

August 13, 2020

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, AUGUST 13, 2020

7:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Jim Monteverde

Laura Wernick

City Employees

Ranjit Singanayagam

Sisia Daglian



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P R O C E E D I N G S

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(6:01 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: To those of you out in TV
land and Zoom land, welcome to the August 13 meeting --
August 13, 2020 meeting of the Cambridge. My name is
Constantine Alexander, and I am the Chair.

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

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22, within
Cambridge. There will also be in due course a transcript of

1 the proceedings.

2 All Board members, applicants, and members of the
3 public will state their name and address -- the address is
4 not for Board members, it's for anyone else -- before
5 speaking. All votes will be taken by roll call.

6 Members of the public will be kept on mute until
7 it is time for public comment. I will give instructions for
8 public comment at that time, and you can also find
9 instructions on the city's webpage for remote BZA meetings.

10 Generally, you will have up to three minutes -- to
11 speak, and generally is very generous. Our goal is to limit
12 people who speak to three minutes, so we can get out of
13 here, or we can end this meeting at a somewhat reasonable
14 hour, particularly given the last case on the agenda
15 involving a comprehensive permit, or the seeking of a
16 comprehensive permit.

17 Now, I'm going to start by asking the staff to
18 take Board member attendance and verify that all members are
19 audible.

20 BRENDAN SULLIVAN: Brendan Sullivan; present.

21 JIM MONTEVERDE: Jim Monteverde; present.

22 LAURA WERNICK: Laura Wernick; present.

1 SISIA DAGLIAN: Janet, are you there?

2 CONSTANTINE ALEXANDER: Is Janet present?

3 SISIA DAGLIAN: Janet, can you hear me?

4 JANET GREEN: Janet Green, can you hear me?

5 CONSTANTINE ALEXANDER: Now we can hear you, yes.

6 SISIA DAGLIAN: Yeah, it broke up a little bit.

7 JANET GREEN: Oh, okay. Janet Green present.

8 CONSTANTINE ALEXANDER: And I the Chair,

9 Constantine Alexander -- obviously. I am present. With

10 that. I'm going to call the first case.

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(6:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: It's Case Number #017284
-- 33 Hunting Street. Anyone here wishing to be heard on
this matter?

ADAM GLASSMAN: Yes.

CONSTANTINE ALEXANDER: Mr. Glassman, go right
ahead.

ADAM GLASSMAN: Thank you, Chair. This is Adam
Glassman, GCD Architects, 2 Worthington Street in Cambridge,
representing Ian Crowley and Lisa Schonberger, the owners
and residents of 133 Hunting in Cambridge.

We are here tonight seeking a request for both a
variance and a special permit. Are we on the variance
first?

CONSTANTINE ALEXANDER: Yes, let's do the variance
first.

ADAM GLASSMAN: Okay.

CONSTANTINE ALEXANDER: And then go to the special

1 permit, and then we'll do the votes on both at the end of
2 the presentation.

3 ADAM GLASSMAN: Okay. So we're here tonight --
4 they're the occupants of a single-family that is 1466 square
5 feet. It's nonconforming -- existing, nonconforming due to
6 all setbacks. And we are proposing to add 376 additional
7 square feet, continuing or extending the existing rear and
8 left-side setbacks.

9 Our FAR increases modestly, but it remains
10 conforming. Our building height remains conforming, and we
11 are not increasing the nonconformities on the other sides of
12 the house.

13 CONSTANTINE ALEXANDER: Am I correct that the
14 envelope that the building occupies is not going to be
15 changed, should we grant you the relief you're seeking?

16 ADAM GLASSMAN: Um...

17 CONSTANTINE ALEXANDER: I mean, you're obviously
18 going to make an addition on the outside.

19 ADAM GLASSMAN: Right.

20 CONSTANTINE ALEXANDER: But you're not --

21 ADAM GLASSMAN: Correct.

22 CONSTANTINE ALEXANDER: -- intruding into

1 setbacks, you're not exceeding the FAR?

2 ADAM GLASSMAN: No, we're not. Our FAR remains
3 conforming. I think just to your question, if you look on
4 page L.1, you'll see that we're expanding the first-floor
5 footprint by about 85 square feet. And that's the only area
6 where we actually enlarged the existing footprint.

7 There's an existing rear bump out, a series of
8 bump outs, that we'll be removing and rebuilding. There's a
9 first-floor bump out with a rear shed roof. That rear bump
10 -- existing rear bump out will remain, but we are extending
11 it towards the right by 86 square feet. You can see that on
12 L.1.

13 Is that clear, I can keep moving?

14 CONSTANTINE ALEXANDER: I'm sorry?

15 ADAM GLASSMAN: If that's clear, I'll keep going?

16 CONSTANTINE ALEXANDER: Yes, keep going.

17 ADAM GLASSMAN: Okay. Sisia, can you go to the
18 next page, please?

19 So in these demo plans, you can see the rear --
20 I'm sorry, well sort of a right-sided rear existing bump
21 out. It's a set of steps that's not code-compliant, not
22 safe. It goes to the basement, and this makes basement

1 access very difficult.

2 We have an area of unexcavated space below the
3 living room, the first-floor living room. So we'd like to
4 -- we're excavating that, creating a full basement. That
5 does not need relief.

6 Next page, please?

7 On the second floor, we've -- again these series
8 of bump outs in the back, with full bathroom on the second
9 floor. We'd be removing that. It's now part of a dormer.
10 That will all be coming out. The existing three bedrooms
11 and main stairwell will remain.

12 Next page?

13 The shaded areas show you the existing areas to be
14 removed and then rebuilt. We have a one-story shed roof
15 bump out. We've got a one-story entry bump out that turns
16 into a second-story dormer above. These are a series of
17 sort of unfortunate additions that have been built on over
18 the years.

19 Next page, please?

20 Number 1, you can see the proposed full basement.
21 And the relief we're seeking is to build this rear addition,
22 which would give the owners a much safer and easier access

1 to the basement, which is to remain unfinished. The other
2 portion of the first story addition would be a very modest
3 mudroom. They've got a growing family, people are coming
4 in, things are cramped and this would give them a little bit
5 more breathing room.

6 Next page, please?

7 On the second floor, where most of the addition --
8 proposed addition is located, we'd be adding a family room,
9 reconfiguring the single full bathroom -- to remain the only
10 bathroom on the second floor -- and a small deck in the
11 corner.

12 And in the roof plan, you can see that the
13 existing additions, which had to be removed, will transform
14 into this better proportioned addition and a more rational
15 roofline.

16 Next page?

17 So on these elevations you can see the dashed
18 line. The overlay shows you what is existing now to be
19 removed, and then the proposed additions in the back and on
20 the side, I think, you know, creates a better proportioned
21 house from the exterior and really doesn't enlarge the
22 footprint all that much.

1 Next?

2 This is a comparison of the rear view of the
3 existing and proposed.

4 Next slide? Actually, we can end there, and I want
5 to apologize I jumped the gun. I had told Lisa that I'd
6 like them to introduce themselves to the Board and just
7 explain who they are and why they need this relief. So if
8 they're audible, I'd like to hand it over to them for a
9 minute?

10 LISA SCHONBERGER: Hi. Thank you so much for
11 hearing our presentation today. Our name is Lisa
12 Schonberger and Ian Crowley of --

13 IAN CROWLEY: 33 Huntington Street.

14 LISA SCHONBERGER: Yes. We bought 33 Huntington
15 Street in 2000 after having rented in this neighborhood for
16 five years prior to that. We love living in Cambridge. We
17 love living in this neighborhood in particular. Great
18 neighborhood. We have good neighbors.

19 We have something that I think is fairly rare in
20 this neighborhood, we have on-street parking. We have a
21 little bit of a yard, and we can walk or bike to most places
22 that we want or need to go to. So we really love living

1 here.

2 It's an 1886 Colonial house that was -- we
3 believe, we learned -- was a worker's cottage for a factory
4 nearby. And in these 20 years prior to us owning the place,
5 the one-story living room addition was put on and the indoor
6 plumbing, bathroom, et cetera.

7 We've loved living here, and we've made some
8 changes to the interior of the house, such as renovating our
9 kitchen over the years that we've owned it.

10 We now -- we have 15-year-old twins now, who were
11 born in Cambridge, and this is the only house that they've
12 ever lived in. They're going to be sophomores at Cambridge
13 Rindge and Latin this fall. I'm working from home.

14 And while we've managed with the internal changes
15 that we've made over the years; we really have gotten to a
16 point where this house is just too small for our growing
17 family. We -- and this is why we're approaching you for
18 this request to add a modest addition I think to our current
19 house.

20 Our children have small bedrooms, and little or no
21 closet space, which has become pretty problematic for our
22 now clothes-conscious --

1 IAN CROWLEY: Teenagers.

2 LISA SCHONBERGER: -- teenagers. We also have one
3 bathroom, which is another challenge with teenagers for four
4 of us.

5 And additionally, our ceiling upstairs and down in
6 the basement are quite low, and we are a tall family. You
7 can't tell from this Zoom view, but we are a tall family,
8 and the male members of the family are six feet or taller.

9 And actually, our son gashed his head on top of
10 the door frame earlier, and had to go to Mount Auburn ER and
11 had to get stitches. So we're literally growing vertically
12 and outgrowing our current space.

13 In addition to -- you know, needing a bigger
14 bathroom, another toilet --

15 IAN CROWLEY: And closet space.

16 LISA SCHONBERGER: -- and much more closet space,
17 more space in the basement for storage and -- at some point,
18 we don't plan to do this now, but perhaps -- at some point
19 making it into a habitable space.

20 We really do need this space in order to be able
21 to stay here. And we love living here, and want very much
22 to stay here.

1 We need a place for our kids and us to relax. We
2 need a place for everybody to do schoolwork, and both of us
3 are currently working from home and that is likely to
4 continue, and we need space to be able to have us all here
5 at the same time and comfortable.

6 IAN CROWLEY: Yeah.

7 LISA SCHONBERGER: Thank you, everyone. And I'll
8 send it back over to Adam.

9 CONSTANTINE ALEXANDER: Mr. Glassman? Oh, there
10 you are.

11 ADAM GLASSMAN: Thank you. So they I think
12 compellingly made a case for this request. And I'd just add
13 that I think these additions and renovations in the exterior
14 will improve the image of the house greatly.

15 And it does so without any negative impacts on the
16 abutters with the neighborhood in general -- the scale and
17 the character of the house and the neighborhood will remain
18 intact -- no noise or light pollution, no shadows cast on
19 abutting properties.

20 So with that, does the Board have any questions?

21 CONSTANTINE ALEXANDER: Why don't we move on to
22 the special permit, and then we'll go to questions for both

1 special permit case --

2 ADAM GLASSMAN: Sure.

3 CONSTANTINE ALEXANDER: -- for both forms of
4 relief that you're seeking?

5 ADAM SHULMAN: Sure. Oh, okay. So the special
6 permit is for the three -- or the six proposed windows on
7 the rear elevation, which are within the setback?

8 CONSTANTINE ALEXANDER: Have you had any issues
9 with the abutters, whose privacy might be affected by these
10 windows that are being added?

11 ADAM GLASSMAN: No, we haven't -- we're not
12 bringing the envelope any closer to the rear. There are
13 existing windows that we're replacing, and I believe we have
14 support from -- or at least no opposition from any neighbor.

15 CONSTANTINE ALEXANDER: Thank you. Okay. At this
16 point, I'll ask Board members -- any Board members have any
17 questions they wish to ask of Mr. Glassman?

18 BRENDAN SULLIVAN: This is Brendan Sullivan. I
19 have no questions at this time.

20 JIM MONTEVERDE: Yeah, this is Jim Monteverde.

21 JANET GREEN: Janet Green; I have no questions.

22 JIM MONTEVERDE: Yeah -- Laura?

1 LAURA WERNICK: No questions.

2 CONSTANTINE ALEXANDER: Okay.

3 JIM MONTEVERDE: Yeah -- Jim Monteverde -- no
4 questions.

5 CONSTANTINE ALEXANDER: With that, I'll open the
6 matter up to public testimony. We have no letters from
7 abutters, pro or con. I don't know if anyone wishes to
8 speak, so I'll take a few seconds and see if people want to
9 speak on this case.

10 JANET GREEN: Can you read the instructions for --

11 CONSTANTINE ALEXANDER: Oh yes, thank you, I
12 forgot.

13 JANET GREEN: No problem.

14 CONSTANTINE ALEXANDER: Let me read the
15 instructions, I've been reprimanded. Any members of the
16 public who wish to speak should now click the icon at the
17 bottom of your Zoom screen that says, "Raise hand." If
18 you're calling in by phone, you can raise your hand by
19 pressing *9 and unmute or mute by pressing *9, and unmute or
20 mute by pressing *6.

21 So with those instructions, I'll take a few
22 minutes to see if anyone wishes to speak.

1 [Pause]

2 Apparently not, so I will close public testimony.

3 Discussion by Board members, or are we ready for a vote?

4 Votes -- two votes.

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

6 LAURA WERNICK: Ready for a vote.

7 JIM MONTEVERDE: Ready.

8 BRENDAN SULLIVAN: Yeah -- Brendan Sullivan --
9 ready for a vote.

10 CONSTANTINE ALEXANDER: All right. We'll take the
11 variance request up first. The Chair moves that we make the
12 following findings with regard to the variance being sought:

13 That a literal enforcement of the provisions of
14 the ordinance would involve a substantial hardship, such
15 hardship being that this is an older structure, not -- built
16 in 1886, as I understand it. And it is not a spacious
17 structure. And with a growing family, there is a need for
18 additional living space.

19 That the hardship is owing to the fact that this
20 is an older structure that -- again, as I said before,
21 requires in this case at least additional living space.

22 And that relief may be granted without substantial

1 detriment to the public good, or nullifying or substantially
2 derogating from the intent or purpose of this ordinance.

3 In this regard, the Chair notes that the relief
4 being sought doesn't really affect the overall boundary of
5 the structure. It's almost internal in terms of its impact
6 or the additional construction.

7 And that there is no -- apparently no neighborhood
8 opposition, at least they have received no communications to
9 that effect.

10 And that, you know, generally this is a case
11 that's a classic one in Cambridge -- one that we don't
12 always grant relief for, but one that as a young couple with
13 essentially a starter home that needs now more space as the
14 family has expanded, and this is why the petitioners are
15 here tonight.

16 And again, there's -- on the other side of the
17 coin, there's really no neighborhood or city impact, at
18 least that I can see.

19 So on the basis of all of these findings, the
20 Chair moves that we grant the variance requested on the
21 condition that the work proceeds in accordance with plans
22 prepared by GCD Architects, dated March 20, 2020, the first

1 page of which has been initialed by the Chair. Brendan, how
2 do you vote?

3 BRENDAN SULLIVAN: Brendan Sullivan; yes to grant
4 the relief requested.

5 JANET GREEN: Janet Green; yes to grant the relief
6 requested.

7 CONSTANTINE ALEXANDER: Jim or Janet?

8 JANET GREEN: Yes, can't you hear me?

9 CONSTANTINE ALEXANDER: No, no, I'm sorry. I mean
10 Laura.

11 JIM MONTEVERDE: Laura?

12 CONSTANTINE ALEXANDER: My mistake.

13 LAURA WERNICK: Laura Wernick; yes to grant the
14 relief.

15 JIM MONTEVERDE: And Jim Monteverde; yes.

16 CONSTANTINE ALEXANDER: Laura?

17 LAURA WERNICK: Yes; Laura Wernick yes.

18 [All vote YES]

19 CONSTANTINE ALEXANDER: Okay. And the Chair votes
20 yes as well, so the motion has been unanimously approved,
21 and the variance has now been granted.

22 Turning to the special permit, there's a whole

1 different set of findings we have to make in order to grant
2 the special permit.

3 And so, the Chair moves that we make the following
4 findings with regard to the special permit being sought
5 regarding windows:

6 That the requirements of the ordinance cannot be
7 met unless we grant this relief for the special permit.

8 That traffic generated or patterns in access or
9 egress resulting from what is being requested will not cause
10 congestion, hazard, or substantial change in established
11 neighborhood character.

12 In this regard, as Mr. Glassman has advised the
13 Board, this really -- the nature of where these windows are
14 is actually rebuilding windows, or slightly changing them --
15 -- has no impact on the neighborhood.

16 And again, I would point to the fact that there
17 are no neighbors who have contacted this Board in opposition
18 or questioning what is being proposed.

19 That the continued operation of or development of
20 adjacent uses, as permitted in the ordinance, will not be
21 adversely affected by the nature of the proposed use; the
22 adjacent uses are residential. And what is proposed is not

1 going to affect these residential uses.

2 No nuisance or hazard will be created to the
3 detriment of the health, safety and/or welfare of the
4 occupant of the structure or the proposed use, or the
5 citizens of the city.

6 And generally, what is being proposed will not
7 impair the integrity of the district or adjoining district,
8 or otherwise derogate from the intent and purpose of this
9 ordinance.

10 So on the basis of all of these findings, the
11 Chair moves that we grant the special permit requested,
12 again on the condition that the work proceeds in accordance
13 with plans that I have identified with regard to the
14 variance. Brendan?

15 BRENDAN SULLIVAN: Brendan Sullivan; yes to
16 granting the special permit.

17 JANET GREEN: Janet Green; yes to grant the
18 request.

19 LAURA WERNICK: Laura Wernick; yes to grant the
20 request.

21 JIM MONTEVERDE: And Jim Monteverde yes.

22 CONSTANTINE ALEXANDER: And the Chair makes it

1 unanimous.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: Special permit granted.

4 Good luck.

5 IAN CROWLEY: Thank you very much.

6 LISA SCHONBERGER: Thank you.

7 CONSTANTINE ALEXANDER: Thank you. I'm waiting
8 for the next file. But while I'm waiting, I'll call the
9 case.

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(6:24 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: The Chair will call Case
Number 017289 -- 23 Greenough Avenue. Anyone here wishing
to be heard on this matter?

MICHAEL WIGGINS: Yes, Mr. Chairman, this is
Michael Wiggins. I don't know if my face is appearing on
the video?

CONSTANTINE ALEXANDER: Not yet.

MICHAEL WIGGINS: There it is.

JANET GREEN: There you are.

MICHAEL WIGGINS: Good evening.

CONSTANTINE ALEXANDER: Okay, so --

MICHAEL WIGGINS: I'm here tonight on behalf of
D&D Homes, the owner of the property at 23 Reno Avenue. I'm
here with Trina Murphy, who is the Business Manager of DND
Homes; and also, Ralf Kilfoyle, who's the Project Architect.

[Noise]

There's Ralf.

1 This is a two-family that's being renovated for
2 two-family use, to create habitable space in the basement.

3 And in the course of planning those renovations,
4 D&D Homes determined that it would be very important to have
5 window wells in order to make the space habitable, and also,
6 to provide egress. So I'm going to have Ralf walk through
7 the plans shortly, for you to see them.

8 I do want to orient you if we could to the
9 pictures, if those could be -- there's a page of pictures
10 that shows the façades. I don't know if that could be
11 called up? There's their pictures.

12 So just walking around the pictures. From the
13 upper right corner, you'll see the front view of the
14 property. It's a narrow space on the right, and then the
15 driveway on the left.

16 And then going clockwise, you'll see the left
17 side, which is where the driveway is located. And then you
18 go to the rear, showing the back staircase as it is now.

19 And then we go around to a rear view of the right
20 side, and in that picture is where a window well is going to
21 be located, not to project beyond the already protruding
22 part of the building, but to be nestled in behind it, away

1 from the public view.

2 And then finally you'll see a front view of that
3 right side. And again, the window well on that side will
4 not be visible from the street.

5 So I want Ralf now to just walk you through the
6 plans and show you the reason for putting the window wells
7 where they are, and how that will increase the habitability
8 of the residents.

9 CONSTANTINE ALEXANDER: Before he does that, I
10 just want to iterate -- not reiterate, iterate -- this is a
11 special permit case, not a variance case. So the standards
12 are different and less onerous, if you will.

13 I'm sorry, with that interruption, go ahead.

14 RALF KILFOYLE: Hi, Ralph Kilfoyle, Architect, 825
15 Beacon Street, Newton Center.

16 If someone could go to maybe the basement floor
17 plan would be good. Greenough is off to the right, the
18 Greenough sidewalk. So when we say, "driveway" that's the
19 left side, and the right side is as close to the abutter as
20 that projection might just point out in the photo.

21 So there is our proposed basement plan depicting
22 two bedrooms, a rec room, a couple of bathrooms, some

1 unfinished HVAC and storage, and there are existing windows
2 that we'd like to use those same locations, but just go a
3 little bit deeper to provide legal, code-complaint egress
4 out of the bedrooms and just create some more natural light
5 for the rec room, in towards the back.

6 So that's the basics of the floor plan.

7 Conveniently, on bedroom four -- sorry if I cut out there
8 for a minute -- conveniently on bedroom four, the egress
9 window well can be tucked behind the existing nonconforming
10 projection, and then the opposite side the driveway also
11 provides a little bit of a buffer there.

12 So, again, you really cannot see these from the
13 street. And they are -- you know, pretty much minimally
14 that we would like to do here. We're not, say, being
15 excessive with these window wells.

16 CONSTANTINE ALEXANDER: And you're not extending
17 further toward the setbacks, so that you create a setback
18 issue from the zoning point of view, is that correct?

19 RALF KILFOYLE: That's correct.

20 CONSTANTINE ALEXANDER: You need a special permit,
21 but you don't need a variance.

22 RALF KILFOYLE: That's correct.

1 CONSTANTINE ALEXANDER: Okay. Any further
2 comments before I turn it over to the Board, and then to the
3 public?

4 MICHAEL WIGGINS: Ralf, could I --

5 RALF KILFOYLE: Also --

6 MICHAEL WIGGINS: -- go ahead, Ralf.

7 RALF KILFOYLE: The depth of these wells is very
8 minimal. It's about two feet. There will be no guardrail
9 required or necessary, so these things are very -- you know,
10 unobtrusive.

11 CONSTANTINE ALEXANDER: Thank you.

12 MICHAEL WIGGINS: Mr. Chair, I'd just like to add,
13 I think you have -- or I just want to be sure you do have --
14 a couple of messages, e-mail messages in support that we
15 forwarded to you.

16 CONSTANTINE ALEXANDER: We have those. I don't
17 know that I have what you're referring to, but there are
18 some letters of support and I will read them into the record
19 shortly.

20 MICHAEL WIGGINS: Okay. And I would be happy to
21 address the standards for the special permit, but if you
22 want me to wait for that until later, I could.

1 CONSTANTINE ALEXANDER: No, you should get into
2 the why you're legally entitled to the special permit before
3 we start asking questions and the public weighs in.

4 MICHAEL WIGGINS: Okay. So with respect to the
5 standards for the special permit, first of all, there will
6 be no adverse effect on traffic in the neighborhood. This
7 is a two-family, it remains a two-family. The driveway will
8 accommodate two cars, as it always has.

9 As far as the appearance of the neighborhood, this
10 is a very minimal change to the exterior appearance. And as
11 I said, it stays within the setbacks, and especially the
12 window well on the right side stays within that projecting.

