uses our grandfather.

15 Again, as the Board is well aware, that
16 determination is made by the Commissioner, because BB&N
17 intends to use these facilities for an extensive period of
18 time from now, for an abundance of action.

19 They want to make sure that as they embark on a
20 fundraising campaign for uses of these partials, that they
21 have the requisite assurance, which they believe this Board
22 can provide, that the entirety of that parcel can be used

1 for educational uses.

2 Moving onto the next few slides, these are 197
3 Coolidge Hill. This is the rear of that structure. This
4 one here shows the topography, which I'll mention in a
5 moment. It's on a severe upslope. It is a former
6 residence, custom-built by its then owner.

7 It's located at the dead end of Coolidge Hill;
8 that's the last partial there, and it's actually closer to
9 BB&N than it is to some of the other properties that are --
10 some of the other structures that are on its directly
11 abutting properties.

12 BB&N's current plan at the moment, although COVID
13 has thrown things into some level of new needs, is to use
14 this facility to move its existing Admissions Office
15 ultimately in order to create additional parking necessary
16 to bring all three of these parcels into educational use.

17 I would note that quite frankly the most important
18 thing here is that any parking additional to what is already
19 available on site -- and there are about six to eight
20 parking spaces in this driveway -- is anticipated to be
21 accommodated by a new parking area located on that northern
22 portion of 80 Gerry's Landing, interior to the site.

1 So as such, there is no additional traffic
2 anticipated on Coolidge Hill or Coolidge Hill Road, other
3 than what would be generated by the available parking for
4 the existing single-family homeowner use.

5 If I can move to the final few slides to show you
6 30 Gerry's Landing, and this is another of 197.

7 This is 30 Gerry's Landing. It's been owned by
8 BB&N since 2015 in trust. It's roughly an 18,000 gross
9 square feet Georgian residence built in 1911.

10 My guess -- although I do not know, and some
11 members of the Board may know better than I -- is that this
12 may be the largest single-family structure in the City of
13 Cambridge, perhaps save 101 Avon Hill.

14 It was used as a single-family residence until
15 being acquired by BNN nearly five years ago. It's remained
16 vacant and unused ever since. The current desire, again, by
17 BB&N, is to adaptively reuse the structure for central
18 administrative offices, thus allowing them to relocate their
19 administrative staff ultimately from the rented offices in
20 Watertown.

21 And again, the parking for this site would be
22 serviced ultimately by parking that is located -- that we

1 located on the interior of 80 Gerry's Landing site. So
2 again, away from the neighborhood and towards the road.

3 So I'd like to -- if I could ask -- I asked you to
4 go back to page 15, which is that map of the three parcels.
5 I think that's probably where we're going to spend most of
6 our time on the legal justifications.

7 But I want to stop here, Mr. Chairman, before I
8 move into those justifications and see if there are
9 questions from you or other members of the Board on what
10 I've just said.

11 CONSTANTINE ALEXANDER: I have no questions.

12 BRENDAN SULLIVAN: Brendan Sullivan, I have no
13 questions.

14 JIM MONTEVERDE: Yep, this is Jim. I'm fine.

15 ANDREA HICKEY: Andrea. I'm fine as well.

16 JANET GREEN: Janet. I'm fine as well.

17 TAD HEUER: Excellent. So Mr. Chairman, cognizant
18 of the fact that these are three different petitions, and
19 that the findings need to be made individually as to each of
20 the three properties, my proposal is to go through each of
21 the four requirements in order; so to do for instance
22 literal enforcement involving substantial hardship for each

1 of the three parcels, but to designate and indicate which of
2 the three parcels I'm speaking about for the benefit of both
3 you and making any motion, but now also for ISD and crafting
4 a decision.

5 Does that sound reasonable?

6 CONSTANTINE ALEXANDER: Give it to me -- I'm
7 sorry, this is Gus Alexander. Could you just repeat that
8 please?

9 TAD HEUER: Of course. So I'd like to go through
10 the requisite four standards that the Board needs to find
11 more to grant relief.

12 CONSTANTINE ALEXANDER: Right.

13 TAD HEUER: My proposal is to do each of those
14 four standards for all three of the parcels at issue. So to
15 talk about substantial hardship for all three, and then to
16 move on to talk about topography for all three. But
17 obviously to identify which one I'm speaking about, so that
18 can be teased out.

19 CONSTANTINE ALEXANDER: That's fine. And to the
20 extent that you have a -- the point you're making is common
21 to the three parcels. You don't have to do it three times.

22 TAD HEUER: I am hopeful not to, and that was my

1 intent.

2 CONSTANTINE ALEXANDER: Okay. Fine. So go right
3 ahead.

4 TAD HEUER: So the first condition or the
5 requirement, as the Board is well aware, is that a literal
6 enforcement of the provisions of the ordinance would involve
7 a substantial hardship, financial or otherwise to the
8 petitioner. Here, starting with 80 Gerry' Landing, literal
9 enforcement would undoubtedly create such a hardship.

10 If they were not able to use the bump out portion
11 where their current parking is or the northern portion,
12 where they would like to put parking, they would need to
13 relocate structures on the site. They would need to
14 identify new offsite locations in which to move their
15 administrative staff.

16 This would not solve their problem, but would
17 exacerbate it. And it would also preclude them from using
18 these portions in the partial for education uses, other than
19 those to which they have been used since prior to the
20 establishment of the districts; they would be locked in to
21 those uses, the grandfathered uses.

22 And for 197 and 30 Gerry's Landing, both together,

1 the same hardships for both.

2 They'd be precluded -- BB&N would be precluded
3 from using these properties, which are smaller properties,
4 but contiguous to their larger, existing educational
5 facilities in order to alleviate their administrative space
6 constraints, which would again require them to expend
7 significant financial and logistical resources merely to
8 perpetuate the suboptimality of having their administration
9 scattered across the city.

10 And again, a literal enforcement would preclude
11 BB&N from using these properties for any educational uses.
12 They would be forced to use residential uses, and those I'll
13 discuss momentarily. Neither of these properties is
14 significantly suited for residential use.

15 One other point I want to make as to this is that
16 granted relief here would also provide greater compliance
17 with the Americans with Disabilities Act, the ADA. As you
18 saw, the Admissions facility is located in a small building
19 on 80 Gerry's Landing, on that northern slope. It's
20 virtually impossible to make accessible.

21 A literal enforcement of the ordinance that
22 precluded them from moving those administrative functions

1 into either of the other two buildings would mean that they
2 would essentially have no result, no choice but to continue
3 locating their administrative staff for admissions purposes
4 in a preexisting, ADA-noncompliant facility, which is
5 something they obviously would like to avoid, and we would
6 hope that the Board would concur.

7 Moving on to the issue of hardship, again, looking
8 these sites, none of them are in any way, shape or form --
9 no pun intended -- regular, which is different from the vast
10 majority of the other residential sites in Coolidge Hill,
11 which are -- for lack of a better word -- normal shaped
12 house lots.

13 80 Gerry's Landing is multisided. It's elongated.
14 It's gotten a regular curving northern boundary, and
15 particularly in the part that we're talking about, this
16 northern component. It's a steep upwards slope moving from
17 east to west off of the road, up Coolidge Hill.

18 And of course, I think it goes without saying the
19 existing structures on 80 Gerry's Landing are entirely
20 unsuitable for residential use. They are in the middle of
21 an active secondary school, in contrast to the result of the
22 zoning district.

1 197 Coolidge Hill, as you can see, is an eight-
2 sided polygon. It's at the end of a dead-end road. It's a
3 severely sloped lot, as you saw from the photographs. The
4 structure's actually been set into this slope, so there is
5 one level that's a full story below grade.

6 This topography dictates the location of where the
7 structure is on the lot, the shape of the structure, and
8 creates a significant hardship due to complexity as to how
9 it can be effectively utilized in a financially reasonable
10 matter.

11 And turning finally to 30 Gerry's Landing on the
12 question of shape and topography, again you can see this is
13 a parcel that lacks any right angles. I would also point
14 out it has no frontage. You'll see it's founded on the
15 north by DCR land, and on the south by 80 and 197, and then
16 to the west by 1 and 3 Gerry's Landing.

17 Indeed, the only way to access this partial is off
18 of a shared driveway easement, which currently comes across
19 3 Gerry's Landing, which is a [1:51:44 audio unclear] lot
20 across 1 Gerry's Landing, and then into 30 Gerry's Landing,
21 at the top of a very steep hill.

22 So again, I would note that as a landlocked

1 parcel, it can't be redeveloped by right, and as an 18,000
2 square feet single-family residence that has significant
3 code issues due to its construction in 1911, it is, quite
4 frankly, not financially viable to renovate as a residential
5 structure at this point.

6 Moving on to the question of whether desirable
7 relief may be granted without substantial detriment to the
8 public good, I again want to emphasize that there is
9 unanimous abutter support.

10 Every single abutter that we have for this parcel
11 has submitted a letter to the Board indicating that they see
12 no detriment here from the granted relief that's being
13 requested.

14 As we walk through in our memo, and I'm of course
15 happy to go through any of the points in detail that the
16 Board wishes, there is no provision in these two use
17 regulations for determining whether use-based relief is to
18 be granted.

19 There are, however, provisions as to whether
20 special permit relief should be granted. They provide a
21 number of criteria for the Board, and we submit that those
22 same criteria will assist the Board here. There are nine

1 benefit criteria, five detriment criteria. The ordinance
2 instructs the Board to consider and address the factors as
3 appropriate. So it's not as though -- it's a toning up of
4 pluses and minuses.

5 But regardless, we believe that the Board can find
6 that all of the detrimental factors are not present, and
7 that seven of the nine beneficial factors are present. The
8 other two simply aren't relevant to this site.

9 Just so the Board is aware of what those factors
10 are, they predominantly focus on whether the proposed use is
11 compatible with the residential neighborhood -- here, that's
12 the Coolidge Hill neighborhood, which is to the west of the
13 school -- and whether the proposed institutional use is
14 consistent with and compatible with other adjacent
15 institutional uses, which we would and can, we argued here
16 that they clearly are.

17 I think writ large, our response to all of those.
18 And again, I'm happy to go through any of the specific
19 points, is that right now BB&N is and has always been for
20 nearly 100 years on this site, been located between the
21 roadway and Coolidge Hill. It's on the periphery of the
22 neighborhood.

1 These structures are all -- these partials are all
2 going to be oriented, so that the continued access would be
3 off of Gerry's Landing Road. So you could see on this slide
4 in front of you into that parking lot. So there will not be
5 any access beyond what it usually used for 197 Coolidge Hill
6 through the Coolidge Hill neighborhood.

7 So again, the effort here is to orient all of
8 these structures and their uses and the use of these
9 parcels, whatever that may be, towards the Gerry's Landing
10 side of the road where the existing park and the existing
11 access is used. There's no intent to be invading the
12 neighborhood.

13 And again, these are all contiguous parcels to an
14 existing institutional use.

15 I'd also briefly point out that under the city's
16 Institutional Growth Management Plan, the plan says that all
17 else being equal, "concentration of new institutional
18 activity in areas of existing institutional development is
19 preferable to disbursed or scattered growth with these new
20 activities."

21 So BB&N taking that to heart, looked strategically
22 and said, "These are the parcels that are contiguous, can we

1 use those in order to minimize the impact, whether here on
2 Coolidge Hill?" or as I mentioned, because we have other
3 facilities elsewhere in the city, creating more scattershot,
4 we'd want to create more consolidation, and that's what
5 granting these petitions would allow.

6 Finally, I want to go on to the point of relief
7 being granted without nullifying or substantially derogating
8 from the intent or purpose of the ordinance. Here the
9 ordinance is quite helpful, because it does state what the
10 purpose of the institutional use regulations is.

11 That's Section 4.52, and it says that the intent
12 is "To protect lower density residential neighborhoods from
13 unlimited expansion of institutional activities, to reduce
14 pressures for the conversion of the existing housing stock
15 to nonresidential uses, to minimize the development of
16 activities which are different from and incompatible with
17 activity patterns customarily found in these neighborhoods,
18 and to provide a framework for allowing those institutions
19 which are compatible with residential neighborhoods to
20 locate and expand there."

21 And I think I would just go through those briefly
22 and then conclude, as we've explained in our petitions, none

1 of these three parcels would constitute an unlimited
2 expansion. It's a strategic expansion on contiguous
3 parcels. It wouldn't increase the pressure to convert
4 existing housing stock, there's no intent as we've
5 discussed.

6 These two residential [1:56:26 audio unclear] and
7 access would come from Landing Road almost exclusively,
8 meaning that there would be no incompatible pattern of
9 activity through Coolidge Hill.

10 Any additional traffic generated in the
11 neighborhood is anticipated to be minimal if any, and nor
12 would the continued operation or development adjacent
13 residential uses or the integrity of the adjoining
14 residential neighborhood be adversely affected by the grant
15 of a use variance under the circumstances here, for the
16 reasons I have just articulated.

17 So that concludes the formal part of the
18 presentation. Again, if you have questions about anything
19 I've said, or if there are questions that you may have for
20 the school, we have a full complement of representatives
21 from the school available to be able to give you whatever
22 information you feel is necessary to make a decision.

1 We would ask that the Board act favorably on these
2 three petitions this evening.

3 CONSTANTINE ALEXANDER: Thank you, Mr. Heuer, for
4 a detailed and thorough presentation. I'll ask members of
5 the Board, at this point do you have any questions you wish
6 to ask, or comments you wish to make?

7 BRENDAN SULLIVAN: Brendan Sullivan. I have no
8 questions at this time.

9 JIM MONTEVERDE: This is Jim Monteverde. I just
10 had one question, referring to the slide that's on the
11 screen. And this is the parking lot that's in front of
12 Nicholas Athletic Center. Is that part of any of what
13 you're requesting to move the use line?

14 TAD HEUER: Sir, that's an excellent question. So
15 this shows what the school would like to do in terms of
16 parking.

17 JIM MONTEVERDE: Right.

18 TAD HEUER: So right now, you will see there's --
19 and I'm not sure if Sisia, you can zoom in a bit on that,
20 right where you're -- yeah. So you can see a dashed outline
21 that shows --

22 JIM MONTEVERDE: Right.

1 TAD HEUER: -- the footprint of the current
2 Admissions Office.

3 JIM MONTEVERDE: Yep.

4 TAD HEUER: So that is obviously still there. It
5 has not been removed.

6 JIM MONTEVERDE: Yep.

7 TAD HEUER: This is the goal ultimately when these
8 properties are put into full use.

9 JIM MONTEVERDE: Yep.

10 TAD HEUER: -- to be able to have sufficient
11 parking. But now, all we are requesting this evening is
12 that these parcels be given the right to be used for
13 educational purposes, and the accessory use is customary
14 there too, which would be parking in order to utilize those
15 uses.

16 And just no request for additional parking.
17 There's no minimum or maximum parking requirement that we're
18 asking to have waved. That merely shows what the school is
19 envisioning at the moment.

20 At this time, it would look like should relief be
21 granted and they're able to -- you know, get sufficient
22 parking physically built on the site to service those

1 facilities.

2 JIM MONTEVERDE: Yep. And then my question was --
3 thank you -- let's see -- cardinal direction here, I'm a
4 little confused. But I think --

5 TAD HEUER: You're looking directly -- this is
6 Cardinal --

7 JIM MONTEVERDE: This is city east.

8 TAD HEUER: Yep.

9 JIM MONTEVERDE: To the -- I think it would be to
10 the east or northeast of Nicholas Athletic. The parking
11 that's along the parkway now?