13 So as far as the integrity of the neighborhood is
14 concerned, I would respectfully request or submit that it
15 conforms very well with the neighborhood and therefore meets
16 the standards for the special permit.

17 And also, just no adverse effect on adjacent uses.
18 As far as I know, we haven't had any objections from the
19 immediate abutters as to any effect on their adjacent units.

20 CONSTANTINE ALEXANDER: Thank you, Mr. Wiggins.
21 Members of the Board, any questions or comments you want to
22 make at this point?

1 BRENDAN SULLIVAN: Brendan Sullivan; no questions
2 at this time.

3 JANET GREEN: Janet Green; no questions.

4 LAURA WERNICK: Laura Wernick; no questions.

5 JIM MONTEVERDE: Jim Monteverde; I have one
6 question. Have these light wells been installed?

7 MICHAEL WIGGINS: Mr. Monteverde, I can respond to
8 that, and I'd like Trina Murphy also think about it.

9 TRINA MURPHY: Yes.

10 MICHAEL WIGGINS: Unfortunately, there was a major
11 mix-up between administration at D&D Homes and the Project
12 Manager on site.

13 And it came to Ms. Murphy's attention late last
14 week, but she had not actually ever visited the site -- that
15 the Project Manager on site took it upon himself to start
16 doing the work, evidently misunderstanding that relief was
17 needed for this, and also, wanting to keep water damage from
18 affecting the interior, where work was done.

19 He should not have done that. It was absolutely
20 improper. I'd like Trina to address it for you, and so you
21 can understand that this was in no means intentional --
22 certainly D&D Homes wants to do a lot of work in Cambridge,

1 and this would not have been the way to start, by any means.

2 But I think Trina can explain it to you carefully,
3 so I would turn it to her.

4 TRINA MURPHY: Thank you, Mike. Good evening,
5 everyone. As Mike was explaining, this is something that
6 occurred that was -- you know, extremely unfortunate and
7 certainly not intended. We're embarrassed to say that this
8 has happened, and we're extremely apologetic.

9 As Mike had explained, the Project Manager had
10 proceeded with the work without the approval. It was
11 inadvertent, and it happened because we had shared the
12 proposal for the special permit with him, giving him a sense
13 of what may be coming, so we could prepare for possible
14 changes in the course of construction. And it was
15 inadvertent that he took it as being approved, so he started
16 to proceed with it.

17 As he did some of these window wells -- so, as
18 you've asked, some have been completed. There are also
19 other windows that have not been completed.

20 So the job is not complete in itself, including
21 the windows that look complete; they're not down. There are
22 pieces of it that remain.

1 So when it became something that I was aware of,
2 we did stop.

3 We regret it. I will say that I've spoken with
4 some of the neighbors, we had a couple of Zoom meetings to
5 talk about the special permit and the changes that we are
6 trying to make.

7 And in the course of those discussions, you know,
8 they expressed their concern that we had gone ahead on
9 purpose, which I apologize for. We certainly did not -- we
10 do a lot of work in neighboring communities. We're newer to
11 Cambridge.

12 We intend to do a lot of work here, and the last
13 thing that we want to do is upset the communities -- upset,
14 you know, any of the city officials and members of the
15 various committees and commissions.

16 So again, I sincerely apologize. It will never
17 happen again.

18 CONSTANTINE ALEXANDER: Thank you for the mea
19 culpa. We accept your apologies. Members of the Board, any
20 comments you want to make? Questions?

21 BRENDAN SULLIVAN: Brendan Sullivan; no comment.

22 JANET GREEN: Janet Green; no comments.

1 LAURA WERNICK: Laura Wernick; no comments.

2 JIM MONTEVERDE: And Jim Monteverde; no comment.

3 CONSTANTINE ALEXANDER: Okay. I'll open the
4 matter up to public testimony. We do have some letters in
5 the file, but before I turn to that, I'm going to open the
6 matter up to public commentary.

7 And again, any member of the public who wishes to
8 speak should now click the icon at the bottom of your Zoom
9 screen that says, "Raise hand." If you're calling in by
10 phone, you can raise your hand by pressing *9 and unmute or
11 mute by pressing *6.

12 I'll take a moment or two, see if anyone wishes to
13 speak.

14 [Pause]

15 TRINA MURPHY: Yeah, Frankie? If you can unmute
16 yourself.

17 FRANKIE LIEBERMAN: Yeah, I'm Frankie Lieberman at
18 24 Ellsworth Avenue on the driveway side. If this had been
19 presented originally, I would have had no objection to those
20 window wells.

21 But the company submitted originally for their
22 permits showing no bedrooms in the basement. It was never

1 intended to have bedrooms when they went for the permit.

2 I do understand, however, that they always meant
3 to have bedrooms, but they avoided having to apply for a
4 special permit at the beginning of the process by not
5 telling the complete truth.

6 Now, I understand the people running the project
7 today -- Trina did not have anything to do with the
8 beginning of this project. She only joined the team very
9 recently.

10 But I object to being hoodwinked, so that we were
11 never told that there would be window wells facing our
12 property, because when they -- the permit was initially
13 granted, there were no bedrooms.

14 So I believe the initial presentation was to avoid
15 having to apply for a special permit in the beginning that
16 would have slowed down their process. That is my only
17 complaint. I don't mind their having the window well, not a
18 problem. But I object to the way they obtained them.
19 That's all.

20 CONSTANTINE ALEXANDER: Thank you. Thank you for
21 taking the time to speak on this matter. I'll now turn to
22 members -- well, members of the Board have had their

1 opportunity. Anyone else wishes to speak on this matter?

2 [Pause] Apparently not. We are -- as I indicated
3 earlier, we are in receipt of certain correspondence, which
4 I will now read into the record, if I can find it. We have
5 an e-mail from --

6 SISIA DAGLIAN: Oh, I'm sorry. We have someone
7 else raising their hand.

8 CONSTANTINE ALEXANDER: I'm sorry?

9 SISIA DAGLIAN: We have someone else raising their
10 hand. Is that all right?

11 CONSTANTINE ALEXANDER: Oh, I'm sorry. Put that
12 person on.

13 SISIA DAGLIAN: Oh, they just lowered it. I think
14 they lowered it. If there is someone that wanted to speak,
15 you can raise your hand again.

16 [Pause]

17 CONSTANTINE ALEXANDER: Okay, I guess not. So
18 I'll go back to -- I thought we had more, but I had two
19 pieces of correspondence. One is an e-mail from a Jim
20 Kochman -- K-o-c-h-m-a-n.

21 "Colleen and I have resided at 20 Greenough Avenue
22 for 42 years. We live directly across from #23, and believe

1 D&D Homes has done a good job keeping the construction noise
2 and disturbance to a minimum during its major renovation.

3 "I understand the need for zoning regulations, but
4 believe windows are a good, unobtrusive method to bring
5 light into a home and are a good thing for the
6 neighborhood."

7 And then this person, Mr. Couchman, apologizes for
8 not being able to participate in the meeting tonight.

9 We also have an e-mail from Caroline Jaffe, J-a-f-
10 f-e.

11 "I am writing in response to your note about the
12 20 --" [she's writing to Trina Murphy] -- "I am writing in
13 response to your note about the 23 Greenough BZA hearing.
14 My property, 28 Ellsworth, is directly adjacent to 23
15 Greenough. The proposed windows pose no issues for me, and
16 I am in support of the special permit."

17 And then there's a personal note to Trina Murphy,
18 not relevant to the hearing tonight. And that's it. I
19 could have sworn there was more, but apparently not.

20 With that, I will close public testimony. Board
21 members, are you wanting to have a discussion, or are you
22 ready for a vote?

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

3 JANET GREEN: Janet Green; ready for a vote.

4 BRENDAN SULLIVAN: At this time, I'd --

5 CONSTANTINE ALEXANDER: Brendan has a question.

6 JANET GREEN: Oh, sorry Brendan.

7 BRENDAN SULLIVAN: No, no, I was just going to say
8 I will endorse what you just said; go to a vote.

9 CONSTANTINE ALEXANDER: I'm sorry, I didn't catch
10 what you said.

11 LAURA WERNICK: Laura; I'm just curious about the
12 original permitting plans that were submitted, and if they
13 did indicate no bedrooms and no window wells? I'm just
14 curious about the timing of when the decision was made to
15 add window wells?

16 MICHAEL WIGGINS: I can't personally respond to
17 that because I wasn't involved at the time. Perhaps Ralf
18 could --

19 RALF KILFOYLE: Ralf here. We discussed --

20 BRENDAN SULLIVAN: Excuse me, this is Brendan
21 Sullivan. If you'd please reintroduce yourself again just
22 for the record when you speak?

1 RALF KILFOYLE: Sure. Ralf Kilfoyle, Architect,
2 825 Beacon Street. Window wells happened later, post
3 building permit submission. No bedrooms were indicated on
4 our finished basement plan originally, and that was an order
5 to receive a building permit legally.

6 And later on, a few months later, we decided to
7 consider the special permit for window wells, and try to get
8 bedrooms -- two bedrooms -- down in the basement, because
9 there are four bedrooms on the upper unit; we'd like to have
10 four bedrooms on the lower unit.

11 And so, it was kind of a marketing evaluation for
12 these condos to create more bedrooms. And all that
13 discussion happened after the building permit documents were
14 submitted.

15 So essentially, this will be part of revision to
16 our building permit. We're not trying to hide anything --
17 absolutely not.

18 TRINA MURPHY: Thank you.

19 BRENDAN SULLIVAN: This is Brendan Sullivan. So
20 the scenario of events is that you did not intend to have
21 finished, occupiable space down in the basement? At some
22 point after you received the building permit and commenced

1 construction, you thought it would be a good idea to put
2 bedrooms and habitable space down there?

3 RALF KILFOYLE: Ah --

4 BRENDAN SULLIVAN: In order to put the bedrooms
5 down there, you obviously are going to need fenestration and
6 also means of egress. Is that correct? So that -- and in
7 order to do that, you're going to need the window wells.

8 So it's sort of a three-part thing. "We'd like
9 useable space down there, bedrooms down there, but we need
10 access and fenestration, hence we need window wells." Is
11 that sort of what brings you here tonight?

12 RALF KILFOYLE: That's correct. However, we did
13 submit a finished basement plan that depicted -- you know,
14 an exercise studio, things of that nature that did not
15 require code-complaint egress window wells. So yes, we had
16 a fairly sizeable, finished basement planned from day one,
17 and we're actually permitted legally to do that as well.

18 BRENDAN SULLIVAN: Okay.

19 RALF KILFOYLE: So again, primarily, the window
20 wells, especially the ones that are a little bit bigger than
21 the small ones, are intended to be done to meet the building
22 code for egress out of the basement level bedrooms.

1 LAURA WERNICK: This is Laura, again. Has the
2 work on the bedrooms -- the construction of the partitions
3 for the bedrooms been started?

4 RALF KILFOYLE: Work is in progress on the
5 interior. We're in rough stages of framing for now.

6 CONSTANTINE ALEXANDER: Any other questions or
7 comments from Board members?

8 JIM MONTEVERDE: This is Jim Monteverde, if I can.
9 So I just have a concern at the fact that the work went
10 ahead. Even though you understand you have to go through
11 this process to get approval for the window wells, and then
12 file a revision for the building permit, I'm just concerned
13 that the window work went ahead, the interior work is going
14 ahead, based on this plan -- when it seems like, unless I'm
15 incorrect -- you don't have approval yet for any of it.

16 So I don't think it's a good way to go forward.
17 So I have my concern in terms of the process.

18 CONSTANTINE ALEXANDER: This is Gus Alexander, the
19 Chairman. I concur with Mr. Monteverde's comments, but I
20 guess my reaction is, is that the relief being sought is
21 rather modest in nature. It doesn't really adversely affect
22 the neighboring properties.

1 Yes, it would have been better if they proceeded
2 in a different, more forthright way -- I have to be blunt --
3 but I don't see that as a basis -- in my opinion, I'm only
4 one of five -- I don't say that's the basis for denying
5 relief.

6 BRENDAN SULLIVAN: This is Brendan Sullivan.

7 LAURA WERNICK: Laura again; I don't see it as a
8 basis for denying relief, but it does -- I think everyone
9 should be aware it does make me more suspicious of further
10 claim of any issues in the future... that if the developers
11 are working in Cambridge in the future anything comparable
12 would come up, then it could be -- I would consider it a
13 pattern. And, you know, it would play into any decision-
14 making.

15 BRENDAN SULLIVAN: This is Brendan Sullivan again.
16 When was the building permit issued?

17 MICHAEL WIGGINS: Ralf, can you respond to that, I
18 don't have that information.

19 RALF KILFOYLE: Yes. I believe it was, you know,
20 fall of 2019. We could get back to you with an exact date,
21 unless Trina knows offhand.

22 BRENDAN SULLIVAN: All right, so 2019. Okay, all

1 right. Okay. No further questions or comments.

2 CONSTANTINE ALEXANDER: Okay. Unless other Board
3 members have questions or comments they wish to make at this
4 point, I will make a motion to grant the special permit and
5 we see how the vote turns out. But before I do so, I just
6 want to confirm, is everybody ready for a vote?

7 BRENDAN SULLIVAN: Brendan Sullivan; yes, ready
8 for a vote.

9 JANET GREEN: Janet Green; ready for a vote.

10 LAURA WERNICK: Laura Wernick; ready for a vote.

11 JIM MONTEVERDE: And Jim Monteverde; ready for a
12 vote.

13 CONSTANTINE ALEXANDER: Okay. Thank you. The
14 Chair moves that the Board make the following findings with
15 regard to the special permit that's being sought:

16 That the requirements of the ordinance cannot be
17 met unless we grant the special permit.

18 That traffic generated or patterns of access or
19 egress this would result from these window wells will not
20 cause congestion, hazard, or substantial change in
21 established neighborhood character.

22 That the continued operation of development of

1 adjacent uses, as permitted in the zoning ordinance, will
2 not be adversely affected by the nature of the proposed use;
3 again, as is true earlier, that the nature of the relief is
4 modest in nature in terms of its impact on the neighborhood
5 or the abutting properties.

6 No nuisance or hazard will be created to the
7 detriment of the health, safety and/or welfare of the
8 occupant of the proposed use, or the citizens of the city.

9 And generally, what is being proposed will not
10 impair the integrity of the district or adjoining district,
11 or otherwise derogate from the intent and purpose of this
12 ordinance.

13 So on the basis of all these findings, the Chair
14 moves that we grant the special permit requested on the
15 condition that the work proceed in accordance with plans
16 prepared by RDK Architects dated May 8, 2020, each page of
17 which has been initialed by the Chair. Brendan, how do you
18 vote?

19 BRENDAN SULLIVAN: Yes to grant the special
20 permit.

21 CONSTANTINE ALEXANDER: Janet?

22 JANET GREEN: Yes to grant the special permit.

1 LAURA WERNICK: Law enforcement; yes to grant.

2 JIM MONTEVERDE: Jim Monteverde; No.

3 CONSTANTINE ALEXANDER: Okay, and the Chair votes
4 yes.

5 [ONE VOTE NO, FOUR VOTES YES]

6 CONSTANTINE ALEXANDER: So four votes in favor;
7 that is sufficient to grant the special permit. Special
8 permit granted.

9 COLLECTIVE: Thank you.

10 CONSTANTINE ALEXANDER: I'm now waiting for the
11 next file to come, but I'll call the case in the meantime.
12 Thank you, Sisia.

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(6:50 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017273 -- 58 Lakeview Avenue. Anyone here
wishing to be heard on this matter?

MAGGIE BOOZ: Yes, Maggie Booz, Architect, Smart
Architecture.

CONSTANTINE ALEXANDER: Ms. Booz, the floor is
yours.

MAGGIE BOOZ: We're requesting permission to move
a window in in a wall that is in at 58 Lakeview Ave. It's
the north side of the kitchen wall.

We're requesting permission to move the window, or
create an identically sized window about three feet west of
where it is in the wall now.

So there's an existing window in a nonconforming
wall, and we're asking to move it about three feet.

CONSTANTINE ALEXANDER: Anything further?

MAGGIE BOOZ: The window in question is the right-

1 hand window that you're looking at in that photograph right
2 now.

3 CONSTANTINE ALEXANDER: Okay. And where would it
4 be moved to?

5 MAGGIE BOOZ: Towards the corner board that is on
6 the right side of the picture. So there you can see the
7 existing location of the window in the lower -- you know,
8 the upper drawing. And in the lower drawing you can see the
9 existing location dotted in, and the new proposed location.

10 CONSTANTINE ALEXANDER: Good, thank you.

11 Questions from members of the Board?

12 BRENDAN SULLIVAN: Brendan Sullivan; no questions.

13 JANET GREEN: Janet Green; no questions.

14 LAURA WERNICK: Laura Wernick; my only question
15 is, what is making the move? What is --

16 MAGGIE BOOZ: Creation of a contiguous kitchen
17 counter. We're trying to -- we're renovating the kitchen,
18 and we're trying to expand the length of the kitchen counter
19 and the window prevented cabinetry near the stove.

20 LAURA WERNICK: No further questions.

21 JIM MONTEVERDE: And Jim Monteverde; no questions.

22 CONSTANTINE ALEXANDER: The Chair has no questions

1 as well.

2 I'll open the matter up now to public testimony.
3 And again, any member of the public who wishes to speak
4 should now click the icon at the bottom of your Zoom screen
5 that says, "Raise hand." If you're calling in by phone, you
6 can raise your hand by pressing *9 and unmute or mute by
7 pressing *6.

8 I'll take a second or two to at least give people
9 an opportunity to call in if they -- or to speak if they
10 wish to.

11 [Pause] Apparently not. I don't believe we have
12 any written communications pro or con. To confirm, we do
13 not?

14 So, the Chair moves that we -- I will close public
15 testimony. Discussion, or are we ready for a vote?

16 BRENDAN SULLIVAN: Brendan Sullivan; ready for a
17 vote.

18 JANET GREEN: Janet Green; ready.

19 LAURA WERNICK: Laura Wernick; ready.

20 JIM MONTEVERDE: Jim Monteverde; ready.

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

1 special permit that's being sought:

2 That the requirements of the ordinance cannot be
3 met unless we grant the special permit.

4 That traffic generated or patterns of access or
5 egress resulting from the relocation of the window will not
6 cause congestion, hazard, or substantial change in
7 established neighborhood character.

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

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

14 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 So on the basis of all of these findings, the
19 Chair moves that the Board grant the special permit
20 requested on the condition that the work proceed in
21 accordance with plans prepared by Smart Architecture, dated
22 February 2020, the first page of which has been initialed by

1 the Chair.

2 Brendan?

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

5 JANET GREEN: Janet Green; yes to the special
6 permit.

7 LAURA WERNICK: Laura Wernick; yes, special
8 permit.

9 JIM MONTEVERDE: Jim Monteverde; yes.

10 [All vote YES]

11 CONSTANTINE ALEXANDER: And the Chair votes yes as
12 well. Special permit granted. Thank you.

13 COLLECTIVE: Thank you so much.

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2 (6:55 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde, and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017299 -- 89 Oxford Avenue. Anyone here wishing
8 to be heard on this matter?

9 NATHAN HENDREN: Yes. You have Nathan Hendren and
10 my wife, Sarah. We're the homeowners at 89 Oxford Avenue.
11 So we're also joined here by our architect, Matt Cummings,
12 and also our attorney, Bruce Embry, who may speak in a
13 second.

14 But just to start things off, thanks so much for
15 taking the time to hear us today, especially in these times.

16 We've owned the house here at 89 Oxford Avenue for
17 just over seven years. We absolutely love the neighborhood.
18 We love our neighbors. We love Cambridge. We both not only
19 live here, we both work here.

20 And over the course of the past couple years, we
21 have been seeking to figure out where we would like to grow
22 our family. And so, we've been searching a range of

1 different places, but at the end of the day, we became quite
2 convinced about a year ago we really want to stay here in
3 Cambridge, and that's when we started working with Matt at
4 Cummings Architects to help us do that.

5 The reason we have engaged with Matt and are here
6 today to discuss a variance is that the house we are
7 currently in here at 89 Oxford Avenue is not able to
8 accommodate our needs for our growing family. We are
9 seeking to do things like expand the staircase.

10 So the current staircases, there's four of them.
11 All of them are best described as sort of submarine kind of
12 hatches. They're very steep. The previous owners of the
13 house that we bought from, one of them fell down the back
14 staircase and sold the house after that.

15 I've broken one bone in my body my whole life, and
16 it was falling down one of our staircases. So we're seeking
17 to expand the staircase.

18 We're also -- the kitchen that we currently have
19 is, like a kind of 1840s house -- much of an afterthought.
20 So we're seeking to expand that.

21 And we're also seeking to add a bedroom up on the
22 third floor to accommodate future accommodations for our

1 future children and also for family when they come and
2 visit.

3 So that's broadly what we're seeking to do. We
4 also have Bruce here, who can explain why we actually need
5 the variance from you.

6 CONSTANTINE ALEXANDER: Bruce? By the way, you're
7 seeking not only a variance but a special permit. So at
8 some point, you need to address that as well.

9 NATHAN HENDREN: Okay. I don't know if Bruce is
10 able to speak. Otherwise, I can speak a bit to it.

11 BRUCE EMBRY: This is Bruce Embry. Can anybody
12 hear me?

13 NATHAN HENDREN: Yeah.

14 CONSTANTINE ALEXANDER: Yes.

15 BRUCE EMBRY: Can I be heard?

16 JANET GREEN: Yes.

17 BRUCE EMBRY: Okay. I'm sorry I can't be seen.

18 This is Bruce Embry, Attorney, representing Nathan and
19 Sarah. My office is at 1 Cranberry Hill in Lexington.

20 When I was introduced to this project, there were
21 sort of three things that stood out for me about what Nathan
22 and Sarah we were interested in doing.

1 I think as you can see from the renderings, the
2 addition that they want to make to the house is actually a
3 beautiful addition which maintains the classic lines of the
4 house, and yet accommodates the interior renovations that

st

5 kind of bring it into a 21 -century layout for their growing
6 family.

7 The second thing that I was curious about was that
8 virtually all of this renovation can be done with very
9 little zoning relief. It's -- with one exception, it's
10 within setbacks.

11 And the only thing that throws this off is that
12 there is a slight encroachment of the original house and a
13 porch that extends off the original house into the right
14 yard setback, slightly. If that were not the case, then
15 everything else by and large would be conforming, and we
16 would need less relief rather than more relief.

17 And the third thing that I was struck by -- and
18 actually the folks at 33 Hunting made this case for all of
19 us I think -- and that is that I think the community needs
20 to recognize that what we want to do is encourage people to
21 commit themselves to the community, raise their families
22 here, and be active people within that community.

1 And certainly, Nathan and Sarah by their
2 investment have committed themselves not only to the house
3 but to the neighborhood and the community. They're
4 committing their lives and their children to this process as
5 well, and I'm very hopeful that the Board will grant their
6 petition.

7 I'm going to defer questions about the addition
8 itself and the dimensional issue to Matt and Joe, who are my
9 architect -- and they are here as well.