12 TAD HEUER: Yes.

13 JIM MONTEVERDE: Just explain -- I see the yellow
14 line that -- I see the blue line that kind of does not
15 include the -- not the parking in the middle of the screen,
16 but the one on the opposite --

17 TAD HEUER: Yes.

18 JIM MONTEVERDE: There you go.

19 TAD HEUER: Yep.

20 JIM MONTEVERDE: Yeah. So is the yellow line
21 where you're asking for some relief?

22 TAD HEUER: That's correct. So for reasons that -

1 - I have looked at this for longer than I should have, and
2 tried to figure out what was going on here. I simply -- I
3 wish I could give you an answer.

4 JIM MONTEVERDE: Well, I have a suspicion. I have a
5 suspicion as a planner, and it's meant to be a buffer zone
6 between whatever development happened on these lots and the
7 adjacent highway. We should really treat it as a parkway --

8 TAD HEUER: Um--

9 JIM MONTEVERDE: -- is my guess, if I had a guess.

10 TAD HEUER: Yeah. I mean, so the remainder of --
11 everything to the north and the south of it is DCR land.

12 JIM MONTEVERDE: Yep.

13 TAD HEUER: So DCR utilizes -- you know, those
14 disease you know, and we have agreements with DCR in order
15 to do maintenance on these revisions as well.

16 This is owned by BB&N, and has always been owned
17 by BB&N. So it's not a --

18 JIM MONTEVERDE: Oh, okay. So you own it?

19 TAD HEUER: Yeah, that's right.

20 JIM MONTEVERDE: It's just a question of the use
21 right now. The use line kind of cuts it off.

22 TAD HEUER: Correct, and you know --

1 JIM MONTEVERDE: Yeah, okay.

2 TAD HEUER: Yeah. I'm not quite sure when they
3 drew the use line, why the notion was there. I mean, quite
4 frankly they may have thought they couldn't possibly own it,
5 it looks like buffer zone. Therefore, we'll just draw it to
6 the extent of their property, and they just didn't
7 understand where our property is.

8 JIM MONTEVERDE: Yeah, or just to keep any
9 building activity back to that blue line, and not allow it
10 to go to the yellow line?

11 TAD HEUER: Correct.

12 JIM MONTEVERDE: Yeah. Okay. Thank you.

13 TAD HEUER: Yeah.

14 CONSTANTINE ALEXANDER: Janet or Andrea, do you
15 have any questions or comments at this point?

16 ANDREA HICKEY: Hi, it's Andrea. I'm all set at
17 this point. Thanks, Gus.

18 JANET GREEN: I'm all set Gus, thank you.

19 CONSTANTINE ALEXANDER: Okay. I'll now open the
20 matter up to public testimony. Is there anyone on the line
21 who wishes to be heard on this matter? I guess I should
22 repeat the instructions before Sisia yells at me. If you do

1 wish to speak, you have to click the button that says,
2 "Participants" and then click the button that says, "Raise
3 hand." If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6.

5 So with those instructions, I'll ask the question
6 again. Anyone here wishing to comment on this matter?

7 [Pause]

8 Apparently not.

9 We do have a number of pieces of written comments,
10 which I would like to read into the record. I think it's
11 important, and in no particular order.

12 We have a -- I called it a letter from Priscilla
13 Jean, J-e-a-n Forney, F-o-r-n-e-y on behalf of neighbors.
14 She resides -- Ms. Forney resides at 6 Coolidge Hill Road,
15 and her letter is also on behalf of the neighbors Jay
16 Malcolm Forbes and Ariodne (phonetic) H. Forbes, Edward
17 Scott Baker, Christopher Legg -- and that's two gs -- and
18 Heidi R. Legg -- two gs -- and William Pain Reimann, R-e-i-
19 m-a-n-n.

20 And the letter reads as follows:

21 "On behalf of myself and the above referenced
22 neighbors of Buckingham Browne & Nichols School, we jointly

1 write in support of BB&N's zoning petitions [and she
2 identifies the three petitions]."

3 We collectively support the grant of zoning relief
4 requested by BB&N. BB&N has been an important member of the
5 Coolidge Hill and Cambridge communities, and we support the
6 school's plans for the properties under petition.

7 The above neighbors look forward to continuing our
8 positive and productive relationship with the school. We
9 thank BB&N for its conscientious consideration of its
10 neighbors during this process."

11 We have a letter from Mount Auburn Hospital
12 written by Richard J. Guarino, G-u-a-r-i-n-o, the Chief
13 Operating Officer.

14 "Mount Auburn Hospital is aware of the Buckingham
15 Browne & Nichols School applications to change the use of
16 the three properties located on Coolidge Hill in Gerry's
17 Landing from residential to educational.

18 As direct abutters to the property at 30 Gerry's
19 Landing, 197 Coolidge Hill and 40 Gerry's Landin, we are
20 writing in support of BB&N's variance request for the school
21 to use the properties for educational use.

22 The administration has provided us with

1 information and the opportunity to comment on their plans.

2 We do not expect this variance change will impact our

3 operations."

4 Going through the file -- it's a long file, I'll

5 catch another more commentary that I think should be part of

6 the record.

7 We have a letter from Shady Hill, from the

8 Director of External Relations, Pam Dickinson, D-i-c-k-i-n-

9 s-o-n.

10 "As a school that is a near abutter to Buckingham

11 Browne & Nichols School, the properties at 30 Gerry's

12 Landing, 197 Coolidge Hill and -- [it should be 80 Gerry's

13 Landing] we are writing in support of BB&N's variance

14 request to use these properties for educational use.

15 BB&N has been proactive and transparent in

16 meetings with neighbors, including Shady Hill School, to

17 discuss their current ideas for 30 Gerry's Landing and 197

18 Coolidge Hill.

19 We particularly appreciate BB&N's plans to access

20 the properties from Gerry's Landing Road, and not through

21 our already congested Coolidge Hill neighborhood. As such,

22 we do not expect this variance change will impact our place

1 in the neighborhood."

2 Let me see if there's anything else. I believe
3 there's one more, but I haven't gotten to it yet.

4 Yes, we have a letter from Tiron -- T-i-r-o-n C.
5 M. Pechet - P as in Paul -e-c-h-e-t.

6 "I'm writing in support of Buckingham Browne &
7 Nichols' request to use recently acquired properties on
8 Gerry's Landing and Coolidge Hill for educational purposes.
9 Please see the reference numbers below.

10 I have been a neighbor and abutter of BB&N for 50
11 years -- essentially my entire life, beginning during my
12 childhood living up while living in 30 Gerry's Landing,
13 moving to 177 Coolidge Hill, and finally 197 Coolidge Hill,
14 where I have resided for the last 14 years.

15 I have 'shared a fence' with BB&N throughout.
16 Throughout the decades, BB&N has been the model of a
17 responsible and respectful neighbor. Any minor
18 disagreements were worked on in mutually agreeable ways, and
19 this has extended across four different [audio unclear]
20 attended BB&N for my entire elementary and secondary school
21 career, as did my four other siblings.

22 And I remain a strong supporter of the school and

1 their mission.

2 My family and I sold the properties at 30 Gerry's
3 Landing and 197 Coolidge Hill to BB&N in the hopes that it
4 would allow the school to continue and build on strengths,
5 and to consolidate operations, expand educational
6 activities, and become an even stronger institution.

7 I can think of nothing that would make me happier,
8 or would have made my late father happier, than to see these
9 properties used to support the education in a way that makes
10 the most sense for BB&N, whatever that may be.

11 BB&N has shared their thinking and some of their
12 plans for the property with me and for the neighborhood.
13 The proposed access via Gerry's Landing Road will remove any
14 neighborhood concern about additional congestion, and
15 frankly makes the most sense for BB&N in any case.

16 Those of us who have grown up on and lived on
17 Coolidge Hill have always been neighbors and a host
18 community to schools -- both BB&N and Shady Hill. This is
19 part of our culture, in our DNA.

20 Thriving educational institutions do not, and will
21 not, detract from our neighborhood. They are in fact what
22 creates and maintains it, makes the neighborhood so

1 desirable for families, and why I support the variances that
2 BB&N is seeking."

3 With that, I'm going to end any further public
4 comment. If there's any "heard" in the file, I apologize
5 for not referencing it. I'm going to close public
6 testimony, unless Mr. Heuer, you have any further comments
7 you wish to make?

8 TAD HEUER: No further comments, Mr. Chairman,
9 thank you for reading those letters into the record, and of
10 course I'm happy to answer any questions before the Board
11 moves to deliberation.

12 CONSTANTINE ALEXANDER: Okay. So we will close
13 now. We will move on to those deliberations. Comments from
14 members of the Board? And again, we're taking all three
15 cases -- all three properties and three cases --
16 collectively. And then the opinion that gets written will
17 parcel out what has to be parceled out among the three
18 cases.

19 Comments from members of the Board?

20 JIM MONTEVERDE: This is Jim. No.

21 BRENDAN SULLIVAN: No. This is Brendan Sullivan.
22 As advertised, the presentation, though not brief, was very

1 concise, very informative. And I think that it is the right
2 thing to do for the school, for the community. And I
3 support it.

4 CONSTANTINE ALEXANDER: Thank you. Andrea or
5 Janet? Or Andrea and Janet, separately.

6 ANDREA HICKEY: Hi. It's Andrea here. I have
7 nothing to add. I am ready for a vote on all three matters.

8 CONSTANTINE ALEXANDER: Okay.

9 JANET GREEN: This is Janet, and I'm ready for a
10 vote.

11 CONSTANTINE ALEXANDER: Fine. Okay. The Chair
12 moves that we make the following findings: That a literal
13 enforcement of the provisions of the ordinance would involve
14 a substantial hardship, financial or otherwise to the
15 petitioner.

16 And in this regard, the Chair would note that
17 unless we grant relief, such a current situation would
18 prohibit BB&N from using the northern portion of the
19 undivided parcel where the separate school is currently
20 located, as well as using the two contiguous parcels that it
21 owns for educational uses.

22 In short, a literal enforcement would require BB&N

1 to reconfigure site access, if that were even possible, and
2 -- okay, and then it also -- a literal enforcement would
3 preclude BB&N from using these properties to alleviate its
4 existing administrative space constraints.

5 In this regard -- I don't think it was mentioned
6 during the presentation by Mr. Heuer, but currently BB&N is
7 required to have some of its administrative staff and
8 functions operate out of Watertown, which in turn is
9 obviously not the most convenient way, and it's disruptive
10 to a smooth operation of the school.

11 That the hardship is owing to the shape and
12 topography of the lots. They just create a hardship. It's
13 -- as Mr. Heuer elaborated in greater detail, the shape and
14 topography of each of the three lots is irregular, and not
15 well -- in addition -- unlike other properties in the zoning
16 district, the structures on these lots at issue here are not
17 well-suited for residential use.

18 And lastly, that desirable relief may be granted
19 without substantial detriment to the public good, or
20 nullifying or substantially derogating from the intent or
21 purposes of this ordinance.

22 In short, the building design or the site plan

1 that is being proposed would be compatible with the
2 neighborhood, and that the institution would be accessible
3 to, or primarily oriented toward neighborhood residents.

4 Further, that institutional use is particularly
5 appropriate on the lot, given previous use of the lot, and
6 residential development in this area would not be feasible
7 or reasonably practical on the site.

8 On the basis of all of these findings, the Chair
9 moves that we grant the variance requested on the condition
10 that the parcels involved can only be used for day care and
11 prekindergarten through grade 12 uses, including uses there
12 too.

13 In other words, a hospital can't be built on this
14 property, just by way of example; or other noneducational
15 uses. Is that sufficient, or does anybody want to comment?

16 I'm taking that as sufficient. All those in
17 favor, starting with Brendan, please vote.

18 BRENDAN SULLIVAN: Brendan Sullivan in the
19 affirmative, grant.

20 JANET GREEN: Janet Green in the affirmative.

21 ANDREA HICKEY: Andrea Hickey, affirmative.

22 JIM MONTEVERDE: And Jim Monteverde, yes.

1 CONSTANTINE ALEXANDER: And make it unanimous --

2 Gus Alexander, yes as well. Variance granted. Thank you.

3 [ALL VOTE YES]

4 TAD HEUER: Thank you, Mr. Chairman.

5 CONSTANTINE ALEXANDER: We'll move on to the next

6 case in a second, we need the files.

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2 (8:08 p.m.)

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

6 CONSTANTINE ALEXANDER: This seems to be a night
7 for taking cases in clusters. The next two cases are really
8 identical, except the addresses are different. They're
9 across the street from one another. So I'm going to do, as
10 I did with the previous case, and take the two petitions
11 together. And then we can sort out the vote at the end.

12 And so, I'm going to call Case Number 017247 --
13 16-18 Forest Street, and Case Number 017248 -- 17-19 Forest
14 Street. Anyone here wishing to be heard on this matter?

15 NICK ZOZULA: Yes. Good evening Mr. Chair and
16 members of the Board. Attorney Nick Zozula, McDermott,
17 Quilty & Miller; here on behalf of Akelius, who is the
18 property owner and developer. With me tonight from Akelius
19 is Kayla Tierney (phonetic) Pepdjonovic, as well as Marc
20 Winn, who is Construction Manager for Akelius.

21 Additionally helping me with the presentation
22 tonight is Rich Rankin from CI Design, who is the architect

1 on the project.

2 If -- we did submit a presentation, I don't know
3 if Sisia or somebody at ISD could perhaps pull it up? Thank
4 you. Thank you very much.

5 So these properties, Mr. Chair, as you mentioned,
6 they are rather identical. They are located across the
7 state from each other. First, our presentation does
8 separate them a little bit, so we'll start first with 16-18
9 Forest Street, which is up on the screen now.

10 [And if you can go to the next slide, that would
11 be great. Thank you.]

12 So this is just the GIS block map just to orient
13 everybody to the site. These properties are located on
14 Forest Street, just south of Porter Square, between Mass Ave
15 and Beacon Street and Somerville Avenue.

16 It does consist two buildings which are across the
17 street, which are across the street from each other. Both
18 were built in the early 1900s, each four stories, and in
19 total between the two, they contain 123 units, including 57,
20 16-18 Forest Street, and 66, and 17-19 Forest Street. So --

21 CONSTANTINE ALEXANDER: Excuse me, sir.

22 NICK ZOZULA: Yes.

1 CONSTANTINE ALEXANDER: Could you repeat those
2 numbers? I was distracted. How many units --

3 NICK ZOZULA: Absolutely.

4 CONSTANTINE ALEXANDER: How many apartments -- how
5 many --

6 NICK ZOZULA: So between -- yes, sir, so between
7 the two buildings, in 16-18 Forest Street, there currently
8 exists 57 units.

9 CONSTANTINE ALEXANDER: Okay.

10 NICK ZOZULA: That is the -- on the map that
11 you're looking at now, it is on the south side of Forest
12 Street.

13 CONSTANTINE ALEXANDER: How many units are in the
14 -- the other building on Forest Street?

15 NICK ZOZULA: The other building has 66 total
16 units existing as of today.

17 CONSTANTINE ALEXANDER: So how many -- so the
18 total units for these two properties is how much?

19 NICK ZOZULA: 123.

20 CONSTANTINE ALEXANDER: Okay, thanks.

21 NICK ZOZULA: That's what's existing -- yep, no
22 problem. That's what's existing and has been existing since

1 I think these buildings were built around 1920.

2 So they are about 100 years old, and since
3 acquiring the properties a few years ago, Akelius has begun
4 a process of complete interior renovations of the building.
5 As units have become available, and actually vacant, they
6 have been renovating them as part of a turnover process.

7 Once they acquired the building, they realized
8 that neither building provides any accessible units. So
9 there are no accessible units Group 2A or otherwise in the
10 building as it currently stands today.

11 CONSTANTINE ALEXANDER: Excuse me, let me
12 interrupt you for a second.

13 NICK ZOZULA: Yes, sir.

14 CONSTANTINE ALEXANDER: What's the significance of
15 accessible units? They're never going to build
16 inaccessible. You're not going to work with inaccessible
17 units. What's the meaning, what's the significance of the
18 word, "accessible"? It sounds good.

19 NICK ZOZULA: The significance is that part of
20 this proposal is to add eight accessible dwelling units in
21 the basement of 16-18 Forest Street.

22 CONSTANTINE ALEXANDER: Yeah, I know. But those

1 are -- you're going to add eight total, and the two
2 buildings combined 15 units in the building?

3 NICK ZOZULA: Yes.

4 CONSTANTINE ALEXANDER: What does accessible add
5 to that? Why do you keep emphasizing "accessible"? Of
6 course they're going to be accessible.

7 NICK ZOZULA: Because they're not in the unit now,
8 not in the buildings now. And that was the rationale for
9 this application and working with the Architectural Access
10 Board, which has approved these units. That was -- that's
11 why we're in front of the Board tonight.

12 CONSTANTINE ALEXANDER: Okay, thank you.

13 NICK ZOZULA: So I'm not trying to harp on that
14 specific aspect of the project for no reason. The rationale
15 is we've worked with the Access Board as part of this
16 turnover process for these units.

17 We were required to add accessible units. And as
18 part of that process, they've come to the conclusion that
19 there is a large, underutilized basement space in both
20 buildings, and what they are opposing to do with these
21 applications is to repurpose and recapture that space in the
22 basement of these very old buildings, which previously was

1 utilized for a boiler space, HVAC space and things like that
2 which, frankly, are not required anymore with modern
3 technology. So --

4 CONSTANTINE ALEXANDER: Have you considered -- has
5 your client considered affordable housing in these units?
6 Not only accessible, but affordable? The City of Cambridge
7 needs affordable housing.

8 NICK ZOZULA: Not to this point. We have talked
9 to Linda Prosnitz and others in the city. We don't -- at
10 least by the strict letter of the law trigger the
11 affordability component, because these are separate
12 buildings.

13 We are not creating more than 10 new units in each
14 building. Basically, we don't trigger the -- we don't have
15 the belief that we meet the threshold of the inclusionary
16 housing requirement. However, we're happy to have that
17 discussion if the Board or the city so pleases.

18 But in discussing with planning and other folks
19 and city staff, we've come to the conclusion that we don't
20 actually trigger the affordable component under the IDP or
21 the inclusionary housing costs.

22 CONSTANTINE ALEXANDER: What I have in mind, and

1 we've had this before the other petitioners, is that the --
2 if we allow the apartments to be built, they not only be
3 accessible, but affordable housing.

4 It may mean, and I think it should mean, you have
5 slightly larger units. You won't have a one-bedroom. But
6 the units would fulfill an important function for the city.

7 NICK ZOZULA: Yep.

8 CONSTANTINE ALEXANDER: I.e., more affordable
9 housing. And I -- you know, it would have been nicer, in my
10 opinion, if you came in and suggested you want relief for
11 affordable housing. And if we granted relief, it would be
12 subject to your proposed affordable housing.

13 As it is now, there is no possibility -- no legal
14 possibility that these units will be affordable. In fact,
15 they are small, and they're not really suitable for
16 affordable housing, if you've got any sort of a family.

17 NICK ZOZULA: Well, to -- that's a fair point, Mr.
18 Chair, and again we're happy to have the discussion once we
19 go through the presentation. I think our response to that
20 would be that these units would inherently be affordable by
21 their location in the building.

22 But, again -- and to your point, the size of the

1 units will make them affordable in their own right.

2 However, again, we're happy to have that discussion with the
3 staff or tonight.

4 I know that Kayla and Marc are on the line and
5 ready to have that discussion if needed. So we haven't gone
6 to that point with staff, we were never asked to provide
7 affordable units, as far as I can recall.

8 But again, you know, if that's something that the
9 Board would like to discuss or bring up, we're of course
10 happy to entertain that.

11 CONSTANTINE ALEXANDER: Thank you.

12 NICK ZOZULA: [If we can go to the next slide and
13 I'll be done, and then I'll pass it over to the architects,
14 who can go over the plans in a little more detail.] But
15 quickly, we just wanted to show the proximity of these
16 properties, which I'm sure you're all familiar with the
17 area.

18 But it's a short walking distance to multiple
19 points of transportation, including the Porter train
20 station, which is 0.4 miles away. It's located in a
21 transit-oriented area between Mass Ave and Somerville
22 Avenue; multiple bus routes with connections all over the

1 City of Cambridge, City of Boston, et cetera.

2 It's centrally located to many shops, grocery
3 stores, et cetera. And it's also within short walking
4 distance, as you can see in front of you right now, with
5 both a half mile radius and a mile radius of multiple
6 bicycle-sharing Bluebike stations at Porter Square, Wilson
7 Square, Zipcar availability as well.

8 And we bring that up simply because we are in
9 front of the Board tonight for a special permit for
10 reduction of off-street parking as a result of this
11 proposal, and just to orient the Board members to where this
12 is in regard to those amenities for people who live in the
13 building and who might live in these additional units if
14 approved.

15 CONSTANTINE ALEXANDER: So am I correct that you
16 want to add 15 residential units in the building but
17 previous no off-street parking for those 15 units?

18 NICK ZOZULA: Yes, sir. And the architect can go
19 through the site plan in a little bit more detail, but there
20 are some spaces -- there are 22 existing spaces, which will
21 remain as part of this.

22 We're not proposing to expand the building

1 envelope whatsoever to add these units. We are proposing a
2 small elevator to provide access to these accessible units
3 in the basement of 16-18 Forest, but we're not proposing to
4 expand the building at all or take away any existing
5 parking.

6 And based on these unit sizes and their location
7 in the building, you know, our internal review of the
8 parking ability on site would be sufficient that the parking
9 is not used currently to its full capacity, even with all
10 those units, based on the location of the buildings, both in
11 the city and with regard to the transit proximity map you
12 have in front of you now.

13 But Marc and Kayla could speak to that if they
14 want to add more to that, if that pleases the Board. We can
15 certainly highlight that issue in more detail.

16 CONSTANTINE ALEXANDER: Okay. But again, I want
17 to just make sure we have the facts clear on the record.

18 NICK ZOZULA: Yes. Yes, sir. So we would be
19 going for a special permit, Mr. Chair, in adding these units
20 without any additional parking, but frankly --

21 CONSTANTINE ALEXANDER: Okay, so right --

22 NICK ZOZULA: There's no room for it on the site,

1 the way the site is currently.

2 CONSTANTINE ALEXANDER: Understood. But right
3 now, there are 123 units, should we grant you the relief
4 tonight that you're seeking, you'll go to 138 units?

5 NICK ZOZULA: Yes, sir.

6 CONSTANTINE ALEXANDER: And for those 138 units,
7 there will be 24? 20, I forget how many --

8 NICK ZOZULA: 22.

9 CONSTANTINE ALEXANDER: 23 --

10 NICK ZOZULA: 22.

11 CONSTANTINE ALEXANDER: -- parking spaces. So,
12 you know, obviously what, one-sixth of the number of -- it's
13 a bad ratio, in my view.

14 I mean, you're talking parking is an issue in
15 Cambridge, especially and you're talking about a densely
16 populated neighborhood where parking is pretty dense -- is
17 in demand, and you're going to add to the burden of this
18 neighborhood when it comes to parking of automobiles,
19 because you're providing no additional parking -- and I
20 understand why --

21 NICK ZOZULA: Right.

22 CONSTANTINE ALEXANDER: -- but you are adding as

1 many as 15 units.

2 NICK ZOZULA: That is correct, yes. I mean, I
3 would note, frankly, that 16 of these 18 units are studios
4 and one-beds. Only two of them are two beds, based on the
5 size of the basement and the ability to put units in
6 basement that comply with, you know, building standards.

7 So 16 of those 18 units are one-beds or less, and
8 I know that in reviewing the parking numbers on site, the
9 way the current utilization is of the parking, that the team
10 and the ownership is prepared to provide these units without
11 additional parking.

12 But again, we're happy to have that discussion
13 with Transportation and Parking. We're happy to come up
14 with a creative solution, if that's requested. And again, I
15 would just note that we would suggest this is --
16 respectfully -- that this is a very transit-oriented
17 location, as shown again by the map.

18 But I don't want to belabor the point. You make a
19 valid point. Yes, we are not providing any more additional
20 parking for these 15 units.

21 CONSTANTINE ALEXANDER: I have to make one last
22 comment. You say if you grant your relief tonight, you're

1 willing to have this discussion. What's the city's living
2 in that discussion? You got what you want.

3 NICK ZOZULA: True.

4 CONSTANTINE ALEXANDER: You can just say, "Sorry,
5 but we can't do anything better than that. We told the
6 Board, and off we go." And if we have a -- as a Board, if we
7 have a problem with what you're proposing, that's too late.

8 We can't wait to grant you the relief and then
9 have some discussions. It should be the other way around.
10 You should have the discussions, and come up with some
11 compromises that would -- we can take into account when
12 voting on the merits.

13 And again, I'm going to return to the lack of
14 affordable housing that's being added to the 15 units.

15 NICK ZOZULA: Yes, sir. So I know that we did
16 have some discussions early on with planning, in terms of
17 parking and -- you know, perhaps if it's required that the
18 Board could provide a condition on any approval.

19 And we're happy to provide some sort of a transit-
20 oriented program for these units, in order to, you know,
21 minimize the burden this it may provide on off street
22 parking or on the parking lot on the property.

1 But again, our belief is that based on current
2 utilization, these units would not have a car, frankly,
3 based on what they know about the building today.

4 ANDREA HICKEY: Mr. Chair, may I ask a question?

5 CONSTANTINE ALEXANDER: Go right ahead, Andrea.

6 ANDREA HICKEY: Thank you. If I could ask Counsel
7 what specifically do you mean by "The current parking is
8 underutilized"? There are 22 spaces. Are you suggesting
9 that those are not all rented at present?

10 NICK ZOZULA: Yes, I am.

11 ANDREA HICKEY: Okay.

12 NICK ZOZULA: And if you don't mind, I would be
13 happy to allow Marc or Kayla from Akelius to expound on that
14 if you'd like, because they're the ones who --

15 ANDREA HICKEY: I'd like a little more detail on
16 that, yes please.

17 NICK ZOZULA: Sure. Kayla or Marc, I don't know
18 if you're on, if you could chime in with more detail?

19 CONSTANTINE ALEXANDER: Do they know how to do it?
20 You have to -- let me read the instructions to them, because
21 --

22 NICK ZOZULA: Sure.

1 CONSTANTINE ALEXANDER: -- just in case.

2 KAYLA ROBERTSON: Can you guys hear me?

3 CONSTANTINE ALEXANDER: You got?

4 NICK ZOZULA: Yes, there's --

5 CONSTANTINE ALEXANDER: Oh, good.

6 NICK ZOZULA: There's Kayla right there.

7 CONSTANTINE ALEXANDER: All right, all right.

8 NICK ZOZULA: Go ahead.

9 KAYLA ROBERTSON: Oh, perfect. Okay. Hi, so I'm
10 the Asset Manager for the property. This is part of my
11 portfolio. So we've owned the property for about three
12 years now, and the parking itself has never been 100 percent
13 occupied there.

14 You know, as Nick sort of mentioned before, where
15 it's located public transportation, a lot of bikes -- things
16 like that, it really hasn't been 100 percent utilized since
17 the beginning.

18 I would say now out of the 22 spaces that we have,
19 we're probably about 40 percent maybe occupied. Half of the
20 spaces are currently vacant. So that's sort of where this
21 comes into play when we're talking about the spaces are not
22 fully utilized for the last couple of years.

1 ANDREA HICKEY: Could I ask you on an average what
2 those spaces rent for monthly?

3 KAYLA ROBERTSON: I believe they're between \$125
4 and \$150 per month per space.

5 ANDREA HICKEY: That's all from me at the moment.

6 BRENDAN SULLIVAN: This is Brendan Sullivan. I
7 have a question for Kayla or for Counsel regarding parking
8 or lack of parking, but are there any provisions made for
9 bicycle storage; either bike racks or indoor bicycle storage
10 on site?

11 KAYLA ROBERTSON: Yeah, we do right now have some
12 bicycle racks. We have one in each side of the basement,
13 and the plans that Rich will kind of go through, and the
14 slides that will be coming up showed space that we have in
15 the basement will allow for additional bike storage.

16 CONSTANTINE ALEXANDER: How many?

17 KAYLA ROBERSTON: Is that something that you --

18 CONSTANTINE ALEXANDER: How many additional bike
19 storage units would be made available?

20 KAYLA ROBERTSON: I don't know off the top of my
21 head, but we can look at the plans shortly.

22 BRENDAN SULLIVAN: Kayla, is there any room on

1 site that would accommodate enclosed bike storage? Or are
2 you pretty much site bound?

3 KAYLA ROBERTSON: Yeah, yeah. So the storage
4 would be indoors within the basement that we're talking
5 about.

6 BRENDAN SULLIVAN: I'm sorry, the storage would be
7 where?

8 KAYLA ROBERTSON: Inside, in the basement.

9 BRENDAN SULLIVAN: It would be all inside in the
10 basement?

11 KAYLA ROBERTSON: That is correct.

12 BRENDAN SULLIVAN: Okay.

13 NICK ZOZULA: Yep. Mr. Chair, if you don't mind,
14 we can go through the presentation. Some of these questions
15 we can illustrate better.

16 CONSTANTINE ALEXANDER: It's your presentation,
17 however you want to go ahead.

18 NICK ZOZULA: So with all these questions, if we
19 could just go to the next slide, it's the last slide for me,
20 and then it will go -- so again here is just the site plan
21 showing 16-18 Forest Street to the bottom of the screen.
22 That's where we are proposing to provide those seven new

1 accessible units and one accessible renovated unit. There
2 is a unit down there already, and we're looking to renovate
3 that.

4 And that would be four studio units, two one-bed
5 units, and 2 two-bed units in 16-18 Forest. And those would
6 be those eight accessible units.

7 And then to the top of the screen, at the 17-19
8 Forest, those would all be one-bedroom units, and we are
9 proposing to add eight standard units, and two renovated
10 standard units for a total of 10 units in that basement.
11 And those would all be one-beds.

12 So total, we are proposing four studio units, 12
13 one-bedroom units, and 2 two-bed units as a result of this
14 proposal.

15 If you can go to the next slide.

16 In this next slide, we'll just show you -- again,
17 basically what I just said, and it also highlights the
18 zoning relief that we require. I'm happy to go over this in
19 more detail at the end of the presentation, but in sum, all
20 of those relief that we require are long-existing
21 nonconformities.

22 There are things that have been existing on the

1 site for 100 years, and this project granted would make them
2 slightly more nonconforming with regard to things such as
3 the amount of units, the floor area ratio and the like.

4 But all the zoning relief that we require and my
5 understanding is a result of existing nonconformities.

6 So with that, I can have Rich Rankin from CI
7 Design go through the plans. And I think a lot of the
8 questions that the Board has asked so far, he can illustrate
9 those better with pictures.

10 So Rich, if you want to take over?

11 RICHARD RANKIN: Thank you, Nick. Can everybody
12 hear me?

13 ANDREA HICKEY: Yes.

14 CONSTANTINE ALEXANDER: Yes.

15 RICHARD RANKIN: Very good. So the next series of
16 slides -- what we'll try to do is give the Board a bit of a
17 flavor of what these buildings look like, what the existing
18 site configuration is.