10 MATT CUMMINGS: I'm wondering whether Joe, who is
11 part of my team is in this Zoom meeting?

12 JOE MARCEAU: I'm here. This is Joe Marceau, 6
13 Tozier Road in Beverly.

14 MATT CUMMINGS: My name is Matthew Cummings, from
15 Cummings Architects, and I'm in Ipswich, Massachusetts. If
16 you'd like, I can take you to the design, or if you have any
17 specific questions -- whichever you choose.

18 CONSTANTINE ALEXANDER: This is the Chairman
19 speaking. I have no questions. I think I've seen the
20 plans. But if there's anything you want, I think you should
21 address the legal issues, or your counsel -- the
22 petitioner's counsel -- should address the legal issues.

1 There are setbacks problems, which is why you're here
2 tonight. Am I right?

3 MIKE CRAWFORD: That's right, yeah. So the
4 current house is sitting over the setback. The addition
5 does not cross into any of the setbacks.

6 And so, the reason we are here is that we're going
7 for a 44 percent-sized expansion, which exceeds the 25
8 percent expansion that's allowed for us, because we are
9 currently nonconforming. That's my understanding.

10 CONSTANTINE ALEXANDER: I think your understanding
11 is correct. There's no further presentation from the
12 petitioner or the representatives, I'll ask the Board
13 members. Any questions you want to raise?

14 BRENDAN SULLIVAN: Brendan Sullivan; no questions
15 at this time.

16 JANET GREEN: Janet Green; no questions.

17 LAURA WERNICK: Laura Wernick; no questions.

18 JIM MONTEVERDE: Jim Monteverde; no questions.

19 CONSTANTINE ALEXANDER: Okay. The Chair will now
20 close public testimony.

21 BRENDAN SULLIVAN: Open up testimony.

22 CONSTANTINE ALEXANDER: I'm sorry, open to the

1 public. Thank you, Brendan.

2 And again, the instructions are any member of the
3 public who wishes to speak should now click the icon at the
4 bottom of your Zoom screen that says, "Raise hand." If you
5 are calling in by phone, you can raise your hand by pressing
6 *9 and unmute or mute by pressing *6.

7 I'll take a second to see if anyone wishes to
8 speak?

9 [Pause]

10 SISIA DAGLIAN: I saw a raised hand, but they put
11 it back down, I think.

12 CONSTANTINE ALEXANDER: Okay.

13 SISIA DAGLIAN: So no right now.

14 CONSTANTINE ALEXANDER: All right. Then I will
15 close. There are no letters in our files that I can see, so
16 I think we will close public testimony, and start our
17 deliberations such as they may be. Discussion by members of
18 the Board, or are you ready for a vote?

19 BRENDAN SULLIVAN: Brendan Sullivan; I'd be ready
20 for a vote.

21 JANET GREEN: Janet Green; I'm ready for a vote.

22 LAURA WERNICK: Laura Wernick; ready for a vote.

1 JIM MONTEVERDE: And Jim Monteverde; ready for a
2 vote.

3 CONSTANTINE ALEXANDER: Okay. All right. The
4 Chair moves that we make the following findings with regard
5 to the variance being sought:

6 That a literal enforcement of the provisions of
7 the ordinance would involve a substantial hardship, such
8 hardship being is that the structure -- an older structure -
9 - is in need of expansion to accommodate most growing
10 families in the city, starting with the current owners.

11 The hardship is owing to the fact that this is
12 already a nonconforming structure, and therefore any
13 modification requires zoning relief.

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

17 In this regard, I think the facts speak for themselves.

18 There is no impact to the public good. There is no
19 opposition or maybe even an interest from the neighbors.

20 And so, on the basis of all of this, the Chair
21 moves that we grant the variance requested on the condition
22 that the work proceed in accordance with plans -- actually

1 two plans as modified by further submission.

2 But they have been prepared by Cummings
3 architects, Inc. One date is May 12, 2020. The other date
4 is same date, May 12, 2020. And the first page of each of
5 the set of plans has been initialed by the Chair.

6 Before I go further and we take a vote, let me
7 just point out that the petitioner's architect -- or counsel
8 -- have appeared before our Board before. These have to be
9 the final plans.

10 If you decide you want to modify them, subsequent
11 -- should we grant relief tonight -- subsequent to this
12 hearing, feel free to do so. But you'll have to come back
13 to further relief. So hopefully, these are the final ones.

14 Okay, on the basis of all of these findings, the
15 Chair moves that we grant the variance requested.

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

18 JANET GREEN: Janet Green; yes for granting the
19 variance.

20 LAURA WERNICK: Laura Wernick; yes to granting.

21 JIM MONTEVERDE: Jim Monteverde; yes.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 Variance granted. Thank you.

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2 (7:06 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde, and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017285 -- 42 Garden Street. Anyone here wishing
8 to be heard on this matter?

9 BRIGID WILLIAMS: Yes, this is Brigid Williams,
10 Boston, Massachusetts, architect for Dan and Maureen Newman
11 on this project.

12 CONSTANTINE ALEXANDER: Okay.

13 BRIGID WILLIAMS: Should I go ahead? What we are
14 asking for is to add a bay to a building that was built into
15 1993 on a nonconforming lot. And the bay we would like to
16 [1:24:44 audio unclear] is above an existing bay, and
17 therefore will not change the footprint of the building at
18 all.

19 It is the owner's desire to build this bay because
20 they have -- the room in question is a very small room --
21 really only useable as a study. And the bay would add a
22 small amount of space, but also a great deal of light. And

1 they would be then able to use it as a bedroom. There is
2 other interior work that will go on to reconfigure the
3 closet of the room.

4 This photograph -- actually maybe we go back to
5 the other one, yeah. So this is the existing situation.
6 This is a double house. So the house we're talking about is
7 the two bays on the right. And that -- exactly. And the
8 bay on the first floor is the one that we would like to
9 build above.

10 And as you can see, the house next door has such a
11 double bay, and if you can show the next picture, our plan
12 is to replicate that, so that the bay will sit exactly above
13 the existing bay and it will have the same detailing
14 materials, et cetera as the bay that is already there.

15 As I said, it's a nonconforming lot. We're adding
16 slightly less than 20 square feet, and we're changing the
17 FAR from 1.24 to 1.244. So it's a very tiny amount. We
18 have a letter of support from one neighbor, which is in this
19 presentation, and we have verbal support from neighbors on
20 the other side.

21 The issue we have is the setback, and it's a
22 setback from a property line that is adjacent to the

1 building. So you can see the property line is shared with
2 the other building, and the required setback is halfway
3 through the bay we would like to propose.

4 CONSTANTINE ALEXANDER: Excuse me, you also have
5 an FAR issue.

6 BRIGID WILLIAMS: Yes.

7 CONSTANTINE ALEXANDER: Because you're now
8 substantially not in compliance. You're, as you pointed
9 out, 1.24 in a 0.5 district.

10 BRIGID WILLIAMS: Yes, that was grandfathered when
11 the building was developed --

12 CONSTANTINE ALEXANDER: Right.

13 BRIGID WILLIAMS: -- in 1993.

14 CONSTANTINE ALEXANDER: You want to increase that,
15 even though it's only --

16 BRIGID WILLIAMS: That's right.

17 CONSTANTINE ALEXANDER: -- 18 feet, but that
18 requires zoning relief as well. So let's be clear about
19 that.

20 BRIGID WILLIAMS: I'm sorry, I did not mean to
21 conceal that as well. I thought --

22 CONSTANTINE ALEXANDER: I know you didn't.

1 BRIGID WILLIAMS: -- I had said that.

2 CONSTANTINE ALEXANDER: I didn't mean to suggest
3 that, but I just want to be sure the record is clear.

4 BRIGID WILLIAMS: Absolutely, yes. This is zoning
5 and setback. And the owners are here -- Dan and Maureen
6 Newman, and they can add to my presentation or answer
7 questions.

8 CONSTANTINE ALEXANDER: I'll give them first an
9 opportunity. Do you wish to speak?

10 DAN NEWMAN: I think our architect has said more
11 or less what we're trying to do. It's really to bring in
12 additional light into that one room. It's really not
13 changing anything in terms of existing footprint of the
14 building itself, and it really makes it look closer to what
15 our adjacent neighbor has on their existing building.

16 CONSTANTINE ALEXANDER: Thank you. Questions from
17 members of the Board?

18 BRENDAN SULLIVAN: Brendan Sullivan; no questions.

19 JANET GREEN: Janet Green; no questions.

20 LAURA WERNICK: Laura Wernick; no.

21 JIM MONTEVERDE: Jim Monteverde; no questions.

22 CONSTANTINE ALEXANDER: Okay. The Chair has no

1 questions as well.

2 I'll now open the matter up to public testimony.
3 And again, any member of the public who wishes to speak
4 should now click the icon at the bottom of your Zoom screen
5 that says, "Raise hand." If you're calling in by phone, you
6 can raise your hand by pressing *9 and unmute or mute by
7 pressing *6.

8 I'll take a moment or two to see if anyone wishes
9 to speak?

10 [Pause] Apparently not.

11 We are, as the architect advises, we do have a
12 letter from Constance -- I'm not sure I'm going to get the
13 last name right, but I'll try -- C. Gagnebin -- G-a-g-n-e-b-
14 i-n and Charles L. Gagnebin III. They reside at 40 Garden
15 Street. The letter states as follows:

16 "We totally support extending the bay window on
17 our neighbor's house at 42 Garden Street to the second
18 floor. We feel that it will make it look balanced with our
19 adjacent house, where the bay window does extend to the
20 second floor.

21 "Additionally, it makes the property look more
22 consistent with the time period it represents, and more

1 consistent with other houses in the area.

2 "We have lived at 40 Garden Street for over 14
3 years. "

4 And then there's some discussion about their
5 backgrounds, which I don't think is necessarily relevant to
6 the hearing tonight. So there is a letter in support. And
7 that's all we have in our files.

8 I will close now public testimony. Discussion or
9 a vote? Brendan, let's start with you.

10 BRENDAN SULLIVAN: Brendan Sullivan; ready for a
11 vote.

12 JANET GREEN: Janet Green; ready for a vote.

13 LAURA WERNICK: Laura Wernick; ready for a vote.

14 JIM MONTEVERDE: And Jim Monteverde; ready for a
15 vote.

16 CONSTANTINE ALEXANDER: Okay. The Chair moves --
17 and I'll make a motion for the variance that's being
18 requested -- the Chair moves that we grant -- that we make
19 the following findings with regard to the relief being
20 sought:

21 That a literal enforcement of the provisions of
22 the ordinance would involve a substantial hardship, such

1 hardship being as that in a sense the building was not
2 necessarily best designed at the time by not including a
3 second-floor bay window to match the neighboring property
4 and the window below.

5 That the hardship is owing to circumstances
6 relating to the fact that this is a nonconforming structure,
7 and therefore any modification to it requires zoning relief.

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

11 Again, the relief being sought is modest. It is
12 aesthetically pleasing; it has no neighborhood opposition.

13 Son on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition the work proceed in accordance with plans prepared
16 by Hickox -- H-i-c-k-o-x Williams Architects, dated October
17 28, 2019, the first page of which has been initialed by the
18 Chair. All those in favor?

19 BRENDAN SULLIVAN: Brendan Sullivan; yes to
20 granting the variance.

21 CONSTANTINE ALEXANDER: Okay, Janet?

22 JANET GREEN: Janet Green; yes for granting the

1 variance.

2 LAURA WERNICK: Laura Wernick; yes for granting
3 the variance.

4 JIM MONTEVERDE: And Jim Monteverde; yes.

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

7 [All vote YES]

8 Variance granted.

9 BRIGID WILLIAMS: Thank you very much.

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2 (7:15 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde, and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number -- let me get this right -- 017303, 6 Goodman
8 Road. Anyone here wishing to be heard on this matter?

9 KELLY BOUCHER: Yes, I'm here wishing to be heard.
10 My name is Kelly Boucher, B-o-u-c-h-e-r at 561 Lexington
11 Street in Waltham.

12 CONSTANTINE ALEXANDER: Okay. The floor is yours.
13 Go ahead.

14 KELLY BOUCHER: Great. So we're coming to the
15 Board today with both a variance for a proposed dormer on
16 the third floor of an existing, nonconforming house; and
17 also, a special permit for windows in a setback. I'm going
18 to start with the dormer.

19 So the existing house is a two-family on Goodman
20 Road that was purchased by a brother and a sister who are
21 renovating it so they can each live in a unit. Currently,
22 the third floor does have a bedroom and a bathroom in it,

1 but it's very dark and very low.

2 And that bedroom, although existing, isn't quite
3 up to current building code standards. It doesn't have
4 enough light or air, or the egress windows that would be
5 required now if you were to build a new bedroom.

6 So the house is existing, nonconforming. It's
7 both in some setbacks, which is not where the dormer is
8 proposed. The dormer is proposed in a conforming location
9 on the driveway side. It's both out of the rear setback and
10 the side, and would add 106 square feet to the property.

11 So right now, it's in a ResC-1, so a 0.75 FAR
12 would be allowed. The existing house now, nonconforming, is
13 a 0.91, and we're hoping to bring it up to 0.94, but not by
14 expanding the footprint, just by adding the dormer for a
15 variance.

16 CONSTANTINE ALEXANDER: Are you familiar with the
17 City of Cambridge's dormer guidelines?

18 KELLY BOUCHER: Yes. The dormer that we propose
19 is 15 feet long, and it's set 1 foot 6 back from the face of
20 the wall that it's on. It doesn't set down from the ridge,
21 because the ridge is actually quite short. And if it did
22 set down, you wouldn't have proper headroom in the dormer

1 that we would be building.

2 So we've tried to conform as much as possible, but
3 we do have it up to the ridge, which I know is not part of
4 the dormer guidelines.

5 CONSTANTINE ALEXANDER: You've complied -- in my
6 opinion, anyway -- with the dormer guidelines -- the most
7 principal item to the dormer guidelines -- namely the size
8 of the dormer. And you've -- you're not supposed to be more
9 than 15 feet, and your dormer is 15 feet in length.

10 So -- and there is a -- you've given -- we've
11 heard this position before as to why you can't -- you have
12 to go to the ridgeline, because of the cramped overhead
13 nature of the third floor, where the dormer is going to be
14 located.

15 Okay. Then unless you have further comments on
16 the variance, you want to go to the special permit?

17 KELLY BOUCHER: Yeah. Our special permit, much
18 like many of the hearings before me tonight, is to add
19 windows in the side yard setback.

20 So currently the house is conforming on the right
21 side -- which is the driveway -- nonconforming on the left
22 side, and in order to make those rooms down there habitable,

1 we're proposing three window wells along that side. The
2 grade slopes up quite high, actually. It's much lower at
3 the street than it is at the back.

4 So the window wells get progressively deeper,
5 although none of them are very deep, just because the
6 building sticks quite far out of the ground.

7 But there are three dormers -- three windows in
8 the basement proposed with the window wells.

9 We are also looking to enclose the existing front
10 and back porch, which we are allowed to do as-of-right.
11 It's currently a GFA. The front windows you're allowed
12 because they face the street, and in the zoning code it says
13 you can change those windows.

14 But adding one window in the front enclosed porch
15 on the nonconforming side, and then a door two windows at
16 the back and one on the side in the back porch, conforming.

17 So we have both three basement windows and four
18 windows at the first floor and a door that would be in
19 setback locations that we are requesting a special permit
20 for.

21 CONSTANTINE ALEXANDER: Have you discussed or
22 shown to the neighbors who would be most affected by the

1 window changes --

2 KELLY BOUCHER: Yes. The homeowner has actually
3 been very proactive with the neighbors, and we are located
4 in mid Cambridge. So all of these changes have been to the
5 Historic Commission, and were approved there before stopping
6 with the Board of Zoning Appeals.

7 CONSTANTINE ALEXANDER: Thank you. Anything
8 further?

9 KELLY BOUCHER: No.

10 CONSTANTINE ALEXANDER: Your presentation is
11 complete. Thank you again. Comments or questions from
12 members of the Board?

13 BRENDAN SULLIVAN: Now, Brendan Sullivan. One
14 comment is that you may get a pass on that ridge connection
15 that the dormer guidelines does spell out the preferred
16 setback should be at least one foot from the roof ridge.
17 If, however the dormer meets the recommended setback for
18 side and front walls, the dormer roof may start at the ridge
19 beam.

20 KELLY BOUCHER: Oh.

21 BRENDAN SULLIVAN: So you get a pass on that one,
22 anyhow.

1 KELLY BOUCHER: Oh, that's good.

2 CONSTANTINE ALEXANDER: Janet?

3 JANET GREEN: I agree with Mr. Sullivan about the
4 placement of the dormer, and I'm fine with this.

5 LAURA WERNICK: Laura Wernick, I have no
6 questions.

7 JIM MONTEVERDE: Jim Monteverde. I have two
8 questions. One is, if I look at the survey -- and it's just
9 I'm trying to understand, once you put the window wells in
10 on your left-hand side of your plan --

11 KELLY BOUCHER: Yep.

12 JIM MONTEVERDE: -- and that's in the narrowest
13 part of the lot -- the survey says you've got, like, five
14 and a half feet between the -- I believe -- from the
15 building to the lot line.

16 KELLY BOUCHER: Yes.

17 JIM MONTEVERDE: And once you put those window
18 wells in, what -- I don't see a dimension for the window
19 well. So what's left? Can you walk by it? Are you going
20 to have to walk over it?

21 KELLY BOUCHER: Yeah, you'll be able to walk by.
22 Those window wells are required to be three feet by code.

1 Usually, we leave 3 foot 2 just so that you have wiggle room
2 and it's not very tight. So there will be a few feet to
3 walk there.

4 Along that side also is --

5 JIM MONTEVERDE: Two feet.

6 KELLY BOUCHER: -- the abutting neighbor's
7 driveway, so it's wide open spatially. Their house is set
8 to the left of their lot with the driveway on the right, the
9 same as this property is.

10 JIM MONTEVERDE: Okay.

11 KELLY BOUCHER: So it's quite far between the next
12 --

13 JIM MONTEVERDE: Right. But to your property, if
14 that window well is 3 foot 2 and this is 5.6, so you've got
15 two foot + or - to walk by that window well to get around
16 the property, correct?

17 KELLY BOUCHER: That's true, yes.

18 JIM MONTEVERDE: Yeah, okay. I wouldn't call that
19 generous, but yes, you can walk by. And I believe the
20 infill of the front porch -- just to comment -- from your
21 presentation, that's already counted as FAR, so it's a non-
22 FAR issue, I assume?

1 KELLY BOUCHER: Yeah. There's no additional FAR.
2 It's got a roof on that floor now.

3 JIM MONTEVERDE: Correct.

4 KELLY BOUCHER: And that is --

5 JIM MONTEVERDE: Yeah, looking at the photo, yeah.

6 KELLY BOUCHER: Yes.

7 JIM MONTEVERDE: Right? So it's a deck on the
8 first floor, it's a porch on the first floor, it's a deck on
9 the second floor?

10 KELLY BOUCHER: Yeah. This is a good example of
11 what it would look like.

12 JIM MONTEVERDE: Yeah, exactly. So that one I
13 think in the context of the adjacent buildings, the
14 neighborhood, it just -- it strikes me as unfortunate that
15 you need to close in that existing porch, regardless of the
16 FAR discussion.

17 So that's unfortunate that you need all that space
18 to change the façade in that case and present that kind of
19 blunt element to the street. But those are my two comments.

20 KELLY BOUCHER: There are other houses on Goodman
21 where their front porches have been done in a similar
22 fashion already.

1 JIM MONTEVERDE: Yeah.

2 KELLY BOUCHER: It looks a little blocky with the
3 computer model. You know, but it won't have siding all the
4 way down to the ground. It will have a little bit more
5 definition.

6 JIM MONTEVERDE: When the rendering looks blocky,
7 it's going to be blocky, however you paint it, façade it, et
8 cetera. So that's my only concern about that element. So
9 thank you. You've answered my questions.

10 CONSTANTINE ALEXANDER: Okay. I'll open the
11 matter up to public testimony. And again, if any member of
12 the public who wishes to speak should now click the I could
13 not at the bottom of your Zoom screen that says, "Raise
14 hand." If you're calling in by phone, you can raise your
15 hand by pressing *9 and unmute or mute by pressing *6.

16 So I'll take a second to see if anyone wishes to
17 speak?

18 [Pause]

19 I'm told that apparently no one does wish to
20 speak. We are in receipt of some letters, which I will read
21 into the record. One is from Goldie, G-o-l-d-i-e Eder [I
22 think I've got it right] E-d-e-r.

1 "I am writing to --" who resides at 2 Goodman Road
2 "-- I am writing to state that I have viewed the plans for
3 the renovation of the house next door to me, and I have no
4 objections to the renovations planned. I look forward to my
5 new neighbors being able to complete their renovation and
6 move in."

7 We have a letter from Debby Shapiro, who resides
8 at 404A Broadway.

9 "I am writing to express my hope that the permits
10 needed to complete the work on 6-8 Goodman Road will be
11 granted in a timely manner. I live two houses down, corner
12 of Goodman/Broadway, and have watched the house sit
13 unfinished for almost a year. The plans look good, and the
14 owner has been respectful of neighbors' concerns. I urge
15 you to help this project move along as quickly as possible."

16 And last, a letter from Phil Bodrock, B-o-d-r-o-c-
17 k.

18 "We have had an opportunity to review the plans
19 for the above-referenced property --" that's the property
20 we're talking about "-- which abuts our property at 10-12
21 Goodman Road. We have no objections."

22 So with that, I will close public testimony.

1 Discussion? Questions? Or ready for a vote? What's the
2 Board's pleasure?

3 BRENDAN SULLIVAN: Brendan Sullivan; ready for a
4 vote.

5 JANET GREEN: Janet Green; ready for a vote.

6 LAURA WERNICK: Laura Wernick; ready for a vote.

7 JIM MONTEVERDE: And Jim Monteverde; ready as
8 well.

9 CONSTANTINE ALEXANDER: Okay. Let me just check
10 the files here. We have two votes to take; the variance for
11 the dormer and the special permit for the nonconforming
12 elevation. So I'll start with the variance.

13 The Chair moves that we make the following
14 findings with regard to the variance being sought:

15 That a literal enforcement of the provisions of
16 the ordinance would involve a substantial hardship, such
17 hardship being is this is an older structure, and the third
18 floor of which, which would ordinarily be used for -- or
19 could be used -- for residential purposes is insufficient
20 without a dormer to improve the headroom and the
21 accessibility of this to the third floor.

22 The hardship is owing to the fact that this is

1 already a nonconforming structure; that any relief requires
2 zoning relief.

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

6 In this regard, the Chair notes that the proposed
7 -- what is being proposed essentially complies with our
8 dormer guidelines, and to the extent that it doesn't, there
9 is a justification that we've seen in other cases that
10 involve dormers and structures of this age.

11 That -- I've dealt with the fact that the
12 structure itself is nonconforming, and therefore any relief
13 requires -- any change requires zoning relief.

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

18 Again, the dormer guidelines are substantially --
19 I'm repeating myself, I apologize -- are being substantially
20 complied with, that there is neighborhood support, and this
21 is a classic example of someone taking an older home in
22 Cambridge and trying to make it more livable by utilizing

1 interior space that cannot be utilized given the current
2 structure of the building.