19 And then we'll get into a little bit more detail
20 on the lower levels, which are really at the center of this
21 relief that we're seeking and go into a little more detail,
22 and show you how the units lay out and also the access to

1 those units in 16-18.

2 So this is just a series of photographs -- four-
3 story building over a lower level, which is half buried
4 below grade; very nice windows at that lower level, so we
5 can get very nice units down there.

6 Again, as Nick mentioned, the reason that this
7 effort has taken place is, you know, Akelius has acquired
8 the property and made a commitment to renovate every unit in
9 the building. They ran up against the threshold with the
10 accessibility requirements.

11 We met with the AB, and they allowed us, based on
12 impracticality of trying to access these upper units -- you
13 know, ramps and lifts and so on -- allowed us the use of 16-
14 18 to provide accessible units, which were a requirement of
15 the ADA.

16 And subsequent to that, there was an opportunity
17 to put units in 17-19 as well, standard units, and that is
18 where we are today, looking for some relief. So we can just
19 kind of go through these fairly quickly and get to the
20 plans.

21 As part of the renovation to the site, there has
22 been rework of the courtyards, new landscaping, new paving,

1 new sidewalks and repair of the stairs and so on.

2 So we can move -- we can really move through
3 these.

4 I'm sure the Board is fairly familiar with this.
5 This set of photographs shows -- if you go back to -- sorry,
6 one back will show the interiors. It really depicts the
7 underutilized areas in those lower levels. On the left upper
8 left corner is an existing apartment unit, in that lower
9 level. The one below that is a field office.

10 And you can see there's some laundry down there.
11 There is some bicycle storage and some tenant storage down
12 there. The laundries will stay for a short time, as the
13 units are being renovated. Each unit will have its own
14 washer/dryer and some of the space will become available for
15 bike storage as well.

16 As you can see, it's underutilized. The plan here
17 is that we're going to have to take the slab out, lower the
18 slab to get enough ceiling clearance, and during that time
19 we will create a new membrane underneath that slab to
20 waterproof this lower level.

21 I think historically Marc -- and correct me if I'm
22 wrong, but -- there really hasn't been any water issues

1 here. The planning has some concerns about high water
2 potentials table is there, and this is a way to mitigate
3 that, along with the normal water work that was also done
4 with the courtyard work.

5 We can go to the next slide.

6 So this shows the plans of the lower level units.
7 As Nick mentioned, we had four studios -- 2 one-bedrooms and
8 2 two bedrooms in that lower level, and --

9 CONSTANTINE ALEXANDER: Excuse me, could I -- this
10 is Gus Alexander. Could you give me a sense of the
11 dimensions? How big are the two-bedrooms? How big are the
12 studios, in the square feet, roughly, and how big are the
13 one-bedrooms?

14 RICHARD RANKIN: The two-beds are in the 800-
15 square-foot range.

16 CONSTANTINE ALEXANDER: Okay.

17 RICHARD RANKIN: Studios are in the 450- range,
18 and the one-bedrooms are in the 600- range, I would say.

19 ANDREA HICKEY: Could you tell me for the
20 accessible units, how large those units are, how that breaks
21 out?

22 RICHARD RANKIN: I'm sorry, I missed that.

1 ANDREA HICKEY: For the accessible units --

2 RICHARD RANKIN: Mm-hm.

3 ANDREA HICKEY: -- in terms of size -- studio,
4 one-, two- how do those break out?

5 RICHARD RANKIN: These --

6 ANDREA HICKEY: Which of those are devoted?

7 RICHARD RANKIN: Yeah. These units in 16-18 are
8 all accessible units. They meet the requirements of
9 accessibility guidelines and requirements. So they're all
10 accessible -- bathrooms, kitchens, bedrooms and the like.

11 So these are all accessible units, and they're
12 accessible via new vestibules that we'll see in the upcoming
13 slides. Those vestibules occur in the interior crux of the
14 perimeter of the building, and they allow wheelchair access
15 via lift to this lower level, and also a stair.

16 ANDREA HICKEY: And presently there are no
17 accessible units?

18 RICHARD RANKIN: No accessible units, currently
19 none.

20 ANDREA HICKEY: Thank you.

21 RICHARD RANKIN: No, the configuration of the
22 building, it's a level up to the first floor. There were --

1 you know, thirty units spread across the property that were
2 not accessible. Each area you can see there's porticos that
3 serve four units per floor. Through a series of lifts and
4 ramps and so on... it was impractical too to try to access
5 these upper units, and AAB agreed with our finding on that.

6 JIM MONTEVERDE: I'm sorry, was that -- this is
7 Jim Monteverde. When you say, "AAB" was that the City of
8 Cambridge, or was that the Massachusetts Access Board?

9 RICHARD RANKIN: It was Massachusetts.

10 JIM MONTEVERDE: So they reviewed the layout and
11 the configuration in order to meet the accessibility
12 requirements, and they've accepted that as an option?

13 NICK ZOZULA: Correct. They've given us variances
14 for --

15 JIM MONTEVERDE: So you've applied for a variance
16 to be able to do this?

17 NICK ZOZULA: Correct.

18 JIM MONTEVERDE: An MAAB variance?

19 RICHARD RANKIN: Correct.

20 NICK ZOZULA: We've applied and been granted as of
21 2000, the end of last year, 2019.

22 JIM MONTEVERDE: Right, as a variance. Because

1 again I've --

2 NICK ZOZULA: Yes sir, yep.

3 JIM MONTEVERDE: Because I've never seen a
4 configuration like this that basically clusters accessible
5 units --

6 NICK ZOZULA: Right.

7 JIM MONTEVERDE: -- specifically in a basement.
8 The typical concept is that those units -- because you're
9 exactly at the MAAB required number. Once you add the new
10 apartments, you're exactly at 5 percent, in terms of the
11 numbers of accessible, I think?

12 NICK ZOZULA: Yes, sir. We're actually one over.

13 JIM MONTEVERDE: Right.

14 NICK ZOZULA: It's accessible required to be 6.9
15 and --

16 JIM MONTEVERDE: And you're?

17 NICK ZOZULA: -- we're at 7.

18 JIM MONTEVERDE: 7.

19 NICK ZOZULA: And we're proposing 8, and that's a
20 very good point, Mr. Monteverde. We did get a variance for
21 9.4.2 from the MAAB --

22 JIM MONTEVERDE: Right.

1 NICK ZOZULA: -- for the CMR for the distribution
2 of the dwelling units.

3 JIM MONTEVERDE: Yeah, because that's the --

4 NICK ZOZULA: And that was basically -- that's
5 just because of it's the nature of the beast with this
6 building. But we got in practicality and just the amount of
7 money it would take to put these units everywhere in such an
8 old building. It's just --

9 JIM MONTEVERDE: Yeah, so --

10 NICK ZOZULA: It's not possible, so --

11 JIM MONTEVERDE: Yeah. Accessibility is usually
12 blind to cost, although you've gone through the variance
13 process.

14 NICK ZOZULA: Yeah.

15 JIM MONTEVERDE: I mean, I personally take it --
16 have an issue with clustering all of the accessible units,
17 as units in a basement, within a building. I mean, it's
18 really -- it's segregation. You know?

19 NICK ZOZULA: Yeah.

20 JIM MONTEVERDE: And again, I understand that MAAB
21 may have granted you a variance for it, but anything that
22 this Board has to consider I would certainly not feel

1 comfortable with it.

2 NICK ZOZULA: Well -- go ahead, Rich.

3 RICHARD RANKIN: So if I can just jump in. The --
4 this lower level in this particular building is -- and AAB
5 agreed with us on this, is that this is the only area that
6 we can add accessible units on the property.

7 JIM MONTEVERDE: Without installing an elevator, I
8 assume?

9 RICHARD RANKIN: Well yes, correct. An elevator
10 and some type of elevator vestibule of some sort.

11 JIM MONTEVERDE: Correct. Yep.

12 RICHARD RANKIN: In the courtyard. 1719 is almost
13 a zero lot line building, so there is no way to get into the
14 lower level there accessibly.

15 JIM MONTEVERDE: Right. So I'm assuming without
16 doing renovation within -- I'm looking at the stair
17 throughout the -- you know, I assume they connect to the
18 floors up above, you know, without carving out a space in
19 there or losing a unit that you then convert to -- you know,
20 more traditional. I mean a building internal to it has
21 elevator access.

22 I'm assuming you also don't have elevator access

1 to the floors above, or do you?

2 RICHARD RANKIN: These are all walk-ups.

3 JIM MONTEVERDE: They're all walk-ups.

4 RICHARD RANKIN: Yeah. And as I mentioned, each
5 building has four main portico entrances, you know?

6 JIM MONTEVERDE: Yeah. I can see those by plan,
7 correct.

8 RICHARD RANKIN: Yeah. And they serve three to
9 four units per floor.

10 JIM MONTEVERDE: Yep.

11 RICHARD RANKIN: So there is no -- none are
12 connected. They basically have a front entrance to the
13 lobby stair, and then they have a fire stair, which is
14 common to two or three units that goes down and out --
15 typically out the back, going to the side of the building --

16 JIM MONTEVERDE: Yep.

17 RICHARD RANKIN: -- which have continued to be
18 utilized.

19 JIM MONTEVERDE: Okay, thanks.

20 RICHARD RANKIN: So I think we can advance to the
21 next slide. We may have to come back to this one, but we
22 can advance to the next slide.

1 And this is an enlargement. It shows -- there's
2 kind of a key plan in the right there, and it shows the
3 configuration of this vestibule that we are proposing to
4 provide the access to this lower level.

5 So it's basically off the parking area, and we
6 have two of these, one on each side, because again, we can't
7 get from one side to the other in this building. It's quite
8 compartmentalized. That was some of the issues that we
9 dealt with in trying to provide these units.

10 But it's basically an aluminum and glass
11 enclosure, secure entrance. You can see the lift and the
12 stair are just within that enclosure, and provide access to
13 that lower level and circulation.

14 JIM MONTEVERDE: And could that lift not serve the
15 floor above?

16 RICHARD RANKIN: There's a limit to how high you
17 can go with the LULA.

18 JIM MONTEVERDE: Correct.

19 RICHARD RANKIN: And we would exceed that, so --

20 JIM MONTEVERDE: Okay.

21 RICHARD RANKIN: Unless we went for another
22 variance for that or put an elevator in.

1 JIM MONTEVERDE: Or an elevator, correct.

2 RICHARD RANKIN: Yeah. Again, this is a different
3 configuration on the basement level. The upper floor, there
4 is no common corridor in the upper floors.

5 JIM MONTEVERDE: Uh-huh.

6 RICHARD RANKIN: Each of the units are fronting on
7 the entrance lobby, or the lobby stair.

8 JIM MONTEVERDE: Gotcha, okay.

9 RICHARD RANKIN: None of them are -- you can't get
10 to more than three units with an elevator. It's going up a
11 floor.

12 So we can go to the next slide.

13 So these are elevations of what we're proposing
14 for the entrance vestibule. Basically, aluminum and glass
15 [2:47:03 audio unclear - wall storefront] and roof extension
16 to provide some cover for the entrance.

17 We can go to the next slide, which shows a little
18 more context.

19 Upper images are across the parking lot on Frost
20 Street, looking back at 17, and it gives you the proportion
21 and size to this vestibule that we're hoping to provide that
22 access.

1 The slides at the lower left on this particular
2 screen is where that vestibule pops in.

3 We can go to the next slide.

4 RICHARD RANKIN: And these are images of the
5 interior and some pressing images that relate to some of the
6 finishes and the flavor of that interior that we're trying
7 to create.

8 And I think there might be one more. No.
9 Actually, okay that concludes 16-18 I think, so.

10 NICK ZOZULA: Yeah, Rich, why don't you just keep
11 going? I mean we've -- again, Mr. Chair, to your point,
12 these are basically identical cases with the same zoning
13 relief -- a little bit different in terms of the relief or
14 the variation. They are the same.

15 If we could go back up to the few slides -- so
16 Rich, can you just quickly go through these? I think this
17 slide right there would be the first one.

18 Rich, if you just want to take over again quickly,
19 and then --

20 JANET GREEN: Excuse me. So are we done talking
21 about the interior layout? Because I have a question.

22 NICK ZOZULA: Oh, we can certainly go back, yes

1 ma'am.

2 JANET GREEN: Are we going to go -- or are you
3 trying to move to the outside. I just want to make sure I
4 get --

5 NICK ZOZULA: No, we can go back. That would be
6 fine, right Rich? I mean, these are just -- this was just a
7 very quick --

8 RICHARD RANKIN: Sure. So --

9 NICK ZOZULA: I don't know if you want to go
10 through these quickly or not?

11 RICHARD RANKIN: Yeah.

12 NICK ZOZULA: We can go back.

13 JANET GREEN: So I had a question.

14 NICK ZOZULA: Sure.

15 JANET GREEN: Actually about the laundry, which it
16 looked like -- who is that provided? It looked like it had
17 something in the basement, but I wasn't sure if the laundry
18 was accessible, or what other things? You know, I got a
19 little confused about the accessibility question, about --
20 you know, how do people get to the laundry, is that
21 accessible to people?

22 NICK ZOZULA: Sure, sure.

1 JANET GREEN: So that's my question?

2 NICK ZOZULA: Yes. So currently, there are
3 laundry rooms in the lower levels of both buildings, which
4 would serve the tenants on the upper floors.

5 We -- it's going to be a phased situation as we
6 move forward, because as we renovate the units, they get
7 their own washer/dryer setups in each unit. So eventually,
8 everyone will have their own, and we can utilize this
9 current laundry space as storage -- bike storage, other
10 uses.

11 But again, these units are being renovated as
12 people -- as leases expire. Nobody gets -- you know,
13 relocated or anything like that. So it's a process. And
14 eventually these won't be required.

15 JANET GREEN: Mm-hm.

16 NICK ZOZULA: We do need to keep them in place for
17 tenants in the upper floors. These units have not been
18 renovated yet, until such time as they are. So they are
19 accessible via the supplier stairs for upper floor tenants,
20 and accessible to all of these units in these lower levels.

21 So then ultimately everyone -- when everything has
22 been redone, everyone will have a laundry facility within

1 their own unit.

2 NICK ZOZULA: That's correct.

3 JANET GREEN: And this is just there for the time
4 being, while you're working to get that taken care of?

5 NICK ZOZULA: Correct.

6 RICHARD RANKIN: Correct, correct.

7 JANET GREEN: Thank you.

8 NICK ZOZULA: So Rich, I don't know if you want to
9 quickly go through 17-19 if Ms. Green's --

10 RICHARD RANKIN: Sure. 19, it's a bit more
11 straightforward. 66 existing units. We're proposing an
12 additional eight plus two, and for a total of 74 units. And
13 we can just go through this.

14 A similar requirement for relief, and more
15 photography that shows that these buildings are similar, but
16 not identical. And basically similar configurations with
17 regard to entrance and the other issues, with regard to
18 accessing the lower level. It's more the zero lot line
19 buildings, so there really isn't any opportunity on the
20 perimeter to access that lower level.

21 So we'll continue to access that through the
22 tresses and doorways that currently exist on Forest Street,

1 and those would be updated.

2 But again, this shows kind of the underutilization
3 of that lower level. And we've got a little better ceiling
4 height here, but we're going to do that same slab removal,
5 and resupporting of the upper floor to allow for a
6 mechanical system sprinkler and so on.

7 And as part of this renovation, the building is
8 getting sprinkler and electric, HVAC and cooling and so on.
9 So there's quite a bit of work that's being done and in this
10 lower level there is some distribution in these levels.

11 So we can go to the next slide.

12 And this shows the configuration. Again, as Nick
13 mentioned, they're all one-bedrooms; two renovated, two new.
14 Or I'm sorry, two renovated, eight new. And they're all
15 one-bedroom. So in a really similar configuration, and we
16 do have that common access corridor that does not exist on
17 the upper floors.

18 NICK ZOZULA: I think you can go to the last
19 slide. I think that was it, right Rich? Yeah, so --

20 RICHARD RANKIN: Correct.

21 NICK ZOZULA: -- Mr. Chair and members of the
22 Board, you know I think in some, the rationale behind this

1 application is that, you know, Akelius bought the property
2 and the building was in need of major updates in the
3 building, and within the units that are there now.

4 And so, they have taken it upon themselves in the
5 last few years to make those updates and those renovations
6 to the units, including things like -- again, you know,
7 laundry, and other more efficient building options for their
8 residents.

9 And as a result of that, we triggered the MAAB
10 thresholds for accessibility. And in going to the MAAB, in
11 discussing this at length with them, this was seen as the
12 best opportunity to provide accessible units in these
13 buildings that don't have any.

14 And so, that is in sum why we're here tonight.
15 Because in order to do that, we need variances for the
16 zoning ordinance and the special permit to be able to comply
17 with the accessibility code, and also, update the property,
18 as Akelius would like to do.

19 So that concludes our presentation. I am happy to
20 go through some of the applicable variants and special
21 permit standards in more detail. However, I know in the
22 interest of time, we submitted supporting statements for

1 each of these in our applications.

2 We believe there is a hardship here under one of
3 the prongs in terms of having to comply with the
4 accessibility codes and in order to do so any other way than
5 this would be impracticable, and the AAB made that finding,
6 and that has created the need for the subject zoning relief
7 that we're requesting in these applications in order to
8 accommodate these new Group 2A units.

9 So we would suggest that the building structures
10 themselves provide the hardship; their shape, configuration
11 and outdatedness especially, which affect the structures
12 ability to be accessible and thus comply with the zoning
13 ordinance. So I understand there were some questions
14 earlier. We're happy to revisit those, as the Chair or the
15 Board sees fit.

16 And thank you.

17 CONSTANTINE ALEXANDER: Thank you. I do have a
18 question. You really haven't dealt with the variance
19 requirements. As you know, to get the variances you're
20 seeking, you have to meet three tests:

21 A literal enforcement of the provisions in the
22 ordinance would involve a substantial hardship, such

1 hardship as you can still use this building for units.
2 You're not going to be able to increase the use -- the
3 number of units in the building, because of -- without
4 relief, but, you know, I don't see how you meet the
5 substantial hardship test.

6 And the next is even worse:

7 The hardship is owing to circumstances relating to
8 the soil conditions, shape or topography of such land or
9 structures, and especially affecting such land structures,
10 but not affecting generally the zoning district in which it
11 is located.

12 And then the third is desirable relief may be
13 granted, et cetera, et cetera. I think you sort of dealt
14 with that. But you haven't addressed those first two
15 reasons why, or justifications for getting the variance.

16 NICK ZOZULA: Yes, sir.

17 CONSTANTINE ALEXANDER: You focused all on
18 accessibility --

19 NICK ZOZULA: Right.

20 CONSTANTINE ALEXANDER: And I understand that.
21 Now I understand how that all works, but --

22 NICK ZOZULA: Right.

1 CONSTANTINE ALEXANDER: That doesn't justify you
2 getting a variance.

3 NICK ZOZULA: Well, I mean, we would suggest that
4 compliance with these -- you know, Akelius is trying to
5 update the building to modern standards. These buildings
6 are old. And in order to do that, they trigger a certain
7 threshold under state law for accessibility in the state of
8 Massachusetts. And therefore, that itself provides
9 impracticability.

10 We can't add, because of the age of the building -
11 - and Mr. Chair you did read the hardship is owing not only
12 to the soil conditions, shape or topography of the land, but
13 the structures themselves as well.

14 And we would suggest that the hardship is due to
15 the structure. The structure is 100 plus years old, and
16 it's a nonconformity for the area. It's I believe a
17 Residence B subdistrict zoning district. So the actual
18 multifamily use is not allowed in this location.

19 So we would suggest that, in fact the building
20 itself -- the structure, as is in the specific requirements
21 of the ordinance -- the structure itself is what provides
22 the hardship.

1 And the ability for the applicant to reasonably
2 update a building that has not been updated in some time,
3 and frankly is in dire need of that update.

4 So I would suggest that a literal enforcement of
5 these provisions would cause a substantial hardship, which
6 is financial of course, but there is a hardship there, in
7 order to use the building to its best and highest use, which
8 is not to have these units be this old and this outdated, to
9 this effect.

10 So that -- we would suggest that -- and again,
11 we've included this in our narratives, which I'm happy to
12 read into the record, but I don't think we need to -- that
13 we would, to a certain extent, allow for us to comply with
14 those specific requirements.

15 Now, is it a typical case where it's a grade or
16 soil condition, or it's a uniquely shaped lot? No, granted,
17 but the ordinance does talk about a structure, and
18 especially affecting a structure, but not the Zoning
19 District.

20 And this seems to me like a perfect case for that,
21 because we are in a zone that doesn't allow for this type of
22 use, it's an anomaly, but it's been an anomaly for 100

1 years.

2 And the nonconformities that -- the relief that
3 we're asking for is not expanding the building envelope
4 whatsoever, besides slightly, to add for that LULA elevator
5 to those accessible units.

6 And these are all existing nonconformities with
7 regard to the zoning code, both in terms of parking for the
8 special permit, but also every one of the variances, as far
9 as my understanding is, and our review with staff.

10 So we would suggest there is a reason for why we
11 would comply with all of those variance standards. Now,
12 again, I don't -- I grant you that it's not necessarily the
13 typical reason, but if this was ground up construction it
14 wouldn't be built like this, right? It would be built in a
15 way that would be completely accessible.

16 So I think that Akelius is, frankly, doing the
17 best they can with what they were given, with a property
18 they purchased a few years ago, and they're doing their best
19 to comply with everything that they can, in order to do so.

20 So that would be our suggestion, but I understand
21 that, you, there might be some different opinion. But
22 that's how we would put it. And I'd be happy to have

1 further discussion on that, of course, Mr. Chair.

2 BRENDAN SULLIVAN: This is Brendan Sullivan.

3 Counsel, I can understand that the amount of capital
4 expenditures trigger a certain threshold. If you were not
5 to touch the basement at all, not to -- and any of the 15
6 units, and continued with the capital expenditures program
7 that you are, how many units would you have to make
8 accessible?

9 JIM MONTEVERDE: 6. 6.15.

10 BRENDAN SULLIVAN: And --

11 JIM MONTEVERDE: 23 units; five percent is 6.15.
12 I think the point is there's no place to put them. But what
13 you're saying is economically.

14 BRENDAN SULLIVAN: Well, that's -- I guess --

15 JIM MONTEVERDE: Yeah, I'm sorry.

16 BRENDAN SULLIVAN: -- I'm going down, is that
17 economically it would be prohibitive, because in order to
18 meet all the variable standards you would have to
19 reconfigure all the units, and then eventually probably two
20 units become one unit, because of all the accessibility
21 requirements.

22 Maybe I can talk to Jim or to Counsel. Is that a

1 fair assessment, Jim Monteverde?

2 JIM MONTEVERDE: That's the way I'm reading
3 between the lines in the presentation. It's going to have a
4 follow up question.

5 BRENDAN SULLIVAN: So that --

6 JIM MONTEVERDE: I think it's difficult to do. It
7 poses definitely an economic impact, where you --

8 BRENDAN SULLIVAN: But you have to reconfigure --

9 JIM MONTEVERDE: -- try and achieve those units
10 inside the building, both to reconfigure the structure for
11 an elevator, and I don't know what else. The way the
12 building is set up, it could really mean you'd have to go
13 back to negotiate with MAAB, whether you need two elevators,
14 because the corridors don't connect.

15 And I think you're right, Brendan, you probably --
16 you'd have to reconfigure apartments, because they may not
17 be big enough, or you would have to convert a 1 two-bedroom
18 apartment to a 1 for all the space that you would need to
19 make it --

20 BRENDAN SULLIVAN: Right.

21 JIM MONTEVERDE: -- accessible. But I think
22 you're always trapped that you probably wouldn't make your

1 count. It's a pickle. And you're forced to do it. You
2 have to comply, or --

3 BRENDAN SULLIVAN: Right.

4 JIM MONTEVERDE: -- you have to go back for
5 another variance.

6 BRENDAN SULLIVAN: Right.

7 JIM MONTEVERDE: I mean variance -- MAAB variance,
8 yeah.

9 BRENDAN SULLIVAN: Right, so.

10 JIM MONTEVERDE: The question I was going to ask
11 relative to that, just to follow up on Brendan's is tell me
12 you found this when you did your due diligence before you
13 purchased the property?

14 BRENDAN SULLIVAN: Ill defer to Kayla or Mark on
15 that. I wasn't involved at that point with the purchase,
16 and luckily, I'm just on the zoning side.

17

18 JIM MONTEVERDE: Yeah.

19 BRENDAN SULLIVAN: I don't know, Kayla, if -- or
20 Marc, if you --

21 KAYLA ROBERTSON: Sorry, what was the question?

22 JIM MONTEVERDE: The question is this is obviously

1 inherent to the building itself. Did this come out in your
2 due diligence before you purchased the property?

3 KAYLA ROBERTSON: I'm actually not sure. I was
4 not in the position that I'm in when we took over the
5 property.

6 JIM MONTEVERDE: Right.

7 KAYLA ROBERTSON: I mean, it's something that we
8 could certainly look into, but I'm not 100 percent sure on
9 that.

10 JIM MONTEVERDE: I would have to assume that you
11 would, because --

12 KAYLA ROBERTSON: Yeah.

13 JIM MONTEVERDE: -- your intention is obviously to
14 spend this money to do an upgrade.

15 KAYLA ROBERTSON: Correct.

16 JIM MONTEVERDE: That was going to kick you into
17 the MAAB requirements. So my sense is that you -- that done
18 the due diligence, you knew this was coming, because you've
19 already been to MAAB to try and solve --

20 NICK ZOZULA: Yes.

21 JIM MONTEVERDE: -- the issue by getting their
22 agreement to place them all in the basement. Again, my

1 issue is just it's really whatever you've agreed to with
2 MAAB is just clustering them all in the basement is a
3 particularly unusual location, and one that I would find
4 absolutely objectionable.

5 KAYLA ROBERTSON: Yeah, I think --

6 JIM MONTEVERDE: But I can see in that whole
7 configuration how you were driven to -- how you came up to
8 that as a solution. It's kind of the path of least
9 resistance to give you the numbers that need.

10 KAYLA ROBERTSON: Right. I think the goal here
11 was to -- you know, in order to do this trying to be
12 proactive, and, you know, I totally understand where you're
13 coming from in terms of the one building and sort of, like,
14 steering people that way.

15 But, you know, kind of to Nick and Rich's point,
16 it's a very difficult building to try and work with. So I
17 think we're just trying to work with what we have and -- you
18 know, unfortunately it's -- you know, we're trying to find a
19 win-win solution for both sides here.

20 NICK ZOZULA: Yeah. And Mr. Monteverde, to that
21 point -- I'll piggyback on Kayla -- you know, my
22 understanding from just initial discussions on this back

1 with the MAAB and when Akelius bought this property was I
2 think they were understanding that this would be the case,
3 but I don't think they understood to what extent and
4 difficult it was going to be.

5 And so, we worked very hard with Tom Hopkins at
6 the AAB, who has now passed on, unfortunately, and the staff
7 at the AAB to get to this point, and felt that it would be
8 more helpful for us to have gone to them first and come to
9 the Board here tonight, because just that was -- in talking
10 with them at the outset, that's what they asked us to do.

11 And to your point about the distribution of the
12 Group 2A units, it's a very valid point, and I know that we
13 worked very hard with the AAB on that point.

14 And the ultimate decision, or the ultimate push in
15 doing this was that the AAB preferred to have some
16 accessible units in the building, versus none.

17 And I know that's not always the best argument;
18 it's a little bit of an argument I'd use with my
19 kindergartener at home, but that is kind of the way it
20 landed, was -- you know, push comes to shove, this is a
21 better solution, versus having none in the building, and it
22 was a better solution, versus having outdated units in the

1 building, which Akelius would have had to do if this wasn't
2 granted by the AAB, and if it's not granted tonight by the
3 Board.

4 So you're right, it is a difficult situation. But
5 they -- I think it was a decision that needed to be made to
6 get to this point, so.

7 KAYLA ROBERTSON: Was there any consideration to
8 putting accessible units in both buildings? What troubles
9 me in addition to their all being in the basement is to
10 their all being in one building.

11 NICK ZOZULA: That's a great question. Rich, you
12 can answer that better than I, but I know it comes down to
13 the fact of the other buildings at the lot lines, and
14 doesn't allow sufficient ramping, and/or ability to provide
15 the same LULA in this side, right? But you can -- I know
16 you can answer that more eloquently than I can, so.

17 Well, I think, you know, as we went to AAB and
18 Akelius's goal here was to, you know, make this building --
19 these two buildings -- fit the Akelius standard for unit
20 types.

21 So, you know, as this went forward, we hit the
22 threshold, and it was either figure out a way to provide

1 accessible units or get a variance from AAB, or the units
2 were not -- there were going to be no more units that were
3 going to be renovated.

4 So during that process, we proposed, and AAB
5 agreed, that this was the only practical solution. We had
6 to show impracticality, and this was the only practical
7 solution. And there is no way to -- what 1618 allows is
8 these vestibules.

9 You can get to these vestibules to provide access
10 to the lower level. 17-19 is not the case, because it's a
11 zero-lot line building. So the courtyard is the only access
12 point. There are some -- you know, in the back there's,
13 like, zero side yard, and the back yard is basically an area
14 of refuge for the fire stairs. So there's no access back
15 there.

16 ANDREA HICKEY: Well, I think it would be worse if
17 the entrance for people that needed accessibility was in the
18 back of the building. So -- but if I'm hearing you
19 correctly, there are sort of valid architectural reasons for
20 not spreading these units among the buildings?

21 RICHARD RANKIN: Yeah, it's --

22 JIM MONTEVERDE: I don't think they're

1 architectural issues. I think they're economic issue.

2 ANDREA HICKEY: All right, Ji, can you speak to
3 that a little bit? Because I'm struggling with that.

4 JIM MONTEVERDE: It's an economic issue. I mean -
5 -

6 ANDREA HICKEY: So it's an impossibility then, to
7 make some of these accessible units in the other building?

8 JIM MONTEVERDE: Yeah. I wouldn't know that
9 without studying it or asking the presenter to present it in
10 detail, to see how you could enter the other building, if
11 that's the point, either through the courtyard or otherwise;
12 that they're absolutely trapped, that there's no way to get
13 there.

14 ANDREA HICKEY: Right.

15 JIM MONTEVERDE: Either from the sidewalk or from
16 the courtyard. The courtyard looks like it gets you access
17 to the four particular entries, and whether that has any one
18 of those four, or all four have the opportunity for the same
19 LULA that's presented in the other building.

20 I can't tell. It doesn't seem like -- I can't
21 tell if it's an architectural issue. It certainly would
22 mean that the buildings -- the existing buildings would not

1 be able to remain intact.

2 There would be a significant amount of renovation
3 work that would have to be done -- demolition,
4 reconstruction, et cetera -- to be able to put those units
5 either in the other building, or to be able to spread them
6 out within -- you know, either building.