3 So on the basis of all of these, the Chair moves
4 that we grant the variance being sought on the condition
5 that the work proceed in accordance with plans prepared by
6 Kelly Boucher Architecture [I'm looking for a date] dated
7 August 7, 2020, the first page of which has been initialed
8 by the Chair.

9 Again, I would advise the architect that these
10 should be -- these better be the final plans. If you wish
11 to change them going forward, you're going to have to come
12 back before this Board.

13 All those in favor of granting the variance on
14 this basis?

15 BRENDAN SULLIVAN: Brendan Sullivan; yes to
16 granting of the variance.

17 JANET GREEN: Janet Green; yes for granting the
18 variance.

19 LAURA WERNICK: Laura Wernick; yes for granting
20 the variance.

21 JIM MONTEVERDE: And Jim Monteverde; yes for the
22 variance.

1 CONSTANTINE ALEXANDER: The Chair votes yes as
2 well.

3 [All vote YES]

4 CONSTANTINE ALEXANDER: So the variance has been
5 granted. Let's talk to the -- let's turn to the special
6 permit, and we have to make the following findings.

7 The first is that the requirements of the
8 ordinance cannot be met unless we grant the relief being
9 sought.

10 That traffic generated or patterns of access or
11 egress resulting from what is being proposed will not cause
12 congestion, hazard, or substantial change in established
13 neighborhood character.

14 That the continued operation or development of
15 adjacent uses, as permitted in the ordinance, will not be
16 adversely affected. As witness to this, there's been the
17 people most affected -- neighbors most affected; expressed
18 no opposition to what is being proposed.

19 No nuisance or hazard will be created to the
20 detriment of the health, safety and/or welfare of the
21 occupant of the proposed use, or the citizens of the city.

22 And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,
2 or otherwise derogate from the intent and purpose of this
3 ordinance.

4 So on the basis of all these findings, the Chair
5 moves that we grant the special permit on the condition --
6 again -- that the work proceed in accordance with the plans
7 referred to with regard to the variance we just granted.

8 BRENDAN SULLIVAN: Brendan Sullivan; yes to
9 granting the special permit.

10 JANET GREEN: Janet Green; yes for granting the
11 special permit.

12 LAURA WERNICK: Laura Wernick; yes for granting
13 the special permit.

14 JIM MONTEVERDE: And Jim Monteverde; yes for the
15 special permit.

16 CONSTANTINE ALEXANDER: And the Chair makes it
17 unanimous.

18 [All vote YES]

19 Special permit granted, good luck.

20 KELLY BOUCHER: Thank you.

21 JIM MONTEVERDE: Mr. Chair, can I request a two-
22 minute break?

1 CONSTANTINE ALEXANDER: Go ahead. It's going to
2 take me that long to get the files in order anyway.

3 JIM MONTEVERDE: Thank you.

4 [BREAK]

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(7:32 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: All right. The Chair will
now call Case Number 017300, 17 Ellsworth Avenue. Anyone
here wishing to be heard on this matter?

SARAH RHATIGAN: Yes, good evening.

CONSTANTINE ALEXANDER: Good evening.

STEVEN REVILAK: This is Sarah Rhatigan. I am
with Trilogy Law, and I'm the attorney representing the
petitioner, who is also on this call, Matt Hayes. Matt,
would you identify yourself?

MATT HAYES: Hi, Matt Hayes here.

SARAH RHATIGAN: And Mr. Chairman, please advise;
does the transcriber need us to state our names and spelling
and addresses, et cetera for the record, or -- since this is
video...

CONSTANTINE ALEXANDER: I think they know how to
spell your name.

SARAH RHATIGAN: Oh, okay.

1 CONSTANTINE ALEXANDER: I think it sounds pretty
2 easy. So Sisia, do you need more spelling of the names?

3 SISIA DAGLIAN: No, I don't think so. We have it
4 on the agenda.

5 CONSTANTINE ALEXANDER: That's right.

6 SARAH RHATIGAN: That's great, thank you.

7 SISIA DAGLIAN: Just presenters that are not on
8 the agenda.

9 SARAH RHATIGAN: Thank you so much. Sisia, would
10 you mind sharing our slides for the Board? Thank you, we
11 just -- we don't have any additional information for you.
12 This is simply a subset of plans that were filed in this
13 case.

14 So this is an application for both a variance and
15 a special permit. The relief that's being requested is
16 really for two items. And we'll go through the plans
17 briefly to just show the Board what's involved.

18 This is a property that was a lot with a larger
19 historic home that was built in approximately I think -- in
20 the late 1800s, that had sort of a large addition in the
21 back that was not historic, I believe, as well as sort of a
22 side addition that has since been removed.

1 And the owner, Mr. Hayes, has been in the process
2 of doing a real substantial renovation and the construction
3 of another single-family structure in the rear.

4 And the project was designed and went through a
5 Historic Commission review, and underwent a number of
6 revisions to plans.

7 And throughout this process, the -- and I should
8 point out that the front structure is a single-family home
9 and the rear structure is a single-family home. And it will
10 be condominiums, in which Mr. Hayes is going to be the
11 resident and the owner of the front unit. So the older
12 historic home at the front.

13 Throughout the process of design, the architect
14 had assumed that the rear egress porch that was planned for
15 the first, the front house, was falling under a provision of
16 the zoning ordinance -- or at least I'm presuming that this
17 was the understanding, was that this was almost akin to a
18 fire escape that under a certain definition of the zoning
19 ordinance could be--quote, unquote-- "within the yard areas"
20 so long as it met certainly dimensional requirements.

21 When the building permit plans were filed, it was
22 noted that these stairs that are being shown on the plan

1 here on the left side, where it says, "new egress landing
2 and stair" that this relatively small porch and stairs down
3 to the grade actually were within the area between two
4 buildings that was encroaching on the required space between
5 these two buildings.

6 So there was a process whereby the owner was sort
7 of trying to find different alternatives.

8 And the structural problem that he has -- or the
9 functional problem that he has is there's a home that has a
10 front porch and a front entry, and then there's some egress
11 from the basement, but there was no real good way to get out
12 the back of the house from the main living area.

13 And one alternative that he explored was if you're
14 looking at the house from the street to go out the right
15 side of the house, you know, that he actually could do.

16 He could probably accomplish that either by a
17 special permit or maybe even as-of-right, as a fire escape.

18 But that option was actually going to put him sort
19 of in -- not in conflict with, but sort of to the detriment
20 of his neighbor who lives to the right, who would then have
21 an entry door and light sort of shining out towards the
22 neighbor on the right, where the lot line is a little close.

1 Another option that he tried to work with was to
2 put the egress out to the left side. But if you look at
3 this floor plan, you can see that there's a bay that sticks
4 out towards the left rear of the house. And that was
5 functionally going to be problematic.

6 And also, it was going to be aesthetically not
7 pleasing to the Historic Commission, because it would kind
8 of require removing a bay that was otherwise, you know,
9 quite beautiful.

10 So he was left with wanting to keep the egress
11 where it is, and thus the request for a variance.

12 It is a pretty minimal intrusion into the space
13 between the two buildings, and I've tried to argue before
14 this Board that it actually should technically not be a
15 variance request.

16 I know that we've discussed that theory before,
17 and I'm not sure that I've persuaded you that that's the
18 case in terms of the language of the statute.

19 But we do think that the request under the
20 circumstances is in many ways a better result in terms of
21 any impacts on the neighboring community, and is
22 functionally and operationally a really helpful component of

1 the construction.

2 One other thing I'm going to point out here, and
3 then I'm going to ask Sisia to advance slides: Also on the
4 right side, if you see where it says, "new basement window"
5 that is a new opening within -- on a wall that's within a
6 setback.

7 When we look at the elevations, we'll see that
8 it's a small basement window, and it won't actually be seen
9 by neighbors because of the landscaping to the right. So
10 that is special permit request that we'll get to next.

11 Sisia, could you go to the next slide?

12 So just getting a look at the elevations, the --
13 I've tried to point out with the highlighting the element
14 that's a requested variance, where it says, "new egress
15 landing and stair."

16 So now we're looking at on the left side of this
17 page, we're looking at a side view of the front house, where
18 the street is on the right side of us, and the new egress
19 landing and stair you can see is tucked in the back.

20 Next slide, please?

21 And this is from the opposite side of the house.

22 So now we're looking from the right side of the house. And

1 again, we can see the landing and stair tucked in here. And
2 you can see, you know, flat on you can see the effect of
3 what's being done here.

4 So this allows for any occupant who is, you know,
5 living and residing and spending time in sort of the last --
6 the back part of the house to be able to exit out to the
7 grade, to the yard area and to the parking areas without
8 having to go essentially -- the other alternative was going
9 down into the basement and then back out to the yard, which
10 was not ideal.

11 Next slide, please?

12 And these images -- these plans were prepared in
13 connection with the permitting, but also with the Historic
14 Commission's review, so you can see there's some more images
15 here, just to give you a sense of what this property looks
16 like from the street, what it would look like.

17 CONSTANTINE ALEXANDER: Can I ask you a question

18 --

19 SARAH RHATIGAN: Yes.

20 CONSTANTINE ALEXANDER: -- Ms. Rhatigan? You
21 mentioned a couple things that -- things that could have
22 been done even, but it was not idea. But could it have been

1 done as a matter of right, without having to get the zoning
2 relief?

3 STEVEN REVILAK: So let's see. The option for
4 putting the stairs on the right side of the property would
5 not have been by right -- certainly not to do a landing of
6 this type. That would have been -- that would have perhaps
7 required a special permit, and that was an operation that
8 was considered. It would have required less relief from the
9 Zoning Board.

10 But again, the neighbors who live to the right
11 were not keen on that option.

12 There's another aspect to this that was
13 considered. If you -- I'm just trying to think of in the
14 slide deck whether we can get to a site plan that shows the
15 original structure.

16 Sisia, do you mind advancing towards the bottom?

17 MATT HAYES: Yeah. It's on Sheet 32, I believe.
18 That's where I'm at now.

19 SARAH RHATIGAN: Okay, thank you. You know, I
20 apologize. I'm not sure if I put that in the slide deck to
21 present to you. I was trying to simplify things.

22 MATT HAYES: Oh.

1 SARAH RHATIGAN: The site plan shows that the
2 original house -- the original front house had a quite large
3 kind of protrusion out to the right. Sisia, actually, --
4 you know the best thing -- yep, this -- right, the page that
5 you have shown right here, this is perfect.

6 So if you look at the top photo, the yellow house
7 is our house. And if we're looking at the right boundary
8 line, do you see how there's this large protrusion out to
9 the right? That's like a modern addition that was popped on
10 to the side of the house. That addition was actually right
11 up to the lot line, maybe a few inches from the lot line.

12 But there was a point in time where it could have
13 been that the owner could have essentially rebuilt this
14 portion of the house and kept this encroaching area as a
15 preexisting nonconforming, you know, condition and created
16 his egress in this area.

17 But his desire was, you know, much more in keeping
18 with his general development style, which is to -- you know,
19 to renovate and really restore old, historic homes, and
20 also, to improve conditions and by structure, and kind of
21 putting the house back to its original size and shape.

22 Also, by eliminating a back addition as well he

1 was sort of improving conditions. But that would have been
2 an as-of-right sort of remedy to this situation as well.

3 CONSTANTINE ALEXANDER: The only reason I ask is
4 --

5 SARAH RHATIGAN: Did that help to answer that
6 question?

7 CONSTANTINE ALEXANDER: Well, the reason for the
8 question was that if there are matter of right solutions,
9 why is there a need for a variance? It may not be to what
10 your client would like ideally, but it is a solution that
11 does not require zoning relief.

12 SARAH RHATIGAN: Well, there's not an as-of-right
13 solution that gets the egress off the back of the house from
14 the main living area into the yard, except without perhaps
15 destroying the bay of the house in order to do so.

16 And that, we suspect, probably would not have been
17 accepted by the Historic Commission who did have to review
18 and issue a certificate of appropriateness.

19 The other thing -- I understand that those
20 processes are not necessarily -- you know, ones that, you
21 know, that are always considered binding on this Board in
22 some ways, but I just want to note that the owner did go

1 through a process of about four different redesigns of his
2 project through that historic process in order to get to
3 where he ended up.

4 CONSTANTINE ALEXANDER: Okay, thank you. Laura,
5 you have a question?

6 SARAH RHATIGAN: And -- Sisia, if you don't mind,
7 we skipped over a few slides. I wanted to just be able to
8 bring us back there, I think mainly to show -- let's see,
9 Number 6? You could start with 6, and then we'll just
10 advance to slide 7.

11 Again, this is just giving you different -- this
12 is giving you renderings essentially of what the rear area
13 would look like. What we're also trying to convey to you is
14 the minimal intrusiveness of this -- you know, to really to
15 anyone. And --

16 JIM MONTEVERDE: Can you speak to -- sorry, this
17 is Jim Monteverde.

18 SARAH RHATIGAN: Yes.

19 JIM MONTEVERDE: Can you speak to that a bit more?
20 Because I'm looking at the survey. I'm trying to understand
21 dimensionally what the distance is between the two
22 structures, and then how much this new stair intrudes. And

1 I see the survey; that -- that's what I was referring to is
2 Sheet 32 of 34 if I have that correct -- this is the
3 information online.

4 SARAH RHATIGAN: Yep.

5 MATT HAYES: I'm happy to speak to that if you
6 want.

7 JIM MONTEVERDE: And it just shows the dimension
8 between the two structures at that point is 11.93 feet?

9 SARAH RHATIGAN: That's -- yeah, that's correct.
10 That's the number that I was going to give you, yeah.

11 JIM MONTEVERDE: Yeah. And then --

12 SARAH RHATIGAN: Correct.

13 JIM MONTEVERDE: -- so what is --

14 SARAH RHATIGAN: Yeah.

15 JIM MONTEVERDE: -- and the width of the stairway
16 then is -- I can't find that in the drawing, that's the
17 question.

18 MATT HAYES: The landing by code would have to
19 project at a minimum of 36 inches off of that. So I need 36
20 inches clear off of that elevation, and then the stairs
21 would go down.

22 JIM MONTEVERDE: Right. So it would be nominally

1 -- this is 8.93, 8.6, 8.5 feet --

2 MATT HAYES: Correct.

3 JIM MONTEVERDE: -- by the time you're done, away
4 from the stair?

5 MATT HAYES: Yep.

6 JIM MONTEVERDE: And then out of curiosity, the
7 survey again, which is dated March 25, yeah 2009 -- this is
8 a recent survey... Yeah, that's fine. I have -- no, that's
9 last year. March 25 --.

10 SARAH RHATIGAN: 2019, yep.

11 JIM MONTEVERDE: -- 2019; yeah, that was a year
12 ago. And it shows that stair. So was that in fact the
13 design intent back in 2019?

14 MATT HAYES: Yeah. So when we designed the
15 building, we designed it, and that was the intent, it was to
16 have access to the back yard off of the rear or the
17 building, obviously.

18 And during permit review, it was brought to my
19 architect's attention that there was this setback, the
20 separation --

21 JIM MONTEVERDE: Right.

22 MATT HAYES: -- I called it a setback, but it

1 snowballed this whole conversation of needing a variance
2 relief, so.

3 JIM MONTEVERDE: Yeah, I think Sarah mentioned
4 that. Yep, thank you.

5 SARAH RHATIGAN: Additionally, Sisia, I was hoping
6 to get to the slide that has the basement window shown, just
7 so that we could reference the window that is the subject of
8 the special permit? It's --

9 SISIA DAGLIAN: Is that a rendering, or is it a
10 floor plan?

11 SARAH RHATIGAN: No, it's an elevation floor plan.
12 -- elevation plan. I think it's -- I think it's -- no, your
13 Number 5.

14 [Pause] Apologies.

15 SISIA DAGLIAN: Not that.

16 STEVEN REVILAK: Well, we will come to it. It was
17 a hand-drawn... The basement window is shown on a hand-drawn
18 elevation of the right side of the house.

19 JIM MONTEVERDE: Yeah. I saw it on the material.
20 It's posted online.

21 SARAH RHATIGAN: Yep. I'm sorry, Sisia.

22 JIM MONTEVERDE: Yeah, I think it's -- I can't get

1 a sheet number here.

2 SISIA DAGLIAN: It's not in the presentation.

3 SARAH RHATIGAN: Oh, okay.

4 JIM MONTEVERDE: Yeah, it's the north elevation
5 with -- Sisia, you can't share your screen, or I can't grab
6 the screen, can I? I have it on their material that's
7 available online.

8 SISIA DAGLIAN: I don't know. I'll stop sharing
9 and see if you can share.

10 JIM MONTEVERDE: Yeah. I can share the screen.
11 Yeah. Hold on a second, let me grab it.

12 SARAH RHATIGAN: Jim, thank you.

13 JIM MONTEVERDE: Well, maybe.

14 SISIA DAGLIAN: Yeah, I don't --

15 JIM MONTEVERDE: Don't thank me. Don't thank me
16 yet.

17 SARAH RHATIGAN: Well, I'll thank you for trying.

18 JIM MONTEVERDE: No, Sisia, I'm disabled from
19 taking the screen. That's okay. If you go -- is there
20 another north elevation, Sisia, in the packet? I can just
21 describe what I'm looking at.

22 SISIA DAGLIAN: I mean, we have these Exo

1 drawings.

2 SARAH RHATIGAN: I can also --

3 JIM MONTEVERDE: Okay.

4 SARAH RHATIGAN: -- I can pull up my printed set
5 and show it on my screen if we need to. The location of
6 this basement window is the back right side of the
7 structure, and as we see from both the photos and the
8 landscaping, the window will be almost entirely not seen by
9 the neighbors.

10 MATT HAYES: There's --

11 SARAH RHATIGAN: And -- I'm sorry, Matt?

12 MATT HAYES: There's a six-foot tall fence, or a
13 five-foot with a one-foot topper on top, but it would sort
14 of effectively block any kind of view from the street,
15 unless you were --

16 JANET GREEN: I can't hear, Matt.

17 MATT HAYES: All right, sorry. I was saying
18 there's a five-foot tall fence with a one-foot baluster
19 topper on top of that, which would effectively block all
20 views from the street to this window.

21 SARAH RHATIGAN: And the window in that location
22 is just providing a lot of light to the basement in that

1 rear area that is windowless.

2 SISIA DAGLIAN: Which elevation is it on? Would
3 it be on one of these drawings?

4 JIM MONTEVERDE: Yeah. It would be the north
5 elevation, if there is one? No.

6 SARAH RHATIGAN: It's not on the --

7 JIM MONTEVERDE: No, I don't think there is, no.

8 SARAH RHATIGAN: -- the renderings, but it is on a
9 plan that was submitted.

10 MATT HAYES: Yeah, on the plan that was submitted.
11 So say if you're looking at this elevation, right? And you
12 see the window 214 on the second floor?

13 It would be in line -- again, just to kind of
14 like, to keep symmetry of windows on this elevation, it
15 would be in line with that just between the grade and the
16 first floor in the first thing. So --

17 LAURA WERNICK: And is that the elevation where
18 you said if the -- this is Laura -- you said if the stair
19 was on that side, that it would -- the neighbor would be --

20 MATT HAYES: Yeah, right, yeah, yeah. And, like
21 the alternative --

22 LAURA WERNICK: -- does your fence; can I finish

1 my question?

2 MATT HAYES: Yeah, of course, yeah.

3 LAURA WERNICK: -- the fence that you describe, is
4 that just a fence between the window and the street, or does
5 it separate from the neighbor?

6 MATT HAYES: The fence separates from the
7 neighbor. It's the property line.

8 LAURA WERNICK: From the neighbor. So I'm
9 confused about why if the stair was in that location, why
10 would the neighbor -- would the fence block the stair from
11 the view of the neighbor?

12 SARAH RHATIGAN: Well, the porch access would be
13 at the first-floor level, as opposed to at the basement
14 level. So, you know, presumably the light and the door
15 opening would be at least a portion of it would be over the
16 fence.

17 Would you like to -- I have the visual of the page
18 of our plan that was submitted, that if you show my video
19 screen, I think that people will be able to see. So I've
20 got the page -- this is part of the submission packet. I'm
21 sorry that it's not in the slide that you're viewing on
22 screen.

1 LAURA WERNICK: I think we get it. We get it.

2 SARAH RHATIGAN: Here's the view, yep. So, you
3 know, there was also a lot of outreach by Mr. Hayes to his
4 neighbors.

5 And I know that there have been a number of e-
6 mails that were submitted and are a part of the record, but
7 this is part of a project that has really been a sort of a
8 labor of love, and Matt has really gone a long way to try to
9 produce a really beautiful project that folks are quite
10 supportive of.

11 And I think that, you know, the support that he's
12 gotten from the neighbors who are immediate abutters, as
13 well as folks across the street and down the street -- some
14 of whom I'm not sure if you'll read those into the record,
15 but some of whom commented not only that they saw the
16 requested variance and special permit as not -- you know,
17 not harmful, but also commented on the real high-quality
18 work that he does generally, and that his projects are
19 really to be commended.

20 So, you know, we'd be happy to hear your
21 discussion, but we're hoping that the variance is both
22 needed, but also very -- you know, as minimal as can be, and

1 presents a design solution that is beneficial to the
2 neighbors.

3 CONSTANTINE ALEXANDER: Okay. I would like you to
4 speak a little bit more as to why you meet the legal
5 requirements for a variance? I've heard a lot about how
6 this is an attractive design and the neighborhood likes it,
7 but we've got to -- we're not a Design Review board, we're a
8 Zoning Board.

9 SARAH RHATIGAN: Sure, yep, yep.

10 CONSTANTINE ALEXANDER: So why don't you just go
11 through that in a little bit more detail?

12 SARAH RHATIGAN: Sure. So, you know, in terms of
13 the hardship, I mean we've described -- you know,
14 functionally some of the hardship that's involved here, but
15 in terms of -- you know, meeting a requirement that the
16 hardship is due to -- in this instance, it's the shape of a
17 structure that's also a historic structure that's unique, in
18 that it's both.. because of the bay window at the left,
19 it's siting near the right boundary line, and, you know, the
20 constraints of where this egress could be placed on the lot.

21 And also, just the topography of having to -- if
22 it's -- if you don't create this rear egress, if there were,

1 you know, a fire hazard, someone's up on the third floor and
2 needing to escape out the rear, they would be traveling down
3 three flights of stairs to a basement and then out to a
4 yard, which is not ideal.

5 BRENDAN SULLIVAN: Sarah, this is Brendan
6 Sullivan.

7 SARAH RHATIGAN: Yes.

8 BRENDAN SULLIVAN: I think my take on it is not so
9 much the placement of the bay window on a historically
10 pleasing building, but it's the placement of the rear
11 building, which encroaches on the ten-foot setback.

12 Actually, you would need 13 plus feet setback
13 between the buildings in order to get that second means of
14 egress there. The front building is existing, it's the back
15 building which is encroaching on that.

16 And then the need to put a second means of egress
17 out of that front building. So it's not necessarily the
18 hardship is the front building, it's really the back
19 building.

20 CONSTANTINE ALEXANDER: And let me continue that.
21 Because I'm having the same reaction. The fact of the
22 matter is as I'm hearing this -- and maybe I got it all

1 wrong -- you want, your client wants to build a new building
2 in the rear. Fine, and the sign is very attractive.

3 And then he goes and says, "Well how, let me see
4 what zoning relief I need." Usually it's the other way
5 around. You don't have a right to build a second building
6 on the building, on the lot.

7 But if you do, you want to -- if you want to build
8 a second building, you've got to comply with the zoning.
9 And the fact that you can't is not a hardship that justifies
10 us granting the zoning relief.

11 What am I missing?

12 MATT HAYES: Is a variance based off of a
13 hardship, or not having a negative impact on the community
14 at large?

15 CONSTANTINE ALEXANDER: You start with the fact
16 you've got a piece of property -- in this case with a
17 structure on it. You desire to build a second structure on
18 the property.

19 MATT HAYES: Yep.

20 CONSTANTINE ALEXANDER: To do it, you have to
21 comply -- that second structure -- with the first structure.
22 It has to comply with the zoning requirements. If you don't

1 -- if you can't do that, then the hardship is, "I want to
2 design something, and I have a hardship because I can't do
3 it." That's not the way the zoning works.

4 MATT HAYES: I'm not -- by no means was my
5 intention to, like, "Hey, let's just take a shot in the dark
6 and try and like -- like, work zoning to my side." It's
7 like I was -- we went through the design.

8 At that time of permit review or design review at
9 zoning, it was felt like we found out that you couldn't
10 build with, like, have a second egress or have an egress or
11 a landing between a separation of building.

12 So there's no, like, there's no hoodwinking going
13 on. This is me, like, just trying to having access to our
14 back yard, and with -- like, it's completely between --
15 like, completely hidden from the street.

16 Like, if it's a fire issue I'm happy to -- like,
17 if it's a fire code issue, I'm happy to, like, build it
18 completely out of noncombustible materials. Like, I just --
19 I'm like, yeah.

20 SARAH RHATIGAN: There's -- I mean, I -- Mr.
21 Sullivan, I appreciate what you're saying, and I'm not
22 ignoring that, but it's not unheard of to have a variance

1 for a project that does involve a new structure. And, you
2 know, the timing -- the sequence of events is exactly as
3 Matt has described it.

4 So the structure in the back is built, it's
5 constructed. You know, certainly -- you know, you could
6 say, well, it's a new structure, knock it down and try
7 again, but obviously as a practical matter that's not going
8 to happen.

9 You know, there --

10 BRENDAN SULLIVAN: I think -- this is Brendan
11 Sullivan -- Sarah, I think your role here is a mess.

12 SARAH RHATIGAN: I'm sorry what's that

13 BRENDAN SULLIVAN: I think your role here is to
14 clean up a mess.

15 SARAH RHATIGAN: I'm sorry, what's that?

16 BRENDAN SULLIVAN: I think your role here is
17 somewhat to clean up a mess, in a sense.

18 SARAH RHATIGAN: Well, I mean, this is what I
19 would ask the Board to consider. So the variances as we
20 know with this Board, yes there does need to be a hardship.
21 I think that we can establish one, based on the facts that
22 relate to the first house.

1 There's also an element of public good that comes
2 into consideration. Yes, it's absolutely a discretionary
3 decision on the part of the Board. Yes, you've been -- at
4 certain times you grant variances that are quite varying
5 from the requirements of the ordinance.

6 And in this case we have a landing and a stairwell
7 that -- you know, encroach somewhat on the distance between
8 separation of buildings which -- arguably -- relates to a
9 zoning issue that is more about massing than about egress
10 stairs, which is the reason that I've argued in the past
11 that this should be considered an exception that's allowed
12 under the ordinance provision that says that egress stairs
13 can be located within yard areas under the yard
14 requirements.

15 And, you know, again the relief that's being
16 requested is quite minimal. It's supported by the
17 neighbors. Other options would not be supported by the
18 neighbors. And functionally, it's a pretty important part
19 of this project. And one that Mr. Hayes is going to live in
20 as his home.

21 BRENDAN SULLIVAN: [Brendan Sullivan again.]

22 SARAH RHATIGAN: Yeah.

1 BRENDAN SULLIVAN: Before this first shovel was
2 put into the ground, would that building in the back have
3 been moved two feet away, further away? In other words,
4 could it have been 13 plus feet from the existing building,
5 so that you would have gotten in that second means of egress
6 in that new porch deck?

7 SARAH RHATIGAN: Matt, I think if you can help me,
8 I don't think that it could be.

9 MATT HAYES: Of course, yeah. Now with a complete
10 redesign, a complete go back through, like, another -- like,
11 four or five different meetings for, like, certificate of
12 appropriateness with the Historic Commission. So sure, yes,
13 it could have.

14 But, like, when, like, Zoning Review is at the --
15 like the last, it's the last bastion of the permitting
16 process, as I'm sure you know.

17 BRENDAN SULLIVAN: And I will. This is Brendan
18 Sullivan. I didn't want to keep beating up on this thing,
19 but --

20 JIM MONTEVERDE: So I think -- sorry this is Jim
21 Monteverde. So looking at the survey again that's not part
22 of the slide deck, there's a 19-foot dimension from -- and

1 the property line in the back is skewed, not parallel to the
2 back building, but if you're looking at the drawing that
3 you're looking at now, it's the bottom left-hand corner of
4 the rear home.

5 MATT HAYES: Yep.

6 BRENDAN SULLIVAN: That dimension to the property
7 line is 19 feet. So -- and I don't know what the setback
8 requirement --

9 MAGGIE BOOZ: Oh, I don't think --

10 BRENDAN SULLIVAN: -- would be for that.

11 MATT HAYES: I think it's got to be plenty.

12 BRENDAN SULLIVAN: Well, no. Not to the -- not to
13 that little bump out in the kitchen area, that's -- I'm
14 reading the survey, it's 19 zero. And then as you get to
15 the patio it steps into 21.09.

16 So call it 19 feet, if that's accurate. Are you
17 hard up against your setback line at the back of the
18 property for that structure?

19 MATT HAYES: No, I'm not.

20 BRENDAN SULLIVAN: So unless the plan was
21 reconfigured to kind of dance around the back of that
22 property line, Brendan, I think that's the response.

1 MATT HAYES: Yeah, I'm completely -- I mean, like,
2 you know, like, yes, we could have.

3 But, like, going through, like, through the design
4 process and through -- and going through Historic, and going
5 through four different four different iterations of the
6 solid, like at least eight months of design work that gets
7 you there -- again, as you surely know.

8 So -- yeah, so it would have required a complete
9 redesign and an architect's redesign of really how the
10 building would fit appropriately from Historic's standpoint,
11 right.

12 JIM MONTEVERDE: This is Jim Monteverde, again, if
13 I can ask a question. Has that stair been built? I mean, I
14 notice construction is well along. But everything else
15 around it is the rear home is then --

16 MATT HAYES: Yeah, no, I've actually completely
17 sited the rear of that house.

18 JIM MONTEVERDE: Uh-huh.

19 MATT HAYES: So yeah.

20 JIM MONTEVERDE: Okay, thanks.

21 CONSTANTINE ALEXANDER: Anything further you want
22 to say, Sarah?

1 SARAH RHATIGAN: No, not at this time.

2 CONSTANTINE ALEXANDER: Okay. Any further
3 questions from members of the Board?

4 LAURA WERNICK: It seems like if -- I don't know,
5 if the stair were shifted up towards the --

6 MATT HAYES: Patio.

7 SARAH RHATIGAN: -- property line that at least --
8 I don't know if it would make any serious difference, but
9 with the minimal door and shifting the stair north and
10 getting rid of --

11 MATT HAYES: Where it shows where the patio is?

12 SARAH RHATIGAN: Where the patio -- so if the
13 stair was where the patio is?

14 MATT HAYES: Yeah, right. We explored that like,
15 right when we found out that you couldn't have the staircase
16 in the separation of building setback, explored exactly
17 that; reconfigured the floor plans, tried to -- like, tried
18 to make that work.

19 But still, there was still a separation of
20 building setback that impacted having a 36 inch landing and
21 stairs down to the yard from there.

22 CONSTANTINE ALEXANDER: I keep coming back --

1 probably incorrectly -- to the thought that your approach is
2 that if I can't build what I want to build, it's a hardship
3 that justifies zoning relief.

4 There are other solutions that maybe you don't
5 like, but would avoid the need for zoning relief, and by the
6 fact that you can avoid the need for zoning relief means
7 that you don't -- you're not entitled to a variance. That's
8 where I'm coming from.

9 MATT HAYES: No, Mr. Chairman, also we did explore
10 -- like, we, like, we could receive if we were, like, trying
11 to get a special permit on the right side of the house,
12 which would be on the property line.

13 But again, just like the field of it -- like, I
14 know my neighbors to my right would not like having this
15 constant field of vision and a door that, like, of us just,
16 like, every time we walk out to the back yard. And the same
17 could be said.

18 And again, like, if we, like, if this isn't
19 granted, the same could be said, like, if we, like, if we
20 have to access our back yard by leaving through the front
21 door and walking down the property line every single time to
22 the back yard it just seems, just, like kind of funky.

1 And again, just like this weird, like -- it just
2 creates, like, an unnecessary field of vision, or like line
3 of sight between neighbors. I don't know, that sounds
4 weird, but.

5 Well, yeah, this unnecessary -- where, like,
6 there's constant foot traffic along the property line to get
7 to the back yard. Yeah, I mean --

8 SARAH RHATIGAN: So I think what we're trying to
9 say is that because of the existing structure and its
10 architecture, there isn't another alternative, except for
11 one alternative that we know is -- you know, unwanted by the
12 neighbor who's most impacted by it.

13 LAURA WERNICK: I still feel the patio -- the
14 stair could be where the patio is. I don't understand --

15 SARAH RHATIGAN: When we looked at those
16 dimensions, matt, I recall us looking at what was required
17 for a Landing and for stairs down and still at a diagonal.

18 I mean, maybe we were minimizing the encroaching
19 amount by, like, half a foot, but not in any substantial
20 way. That was certainly nothing that was going to avoid
21 coming -- you know, coming to the Board and requesting a
22 variance.

1 MATT HAYES: 100 percent, when we --

2 SARAH RHATIGAN: Matt, right?

3 MATT HAYES: Yeah, absolutely. So when we, like,
4 when we put the initial -- like, when the initial permit
5 was, like, submitted -- and again, we found out that we
6 couldn't have it right off, like, right off this dining room
7 area or where it is situated currently, we did try and shift
8 it towards the patio. And dimensionally it still didn't
9 work.

10 Our next alternative was like, hey, we could
11 explore getting a special permit on the right side. And
12 again, for the reasons I just, like, laid out, we decided
13 not to do that, just because it would just be encroaching
14 on, like, neighbors.

15 And again, like, there's -- I know you guys aren't
16 a Design Review board, but, like, there is, like, the impact
17 of neighbors and, like, the impact of buildings on, like, I
18 mean -- am I not correct?

19 It's the same reason, like, it's the same reason
20 there was a case recently I think where, like, like, there
21 was a giant neighborhood outreach that opposed a project,
22 but then the Board granted them 0.5 extra of FAR because the

1 entire neighborhood petitioned that that would be better for
2 the fabric of the neighborhood.

3 And I just don't understand why -- yeah. So -- so
4 it's, so again, from a fire code standpoint, I am happy to
5 build with a noncombustibles.

6 But, like, it just seems -- and again, if we don't
7 -- if this isn't granted, we will -- my wife and I will just
8 walk out the front door and walk down the property line on
9 the right side and we will access our back yard that way.

10 It's not -- I'm not trying to hoodwink anyone; I'm just
11 trying to explore the options of how to get to the back
12 yard. I'm not trying to put, like, the horse before the
13 cart or the cart before the horse or anything like that.

14 BRENDAN SULLIVAN: This is Brendan Sullivan again.
15 I think I've heard enough. I know my sentiment on this. I
16 will vote to grant the variance, just to move this forward,
17 and I think it's probably the -- to me, even though I will
18 hold my nose on it is it's probably the proper thing to do
19 for the house, for that development, is just to have the
20 second means of egress at that location.

21 Word of caution, Matt, going forward --

22 MATT HAYES: Yep.

1 BRENDAN SULLIVAN: -- you need to be very, very
2 careful, more careful. This is our second round.

3 MATT HAYES: I totally get that.

4 BRENDAN SULLIVAN: All right? Enough said, enough
5 said. All right? We don't need to keep going.

6 MATT HAYES: Please, I'm not --

7 BRENDAN SULLIVAN: I know you're trying.

8 BRENDAN SULLIVAN: I'm sorry that we keep finding
9 ourselves --

10 BRENDAN SULLIVAN: Enough said, we don't need to
11 go any further.

12 CONSTANTINE ALEXANDER: Yeah, I agree with you.
13 Enough said. You don't need to continue the dialogue on
14 this comment. Any further questions or comments from Board
15 members now before I open the matter up to public testimony?
16 I assume, Sarah, that you're ready for public testimony as
17 well?

18 SARAH RHATIGAN: Yes, thank you.

19 CONSTANTINE ALEXANDER: Okay.

20 JIM MONTEVERDE: Sorry --

21 CONSTANTINE ALEXANDER: Yes.

22 JIM MONTEVERDE: -- Mr. Chair, this is Jim

1 Monteverde.

2 CONSTANTINE ALEXANDER: No, go ahead.

3 JIM MONTEVERDE: Just one comment. In a
4 discussion about this being really access to the rear yard
5 or to a yard, that I basically take exception to as a
6 rationale for why this is necessary in this position, and
7 intruding on that separation distance.

8 If it's strictly convenience and if it really
9 means you're going to walk out your front door and walk
10 around the side of the house to get to the yard, I could
11 live with that as an option and basically deny the stair.
12 So I just have an issue with it. That's all.

13 CONSTANTINE ALEXANDER: Okay. I will now open the
14 matter up to public testimony, unless Laura or Janet, you
15 want to make any comments right now?

16 JANET GREEN: Not right now.

17 CONSTANTINE ALEXANDER: Okay. All right. Then we
18 will open the matter up to public testimony. And again, any
19 member of the public who wishes to speak should now click
20 the icon at the bottom of your Zoom screen that says, "Raise
21 hand." If you're calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6.

1 I will wait a second and see if anyone wishes to
2 speak.

3 SISIA DAGLIAN: Yeah. We have Will. You can
4 unmute yourself now.

5 CONSTANTINE ALEXANDER: Okay.

6 [Pause]

7 LAURA WERNICK: I think Will is still muted.

8 [Pause]

9 SISIA DAGLIAN: It says it's unmuted.

10 CONSTANTINE ALEXANDER: Well, he's still not --

11 SISIA DAGLIAN: He's still on here. Let's see.

12 CONSTANTINE ALEXANDER: Still no word from Will?
13 Is that -- WILL: Hello?

14 CONSTANTINE ALEXANDER: Hello, yes, we are. Yes.
15 Hello?

16 CONSTANTINE ALEXANDER: Hello? Can you hear us?

17 WILL DOEBELE: Hello?

18 CONSTANTINE ALEXANDER: Hello.

19 WILL DOEBELE: Hello.

20 CONSTANTINE ALEXANDER: I'm not going to say
21 "hello" again.

22 WILL DOEBELE: Hello?

1 LAURA WERNICK: They're muted. We can hear you.

2 CONSTANTINE ALEXANDER: We can hear you. Why
3 don't you just make your comments?

4 WILL DOEBELE: Hello?

5 CONSTANTINE ALEXANDER: Unless we can solve this
6 problem, I'm afraid you're not going to be able to speak,
7 sir.

8 [Pause]

9 SISIA DAGLIAN: Maybe, like, motion that they can
10 speak, I don't know.

11 CONSTANTINE ALEXANDER: Say it again?

12 SISIA DAGLIAN: Like, maybe with a hand motion let
13 them know they can speak, or --

14 LAURA WERNICK: Can't see them.

15 JIM MONTEVERDE: It's muted again.

16 SISIA DAGLIAN: I don't know.

17 CONSTANTINE ALEXANDER: Let's try again. Can you
18 hear us, sir?

19 LAURA WERNICK: You're still on mute.

20 CONSTANTINE ALEXANDER: Did I hear a yes?

21 JIM MONTEVERDE: Still on mute.

22 LAURA WERNICK: Will is still on mute.

1 CONSTANTINE ALEXANDER: You've told him several
2 times, Laura, and it doesn't seem to unmute. I think you're
3 right, but --

4 JIM MONTEVERDE: Yeah.

5 CONSTANTINE ALEXANDER: Let's try again.

6 [Pause] I'm sorry, but is there anyone else who
7 wishes to speak besides this Will, because I'm just -- it's
8 hopeless at this point.

9 SISIA DAGLIAN: Not currently, no. There's no
10 hands. Oh, yeah. They're just -- Okay.

11 LAURA WERNICK: Try again, Will.

12 SISIA DAGLIAN: It's Will again.

13 WILL DOEBELE: Hello?

14 SISIA DAGLIAN: Yes, Will can you hear us?

15 CONSTANTINE ALEXANDER: Hello.

16 WILL DOEBELE: Sisia?

17 CONSTANTINE ALEXANDER: Can you hear us?

18 [Technical difficulties -- "he's talking."]

19 SISIA DAGLIAN: Yeah, I think he couldn't hear us.

20 LAURA WERNICK: Will Number 2, you're on mute.

21 WILL DOEBELE: I can't hear anything.

22 WIFE: She's talking.

1 WILL DOEBELE: Yeah, so I can't.

2 MALE: I think if you go to audio settings.

3 SISIA DAGLIAN: Speakers.

4 [Technical difficulties]

5 SISIA DAGLIAN: No, I think they're unmuted, they
6 just can't hear us, right?

7 MURRAY SMITH: I believe I am the person you're
8 calling "Will Number 2."

9 SISIA DAGLIAN: Okay, yes. You see Will Doble's
10 named there, because we got the link by e-mail from them a
11 little while ago.

12 CONSTANTINE ALEXANDER: Okay.

13 SISIA DAGLIAN: Oh, okay.

14 WILL DOEBELE: Hello?

15 LISA AND MURRAY SMITH: We are Lisa and Murray
16 Smith. We live next door.

17 WIFE: It's on mute.

18 WILL DOEBELE: Is it recording?

19 MURRAY SMITH: Can I be heard?

20 LAURA WERNICK: Yes, you can. Keep talking.

21 SISIA DAGLIAN: There's Will now.

22 WILL DOBELEE: We've been having the same problem.

1 MURRAY SMITH: I'm at 70 Dana Street, and I just
2 have a question.

3 WIFE: You can say hello again.

4 WILL DOEBELE: No, they're talking.

5 MURRAY SMITH: I'm not concerned with the egress
6 that you've been talking about. I came in late, I just
7 found out about the meeting. But the drawing that we've
8 been seeing shows the house in the back --

9 WILL DOEBELE: How about this? [2:37:44 from now
10 on the transcript will reflect the speakers only - Will and
11 his companion are having technical difficulties in the
12 background, superimposed over this audio - thank you]

13 MURRAY SMITH: -- in a very different place from
14 what I see on the ground, and I believe the house onto the
15 northern property line than that drawing suggests. And I
16 wonder if Matt can comment on that or tell me whether I'm
17 just not able to see correctly, or anybody?

18 MATT HAYES: I -- we had our as builts done when
19 we poured the foundation, and the foundation is exactly
20 where it should be, yeah.

21 LAURA WERNICK: When you say it's exactly where it
22 should be, it's exactly as shown on the drawing?

1 LISA MURRAY: Correct, yeah.

2 CONSTANTINE ALEXANDER: Hello?

3 MURRAY SMITH: I am unmuted, but I'm finished.

4 LAURA WERNICK: I think we've lost Will #1.

5 MURRAY SMITH: Okay, Will Number 2 is going to
6 mute again, if that's okay?

7 LAURA WERNICK: That's fine.

8 CONSTANTINE ALEXANDER: I'm afraid we're going to
9 have to move on. We don't seem to be making any progress
10 right now. So I'm going to end public testimony at this
11 point, and turn to written commentary.

12 And as Sarah Rhatigan pointed out, we do have a
13 number of letters or e-mails all in support. I'm not going
14 to read them all, but I'm going to just identify who wrote
15 them.

16 We have one from Hannah Paul, P-a-u-l; from Aaron
17 Paul, P-a-u-l; from Ann Sabbey, S-a-b-b-e-y; from Ranie, R-
18 a-n-i Nelkin, N-e-l-k-e-n; from Margo Haverty, H-a-v-e-r-t-
19 y; from Chantal, C-h-a-n-t-a-l Eide, E-i-d-e; and again, I
20 apologize if I'm butchering these names -- and one from
21 Debra Haverty [I think we had that already]; and one from
22 Tamara Griggs, G-r-i-g-g-s. And that's it.

1 All right. I'm going to close public testimony,
2 and -- unless Ms. Rhatigan, do you have any final comments
3 you would like to make?

4 SISIA DAGLIAN: No, thank you. Will? Excuse me.
5 Sorry. Will has raised his hand again. Do you want to try
6 again, or --

7 CONSTANTINE ALEXANDER: If you think we'll
8 succeed, we'll try again. But if not, I want to move on.

9 SISIA DAGLIAN: Okay.

10 CONSTANTINE ALEXANDER: Give it a -- try again one
11 -- just briefly.

12 [Pause]

13 SISIA DAGLIAN: But I think the problem is he
14 can't hear us.

15 CONSTANTINE ALEXANDER: I'm afraid we're going to
16 have to move on. We're going to have to move on.

17 [Phone ringing]

18 WILL DROEBELE AND WIFE: Can you hear us? Hello?

19 SISIA DAGLIAN: Yes, we can hear you.

20 WIFE: They can hear you now.

21 SISIA DAGLIAN: Is this Will?

22 WILL DOEBELE: Yes.

1 LISA: It's Lisa, it's Lisa.

2 WILL DOEBELE: All right. We're calling. We are
3 the people behind the -- on Dana Street, directly behind the
4 property.

5 LISA: Okay. Oh, I have to hang up, because it's
6 in the PA.

7 WILL DOEBELE AND WIFE: And we're concerned that
8 all of this occurred during the lockdown, and it was very
9 confusing, and it seems that the rear property is much
10 closer to us than we had originally suspected.

11 So the discussions of the property's space are
12 confusing. I -- we originally discussed one property that
13 then was separated into two, and I don't think we ever were
14 notified about the new plans. So --

15 WIFE: I don't think -- we would see the couch --
16 porch?

17 WILL DOEBELE: Porch.

18 WIFE: Porch plan last January. I don't know when
19 it's going to pass.

20 CONSTANTINE ALEXANDER: If I may, you're speaking
21 in opposition on the grounds that the plans you thought were
22 going to be -- approval being sought are not the plans that

1 you saw before?

2 WILL DOEBELE: Yeah.

3 CONSTANTINE ALEXANDER: And you're not as happy.

4 WIFE: Porch.

5 CONSTANTINE ALEXANDER: Do I have it right?

6 WILL DOEBELE: Yes. And we'd like to see the
7 original plans and the new plans and see how they've changed
8 at some point.

9 MATT HAYES: Will, can I just chime in and say the
10 plans have changed absolutely zero percent, and when we went
11 through all those historic meetings, the building was then
12 designed off those historic -- the historic plans that were
13 approved.