7 I think it's economic. Architecturally, there's
8 always a way to solve it. It's painful, and it's costly,
9 but that's the way to do it.

10 ANDREA HICKEY: Yeah. Well, taking that for what
11 it's worth, I am troubled by all of the accessible units
12 being concentrated in the basement in one building. That's
13 something I'm troubled by.

14 BRENDAN SULLIVAN: This is a Brendan Sullivan. If
15 I could sort of make a comment. You know, we sit here on
16 Thursday nights and people come down before us and
17 constantly requesting that we allow them to add onto
18 buildings, houses.

19 And the question is why, and they say, "Well it's
20 too small. It's too small, too old." And "When did you buy
21 it?" "Well, we just bought it a year, two, three years
22 ago." So the question is, "Well, if it was too small then,

1 why did you buy it?"

2 Now the question that the Chairman asked you was
3 the hardship. And then part of the answer was, "Well the
4 building itself is the hardship." And yet, it wasn't a
5 hardship when you bought it.

6 I think where I'm going with this -- what I would
7 like to see is I can understand the need that you're being
8 encumbered by providing accessible units. And it would be
9 prohibitive, I think to incorporate those into the existing
10 building logistically. It's very, very difficult.

11 So we are putting unused space into apartments.
12 And what I would like to see is that we're adding 15 units,
13 whatever we are required to do for handicapped or accessible
14 unit requirement, and that the rest of the units be
15 affordable housing.

16 And that we also found out that the parking area
17 is underutilized, and that I would like to see some covered
18 bicycle storage in that underutilized area. Now let me --
19 this is Gus Alexander; I want to endorse what Brendan just
20 said. I think what's missing here.

21 I mean I think what's missing here is any attempt
22 to deal with the affordable housing situation in the City of

1 Cambridge. You're asking us to increase the value of your
2 property, and that's what you're -- this is all about. You
3 want to add more rental units, so you can make more money.

4 And how about giving something back to the city?
5 How about giving some affordable housing units that will
6 help the needs of the city?

7 So I'm not in favor of granting you relief
8 tonight, I'll be very up front. You can vote against it. I
9 don't see a spirit of cooperation here, and I don't see an
10 attempt to really deal with the legalities, except for the
11 problems with accessible units.

12 And the legality here is you've got to meet the
13 standard for a variance, as set by state law. And I've read
14 the two key ones, and I haven't heard -- to my mind, anyway,
15 that you've met those.

16 So I'm troubled. I'd be less troubled if there
17 was some attempt to provide more -- some of these units, a
18 lot of these units, hopefully, for affordable housing.

19 NICK ZOZULA: Mr. Chair, if I may respond to that
20 statement, if that's amenable to?

21 CONSTANTINE ALEXANDER: Say it again, please?

22 NICK ZOZULA: May I respond to that?

1 CONSTANTINE ALEXANDER: Oh, of course, of course.

2 NICK ZOZULA: Okay. I didn't want to step on any
3 toes if this was an internal discussion.

4 CONSTANTINE ALEXANDER: No, no, no, no, no, go
5 right ahead.

6 NICK ZOZULA: Okay. It's hard to judge body
7 language on a Zoom call.

8 CONSTANTINE ALEXANDER: I know.

9 NICK ZOZULA: So to that effect, again, you know,
10 I think we'd be happy to provide some voluntary affordable
11 units. And whether that's a discussion that needs to be had
12 now, or a discussion that needs to be had with the Housing
13 folks -- with Linda Prosnitz or others, we're happy to have
14 that.

15 And, you know, I mean frankly, if we -- I think we
16 would be more than happy to provide -- if these were 15 new
17 units, let's just suggest this is at a ground up
18 construction of 15 new units -- what would the affordable
19 component be at that development? I believe it's -- is it
20 20 percent in Cambridge? I'm not 100 percent sure, but we
21 would be happy to work with the city to do that, if that's
22 amenable to the Board.

1 CONSTANTINE ALEXANDER: I think -- I'm sorry, I
2 didn't mean to interrupt you, I apologize.

3 NICK ZOZULA: It's okay. No, no, I was done. I
4 think the point being is we're happy to have that
5 conversation.

6 For whatever reason, I think we started to have
7 that conversation with folks and with staff at one point or
8 another. We provided our rationale and our summary as to
9 why these projects are not applicable in terms of to strict
10 affordability requirement, because we don't cross the
11 thresholds because of the net units and the amount of square
12 footage we're adding.

13 We were never asked, frankly, as far as I can
14 recall, by planning to voluntarily provide any affordable
15 units.

16 Now that being said, we're happy to have that
17 discussion now, and I think in talking with Kayla and Marc,
18 that's amenable to us. So if that something that the Board
19 would like, you know, whether it's right now or otherwise,
20 we're happy to continue this and have a discussion offline
21 with the affordable folks to come to, you know, some sort of
22 an understanding or a voluntary contribution.

1 CONSTANTINE ALEXANDER: That's what I'm
2 suggesting.

3 JANET GREEN: I --

4 CONSTANTINE ALEXANDER: Sorry? I was going to
5 suggest that we -- I hate to do this, but continue this case
6 to allow you to have the discussions with the city officials
7 regarding affordable housing, and come back to us with a
8 specific proposal. I think --

9 JANET GREEN: Gus --

10 CONSTANTINE ALEXANDER: -- that's the only way.

11 JANET GREEN: -- if we're going to continue, and
12 it sounds like we're going to go in that direction of
13 continuing -- I would like to have a chance to speak to the
14 parking question too, so that that would be taken care of in
15 the same timeframe.

16 ANDREA HICKEY: Janet, do you mean having bicycle
17 storage in the parking area, as Mr. Sullivan suggested?

18 JANET GREEN: I do. I walk on that street a lot.
19 The parking on the street is crowded. It's a big problem
20 for that neighborhood.

21 NICK ZOZULA: Yes, yes.

22 JANET GREEN: And I think adding this number of

1 apartments without dealing with the parking question -- and
2 I would suggest that they come to use with a thought about
3 how you're going to deal with bicycles, whether there's
4 going to be something like a Zipcar space or two Zipcar
5 spaces or that sort of thing, which would help get these
6 cars off the street.

7 Right now, I could probably walk down that street,
8 and it would be fully parked up. It's a problem, and I
9 don't think we should let it go past.

10 CONSTANTINE ALEXANDER: Thank you, Janet. Should
11 I make a motion before -- to continue this case? Is that --
12 I'm certainly getting a nod from Brendan, at least. Okay?

13 ANDREA HICKEY: Yes.

14 CONSTANTINE ALEXANDER: Okay. Let me make the
15 motion as follows: The Chair moves that we continue this
16 case as a case heard. For the benefit of the petitioner,
17 that means that when we reconvene the case, it must be the
18 same five people that are sitting here tonight. It can't be
19 other members of the Board.

20 So it will be continued as a case heard, subject
21 to the following conditions:

22 The first is that the petitioner sign a waiver of

1 time for decision, because by law we're required to make a
2 decision in so many days after the petition was filed.
3 Typically we have a standard -- the city has a standard
4 form, and typically we would ask the petitioner to sign it
5 right at the hearing so we get that out of the way. Can't
6 do that, obviously, with virtual hearings.

7 So the motion -- the condition that the petitioner
8 sign a waiver of time for decision is subject to the
9 requirement that that waiver is signed within one week from
10 today. If that is not done, then the petition tonight will
11 be deemed denied, and the case will be over.

12 I can assure the petitioner -- I can't assure him,
13 but I would just comment to the petitioner that it's just a
14 very simple, one-page document that doesn't prejudice you in
15 any way, other than the deadline for a decision has been
16 extended.

17 The second condition is that the petitioner when
18 you have a date, or for the continued case, that the
19 petitioner file a new sign disclosing the date and time and
20 the subject of the case -- same as now, obviously -- and
21 that the sign be maintained for the 14 days required by our
22 ordinance.

1 And lastly, to the extent that each further
2 discussion leads to a modification of the plans or
3 specifications that were submitted in accordance with this
4 petition.

5 Those modified plans must be in the files of the
6 Inspectional Services Department no later than 5:00 p.m. on
7 the Monday before the date of the new hearing. And that's
8 just to allow us as members of the Board and citizens of the
9 city to examine and consider these by definition revised
10 plans.

11 So, all those in favor of continuing the case on
12 this basis -- oh, and we need a date. Sisia, when can we
13 continue this case to?

14 SISIA DAGLIAN: As we mentioned previously, August
15 13 was the first available, but if you want --

16 CONSTANTINE ALEXANDER: Thirteenth of September?

17 SISIA DAGLIAN: -- more time... August.

18 JIM MONTEVERDE: August.

19 CONSTANTINE ALEXANDER: August.

20 SISIA DAGLIAN: But September 10 is the first
21 September date.

22 CONSTANTINE ALEXANDER: I would suggest we do it

1 until September. August is not a good time. People in the
2 city are likely on vacation. We want to have a meaningful
3 conversation -- the petitioner needs to have a meaningful
4 conversation --

5 SISIA DAGLIAN: Okay.

6 CONSTANTINE ALEXANDER: -- with us. So we do have
7 time September 10.

8 SISIA DAGLIAN: Yes.

9 ANDREA HICKEY: Right. And this same panel also
10 has another continued case on that date.

11 CONSTANTINE ALEXANDER: Yeah.

12 ANDREA HICKEY: So we'll all be sitting anyway,
13 presumably.

14 CONSTANTINE ALEXANDER: That's right. Exactly.
15 Petitioner, do you have any problems continuing the case
16 until September 10? Do you want more time? I don't think
17 less time is in the offer. So we can make it later than
18 that, but --

19 NICK ZOZULA: No, Mr. Chair, September 10 would be
20 great. That would give us ample time to work with staff on
21 the two major issues that you brought up. So thank you for
22 your understanding, that would be great.

1 CONSTANTINE ALEXANDER: All in favor of continuing
2 the case on this basis, please?

3 BRENDAN SULLIVAN: Brendan Sullivan, yes for
4 continuing.

5 JANET GREEN: Janet Green, yes for continuing.

6 ANDREA HICKEY: Andrea Hickey, yes for continuing.

7 JIM MONTEVERDE: Jim Monteverde, yes.

8 CONSTANTINE ALEXANDER: And the Chair, Gus
9 Alexander, yes.

10 [All vote YES]

11 So the case is continued, and we'll see everybody
12 back virtually on September 10. Thank you.

13 NICK ZOZULA: Thank you. Thank you for your time.

14 COLLECTIVE: Thank you.

15 ANDREA HICKEY: Gus, could we take a break?

16 CONSTANTINE ALEXANDER: I think it's good idea.
17 10 minutes?

18 ANDREA HICKEY: Five minutes is fine, in this
19 case.

20 CONSTANTINE ALEXANDER: Five minutes is fine.

21 ANDREA HICKEY: Okay.

22 CONSTANTINE ALEXANDER: We're going to recess the

1 case for five minutes. We're going to reconvene at 9:21.

2 Thank you.

3 [BREAK]

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(9:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey,
Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now reconvene this meeting, there was just a brief recess. I'm ready to call the next case, Case Number -- if I can find the file -- Case Number 017250 -- 165 Mount Auburn Street.

Is the petitioner here to make the presentation? You remember, to speak you have to click the button that says, "Participants" and then click the button that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9, and unmute or mute by pressing *6.

So back to 165 Mount Auburn Street. We'll hear from the petitioner?

LOUISE GOFF: Yes. Can you hear me?

JIM MONTEVERDE: Yep.

CONSTANTINE ALEXANDER: Good.

LOUISE GOFF: Yes? Okay. Hi. I'm Louise Goff, the architect for the project. And with me are Sarah and David Karmon, who are the owners of 165 Mount Auburn and the

1 contractor, Jarrod Klein of Wendell Klein. Basically what -

2 [If Sisia can put the images up that would be

3 great.]

4 CONSTANTINE ALEXANDER: I'm sorry, say that again,

5 please?

6 JIM MONTEVERDE: Sisia?

7 LOUISE GOFF: If Sisia could put the images up?

8 Yeah, there we go, great. Okay, so if we go to the last
9 image, that's probably the best one to start with. There we
10 go, yeah. So this is the house. It's a two-family house.

11 Our -- you know, my clients live on the right side
12 of it, and this is their existing entry into the house.
13 What we're looking to do is put an entry awning -- a porch
14 over the stairway, as well as change the stairs to include a
15 landing at the top.

16 If you go back up to the first image, the first
17 slide.

18 So -- yeah, so right here this is the survey, and
19 you can see the size of -- it's about a 20 square foot shed
20 roof. Within the setbacks we are already obviously
21 nonconforming over the FAR, so we're adding a very miniscule
22 FAR to the house.

1 If you go down one, this is --

2 JIM MONTEVERDE: There you go.

3 LOUISE GOFF: Yeah. So right there, that's the
4 new stairway. It would include a 3 x 3, or actually a 3 by
5 a bit more landing, as well as the landing at the bottom and
6 then three steps with that roof over it.

7 And if you go down one more, I believe it's just
8 the roof plan. Yes, right there -- shed roof. And then if
9 -- one more. I'm going to try to make this quick for you
10 guys. This is the existing -- these are the existing
11 stairs. That is a vestibule right there -- entry vestibule
12 with the big windows that you can see.

13 And the issue -- I mean the hardship is, you know,
14 the dimensional requirements, but the issue is that at the
15 corner where that vestibule hits the house, there is a plume
16 of water that basically comes down that corner and just
17 creates issues with ice in the winter, as well as just rain
18 other seasons, with these crazy downpours that we have been
19 having as of late.

20 And so, we're hoping, basically just to make the
21 entry of the house more pleasant.

22 And if you go down one more, you can see right

1 there the entry -- this is the entry -- a very simple shed
2 roof. We have already had this okayed by Historic, so all
3 the detailing would match the house, and yep. So any
4 questions?

5 CONSTANTINE ALEXANDER: Thank you. Members of the
6 Board, anybody have any questions?

7 ANDREA HICKEY: The closest neighbor, have you
8 reached out to them, and do they have any issue with this,
9 the neighbor on that side?

10 LOUISE GOFF: We have not reached out to them. I
11 guess we didn't -- they had the -- a very similar roof over
12 their entry. We sort of kind of ran into a funny thing when
13 we were starting up this process with COVID, and we just
14 didn't do our homework on that -- apology.

15 SARAH KARMON: So this is Sarah Karmon and David
16 Karmon, and we're the homeowners. Yeah, so we -- not in any
17 official way, but we have talked to the neighbors on the
18 other side of the house, who we share the house with, and
19 they are completely comfortable with this idea.

20 They actually used to live on this side of the
21 house. So they very many appreciate the challenge that we
22 have without the roof.

1 And then the neighbor immediately next door, it's
2 also a two-family, but there's just one resident -- she's
3 also very comfortable with this plan.

4 CONSTANTINE ALEXANDER: Thank you.

5 JIM MONTEVERDE: This is Jim Monteverde.

6 CONSTANTINE ALEXANDER: Do you have a question?

7 JIM MONTEVERDE: This is Jim. Can I ask a
8 question, please?

9 CONSTANTINE ALEXANDER: Go right ahead.

10 JIM MONTEVERDE: So as I understand it, if I read
11 their plan correctly in the elevation, you basically -- the
12 stair gets moved closer to Mount Auburn Street to give you
13 the landing in front of what's now the vestibule door,
14 correct?

15 LOUISE GOFF: Correct.

16 JIM MONTEVERDE: And then you put the roof over
17 that to keep away the snow and the rain, et cetera. The
18 vestibule that's there, was that always an enclosed
19 vestibule, or had that been closed in --

20 LOUISE GOFF: That's, that's --

21 JIM MONTEVERDE: -- at some time in its life.

22 LOUISE GOFF: -- um, that's a good question. Um--

1 JIM MONTEVERDE: Because it would appear that the
2 stair always had a landing. The landing was in fact where
3 the vestibule is now.