14 And again, we've retained the setback, which I
15 think tapers from, like, 23 feet plus on the north side, and
16 then tapers down because of the diagonal property line to
17 something like 20, which is the required setback in a C-1
18 zone.

19 WIFE: What it means is that from the ground, so
20 you can put the porch there. From porch, it's probably less
21 than 23 feet.

22 WILL DOEBELE: Yeah, so our property line.

1 WIFE: Because I see from our back yard, it's much
2 -- it's very tight space. And I cannot even imagine how you
3 can put the porch there.

4 And obviously you guys -- when someone comes and
5 views that house, it feels very airy because you are using
6 our back yard space. So you take advantage of that, and I
7 don't know where (sic) you guys pass the porch plan, I
8 didn't know.

9 WILL DOEBELE: We didn't get any information about
10 that change.

11 MATT HAYES: This is a different porch because the
12 porch for the front house, which I believe is --

13 SARAH RHATIGAN: Matt, can I just suggest that we
14 not have this conversation?

15 MATT HAYES: Okay.

16 SARAH RHATIGAN: I mean, Mr. Chairman, we could
17 respond to this -- it seems like this might be related to
18 the back building?

19 MATT HAYES: Yeah.

20 SARAH RHATIGAN: And, you know, as you know,
21 whatever gets built is under the review of the Inspectional
22 Services --

1 MATT HAYES: Right.

2 SARAH RHATIGAN: -- Department, who will be out,
3 you know, measuring and confirming all measurements, et
4 cetera.

5 CONSTANTINE ALEXANDER: Excuse me. Are you
6 suggesting -- and I hope you're not -- are you suggesting we
7 should continue this case?

8 SARAH RHATIGAN: No, no.

9 CONSTANTINE ALEXANDER: Oh.

10 SARAH RHATIGAN: I'm sorry, I was trying to
11 clarify that I didn't think that Matt needed to get into a
12 discussion with the neighbors about the rear house, which is
13 not a subject of this hearing.

14 CONSTANTINE ALEXANDER: Okay, thank you. I'm
15 sorry, you're going to have to bring it to a conclusion. We
16 got your point. I think the petitioner understands your
17 objection. But we have to move on.

18 WIFE: Actually, I have one more question, if you
19 don't mind?

20 CONSTANTINE ALEXANDER: Go ahead.

21 WIFE: Yeah, we had a problem with the connection,
22 so we have to leave the Zoom and then we came back and we

1 didn't know what happened. It means, so could you give us
2 the conclusion what happened for this public hearing about
3 the stairs?

4 LAURA WERNICK: No decision has been rendered yet.

5 WIFE: Oh.

6 WILL DOEBELE: Oh, all right.

7 WIFE: All right. So you're going to have a
8 public hearing again?

9 LAURA WERNICK: No, no, no.

10 WIFE: No? Okay.

11 CONSTANTINE ALEXANDER: We're good to take --
12 presumably going to take a vote tonight, and we'll vote yes
13 or no.

14 WILL DOEBELE: All right.

15 CONSTANTINE ALEXANDER: And if we vote, or either
16 way we vote, there's a right of appeal. If we say yes and
17 you don't like it, you can take an appeal to the courts.

18 WILL DOEBELE: All right.

19 CONSTANTINE ALEXANDER: If we say no, the
20 petitioner can take an appeal to the courts, I believe. So
21 -- but we got to move on.

22 COLLECTIVE: Yeah.

1 WIFE: All right. Thank you.

2 SISIA DAGLIAN: Sorry --

3 CONSTANTINE ALEXANDER: Thank you.

4 SISIA DAGLIAN: Gus, I think the transcriptionist
5 wanted their name and address --

6 CONSTANTINE ALEXANDER: Okay, yes. Could you give
7 the name and address, please?

8 WIFE: Okay.

9 CONSTANTINE ALEXANDER: Your name and address?

10 LAURA WERNICK: Too late.

11 SISIA DAGLIAN: You're right.

12 CONSTANTINE ALEXANDER: Phantom, phantom. Well,
13 we know they live in the back yard, the rear of the house in
14 questions.

15 BRENDAN SULLIVAN: Brendan Sullivan. I think it
16 was Ben Doebele -- D-o-e-b-e-l-e, I believe.

17 LAURA WERNICK: And Dana Street.

18 SISIA DAGLIAN: Dana Street.

19 JANET GREEN: I'm sorry, I couldn't hear you.

20 CONSTANTINE ALEXANDER: Brendan was giving the
21 name of the people in the back.

22 JANET GREEN: Okay.

1 CONSTANTINE ALEXANDER: "Spelling" of it, I should
2 say.

3 All right. I think it's time to end this
4 discussion, and I guess we have two motions, to forms of
5 relief being sought, and I can make a motion for each one of
6 them. Let's start with the variance. And then we'll take a
7 vote. And then depending on that vote, we'll take a vote on
8 with regard to the special permit.

9 Excuse me, I'm just looking for my notes on this.
10 Okay.

11 The Chair moves that we make the following
12 findings with regard to the variance being sought:

13 That a literal enforcement of the provisions of
14 the ordinance would involve a substantial hardship, such
15 hardship being that the petitioner would be forced with this
16 new building that is being built to locate the means of
17 egress and ingress at a location that he would prefer not to
18 locate it at.

19 That the hardship is owing to the nature of the
20 lot -- shape of the lot, and the fact that this is a set
21 structure being built on a lot that already has a structure
22 on it.

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

4 So on the basis of these findings, the Chair moves
5 that we grant the variance being sought on the condition
6 that the work proceed in accordance with plans prepared by
7 -- it looks like Unison, U-n-i-s-o-n Development Project,
8 dated June 17, 2020, the first page of which has been
9 initialed by the Chair.

10 BRENDAN SULLIVAN: Brendan Sullivan, I will vote
11 to grant the variance for the stairs and the porch.

12 JANET GREEN: Janet Green; I will vote in the
13 affirmative as well. I grant the variance.

14 CONSTANTINE ALEXANDER: Yes.

15 LAURA WERNICK: Laura Wernick; I will vote to
16 grant the variance.

17 JIM MONTEVERDE: And this is Jim Monteverde; and I
18 will vote to not grant the variance.

19 CONSTANTINE ALEXANDER: The Chair will vote not to
20 grant the variance.

21 [THREE VOTE YES, TWO VOTE NO FOR THE VARIANCE]

22 So needing four votes, we only have three, the

1 variance has been denied. We can move onto -- I don't know
2 if we need to move onto the special permit or not. Is it
3 maybe academic at this point, but if the petitioner wishes
4 us to vote on that, I will make a motion?

5 LAURA WERNICK: Yes, please.

6 CONSTANTINE ALEXANDER: Okay. The Chair moves
7 that we make the following findings with regard to the
8 special permit that's being sought:

9 That the requirements of the ordinance cannot or
10 will not be met without the relief.

11 The traffic generated or patterns of access or
12 egress resulting from what -- the special permit -- will not
13 cause congestion, hazard, or substantial change in
14 established neighborhood character.

15 And again, I think the facts speak for themselves
16 as to the nature of the relief being sought, and whether it
17 would cause congestion, hazard or substantial change in the
18 established neighborhood character.

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

22 No nuisance or hazard will be created to the

1 detriment of the health, safety and/or welfare of the
2 occupant of the proposed use, or the citizens of the city.

3 And generally, what is being proposed will not
4 impair the integrity of the district or adjoining district,
5 or otherwise derogate from the intent and purpose of this
6 ordinance.

7 So on the basis of these findings, the Chair moves
8 that we grant the special permit being sought on the
9 condition that the work again proceed in accordance with the
10 plans that were identified with regard to the variance.

11 All those in -- well, Brendan?

12 BRENDAN SULLIVAN: Brendan Sullivan yes to
13 granting the special permit.

14 JANET GREEN: Janet Green; yes to grant the
15 special permit.

16 LAURA WERNICK: Laura Wernick; yes to grant the
17 special permit.

18 JIM MONTEVERDE: And Jim Monteverde; yes for the
19 special permit.

20 CONSTANTINE ALEXANDER: And the Chairman will vote
21 yes for the special permit as well.

22 [All vote YES FOR THE PERMIT]

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CONSTANTINE ALEXANDER: So the special permit has been granted; the variance has been denied. Thank you.

MATT HAYES: Thanks, guys, have a great night.

SARAH RHATIGAN: Thank you.

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(8:35 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017302 -- 26 Coolidge Hill Road. Anyone here
wishing to be heard on this matter?

SARAH RHATIGAN: Yes. Hello again. [Sarah
Rhatigan.]

CONSTANTINE ALEXANDER: Yes, Sarah.

SARAH RHATIGAN: I am representing the
petitioners. I believe they are with us, I'm hoping, online
here. Abram, are you there?

JANET GREEN: He's muted.

SARAH RHATIGAN: Okay, great. Abram, if you don't
mind, unmute yourself so you can just identify yourself to
the Board. If this doesn't work, we'll move swiftly, sorry.

I'm MISTY OJURE. I'm actually Abram's wife, and
Abram should be here as well. We don't see him yet.

ABRAM OJURE: I'm here as well.

SARAH RHATIGAN: Okay, great. Thank you, Misty

1 and Abram. And thank you Board members for hearing this
2 petition. So this is a --

3 CONSTANTINE ALEXANDER: We have no choice, that's
4 our job.

5 SARAH RHATIGAN: That's true. That's true. Well,
6 thank you for doing it with a smile on your face, then.

7 SARAH RHATIGAN: This is a special permit request
8 for our clients to construct a -- well, not to construct but
9 really to just do a modest change to egress and to allow for
10 a kitchen to be installed in their basement or garden level,
11 I should say. And this is a special permit under the
12 accessory apartment by-law.

13 And as you'll see, we're showing you a plot plan
14 of the property. So this house is situated on a lot that
15 actually has two front roads. It abuts both Coolidge Avenue
16 and Coolidge Hill Road. It is in an A-2 District.

17 And what we're showing you here on the plot plan
18 is that the change that's required to allow for this to be
19 an accessory apartment is essentially repurposing what's now
20 a garage door and framing it to create a door exit -- an
21 egress for the garden level.

22 Just to give you a little context, my clients

1 purchased the home a number of years ago, and prior to
2 purchasing it, the garden level was probably used for a
3 caretaker for the elderly gentleman who lived in the home.

4 And after moving in, they have used that basement
5 level or garden level either for family who's visiting or
6 also for a nanny or an au pair, who's been caring for their
7 children.

8 [Hi Abram.]

9 ABRAM OJURE: Hi.

10 SARAH RHATIGAN: And recently the nanny or au pair
11 has left, and they would like to be able to convert this to
12 an accessory apartment, so that if they do have either a
13 nanny or a babysitter visiting, that someone would have
14 their own space and their own egress in and out both
15 entrances.

16 So what you're seeing here is the existing
17 entrance to the apartment, or to -- not to the apartment,
18 but to the garden level. And the photograph that shows the
19 cars in the front -- right, yep, slide number 10, gives you
20 an image of what -- this is the view of the house from
21 Coolidge Avenue.

22 So currently there's two garage bays and the

1 garage bays are pretty small, but the proposal is they would
2 wall off a portion of this garage door in order to create
3 the necessary second means of egress for the garden
4 apartment.

5 The petition meets all the requirements of the
6 special permit for an accessory apartment in terms of the
7 size of the existing structure, the modest size of the
8 proposed accessory structure -- accessory apartment, rather,
9 and --

10 CONSTANTINE ALEXANDER: Why don't you just kick
11 off the -- be a little bit more specific for the record? I
12 mean, the building --

13 SARAH RHATIGAN: Yes.

14 CONSTANTINE ALEXANDER: Where you're proposing the
15 accessory apartment has been in existence since on or before
16 February 1, 2019, correct?

17 SARAH RHATIGAN: Correct.

18 CONSTANTINE ALEXANDER: Okay.

19 SARAH RHATIGAN: Yes. Sorry, my -- yep.

20 CONSTANTINE ALEXANDER: Okay, I'm sorry. I didn't
21 mean to interrupt you. The next one is you have to -- the
22 dwelling must contain at least 1800 square feet of gross

1 floor area.

2 SARAH RHATIGAN: Yes. Yep. I'm sorry, somebody
3 stole my file, which is why I'm going off stream trying to
4 find my notes, I apologize.

5 CONSTANTINE ALEXANDER: I can't find it either.
6 I've read it, but I can't find it now. So that's why I'm
7 asking you to confirm it.

8 SARAH RHATIGAN: Yep, I will confirm it. Just
9 bear with me one minute.

10 CONSTANTINE ALEXANDER: Okay. I think if my
11 memory is correct, it's 2400 feet.

12 ABRAM OJURE: This is Abram. I think on record in
13 the city it's 2683 maybe?

14 CONSTANTINE ALEXANDER: Okay. Anyway, it's more
15 than 1800.

16 SARAH RHATIGAN: I've got the application numbers
17 up here. I'm sorry about that, Abram. It's all right.

18 CONSTANTINE ALEXANDER: It's more than 1800.

19 SARAH RHATIGAN: Somebody took my file here. So
20 in terms of the ordinance requirements, we've got -- the
21 building has been in existence since well before 2019. The
22 single-family dwelling contains 2718 square feet of gross

1 area, which is greater than the minimum 1800 square feet
2 required under the ordinance.

3 The proposed accessory apartment is going to be
4 580 square feet, which is representing just 21 percent of
5 the total gross floor area of the principal dwelling, which
6 is less than the maximum allowed, which is 35 percent of the
7 gross floor area.

8 There's going to be no more than one accessory
9 apartment on the lot.

10 CONSTANTINE ALEXANDER: Okay.

11 SARAH RHATIGAN: Additionally, the petition meets
12 the parking requirements. There will be one garage parking
13 space, which is the minimum required for a single-family
14 dwelling.

15 As a practical matter, one could fit two cars, but
16 in terms of what their plans are for the use of the unit,
17 they don't expect anyone to be someone who parks a car, so
18 they don't expect any parking issues.

19 Again, we meet the requirements, but even as a
20 practical matter, we don't expect any issues there.

21 It's mostly that this would be used -- again,
22 either for a babysitter, for family members or if they do

1 have a tenant move in, this is -- you know, a relatively
2 small home, and they have a very strong interest in making
3 sure that their tenant is a long-term tenant -- you know,
4 under a -- you know, a typical long-term lease.

5 CONSTANTINE ALEXANDER: Okay, thank you.

6 SARAH RHATIGAN: And in terms of just the general
7 special permit criteria, I think this is really a perfect
8 example of one of the benefits of the city slightly
9 modifying the accessory apartment ordinance, which is what
10 allows for this to happen. The change for the community is
11 incredibly minor, really, and there's -- you know, support
12 from neighbors as well.

13 CONSTANTINE ALEXANDER: We have -- let's see, we
14 only have one letter from a neighbor in writing. You're
15 saying orally you've gotten other support?

16 SARAH RHATIGAN: That's correct, yeah.

17 CONSTANTINE ALEXANDER: Okay. Questions from
18 members of the Board?

19 BRENDAN SULLIVAN: Brendan Sullivan; no questions
20 at this time.

21 JANET GREEN: Janet Green; no questions.

22 LAURA WERNICK: Laura Wernick; no questions.

1 JIM MONTEVERDE: And Jim Monteverde; no questions,
2 thank you.

3 CONSTANTINE ALEXANDER: And the Chair has no
4 questions as well.

5 I will open the matter up next to public
6 testimony, and let me give the instructions at the outset.
7 Any members of the public who wish to speak should now click
8 the icon at the bottom of your Zoom screen that says, "Raise
9 hand." If you're calling in by phone, you can raise your
10 hand by pressing *9 and unmute or mute by pressing *6.

11 I'll wait a few minutes to see if there's anyone
12 who wishes to speak.

13 [Pause]

14 Apparently, there's no interest in speaking. So
15 we do have one written communication. It is from Xander --
16 I'm not sure if I'm pronouncing it right -- Xander, X-a-n-d-
17 e-r Dyer, D-y-e-r.

18 "I'm writing to express my support for the request
19 to allow for an alteration of the existing single-family
20 house to provide one accessory garden-level apartment for
21 long-term rental.

22 "We are -- "

1 I should comment, by the way, this neighbor should
2 be apprised that there's no requirement that there be a
3 long-term rental. I assume that's the intention, at least
4 the current intention, but it is not a requirement should we
5 grant the relief. And the letter continues --

6 " -- neighbors at 32 and 34 Coolidge Hill Road,
7 and are writing to express support for their petition." And
8 that's it.

9 So we have a letter of support. No letters of
10 opposition or questioning what is proposed. I will close
11 public testimony, discussion or are we ready for a vote?

12 BRENDAN SULLIVAN: Brendan Sullivan; ready for a
13 vote.

14 CONSTANTINE ALEXANDER: While you're at it, what's
15 your vote?

16 BRENDAN SULLIVAN: I will vote to grant relief.

17 CONSTANTINE ALEXANDER: Janet?

18 JANET GREEN: This is Janet Green; I vote to grant
19 relief.

20 CONSTANTINE ALEXANDER: Okay.

21 LAURA WERNICK: Laura votes to grant relief.

22 JIM MONTEVERDE: And Jim Monteverde votes to grant

1 relief.

2 CONSTANTINE ALEXANDER: And the Chairman makes
3 five.

4 [All VOTE YES]

5 Unanimously, we grant the special permit that's
6 being sought. Thank you.

7 MISTY OJURE: Thank you very much.

8 CONSTANTINE ALEXANDER: You're welcome.

9 ABRAM OJURE: Thank you.

10 CONSTANTINE ALEXANDER: All right. We have one
11 more case, and this is a doozy, so I'm going to take a 10-
12 minute recess to allow this member of the Board to recharge
13 his batteries, prepare for what's coming up. So what time
14 is it now? It is 8:46. 8:00 -- let's say 8:55 we'll resume.
15 Thank you.

16 [BREAK]

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(8:55 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, and Laura
Wernick

CONSTANTINE ALEXANDER: Okay, I'm going to
call our last case for the evening, Case Number 017309 --
402 Rindge Avenue. Anyone here -- anyone wishing to be
heard tonight? I'm sure there are. Yes.

CRAIG NICHOLSON: Yes, hi. Thank you. Good
evening to the Chair and other Board members. My name is
Craig Nicholson, and I'm with Just-A-Start Corporation, with
offices at 1035 Cambridge Street in Cambridge. And with me
tonight --

CONSTANTINE ALEXANDER: Excuse me.

CRAIG NICHOLSON: Yes.

CONSTANTINE ALEXANDER: I apologize for
interrupting you. Before you speak, I want to speak -- I
want to advise the audience generally of how the
comprehensive permit procedure works, because people are not
aware, don't understand the background for it and the like.
So I want to just set the case, if you don't mind.

1 CRAIG NICHOLSON: By all means.

2 CONSTANTINE ALEXANDER: Okay, 50, 75 years ago,
3 the state legislator became concerned about the lack of
4 affordable housing in the Commonwealth.

5 And it determined, or decided, that a lot of the
6 reasons why affordable housing could not be built was
7 because of legal regulations -- zoning, other permits you
8 needed to get if you wanted to build affordable housing,
9 that made projects inordinately difficult to proceed and it
10 drew them out.

11 So they created Chapter 50 -- 40B, I'm sorry. 40A
12 is the state statute that creates the zoning for the
13 Commonwealth. 40B is for affordable housing. And in a
14 word, it expresses a strong public policy in favor waiving
15 local restrictions where appropriate, to facilitate
16 affordable housing.

17 And so, the way it works is that rather than a
18 person who wishes to pursue -- like Just-A-Start, you sir,
19 wants to proceed with a project in Cambridge, and having to
20 apply to multiple -- not only to our Board, but to multiple
21 Boards.

22 Under the 40B, only one application is filed.

1 It's filed with the Board of Zoning Appeals. And our Board
2 then contacts all the other Boards who might have comments
3 or need for approval to see if they have anything they wish
4 to comment on with regard to the application.

5 And then the process -- in short -- allows us to
6 override local requirements and regulations that are
7 inconsistent with affordable housing needs.

8 But, it's not a complete blank check. There must
9 be -- we have to deal with environmental and planning
10 concerns. But, the usual rules for variances and special
11 permits do not apply.

12 For example, our decision is by a majority vote.
13 For the zoning like the special permits and variances, it's
14 a four-person vote, it's not a simple majority, it's a super
15 majority.

16 Also, we can still impose conditions, should we
17 desire, on the grant of a comprehensive permit, as we do
18 with variances of special permits. But the conditions
19 cannot make the proposal uneconomic.

20 And if there is a decision -- adverse decision in
21 Cambridge at least, an appeal is taken not to the courts,
22 but to a state organization that deals with affordable

1 housing.

2 And the requirements for upholding -- it's much
3 easier to get, frankly, to get our decision reversed should
4 we have denied the comprehensive permit or, I suppose,
5 imposed conditions that the petitioner finds unacceptable.

6 But you don't have the full panoply of things that
7 are involved, should an appeal be taken from a decision of
8 our Board.

9 So with that background -- and I'll stop talking
10 and let you, sir, continue or start your presentation.

11 CRAIG NICHOLSON: Great. Thank you for clearing
12 that. It is a -- 40Bs don't come up every day, and it's
13 great to make sure everybody has the background. So I
14 appreciate that.

15 With me tonight as presenters are Janis Mamayek,
16 who is our Principal Architect with Icon Architecture, and
17 Art Kreiger, our Zoning Attorney with Anderson Kreiger.

18 I also have other team members -- specialists --
19 that are available to answer questions when we get to that
20 point, but I won't introduce them at this point to save a
21 little bit of time.

22 For our presentation, we're going to start off

1 with some -- a little bit of background of the project and
2 Just-A-Start, and discuss the benefits and the issues that
3 we're trying to solve with this project.

4 After that, we're going to go into a much more
5 detailed look at the buildings themselves with Janis. And
6 then Art will talk about the specific areas of relief that
7 we'll be requiring in order to make this happen. I'll take
8 it right back after that and do just a very brief wrap-up
9 and then open it up to questions and public comment.

10 CONSTANTINE ALEXANDER: As part of this
11 presentation -- I don't know by whom -- please address the
12 jurisdictional requirements for a comprehensive permit.
13 Because I see it as three in nature. And I think there's a
14 serious question as to whether you satisfy one of those
15 three as to both projects that you're proposing.

16 With that teaser, we'll move on, go ahead.

17 CRAIG NICHOLSON: Okay. I will -- I'm sure Art
18 has taken -- duly noted that, and we'll make sure that we
19 address those when it gets to his part.

20 Next page, please?

21 Thank you. So starting off with a brief history
22 about Just-A-Start, we're a local non-profit. We've been

1 around and in Cambridge for 52 years at this point. And our
2 mission is to promote equity by creating access to stable
3 housing and building pathways to economic opportunity.

4 And this is really done for us through the three
5 divisions that we have within Just-A-Start -- the Real
6 Estate division, which is what I'm a part of; our Education
7 and Training division, which is a big reason why we're
8 looking at this project the way we have; and our Housing
9 Resources group.

10 Obviously, education and real estate are going to
11 be the primary focus of this as we go through the project
12 itself, highlighting our workforce education training center
13 that will be located here, as well 101 new units of housing.

14 And our Housing Resources group will continue the
15 work they already do at the Tower through the Resident
16 Services programs where they're bringing -- you know,
17 programs and services to our residents there. And they will
18 work with the new residents as a way to extend those
19 benefits to them, and also get them integrated into the
20 community.

21 And when I talk about a community, the 402 Rindge
22 Tower already has a very vibrant community. We have 273

1 units of housing in there, all of which are affordable, and
2 over 650 people live there. They're very diverse
3 ethnically, and even economically. We have multiple tiers
4 of affordability.

5 And we really do look at what they will -- how
6 this project will impact them. They are -- obviously -- the
7 closest neighbor to everything going on, and we've had
8 several meetings with them, and also, have taken into
9 account some of the questions and concerns that they've had,
10 as we went through this process.

11 CONSTANTINE ALEXANDER: Of course, you are aware
12 that you are aware that though there was support from these
13 neighbors, there's a bit of opposition?

14 CRAIG NICHOLSON: Yes, we are aware of that as
15 well. Thank you.

16 As we initiated this process with the CDD staff
17 and embarked on really an extensive community process where
18 we spent over a year out in the community showing the
19 project.

20 We met with our residents several times, we've met
21 with the general public several times, community groups,
22 elected officials, community leaders; we had over seven

1 public meetings in regards to this project itself. Next
2 slide, please?

3 So given our mission, and what are we trying to
4 accomplish here at Rindge Commons? And we envision this as
5 a two-phased project, where one of the things that we're
6 trying to accomplish is putting these two buildings on the
7 site that exists now.

8 However, a key component for our residents is to
9 try to retain as much parking as possible. There's a bit of
10 a balancing act that we've been doing in regards to that.

11 The first phase of the project will be a mixed-use
12 building. This is where our workforce training center will
13 occur. It'll be for our adult education programs as well
14 as our YouthBuild program, which services at-risk teens.

15 We're also going to be the home of four of
16 Cambridge's Pre-K program classrooms. They were, as the
17 Tobin School redesign was being finished up -- at least the
18 design of which was being finished up -- the city's program
19 lost four classrooms that they were hoping to place there,
20 and reached out to us to see if we could accommodate those
21 in our building, which we obviously think is a great mix,
22 along with our other education programs that's going to go

1 there.

2 In this building we'll also have some housing on
3 the upper floors -- 24 units of housing -- as well as a
4 community space that is more for the broader community, as
5 opposed to the residents themselves.

6 So public meetings, things of that nature can
7 occur at this location in the future for not just Just-A-
8 Start or our residents, but the broader community.

9 Phase 2 is going to be an entirely housing-focused
10 building that's further back on the lot and will accommodate
11 77 units of housing.

12 Next slide, please?

13 Now, I'm sure everybody knows of the towers and
14 where they exist. But I wanted to give a little bit of
15 context to this as well as to how Rindge Commons and this
16 site in and of itself is really kind of a central point for
17 what's going on in Alewife and that north and west Cambridge
18 area.

19 So you have in the blue colors the more lower-
20 density so to speak, historical houses, triple-deckers,
21 multifamily -- you know, smaller multifamily houses. You
22 have the new development that's going on in the triangle and

1 quadrangle to the west of us.

2 To the south you have shopping districts. So you
3 have walkable areas where people can get to grocery stores,
4 pharmacies, food services, clothing services.

5 And then we are also really well-situated to
6 access multiple green spaces. So it's really a common point
7 within this area that all of these places kind of meet up
8 and converge. Next slide, please?

9 The site is also very well-situated from a transit
10 point of view. We're obviously kitty-corner, very much
11 walking distance -- less than a five-minute walk to the
12 Alewife T station, where you can access the Red Line.

13 We also have the 83 bus that is also within the
14 very short walk, as well as multiple other buses and
15 existing, as well as planned bike paths that make us very
16 well-situated on a transportation mode, and really a goal of
17 providing housing next to high transit opportunity areas.

18 There's also a number of Bluebikes stations
19 available throughout the area, and we are putting one on
20 site as well.

21 Next slide, please?

22 So let's zoom in a little bit on the site. And it

1 has several shortcomings that I believe most people would
2 take a look at and realize they don't reflect the current
3 thought in regards to planning, especially for the City of
4 Cambridge -- maybe not anywhere.

5 But it's a rather large site. It is -- the Tower
6 is separated by a sea of parking to anything else around it.
7 So it lacks a lot of connectivity to the neighborhood, to
8 the street. It is over 80 percent asphalt.

9 The property line goes right up to everything.
10 The parking lot is the property line. And so, over 80
11 percent of it is asphalt -- dark asphalt, and it really does
12 create a heat island.

13 And the property was built before the Alewife T
14 station was built. And so, the design and the thought
15 behind it was really an auto centric design, which in
16 today's world and the carbon impact of cars we really think
17 is outdated, especially with the access to transit.

18 So we want to mitigate that to some regards, but
19 also keep it in mind that our current residents are very
20 fond of the parking that they have. Next slide, please?

21 So as we take our concepts and look at the site
22 that we have and figure out ways to tackle the issues that

1 we're dealing with on the site and as a broader community,
2 so we are putting the two new buildings.

3 The front building, Building A, is Phase One --
4 that's the mixed-use building. The back building, Building
5 B, which I understand is exceptionally creative on our part
6 is the Phase 2 building.

7 And really, some of the things that we're trying
8 to accomplish -- obviously, as you see the rendering on the
9 left with the existing -- where, again, as I mentioned, our
10 property line is the parking lot. We really don't have
11 anything outside of the parking that goes into the site.

12 So we wanted to address a lot of things in this
13 project -- primarily things along the lines of traffic
14 demand management to -- again, try to incentivize our
15 residents to move away from a carbon-centric model.

16 We are looking at things that we can do to make
17 the site a cooler site through shading and trees.

18 And we're also going to be doing a lot -- although
19 it won't necessarily be visible to everybody -- to help
20 mitigate stormwater and create a more resilient site
21 overall.

22 Next page?

1 So as part of our planning and development, we did
2 have a traffic study done in conjunction with the city. And
3 the results showed that the impact of the new buildings and
4 the new uses are largely insignificant.

5 However, we did want to still continue to find
6 ways to introduce measures and other things that would get
7 our folks out of their cars and into other modes of
8 transportation.

9 And some of these changes that we'll be doing are
10 adding transit screens that give people information about
11 the times that trains and buses are arriving and leaving.
12 We are adding more bike parking spaces. We are dedicating
13 spaces to carshare, so that people that use their existing
14 vehicles infrequently can look at that as a different mode
15 to get around.

16 But we also wanted to make sure that we're
17 addressing the needs of our existing residents. So we've
18 made a commitment that residents with a parking permit for
19 their first car will keep those parking permits, so no one
20 in that scenario will lose any ability to park on site.

21 We also will implement a parking policy that
22 allows for families that have special needs or hardships to

1 have a second car on site as well.

2 And we think that's still going to fit well with
3 the overall parking that remains on the site, which is 220
4 parking spaces. Because, you know, the trend is that our
5 current applications at the tower are showing that less than
6 50 percent of our new applicants are asking for a car, for a
7 parking space.

8 Next slide, please?

9 So another challenge we face with the site and,
10 you know, with the community at large is climate change.
11 And we recognize that studies show that health and welfare
12 of neighborhoods is greatly improved when you have
13 sufficient shading and cooling on site.

14 And we really wanted to introduce what we could to
15 provide that shading, as well as have mechanics to capture
16 the carbon in the air and do our part regarding climate
17 change.

18 Currently, the site is not particularly great.
19 It's -- as I mentioned before -- a large heat island. But
20 really, the trees that are on site in our property are
21 really clumped together. They don't provide much
22 consistency throughout the site.

1 If you look at that right edge of the site in the
2 left-hand picture, where we abut the parking lot of the
3 other two towers, there's not a single tree along that line.
4 So that just allows the eastern and early morning sun to hit
5 that blacktop and really let it capture the heat.

6 So as we look at what we want to do on our site,
7 we're looking at white roofs, we're looking at green roofs,
8 we are providing a much more diverse and spread out tree
9 canopy.

10 And I know while we are doing this, we will lose
11 some trees, but we'll absolutely try to minimize that as
12 much as possible and look for ways that we can transplant
13 existing mature trees to the new location, so that we
14 maintain that mature canopy, as opposed to having to wait a
15 number of years before a tree grows into that sort of
16 capacity.

17 Next slide, please?

18 We also want to do our part in regards to
19 resiliency. The top left corner of the property where
20 Building A is going is in the 20/70 flood zone. And so, we
21 are actually going to raise the elevation of that building
22 to make sure that we are out of that flood zone.

1 The site itself was designed before things like
2 stormwater retention and management were even a design
3 consideration. So right now it has none of that capacity.
4 And as part of our program, we'll be adding those things.

5 We -- you know, we can't necessarily match
6 everything that a new development would because of the
7 historic nature of the site and the capacity of the 22-story
8 tower, but we wanted to make sure that we do our part to
9 make things better.

10 Next slide? So now I want to hand this over to
11 Janis Mamayek -- again, from Icon Architecture, so that we
12 can explore how these buildings look and fit on the site.
13 Janis?

14 JANIS MAMAYEK: Great, thank you, Craig. So
15 exactly. We want to walk through our proposed design and
16 how it was developed in response to those overall planning
17 principles just discussed -- a design that really supports
18 that existing 402 community and works to connect it to the
19 greater context.

20 Next slide?

21 So this was seen in all of Craig's slides earlier.
22 And just to reiterate and give some orientation, Rindge Ave

1 is towards the top; the parkway to the left, the existing
2 tower in brown in the center, rail lines to the south.

3 The abutting towers are offscreen to the right.
4 The trees that are off to the left and to the south are
5 outside of our property. That is DCR land and beyond.

6 And again, the lot line is parking to parking. 80
7 percent of our site is asphalt or parking lot.

8 Building A to the north, Building B to the south.
9 And I particularly want to articulate the existing site has
10 two entry points; one to the main site and one to a small
11 lot that services the adjacent condos.

12 So we've been able to push that drive down Rindge
13 Ave a little bit, create one central drive and that lane
14 comes in and wraps the site by going under Building B.
15 We're creating a two-story open space that allows that
16 drive-through and continuation around the site.

17 Next slide?

18 So this is a rendered view of what the site is
19 currently. The Tower, yes, is truncated. It is actually
20 taller than that. I also want to draw your attention to the
21 inset plan that you'll see on the next couple of slides just
22 to give you orientation as to where our view is taken from.

1 So the eye is kind of across the intersection to the north,
2 as if you were almost in the Alewife garage parking lot
3 looking at the site -- I mean garage roof level.

4 So you can see the Tower looms over the open
5 asphalt, somewhat exposed, definitely uninviting, lacking
6 that transition of scale, that tall vertical element against
7 the open horizontal of the parking. It lacks shelter from
8 views and the elements.

9 The Parkway edge is tight as it slopes down to
10 Rindge Ave and makes it very difficult to maneuver, whether
11 you're a pedestrian on a bike or in a vehicle. It feels
12 much more like a highway than a neighborhood, and it has no
13 indication of that vibrant community that exists at 402.

14 Next slide?

15 So this is that same view with a proposed design.
16 It engages the edge. The two buildings infill the site at
17 each end, wrapping the Tower in a unified palette of color,
18 materials, lighting and planting.

19 The massing of the Tower at 23 stories is stepped
20 down by the new building to the rear, which is seven
21 stories, and then Building A to the front, which is 6.5, and
22 as it turns the corner [6.]4, as it goes down Rindge Ave

1 towards the lower scale buildings.

2 CONSTANTINE ALEXANDER: Excuse me --

3 JANIS MAMAYEK: -- setting the context or backdrop
4 to the Parkway, a much more inviting pedestrian experience.

5 CONSTANTINE ALEXANDER: Excuse me, can I ask a
6 question at this point? This is the Chairman.

7 JANIS MAMAYEK: Certainly.

8 CONSTANTINE ALEXANDER: On this drawing -- this
9 slide if you will, the trees that are lining Alewife, the
10 Parkway -- are these trees that you're going to install, or
11 are these the existing trees that now are there?

12 JANIS MAMAYEK: Those are renderings of the
13 existing trees on the DCR Parkway.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 JANIS MAMAYEK: They are not on our site.

16 CONSTANTINE ALEXANDER: Could you -- I'm sorry, I
17 missed that. Could you just repeat that, please?

18 JANIS MAMAYEK: They are existing trees on the DCR
19 site, not on our site.

20 CONSTANTINE ALEXANDER: Okay. I'm just wondering
21 whether the foliage that now obscures that corner as you're
22 going down Alewife largely obscures that corner is still

1 going to be there, should this project go forward and we
2 give approval? I think --

3 JANIS MAMAYEK: We will work to the maximum extent
4 possible to retain those trees. There may be some question
5 at the very corner, where the building gets tight to the
6 edge, but the intent is that we will be saving as many of
7 those trees, if not all, of those trees.

8 CRAIG NICHOLSON: Yeah, actually, Janis, I'll step
9 in there. I've had a conversation with some representatives
10 from DCR, and they discussed the process by which we would
11 be protecting all of their trees. And so, we have not
12 finalized on that, but the intent is that any tree that is
13 in the DCR land will remain.

14 CONSTANTINE ALEXANDER: Thank you. I'm sorry to
15 interrupt.

16 JANIS MAMAYEK: That's fine.

17 CONSTANTINE ALEXANDER: You can proceed.

18 JANIS MAMAYEK: That's fine. So one other thing
19 on this slide was just to articulate the Building A that is
20 set back from the lot line to make a wider sidewalk along
21 Rindge Ave.

22 As I mentioned, the current situation is pretty

1 tight. That allows -- well, setting the building back along
2 with raising the first floor above the floodplain mitigates
3 that elevation change that currently exists and accounts for
4 better accessibility along this edge.

5 Let's go to the next slide?

6 So this is looking at more straight on elevation
7 views. This one is of the parkway, as if we are across the
8 roadway to the west, presenting a much larger, civic -
9 focused expression. It is -- it sits lower.

10 Again, the site is lower to the right, because the
11 Parkway is coming down. So it's perceived as somewhat
12 lessening the perceived height of this building. The
13 massing you can see steps down from the six stories down to
14 five stories, and as it turns the corner, it would be four
15 stories.

16 And you can see the green roof articulated at all
17 levels. I also want to bring attention to the west -- this
18 western exposure. We're putting inset windows to create
19 that shading on the upper floors.

20 Now we can turn the corner with the next slide and
21 look at the Rindge Ave Parkway -- I mean, the Rindge Ave
22 elevation. This elevation presented a much stronger

1 neighborhood scale. Again, the step massing -- you know,
2 stepping down to the four stories to the left. It's really
3 focused on that commercial entry at the midpoint.

4 The pedestrian zone at that wider sidewalk is
5 articulated with the green panels and the punctuation of
6 larger windows that allow a preview to that activity within.

7 And as well the wider sidewalk is allowing us to
8 add some plantings along that edge as well.

9 Next slide? So now if you look at the inset plan,
10 we have gone down our entry drive and turned around to look
11 more at the interior view of Building A. Again, the
12 continuity of the pedestrian zone with the green panels and
13 the punctuated windows into the internal activities of Just-
14 A-Start's education and training.

15 The residential entry and the commercial entry
16 both are side by side in that inner corner. And again, the
17 massing you can see the stepdown as well as the residential
18 bar of the upper floors is articulated with the darker
19 materials.

20 In the foreground you can see the convenience
21 parking that is kind of on a shared or timed use for shared
22 daytime use.

1 So now we'll look at some of the plans to get a
2 better sense of what we're proposing.

3 As Craig mentioned, this is our mixed-use
4 building. The lower floors will be approximately 40,000
5 square feet of commercial space. The blue articulates the
6 Just-A-Start areas, both their education and training. And
7 towards the front will be likely the community room -- that
8 was mention earlier by Craig.

9 The pink is the start of the city's Pre-K
10 classrooms, orange being the residential core and
11 circulation and the yellow more of the common shared
12 circulation.

13 Next slide?

14 The upper floor, then, continues Just-A-Start's
15 area in blue and Pre-K in pink. Both of those areas will
16 have internal stairs connecting their spaces. And then
17 we'll go up to the upper floors. Level 3, again, is Just-A-
18 Start's programming, and another community-based office
19 space towards the front at Rindge Ave.

20 And next slide?

21 Level 4 starts the residential floors. We have 24
22 units of one and two bedrooms -- again, the smaller unit

1 sizes work well with a mixed-use development. This is the
2 only floor that is kind of a mixed residential and an office
3 tenant towards the front.

4 And then if we go up to the next slide, levels 5
5 and 6 are all residential, with the sixth floor stepping
6 back for a deck and green roof towards the Rindge Ave.

7 CONSTANTINE ALEXANDER: Excuse me, can you tell us
8 -- starting with the building you're describing now, how
9 many one-bedroom, how many two-bedroom, and how many three-
10 bedroom units are going to be in that structure?

11 JANIS MAMAYEK: We'll go through it in much more
12 detail later, but if you go back one slide --

13 CONSTANTINE ALEXANDER: No, if you want to raise
14 it later, that's fine. I just want you to --

15 JANIS MAMAYEK: Just for this building, the 24
16 units consists of 10 ones and 14 twos.

17 CONSTANTINE ALEXANDER: Okay.

18 JANIS MAMAYEK: And the 77 units in the rear
19 building will be broken up when we go through that.

20 CONSTANTINE ALEXANDER: I'm sorry, could you
21 repeat that? How many one-bedrooms, how many two-bedrooms,
22 and how many three-bedrooms?

1 JANIS MAMAYEK: In total, there's 101 units -- 24
2 in Building A.

3 CONSTANTINE ALEXANDER: I'm just talking about
4 Building A right now.

5 JANIS MAMAYEK: Yeah.

6 CONSTANTINE ALEXANDER: How many of the 24 are
7 going to be one-bedroom, how many are going to be two-
8 bedroom, how many are going to be three-bedroom?

9 JANIS MAMAYEK: 10 ones, 14 twos, 0 three.

10 CONSTANTINE ALEXANDER: Okay. No three-bedrooms
11 in that building?

12 JANIS MAMAYEK: Correct.

13 CONSTANTINE ALEXANDER: Is there a reason for
14 that? The reason I ask is that there is -- as much as there
15 is a need for affordable housing, there is even a greater
16 need I think -- and I think our Board believes -- for
17 affordable housing with three bedrooms.

18 JANIS MAMAYEK: We fully understand that. We
19 fully understand that, and we are putting three-bedrooms in
20 the fully residential building to the rear, next to the tot-
21 lot, away from the busy intersection and away from the mixed
22 -use.

1 CONSTANTINE ALEXANDER: And how many one, two,
2 threes will be in the other building?

3 JANIS MAMAYEK: I'm flipping to those pages to get
4 the breakout.

5 CRAIG NICHOLSON: Actually, Janis, I have those.

6 JANIS MAMAYEK: Okay.

7 CRAIG NICHOLSON: In the rear building, there will
8 be 16 one-bedrooms, 22 three-bedrooms, and honestly my
9 printout is too small for me to be able to read it, which is
10 incredibly embarrassing. But I believe that leaves 39 two-
11 bedrooms.

12 CONSTANTINE ALEXANDER: How many three-bedrooms?

13 CRAIG NICHOLSON: So 22.

14 CONSTANTINE ALEXANDER: 22.

15 CRAIG NICHOLSON: So 20 percent of the new units
16 will be three bedrooms.

17 CONSTANTINE ALEXANDER: Thank you.

18 JANIS MAMAYEK: Okay. So with that, let's move to
19 the next slide. So now we're going to focus on Building B,
20 the rear. So we're backing out. This is the view. We're
21 on the bridge, we're looking from the south towards the
22 site. The really imposing view of the three towers in the

1 distance -- very disconnected.

2 The actual site is about 20 feet or more below
3 this view, down where the land slopes towards the railroad.
4 So the trees in this view is what we were talking about
5 earlier on the DCR land, and we're just seeing kind of the
6 tree canopy.

7 But let's go to the next slide.

8 So this is the introduction of our new building.
9 It kind of takes the focus away from the towers and brings
10 them to the foreground, creating a relationship to the
11 building towards the front -- Building A -- that you can see
12 towards the left in this slide, with that continuation of a
13 unified palate of color and materials, a massing and
14 articulation.

15 The height differential of the bridge to the site
16 makes the building appear lower than it actually is, and the
17 façade is developed to kind of break down that overall
18 massing.

19 So let's go to the next slide.

20 So this is a big shift. We'll go to our inset and
21 plan. We have gone all the way down Alewife, we've gone to
22 the intersection at Rindge, we've gone into the drive, and

1 now we're into our site. We've walked or driven, we've
2 proceeded down our entry drive past Building A, the tower is
3 to our left, and we're focused now on the building entry of
4 Building B.

5 You can see at the center that's our entry with
6 the two-story glazed and the green panels -- again,
7 articulating that pedestrian zone, focused on a two-story
8 lobby.

9 To the right, you can see the two-story height of
10 the drive lane. Again, we started out by talking about the
11 continuation of that vehicle loop around the site.

12 So this is where you'll see they'll be able to
13 drive through that two-story space, allowing school buses
14 and prior apparatus to not have to back up or maneuver the
15 turnaround at the tower.

16 Again, the massing here of Building B embraces the
17 new open pedestrian zone of our new play commons.

18 And with that, we'll go to the next slide.

19 So we've gone just a little bit further down the
20 walkway, where this area opens up.

21 This is really the social core of the site. It
22 pretty much enhances all of the existing interactions of the

1 tower and the playground, but by reconfiguring it we're able
2 to enlarge that total play area, developing different zones
3 for various age groups.

4 It's a fully protected, safe, fenced in area
5 protected by both the Tower, Building B, fences on either
6 side, and separated from the parking that is below Building
7 B. You can see behind the green play equipment there's some
8 panels that are integrated into the screening. That will
9 separate parking from that play zone.

10 Above that is an elevated patio area that is are
11 considered as good from the amenity areas off of the
12 building, and offering actually more open space for adults
13 as well, and connections to the ground.

14 So let's go to the next slide. This is looking at
15 some of the floor plans, then, of Building B. So you can
16 see from this very little built footprint really hits the
17 ground, because we are maintaining as much parking as
18 possible. So this building is really sitting over the bulk
19 of that.

20 You can see in the center of the diagram the
21 orange zone. That is really that two-story lobby area that
22 we are entering in. Some of the other ancillary spaces are

1 -- you know, our Fire Command Center, MEPs and the like, and
2 some bike parking right up front.

3 But to the left, you can see the two-story open
4 space and the covered parking that is resulting from that,
5 our footprint over it.

6 Next slide?

7 We'll go up to the second floor then. So we now
8 have either walked up the stair or taken the elevator up to
9 the second floor. And this really is the core of our -- of
10 the building, where you have access to the amenity areas.
11 The yellow is our circulation. To the right is more bike
12 parking -- well, to the right as you enter, so it's left on
13 the slide.

14 Pink areas are amenities -- laundry, very social
15 core at kind of a lounge in the middle, a computer lab, and
16 then a common community room that accesses directly to that
17 outside deck.