4 LOUISE GOFF: That's a good point, yep.

5 JIM MONTEVERDE: And so, if you can go back to the
6 original plan, or the floor plan, is -- I assume, and that
7 doesn't work for you? In other words, you use the vestibule
8 --

9 LOUISE GOFF: Reopen that?

10 JIM MONTEVERDE: Yeah, exactly.

11 LOUISE GOFF: You know, I mean they do use it as
12 somewhat of a mud room of sorts, as they enter the house.

13 JIM MONTEVERDE: Yeah, uh-huh.

14 LOUISE GOFF: So I think the preference would be
15 to have -- to go this route, where you have a new landing.

16 JIM MONTEVERDE: Mm-hm.

17 LOUISE GOFF: I mean, that's an interesting
18 question. I don't think we've actually ever talked about
19 that, because it's already in the FAR of the house and it's
20 --

21 JIM MONTEVERDE: Yep. Okay. But then, like you
22 said, you went to historical, they signed off on it?

1 LOUISE GOFF: Historic signed off on it, yep.

2 JIM MONTEVERDE: Mm-hm, okay.

3 BRENDAN SULLIVAN: Okay, thank you.

4 CONSTANTINE ALEXANDER: Any other questions from
5 members of the Board?

6 BRENDAN SULLIVAN: Now, Brendan Sullivan, none.

7 CONSTANTINE ALEXANDER: Okay. I'm going to open
8 the matter up to public testimony.

9 And again, let me point out that if someone wishes
10 to comment on this case, the procedure is you have to click
11 the button that says, "Participants" and then click the
12 button that says, "Raise hand." If you're calling in by
13 phone, you can raise your hand by pressing *9 and unmute or
14 mute by pressing *6.

15 With that -- instruction -- I'll ask again.
16 Anybody wishes to be heard in this case? Apparently not. I
17 don't see any letters in the file as well. I think we can
18 move on to a vote. Other members of the Board agree?

19 COLLECTIVE: Yes.

20 CONSTANTINE ALEXANDER: The Chair moves that we
21 make the following findings with regard to the variance
22 being sought:

1 That a literal enforcement of the provisions of
2 the ordinance would involve a substantial hardship,
3 financial or otherwise to the petitioner, such hardship
4 being as that the area for getting the proposal -- oh, to
5 get into the house is not sheltered properly from rain and
6 the like, leading to problems with -- it just undercuts the
7 usability of the house, and it is a design flaw if you will,
8 but it's a flaw that goes back when the building was built
9 many years ago.

10 The hardship is owing to the shape of the
11 structure -- the way the structure is configured and the way
12 you get in and out of the house requires that you need some
13 shelter from water or rain or ice, as you do so.

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

18 In short, the relief is modest in nature. This
19 relief was actually granted in other situations before; it's
20 just a case of an older building that needs some modern
21 approaches to deal with problems that probably were not
22 appreciated when the building was built.

1 So on the basis of all of these findings, the
2 Chair moves that we grant the variance requested on the
3 condition that the work proceed in accordance with plans
4 prepared by Louise M. Smith Design, LLC, dated July 3, 2020,
5 the first page of which has been initialed by the Chair.'

6 All those -- well, we're going to do a roll call.
7 Brendan, want to start off?

8 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant.

9 CONSTANTINE ALEXANDER: Janet?

10 JANET GREEN: Janet Green, yes.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey, yes.

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: Jim, yes.

15 CONSTANTINE ALEXANDER: And the Chair votes yes as
16 well, it's unanimous. Relief granted. Thank you.

17 [All vote YES]

18 LOUISE GOFF: Great, thank you.

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(9:32 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey,
Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will next
call Case Number 017257 -- I'm sorry, got the wrong one --
Case Number 017294 -- 36 Montgomery Street. Anyone here
wishing to be heard on this matter?

MEGAN KEMP: Yes, good evening, Chair,
members of the Board. My name is Megan Kemp from Adam Dash &
Associates, 48 Grove Street, Somerville, representing the
homeowner, Kama Cicero, and her partner, Paul Wilshire.
Also with me tonight is Keith Hinzman, the architect on this
project.

CONSTANTINE ALEXANDER: Before you go any further
--

MEGAN KEMP: Yes.

CONSTANTINE ALEXANDER: -- because I don't want to
get this case to be what we call a "case heard" but I think
it's going to have to be continued. Are you familiar with
the former guidelines of the City of Cambridge?

1 MEGAN KEMP: I am. I believe the architect has
2 reasoning for why the dormer -- he's asking for the dormers
3 to be constructed the way they are, which is why we're
4 asking for a variance for those.

5 CONSTANTINE ALEXANDER: Well, you've got to
6 understand that those dormer guidelines -- there are
7 guidelines, taken very seriously by this Board. And we
8 expect them to be complied with, or if not, good reason why
9 not.

10 The most important for this Board are the dormer
11 guidelines -- is the size of the dormer. And they're not
12 supposed to be more than 15 feet, or more than 50 percent of
13 the rooftop.

14 One of the dormers that your proposing, or the
15 client is proposing, is 26 feet long. We have never -- not
16 in my time on the Board, and it's been too long perhaps --
17 we have never granted, approved a dormer that big.

18 So we can go forward. I think your chances of
19 getting favorable relief are minimal at best -- or -- and
20 then if you will continue, or, and then if we defeat, if we
21 turn the motion down, we can't come back for two years,
22 except with a completely different project.

1 JESSICA KEELER: Understood.

2 CONSTANTINE ALEXANDER: And the route most people
3 go when they're faced with this is to continue the case --
4 go back, study the former guidelines, rethink it. You might
5 not -- your client might not be able to get everything that
6 she wants, but we're not going to -- I don't think this
7 Board is going to grant plans like the plans you proposed
8 before us. The other members of the Board disagree on this?

9 JANET GREEN: No, I agree wholeheartedly.

10 JIM MONTEVERDE: Yeah, I agree.

11 JANET GREEN: I agree.

12 CONSTANTINE ALEXANDER: Okay. So let's talk about
13 date to continue this case to. Sisia?

14 SISIA DAGLIAN: Well, do you want to do it --

15 CONSTANTINE ALEXANDER: The tenth, or do we have
16 enough room on the tenth?

17 SISIA DAGLIAN: We already have two cases. We
18 don't have any [simultaneous speech] cases right now.

19 CONSTANTINE ALEXANDER: Wait a minute. Say that
20 again?

21 SISIA DAGLIAN: We haven't scheduled our regular
22 cases for that date. So if we want to have a third one for

1 September, then we can adjust the regular cases accordingly.

2 CONSTANTINE ALEXANDER: Okay. I think probably
3 let's do that. We're suggesting -- back to --

4 ANDREA HICKEY: Excuse me, Gus. Did the
5 petitioner agree to a continuance? I'm not sure I even
6 heard that.

7 CONSTANTINE ALEXANDER: I'm going to get there.

8 ANDREA HICKEY: Oh, okay.

9 CONSTANTINE ALEXANDER: We're proposing that you
10 continue this case until September 10. We can take a
11 different date if you want more time -- not an earlier date,
12 because of summer schedule sand the like.

13 So what's the petitioner's desire? Do you want to
14 go forward with the case tonight, try your luck? Or do you
15 want to go back and think about this and look at the dormer
16 guidelines and come back to us on September 10?

17 You can come back with the same drawings, if
18 that's what you want to do, but at least it'll give you a
19 chance. I didn't want you to get blindsided, and find out
20 that you get turned down because can you -- the dormer
21 guidelines you were not even aware of.

22 So what's the pleasure of the petitioner?

1 KAMA CICERO: Is it possible to hear a little bit
2 of a reasoning why before we agree to continue, or no?

3 CONSTANTINE ALEXANDER: I'm sorry, I didn't get
4 what you said?

5 KAMA CICERO: Is it possible to hear a little bit
6 of the reason why we're requesting this, or no?

7 CONSTANTINE ALEXANDER: You don't need -- from
8 your perspective, you don't need a reason.

9 KAMA CICERO: But --

10 CONSTANTINE ALEXANDER: We're suggesting this to
11 you so that you -- we think you might have unfavorable
12 relief if you go forward tonight with what you're proposing.

13 ANDREA HICKEY: Excuse me.

14 CONSTANTINE ALEXANDER: You might still -- I'm
15 sorry, go ahead, Andrea.

16 KAMA CICERO: I don't think you understood her
17 question.

18 CONSTANTINE ALEXANDER: No, I guess I didn't.

19 ANDREA HICKEY: She was asking could we hear a bit
20 of her case. And my response would be then it becomes a
21 case heard, and it's sometimes difficult to get the whole
22 panel back.

1 But I'll let you speak to that, Gus. I'm sorry to
2 interrupt.

3 CONSTANTINE ALEXANDER: And I would endorse what
4 Andrea's just said. We don't want to get into this, discuss
5 the case at all, I don't think, because that will require --
6 and then continue the case, because it would require getting
7 the same five over here tonight, together, and that might be
8 a date later than September 10.

9 But it's the petitioner's decision.

10 KAMA CICERO: Just a quick question. I know the
11 prior cases we're continuing to September, in order to get
12 to the same five people as a case not yet heard. Is there
13 an available earlier date?

14 CONSTANTINE ALEXANDER: The earlier date is in
15 August. It's a bad time of year, and we have a busy
16 schedule, so no.

17 KAMA CICERO: Okay.

18 CONSTANTINE ALEXANDER: It could be later if you
19 want, but not earlier.

20 KAMA CICERO: Just to make that clarification for
21 --

22 CONSTANTINE ALEXANDER: Ready for a --

1 JIM MONTEVERDE: No, hold on.

2 KAMA CICERO: The problem is we're going to be
3 homeless on the streets. We're literally going to be living
4 on the streets. So COVID has -- you know, slowed everything
5 down, and we've been waiting nine months for this date, and
6 now it's another four months, and we'll literally be on the
7 street. We don't have any place to go.

8 CONSTANTINE ALEXANDER: I'm sorry, but, you know,
9 you have to go back to your advisors. They should have
10 considered the dormer guidelines.

11 KAMA CICERO: There's houses on our street with
12 dormers that size.

13 CONSTANTINE ALEXANDER: They may have been built
14 before there were dormer guidelines.

15 KAMA CICERO: No.

16 CONSTANTINE ALEXANDER: I don't know. That's not
17 relevant to us.

18 MEGAN KEMP: Kama, we'll talk separately.

19 BRENDAN SULLIVAN: This is Brendan Sullivan. Let
20 me ask one other thing. Sisia, could you pull up the
21 dimensional form?

22 SISIA DAGLIAN: Yes.

1 BRENDAN SULLIVAN: There's another aspect that you
2 should consider. The dormer is one aspect. While you're
3 reviewing the entire -- if you go down to the Number of
4 Dwelling Units, you have in here "N/A," Requested "N/A,"
5 Ordinance Required "N/A." That needs to be filled in.

6 KEITH HINZMAN: You guys have got to be kidding
7 me. This is the most convoluted process I have ever seen.

8 CONSTANTINE ALEXANDER: Excuse me. It's the
9 builder.

10 BRENDAN SULLIVAN: Now, if because in reviewing
11 the drawings, you saw that in the basement you were putting
12 in a full bathroom and the full kitchen.

13 KEITH HINZMAN: It's not an accessory dwelling,
14 this is part of the main dwelling.

15 BRENDAN SULLIVAN: But you're putting in two full
16 bathrooms and two full kitchens. You're having -- you're
17 putting in a separate entrance into the basement, and the
18 separation down to the basement is a fire door. To me
19 that's --

20 KEITH HINZMAN: The owner had requested that this
21 not be a second dwelling unit, and that this be contiguous
22 with the existing dwelling.

1 BRENDAN SULLIVAN: Well, my suggestion is that you
2 check with Special Services to see their interpretation of
3 those drawings with you have two full bathrooms and two full
4 kitchens in the structure.

5 So while you're doing revisiting the dormer, you
6 should also revisit that basement.

7 KAMA CICERO: We've always had it. It was there
8 prior. We're not adding it, it was already there.

9 BRENDAN SULLIVAN: Again, my suggestion is -- this
10 is Brendan Sullivan for the record -- is that you consult
11 with Inspectional Services to see if your interpretation and
12 theirs are in sync regarding that second bathroom and --
13 that's actually the bathroom, as it is (sic) the second
14 kitchen.

15 CONSTANTINE ALEXANDER: Just a piece of advice.
16 You can ignore it if you wish, but I don't think it would be
17 very wise, just as you were not wise in dealing with the
18 dormer guidelines, frankly.

19 Okay, ready for a motion?

20 ANDREA HICKEY: If we know how Counsel wishes to
21 proceed, again I still --

22 MEGAN KEMP: I would request the continuance,

1 please.

2 ANDREA HICKEY: Thank you.

3 CONSTANTINE ALEXANDER: Yeah, she did. She did
4 request.

5 ANDREA HICKEY: I'm sorry, my apologies.

6 CONSTANTINE ALEXANDER: Okay, the Chair moves that
7 we continue this case as a case not heard, subject to the
8 following conditions:

9 1) That the petitioner signs a waiver of time for
10 decision. That waiver must be signed by a week from today.
11 Failing to do that, the petition will be deemed
12 automatically rejected, and this case has come to an end.
13 It's a very simple form, not controversial -- it's just
14 needed because of the requirements of state law. So that's
15 the first condition.

16 2) The second condition is that a new posting
17 sign, like the one you have up now, disclosing the new date,
18 September 10; the new time, 7:00 p.m., and that sign be
19 posted and maintained for the 14 days before September 10,
20 as required, as you did this time with regard to the signage
21 for tonight's hearing.

22 3) And lastly, to the extent revised plans, or

1 dimensional forms are going to be submitted -- and I think
2 clearly, they will be -- those revised plans and dimensional
3 forms must be in ISD's files no later than 5:00 p.m. on the
4 Monday before September 10. If that's not the case, we will
5 not consider the new plans.

6 Okay? And the reason we require that is to allow
7 members of the Board and citizens of the city to inspect
8 them and consider them and to be able to offer comments if
9 they wish.

10 All those in favor of continuing the case on this
11 basis, please say, "Aye," starting with --

12 BRENDAN SULLIVAN: Brendan Sullivan, yes to
13 continue.

14 JANET GREEN: Janet Green, yes to continue.

15 ANDREA HICKEY: Andrea Hickey, yes to continue.

16 JIM MONTEVERDE: Jim, yes to continue.

17 CONSTANTINE ALEXANDER: And Constantine Alexander,
18 yes to continue. The case continued.

19 [All vote YES]

20 MEGAN KEMP: Thank you.

21 CONSTANTINE ALEXANDER: This guy's a real piece of
22 work!

1 JIM MONTEVERDE: You want to mute yourself, first.

2 ANDREA HICKEY: Yeah.

3 JIM MONTEVERDE: Delete it.

4 CONSTANTINE ALEXANDER: I don't mind. You're
5 right, I should have muted myself.

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2 (9:44 p.m.)

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

6 CONSTANTINE ALEXANDER: Last but not least, the
7 Chair will call Case Number 017293 -- 1654 Massachusetts
8 Ave.

9 Anyone here on behalf of the petitioner? If you
10 want to -- if there is, and you have to speak, you need to
11 click the button that says, "Participants" and then click
12 the button that says, "Raise hand." If you are calling in
13 by phone, you can raise your hand by pressing *9 and unmute
14 or mute by pressing *6.

15 So, do I hear from a petitioner as representative?
16 Going once?

17 SISIA DAGLIAN: Yeah, there should be, Gus. Dan
18 Klasnic?

19 CONSTANTINE ALEXANDER: Say it again?

20 SISIA DAGLIAN: Dan Klasnic should be on.

21 CONSTANTINE ALEXANDER: So far, I haven't heard.

22 ANDREA HICKEY: I see his name up here.

1 JIM MONTEVERDE: He's in the electronic universe.
2 He's just muted.

3 ANDREA HICKEY: He's muted.

4 JIM MONTEVERDE: He's muted. Daniel, you've got
5 to unmute yourself. There you go.

6 [Pause]

7 Dan, are you with us?

8 ANDREA HICKEY: Huh!

9 JIM MONTEVERDE: Nope, muted again. Oh, there he
10 goes.

11 ANDREA HICKEY: Oh, there we are.

12 JIM MONTEVERDE: You're still muted.

13 JANET GREEN: No, he's not muted.

14 ANDREA HICKEY: No, he's not.

15 JIM MONTEVERDE: You're not? Can we hear you?

16 ANDREA HICKEY: Daniel, can we hear you?

17 JIM MONTEVERDE: No, I can't.

18 ANDREA HICKEY: Speak up or unmute.

19 JANET GREEN: It doesn't have the little mute sign
20 on it.

21 JIM MONTEVERDE: I know, but he's moving his lips
22 and I'm not hearing him.

1 JANET GREEN: Well, that's a good point.

2 CONSTANTINE ALEXANDER: I don't see any --

3 JIM MONTEVERDE: I'm going with first things
4 first.

5 JANET GREEN: Nothing gets past you.

6 JIM MONTEVERDE: Yeah, exactly.

7 SISIA DAGLIAN: Daniel, you can also use your
8 phone and call in.

9 JIM MONTEVERDE: I only trust my computer half the
10 time.

11 [Pause/Board members converse socially]

12 CONSTANTINE ALEXANDER: Is the petitioner's
13 Counsel or representative on the call yet?

14 SISIA DAGLIAN: Yeah, he's on the call, he's just
15 having some technical difficulty.

16 ANDREA HICKEY: Yep, I see the phone.

17 DANIEL KLASNIC: Can you hear me? My apologies.
18 Let me see if I can mute this. How do I minimize, I just
19 want to turn down my mic? Okay, can you hear me now?

20 COLLECTIVE: Yes.

21 DANIEL KLASNIC: Okay. Once again, I apologize.
22 My name is Daniel Klasnic, and I'm the attorney representing

1 Verizon Wireless in this matter.

2 I first wanted to say that Verizon Wireless
3 appreciates the opportunity, particularly during these very
4 challenging times, to be able to meet remotely, and I once
5 again appreciate you allowing me to work through the
6 technological problems.

7 But we really just are appreciative of the
8 opportunity to review our proposal to modify the existing
9 rooftop facility at 1654 Mass Ave.

10 Just by way of a little background, the
11 installation was originally approved by special permit in
12 2006, with a subsequent approved modification in 2017. So
13 it's been there for a considerable period of time, operating
14 and providing service to the City of Cambridge.

15 For this qualified 6409 eligible facilities
16 modification request, we did submit an application, as is
17 required, for a special permit in addition to the other
18 documentation GIS plan, a detailed project narrative and a
19 set of plans and photo simulations, licenses and the prior
20 decisions.

21 We included in the narrative an outline of the
22 modifications compliance with Section 6409. I'm sure that

1 that this Board is familiar with the provisions of that
2 federal statute, and as it has been interpreted by the FCC.

3 CONSTANTINE ALEXANDER: Unfortunately, we are.

4 DANIEL KLASNIC: I didn't know if it would be
5 possible just to scroll down for the plans, because I was
6 just going to walk the Board through. Sheet A1 I think is
7 perhaps the best one that's most illustrative. Yeah, that's
8 it right there.

9 So for you, for members of the Board who are
10 familiar with this particular location, as I indicated, was
11 most recently modified in 2017. So currently, Verizon
12 Wireless has a total of nine antennas and six remote radio
13 heads installed on the three separate chimneys located on
14 the rooftop.

15 The modification and what we're proposing to do
16 would consist of removing seven of the existing antennas and
17 all the remote radio heads from their mounts in the chimneys
18 while retaining two antennas.

19 In their place, Verizon Wireless will install nine
20 antennas. So there will now be a total of 11 antennas. And
21 then we'll reinstall the six remote radio heads.

22 I think as shown on the sheet, if you can see the

1 closeup view of that same sheet -- if we could just stay
2 there, please. Thank you.

3 I just wanted to designate each sector. The one
4 up top that's a little off of the screen right now, that's
5 what is designated as the Alpha Sector. The Alpha Sector
6 will have three antennas, and two Remote Radio Heads.

7 The other two chimneys designated as the Beta and
8 Gamma Sectors, will have four antennas and two Remote Radio
9 Heads each.

10 All the equipment will match the existing color of
11 the chimneys. The three additional replacement antennas are
12 actually significantly smaller, as you can see if we move
13 down to Sheet A4, if that's possible.

14 These are the elevation views. I don't find those
15 to be that helpful, because of there's so much material
16 there. But the above -- the one on top says the existing
17 configuration, and there are three separate sectors, so
18 we're showing the antenna [-- I'm sorry, could you go back
19 out a little bit? Right over here, exactly.]

20 So the above shows the existing antenna
21 configuration, and then below with the proposed antenna
22 configuration. So as I had mentioned, the Alpha Sector we

1 have detailed in the left, and then the Beta and Gamma
2 Sectors are identical.

3 And when I had mentioned the smaller antenna, the
4 one I was referencing was that one that's on the far left.
5 And then what they're going to do is utilizing the existing
6 [3:54:40 indiscernible pipelines] on the chimney, just
7 reconfigure all the other locations for those particular
8 antennas.

9 So I don't believe, and as we [-- if we can scroll
10 down and just take a quick look at the photo simulations, I
11 know it's been a long night, but... So if we can go down just
12 one more view, I wanted to just highlight the photo
13 location.]

14 So what Verizon Wireless has provided is four
15 separate photo locations. You can see that two are on
16 Massachusetts Ave, then from Bowdoin Street, and then
17 finally from Rutland Street.

18 And then what we did is we provided, as I'm sure
19 you're familiar, in existing conditions, which would be the
20 next slide down, which this will be Photo 1. So that shows
21 you the existing conditions, the chimney with the installed
22 antennas.

1 And then if we move down to the next slide, this
2 shows -- and this highlights the fact that this is in fact
3 what I had said was the Beta Sector before when we were
4 looking at the roof plan. It shows the after view, noting
5 the two antennas, and then the smaller antenna I had
6 mentioned.

7 And then the other views go as well -- slide
8 number -- this is the existing Alpha Sector, showing the
9 antennas mounted to the chimney. And then the next slide
10 shows, once again, the reconfiguration of the antennas.

11 And then the next slide is -- the next two slides
12 are sort of similar, but this once again shows the existing
13 view, and then once again the proposed.

14 And then the last slide of the photo simulations
15 shows the final sector, which is a little difficult to view.
16 But you see, we call out how we are reconfiguring the
17 proposed facility.

18 And really the purpose of this modification I
19 think is similar to what I'm sure this Board is familiar
20 with, when other wireless service providers come before you
21 to do these types of modifications.

22 We're constantly trying to deal with capacity and

1 other issues, and adapting to the circumstances, so there's
2 an opportunity to utilize new tech -- different types of
3 antennas that are more efficient, and allow us to, you know,
4 just adjust to the network requirements.

5 And as I had said I think at the beginning, I have
6 included in the narrative a breakdown of how this particular
7 modification does comply with that federal statute, Section
8 6409 modification. We have filed with "All Rights
9 Reserved." Also a special permit application with this
10 Board, as consistent with your requirements.

11 I went through actually in detail compliance with
12 each one of your special permit criteria as well. This is
13 an existing facility, it's a slight modification.

14 I would imagine after the change is made, no one
15 is going to notice there has in fact been a modification.
16 Everything will continue to be colored to match the
17 chimneys, just as they are now.

18 So we just would respectfully request that the
19 Board, you know, grant approval for this proposed
20 modification. Thank you very much.

21 CONSTANTINE ALEXANDER: Thank you. The site is
22 located in a residential zoned district. Under our

1 ordinance -- I'll read from the ordinance:

2 "The Board of Zoning Appeals shall grant a special
3 permit to erect such a facility [-- we're talking about a
4 Telecom Facility --] in a residential zoned district only
5 upon a finding that nonresidential uses predominate in the
6 vicinity of the proposed facility's location, and that the
7 telecommunication facility is not inconsistent with the
8 character that does prevail in the surrounding neighborhood.

9 Can you just address that a little bit for us,
10 please?

11 DANIEL KLASNIC: Yes. As I had said, this is an
12 existing facility that's being modified. I did review your
13 prior decisions, and this Board has always found that
14 there's -- you know, even though there -- this is a
15 residentially zoned area, there's a lot of actual commercial
16 in the area as well.

17 So having found that, and with the efforts made to
18 have it blend in with the existing architectural features,
19 this Board has always found that this is something that
20 satisfies that requirement, and is consistent with your
21 ordinance.

22 CONSTANTINE ALEXANDER: Well, we do that because

1 of the neighborhood. Every neighborhood is different. We
2 may not do it every time, but your position is that in this
3 area, we don't have any telecommunications cases involving
4 this general area, that nonresidential uses do predominate.

5 And in fact, right across the street is Lesley
6 University. There are many storefronts in your building
7 itself, and up and down Massachusetts Avenue. Harvard Law
8 School is not very far down the street as well.

9 So I think we can make the finding that
10 nonresidential uses predominate in the vicinity of your --
11 of the structure involved here.

12 So okay, with that, that's the first finding I
13 propose that this Board make. Now we have to go to the rest
14 of the case. Since it is a special permit, we have to make
15 various findings under Section 10.43 of our ordinance, and
16 let me go through them.

17 1) The requirements of the ordinance cannot be met
18 unless we grant the relief you're seeking.

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

1 And as you pointed out, the modification is barely
2 noticeable. And it's sitting on top of a large building.
3 There's no congestion or hazard being caused, or substantial
4 change in established neighborhood character.

5 3) That the continued operation of or development
6 of adjacent uses, as permitted in the ordinance, will not be
7 adversely affected by what is proposed. And to this point,
8 we received no letters or communications from owners of the
9 adjacent uses complaining that their use is going to be
10 adversely affected by what is proposed.

11 4) No nuisance or hazard will be created to the
12 detriment of the health, safety and/or welfare of the
13 occupant or the citizens of the city.

14 5) And generally, what is being proposed will not
15 impair the integrity of the district or adjoining district,
16 or otherwise derogate from the intent and purpose of this
17 ordinance.

18 The Board also finds that the modification of it's
19 existing telecommunication facility at the site proposed by
20 the petitioner does not substantially change the physical
21 dimensions of the existing wireless tower or base station at
22 such facility, within the meaning of Section 6409A of the

1 Middle Class Tax Relief and Job Creation Act of 2012, also
2 known as the Spectrum Act.

3 Based on these findings, the Chair moves that the
4 petitioner be granted the special permit it is seeking,
5 subject to the following conditions:

6 One, that the work proceed in accordance with the
7 plans submitted by the petitioner, and initialed by the
8 Chair.

9 Two, that upon completion of the work, the
10 physical appearance and visual impact of the proposed work
11 will be consistent with the photo simulations submitted by
12 the petitioner, and initialed by the Chair.

13 Three, that the petitioner shall at all times
14 maintain the proposed work, so that its physical appearance
15 and visual impact will remain consistent with the photo
16 simulations previously referred to.

17 Four, that should the petitioner cease to utilize
18 the equipment approved tonight for a continuous period of
19 six months or more, it shall promptly thereafter remove such
20 equipment and reinstate the building on which it is located
21 to its prior condition and appearance, to the extent
22 reasonably practical.

1 Five, that the petitioner is in compliance with,
2 and will continue to comply with in all respects the
3 conditions imposed by this Board with regard to previous
4 special permits granted to the petitioner, with regard to
5 the site in question.

6 Continuing...

7 In as much as the health effects of the
8 transmission of electromagnetic energy waves is a matter of
9 ongoing societal concern, and scientific study, the special
10 permit is also subject to the following conditions.

11 a) That the petitioner shall file with the
12 Inspectional Services Department each report it files with
13 the federal authorities regarding electromagnetic energy
14 waves emissions emanating from all of the petitioner's
15 equipment on the site.

16 Each such report shall be filed with the
17 Inspectional Services Department no later than 10 business
18 days after the report has been filed with the federal
19 authorities.

20 Failure to timely file any such report with the
21 Inspectional Services Department shall ipso facto terminate
22 the special permit granted tonight.

1 b) That in the event that at any time the federal
2 authorities notify the petitioner that its equipment on the
3 site, including but not limited to the special permit
4 granted tonight, fails to comply with the requirements of
5 law, or governmental regulation -- whether with regard to
6 the emissions of electromagnetic energy waves or otherwise -
7 - the petitioner within 10 business days of receipt of such
8 notification of such failure, shall file with the
9 Inspectional Services Department a report disclosing in
10 reasonable detail that such failure has occurred, and the
11 basis for such claimed failure.

12 The special permit granted shall ipso facto
13 terminate if any of the petitioner's federal licenses is or
14 are suspended, revoked or terminated.

15 c) That to the extent that a special permit has
16 terminated, pursuant to the foregoing paragraphs a) and b),
17 the petitioner may apply through this Board for a new
18 special permit, provided that the public notice concerning
19 such application discloses in reasonable detail that the
20 application has been filed because of the termination of the
21 special permit pursuant to paragraphs a) and b) above.

22 Any such new application shall not be deemed a

1 repetitive petition, and therefore will not be subject to
2 the two-year period during which repetitive petitions may
3 not be filed.

4 And lastly...

5 d) that within 10 business days after receipt of a
6 building permit for the installation of the equipment
7 subject to this petition, the petitioner shall file with the
8 Inspectional Services Department a sworn affidavit of the
9 person in charge of the installation of equipment by the
10 petitioner of the geographical area that includes Cambridge
11 stating that a) he or she has such responsibility, and

12 b) that the equipment being installed pursuant
13 to the special permit we are granting tonight will comply
14 with all federal safety rules, and will be situated and
15 maintained in locations with appropriate barricades and
16 other protections, such that individuals, including nearby
17 residents and occupants of nearby structures will be
18 sufficiently protected from excavate radiofrequency
19 radiation under federal law.

20 All those in favor? We'll do it by roll call
21 vote. All those in favor of granting the special permit
22 subject to the conditions I have outlined?

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

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

5 ANDREA HICKEY: Andrea Hickey, I vote in favor of
6 granting the special permit.

7 JIM MONTEVERDE: And Jim Monteverde, I agree to
8 the special permit.

9 CONSTANTINE ALEXANDER: And lastly, the Chairman,
10 Constantine Alexander, agrees with it as well.

11 [All vote YES]

12 So motion -- permit granted; special permit
13 granted. Relief granted, and all and goodnight. The case
14 --

15 DANIEL KLASNIC: Thank you very much.

16 CONSTANTINE ALEXANDER: Thank you.

17 DANIEL KLASNIC: I appreciate it.

18 CONSTANTINE ALEXANDER: Thank you.

19 DANIEL KLASNIC: Have a great evening.

20 JIM MONTEVERDE: Thank you.

21 COLLECTIVE: Thank you, goodnight, really well
22 done. Thank you, Sisia, for running the show. Goodbye.

1 [09:57 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