18 The orange areas are the residential units. You
19 can see on this floor the one bedroom in the light orange,
20 two-bedroom kind of medium and the darker orange is the
21 three-bedroom units. And we'll go up to the upper floors,
22 then.

1 And you can see this as floors three through
2 seven, more of a typical plan, how we've got 4 three-bedroom
3 units at every level, and then the ones and twos. But
4 again, focused on the play area down below.

5 So before I hand it back to Craig, I just want to
6 have one more slide -- that next slide? There we go.

7 All of this new construction is really designed to
8 meet Passive House standards, as well as Universal Design
9 standards. So we're really focusing on that tight envelope,
10 as well as positive indoor air quality and universal access
11 for all.

12 I can go -- then we'll hand it off to Craig, and
13 he can go through some more of the specifics.

14 CRAIG NICHOLSON: Thank you, Janis.

15 CONSTANTINE ALEXANDER: Thank you.

16 CRAIG NICHOLSON: Yep -- next slide, please?

17 All right. So what I want to do now is just spend
18 a couple of seconds talking about the unit mix that you were
19 interested in about before, as well as our affordability
20 mix, as we have this project move forward.

21 What you see here now is a breakdown of the units
22 based on the current tower, Building A and Building B. The

1 current tower right now has 273 units. They are all studio,
2 ones and two-bedroom units. So we have a situation in the
3 existing tower where we have families that could use a
4 larger unit, but don't have one available to them.

5 We are looking at Building A, because it is a
6 mixed-use building and as Janice mentioned, to be a mix of
7 10 one-bedroom and 14 two-bedroom units.

8 We -- as she mentioned again -- felt that the
9 mixed-use nature of that building did not lend itself to
10 larger family units, with the conflict of office space or
11 students or adult students, and the needs of a larger
12 family.

13 We also felt that its location up at that busier
14 corner and farther away from the tot-lot areas and more --
15 larger bike storage areas that exist within Building B made
16 more sense to have those larger units in Building B.

17 Building A also has the commercial space.

18 And Building B we have the 16 one-bedroom, 39 twos
19 and 22 three-bedrooms. So we will have the 77 units --
20 obviously the majority of them family units -- and when you
21 look at the overall site, we still have 60 percent of our
22 units, family-sized units, so two and three-bedroom units.

1 Next slide?

2 We also are very interested in making sure that
3 affordability maps well to our mission. And our mission is
4 for low and moderate-income people to have secure housing.
5 And that means we don't just focus on the very, very low-
6 income people, which we do to a large degree, and low-income
7 people; but also having that middle tier -- that workforce
8 or middle-income tier.

9 Because we really do believe that having that mix
10 of incomes in a facility and in a community provides a sense
11 of diversity, a sense of stability, and really does allow
12 for this to be simply more than just a low-income housing
13 project.

14 And as you can see, we have a healthy mix of over 20
15 percent of the units being in that workforce tier.

16 And so, at this point, I'd like to pass the baton over
17 to Art Kreiger, so he can detail out the specific zoning
18 we'll need in order for these new units and our Workforce
19 Training Center to become a reality.

20 Art?

21 ART KREIGER: Good evening Mr. Chairman and
22 members of the Board, can you hear me?

1 CONSTANTINE ALEXANDER: Vaguely.

2 JANET GREEN: Just a little.

3 CONSTANTINE ALEXANDER: It's soft, very soft.

4 ART KREIGER: Is this better?

5 CONSTANTINE ALEXANDER: A little better, yeah.

6 ART KREIGER: Okay. I'll try and speak up.

7 CONSTANTINE ALEXANDER: Mr. Kreiger, before you
8 get into what you're advertised to speak on, can you talk --
9 can you deal with the jurisdictional requirements that have
10 to be satisfied? I think there are basically three in
11 nature?

12 ART KREIGER: Yeah.

13 CONSTANTINE ALEXANDER: And explain why your
14 client satisfies those?

15 ART KREIGER: Yes. The three are set out in 760
16 CMR 56.04.

17 CONSTANTINE ALEXANDER: Right.

18 ART KREIGER: That the applicant be a non-profit,
19 among other types of applicants. That the project be
20 fundable by a subsidizing agency, and that the applicant
21 have control of the site.

22 CONSTANTINE ALEXANDER: Okay.

1 ART KREIGER: I don't think site control is the
2 issue. Actually, I don't think any of these is an issue, if
3 you want details on --

4 CONSTANTINE ALEXANDER: That's my question. I
5 think maybe -- maybe -- you prove me wrong, true that you
6 have to present documentation that Just-A-Start is a
7 501(c)(3) non-profit charitable corporation. And that's in
8 the materials that were submitted that is there, so that's
9 fine.

10 Then we also have to receive a written
11 communication from the Department of Housing and Community
12 Development indicating that the project is acceptable and
13 eligible for funding -- I'll just stop right there. And
14 again, the materials that we got have that letter in the
15 file, so that's fine.

16 We're having a -- and here's where I have a
17 problem -- you also have to present to us evidence that --
18 just of control of the site. And all I could find in the
19 materials that were given was evidence that you have an
20 option for the Phase 1 of the site. I saw nothing about
21 Phase 2.

22 Maybe I just missed it -- the materials are

1 voluminous. Maybe you have another explanation. Where is
2 the evidence that you control the site with regard to Phase
3 2?

4 ART KREIGER: I'm going to turn that question back
5 to Craig Nicholson, if I may?

6 CRAIG NICHOLSON: Absolutely. We are the owner of
7 the tower in the site to begin with. So the option for
8 Phase 1 was really the component that we sent over to Mass
9 Housing and DHCD to show that phase of the project. But as
10 the owner and Managing Member of the entity that owns the
11 entire site, we really do have site control of everything.

12 CONSTANTINE ALEXANDER: You have site control now,
13 but you could -- I don't think you would -- you could take
14 the site for Project Number 2 and use it for something else.

15 And I don't want to give approval -- speaking as
16 one member of the Board, I don't want to give approval to
17 something where I don't have any indication that there is
18 control over this site as required by Chapter 40B.

19 CRAIG NICHOLSON: I see --

20 CONSTANTINE ALEXANDER: There's nothing in our
21 files, nothing in your voluminous submission, that supports
22 that.

1 CRAIG NICHOLSON: I see your point.

2 CONSTANTINE ALEXANDER: Let me make a suggestion,
3 since you don't have an answer, I can tell. Why don't we
4 remove Phase 2 from tonight's proceeding?

5 We'll just deal with Phase 1, where you have given
6 us everything you need for jurisdictional requirements?

7 We'll continue the case as to Phase 2, and at an appropriate
8 time, you'll either have satisfied the requirement or not.

9 But I am very loathe -- me speaking personally --
10 to approve a project where you don't -- we have to assume
11 you're going to meet the jurisdictional requirements.

12 ART KREIGER: Mr. Chairman, this is Art Kreiger.
13 I'm not sure I understand the point, because I think you
14 said that they control now, but you want to make sure they
15 don't use Phase 2 area approval for some other purpose or
16 some. Is this an issue of current site control, because
17 that's all the recommendations require.

18 CONSTANTINE ALEXANDER: It's just fundamental
19 jurisdictional requirements. It's very fundamental.

20 ART KREIGER: Current site control.

21 CONSTANTINE ALEXANDER: And do you have control of
22 site. And you haven't -- your applicant tonight, Just-A-

1 Start, or the entity, has not submitted that material. You
2 did it for Phase 1, but you didn't do it for Phase 2, and I
3 don't want to go -- you're a trial attorney.

4 You know you can't proceed on the merits of a case
5 and ask the judge to assume that you'll get jurisdiction
6 down the road. You have to establish jurisdiction at the
7 outset, and then get onto the merits. That's my concern.

8 ART KREIGER: So there's two things that I would -
9 - one question is whether or not the affidavit -- the
10 owner's affidavit -- is sufficient for that?

11 CONSTANTINE ALEXANDER: While I have an
12 opportunity, you submitted us an option.

13 ART KREIGER: Right. But we also submitted an
14 owner's affidavit from --

15 CONSTANTINE ALEXANDER: Did they own it?

16 ART KREIGER: -- Rindge Tower Apartments, LLC.

17 CONSTANTINE ALEXANDER: That doesn't do it. All
18 that shows is that the owner -- the current owner -- owns
19 the property.

20 ART KREIGER: Okay.

21 CONSTANTINE ALEXANDER: I want something that
22 shows that Phase 2 is -- someone has rights to Phase 2, and

1 that's not in what you've submitted.

2 ART KREIGER: Okay. Then, I would not like to
3 separate the two phases of the project. I think they've
4 been designed as across an entire site. There's components
5 of the project that get shared.

6 CONSTANTINE ALEXANDER: Then let's continue the
7 case. Let's continue the case until you solve -- you
8 correct the problem with Phase 2, and at the time we can do
9 both.

10 CRAIG NICHOLSON: Mr. Chairman --

11 ART KREIGER: Would it be --

12 CONSTANTINE ALEXANDER: I'm not going to do Phase
13 2 without -- on the basis that you'll solve the problem in
14 the future.

15 ART KREIGER: Would it be reasonable to proceed
16 and have a vote with the condition that an option and proof
17 of site control for Phase 2 be provided?

18 CONSTANTINE ALEXANDER: Not -- in my opinion no,
19 because it goes back to the point I just made. You want us
20 to assume that there's jurisdiction when you haven't
21 demonstrated that.

22 CRAIG NICHOLSON: Mr. Chairman, if I may, using

1 your trial analogy, sometimes evidence is submitted de bene
2 -- that is, the court takes it subject to some subsequent
3 condition, some subsequent foundation.

4 It would be entirely within your authority to hear
5 the case when you have such a large set of panelists
6 assembled and it's all teed up, and we're halfway through
7 the presentation, subject to the submission of adequate
8 documentation of site control in Phase 2.

9 CONSTANTINE ALEXANDER: We could do that. Again,
10 I'm only speaking for myself. My Board members are probably
11 cursing me out as I speak. I -- this is a project, it's an
12 important project, it's one that stimulated a lot of
13 community commentary, pro and con, and I don't see why you
14 couldn't -- you dealt with Phase 1, why someone didn't deal
15 with Phase 2.

16 And I don't want to assume, or assume it's going
17 to happen and make it a condition subsequent. That's my
18 view.

19 BRENDAN SULLIVAN: This is Brendan Sullivan. Is
20 the issue at hand is that is the funding in place for Phase
21 2?

22 CONSTANTINE ALEXANDER: They don't have the

1 funding. They have a letter that say something, "You're
2 eligible for it." They don't have the funding in place,
3 which is typical -- not in any way in my opinion or my
4 experience, not doing anything that's out of the ordinary.

5 BRENDAN SULLIVAN: I'm just wondering -- I mean,
6 why has Phase 2 been separated --

7 CONSTANTINE ALEXANDER: Good question.

8 BRENDAN SULLIVAN: -- separated out?

9 CRAIG NICHOLSON: Actually, that was in
10 consideration for the existing tenants, to have both
11 buildings under construction at one time would create severe
12 disruption of the site and the existing parking that our
13 residents rely on. And so we wanted to break that up and
14 not have as much of an impact for our residents.

15 BRENDAN SULLIVAN: Okay. But you, obviously,
16 control the site?

17 CRAIG NICHOLSON: Correct.

18 BRENDAN SULLIVAN: You need to control the site,
19 and that you have your funding in place for Phase 1 and
20 Phase 2?

21 CRAIG NICHOLSON: We have eligibility to apply for
22 the funding for Phase 2. We have not gone through that

1 entire process yet, because it is so far out that DHCD won't
2 actually entertain an application for those funds for a
3 project that won't start for several years.

4 BRENDAN SULLIVAN: AHA. So -- but you do have --
5 you have all of that, and you have the requirements in place
6 for Phase 1?

7 CRAIG NICHOLSON: Correct.

8 BRENDAN SULLIVAN: Okay. You're asking us to
9 approve a concept for Phase 2, even though you're saying
10 that this won't happen for several years down the road?

11 CRAIG NICHOLSON: Correct.

12 CONSTANTINE ALEXANDER: Why not do it [the right
13 way, that's wrong] -- why not do it you've got Phase 1 in
14 place, seek approval for Phase 1. When you're all set for
15 Phase 2, come back and seek approval for that. I think
16 you're trying to do too much at one time, in my opinion.

17 BRENDAN SULLIVAN: Does not getting approval of
18 Phase 2, does that impact -- this is, again, Brendan
19 Sullivan -- does that impact the overall plan and
20 immediately places a cloud over Phase 1?

21 CRAIG NICHOLSON: Actually, I believe -- and Art,
22 maybe you can back me up on this -- without having the

1 three-bedroom units in Phase 1, we will not meet the
2 criteria of DHCD for just Phase 1.

3 BRENDAN SULLIVAN: Okay. So you need in total --

4 LAURA WERNICK: This is Laura.

5 BRENDAN SULLIVAN: -- this is Brendan Sullivan
6 again -- so in total you need approval for Phase 1 and Phase
7 2 so that some other parts get you to the finish line, is
8 that correct?

9 CRAIG NICHOLSON: Yes.

10 LAURA WERNICK: This is Laura Wernick. I'm
11 sympathetic to the petitioner's notion of doing the --
12 hearing the case with the understanding that it will be
13 conditional. If it were able to grant approval this evening
14 that it could be conditional upon proof of the control of
15 the Phase 2 site?

16 CONSTANTINE ALEXANDER: My only concern is, they
17 went through the hoops for Phase 1, they gave an option --
18 it's all legally documented correctly -- and they didn't do
19 it for Phase 2. That sets alarm bells off in my mind, and
20 that's why I'm concerned about it. This is an important
21 project.

22 LAURA WERNICK: Yeah, absolutely. I'm just

1 concerned that if there's a second approval process, another
2 Board -- the Board could change, different criteria could
3 also arise, and all of a sudden, they're presented with
4 barriers or challenges that this Board that's hearing the
5 petition this evening may not have now.

6 So I don't feel it's necessarily fair to make for
7 a single development that happens to be phased to put them
8 through two -- it's very tightly, all the pieces are very
9 tightly woven together, everything is predicated upon the
10 entire -- the entire pieces all working together, to say,
11 "Oh, let's just split it in half."

12 CONSTANTINE ALEXANDER: There is a simple
13 solution.

14 LAURA WERNICK: Yeah.

15 CONSTANTINE ALEXANDER: And if we just continue
16 this case, they solve their problems they didn't solve for
17 phase 2.

18 JANET GREEN: But Gus, I also agree with what
19 Laura is saying. Because, I mean, they're trying to go out
20 and make sure they've got all the funding ducks in a row.

21 And if they have to stop that process and say,
22 "No, we can't even begin by committing that we're going to

1 have Phase 2 to their funders," they're going to be stuck in
2 --

3 CONSTANTINE ALEXANDER: They already have a letter
4 for both units, for both projects. The letter that they've
5 submitted -- which is a usual and a good letter -- says,
6 doesn't break it down between Phase 1 and Phase 2, is the
7 project as a whole and they've got assurances -- not
8 assurances, but comments that the funding should be lined
9 up.

10 So it doesn't do that. I'm just frustrated, as
11 you can tell, by the fact that this is a major project, and
12 a basic -- a basic jurisdictional requirement has not been
13 satisfied. Why not?

14 CRAIG NICHOLSON: Obviously, Chairman Alexander,
15 our focus has been on getting things lined up for Phase 1 as
16 the first version, or the first stage of the project. And
17 the level of detail in Phase 2 for that one piece was not
18 there. And I apologize for that.

19 You know, we also viewed the fact that we do own
20 the overall site as, you know, a secondary form of site
21 control for Phase 2. But I can see that's not enough in
22 your view. But I would be absolutely happy to provide it.

1 I do believe that we're down to the final two slides of the
2 presentation.

3 You know, I do believe that is something that can
4 be made up. I understand that it is obviously a source of
5 frustration that it was missed in this application.

6 But I assure you there was not any intent. We're
7 not trying to switch the use of that somewhere down the
8 road. We just felt that by owning the whole site, we
9 essentially covered that component.

10 CONSTANTINE ALEXANDER: And I don't want to
11 belabor this, but I would just point out that you created a
12 separate entity for Phase 1. It's the same business, but
13 it's two different entities, and you didn't do that for
14 Phase 2.

15 And you've spent a lot of time working on Phase 2,
16 as the architect presentation showed -- your number of three
17 bedroom units, et cetera, et cetera. But, you know, all of
18 a sudden, something changes, we're getting left with a
19 project, if we approve the project, 24 affordable units --
20 half of the building will be for commercial purposes, and
21 there will be no three-bedrooms. And I feel strongly about
22 the three-bedrooms. The more the merrier.

1 ART KREIGER: Yeah, so actually Chairman, we
2 didn't create a new entity. We are using the existing
3 owner, Rindge Tower Apartments, LLC, and selling it to Just-
4 A-Start Corporation.

5 CONSTANTINE ALEXANDER: Okay. I misspoke, but it
6 comes out the same way. It's a different entity. There are
7 two different entities here. And I don't know what are
8 those entities. But you went to the trouble of preparing a
9 legal document between these two entities, which gives a new
10 project an option to go forward. And you didn't do that
11 with the other building.

12 ART KREIGER: Mr. Chairman, may I just make a
13 couple of points? The -- if Just-A-Start owns the site, or
14 Just-A-Start controls the entity that owns the site, I
15 believe that's all the regulations require. It's just
16 control of the site is all the regulations say.

17 If your concern, which I've now heard twice, is
18 that something could change -- that they would sell this
19 part of the site that contains Building B or whatever other
20 change you're concerned about -- that's of course always an
21 issue.

22 Just because someone has current site control

1 doesn't mean that something wouldn't change, and the Board
2 would be equally unhappy.

3 And the way to do that is not to call it a
4 jurisdictional defect, because they have control of the site
5 -- the entire site -- today. And the fact that they've gone
6 farther in the documentation on building -- on Phase 1 then
7 on Phase 2 does not mean that they don't have control of the
8 entire site.

9 If you're concerned about future changes, I would
10 submit the way to deal with that is to put in a condition.
11 It's not to say that they don't have site control, because
12 they do.

13 CONSTANTINE ALEXANDER: Okay. And I'm sorry if
14 I've taken so much of everyone's time on this. Let's
15 proceed.

16 BRENDAN SULLIVAN: Well, this is Brendan Sullivan.
17 I would be reluctant to hold up the project, because I think
18 it's been probably a long process, and I would not want to
19 make it any longer.

20 I think that the financing is always sort of a
21 wildcard in any of these things. And if it's in place, you
22 have letters of commitment, I think that you really need to

1 proceed.

2 So I would -- I understand, I respect your point
3 of view, but on the same token, I think I would proceed with
4 the application in front of us.

5 CONSTANTINE ALEXANDER: As I said, let's move on.
6 I think I've spent enough -- I've wasted maybe too much time
7 on this. But keep going with the presentation.

8 ART KREIGER: Thank you. So this is my part of
9 it, just on the zoning relief. This is just an overview by
10 reference to the ordinance sections. Many of these issues
11 overlap in terms of why so many sections are cited. But
12 these are the issues that are -- the forms of relief that
13 are requested in the application.

14 A use variance was requested, as was authorized by
15 the Cambridge Zoning Ordinance. And the Dimensional,
16 Parking and Public Works issues here are the ones for which
17 relief is needed.

18 So I don't want to dwell on this page, it just
19 sort of sets the stage, if we could go to the next page?

20 Here is the table in the form that you're used to
21 looking at it. That is the current, the proposed and what's
22 allowed or required under the ordinance. Current means with

1 the tower on the site, so for example there's an existing
2 FAR, and you see the proposed, and the proposed exceeds the
3 allowed required.

4 Similarly, square footage. So we can walk through
5 this table. This is -- it's a significant project. So it
6 adds FAR. It adds -- it decreases the lot area per unit, et
7 cetera. These two buildings are far shorter than the
8 existing tower, of course; you saw that in the pictures. I
9 don't need to belabor that point.

10 And the setbacks are more complicated, because
11 setbacks are a function of building dimension. So there's a
12 calculation for each building for each setback.

13 There are two front yards here -- Rindge and
14 Alewife Brook. And you can see, of course, the tower is set
15 back -- well set back from both of them, and the buildings
16 are designed to fill in the site, to tie the site to the
17 neighborhood.

18 And so, not only is it unavoidable, but it's
19 actually one of the benefits that the setbacks are sometimes
20 -- the building setbacks are sometimes going to be closer
21 than what's required by the ordinance.

22 Opposite the two fronts are two sides, as the

1 ordinance defines them. To the south, really, but I thought
2 it was less useful to use a compass point than to say,
3 "Toward the railroad tracks -- " toward the tracks and Fresh
4 Pond Mall.

5 You can see that Building A is far away from that,
6 of course. Building B is much closer. Building B actually
7 encroaches only by a few feet on that side, and as I said,
8 there's no real sensitive receptors on that side. There's
9 no residences on that side of the project.

10 And the other side is toward the tower, the
11 existing, the -- I'm sorry, the other two towers that you
12 saw on the pictures, as well as the condo development in
13 between. I still think of it as the old Joyce Chen
14 property, but that's probably just showing my age.

15 And so, you can see that the tower is 86 feet,
16 which complies with what's required -- well, actually I
17 don't know whether it complies, because that's a separate
18 calculation.

19 What's shown here is what's allowed or required
20 for buildings A and B, and you can see that A is certainly
21 farther away, and so is B, because both of them are out
22 toward Alewife Brook Parkway.

1 Open space is -- does not quite comply, but it
2 certainly moves closer to compliance than the current
3 situation.

4 Parking spaces: Craig explained the typical
5 parking demand by residents of their projects. So although
6 the parking spaces do not comply, Just-A-Start believes that
7 they will be adequate for the demand.

8 And as Craig described, this is helping to move
9 this project from an auto centric tower in a sea of parking
10 to something that's tied in to the many bus lines and the T
11 station and the subway that are across Alewife Brook
12 Parkway.

th

13 Curb cuts, the cut is wider than permitted at 47
14 Street. It's a few feet wider, but that's required for
15 school bus turnaround into that single driveway. The
16 driveway is the curb cuts are going from two to one, so the
17 traffic is being rationalized. The traffic patterns will be
18 safer, but the one curb cut needs to be wide enough for
19 school bus turns off Rindge Avenue.

20 Some of the requirements are a function of the
21 Alewife Brook Parkway -- the Parkway Overlay District,
22 rather than the underlying C2 zone. And of course the

1 special requirements of that district are equally important.
2 But, the topography and the siting of Buildings A and B here
3 make some of the particular concerns less important in this
4 case.

5 You know the grade change; you know it just by
6 your familiarity. You also saw it in one of the pictures.
7 It's anywhere from at grade at the corner to -- I don't
8 know, a 30-foot drop where the bridge starts, a 25-foot drop
9 -- planted with trees, so screened from the Parkway, and
10 that's where Buildings A and B would be situated, well below
11 the Parkway.

12 So for example, one of the Parkway Overlay
13 district requirements is that entrances are suppose face
14 Alewife Brook, and the ground floors have to include 30%
15 transparency.

16 Neither of those makes a lot of sense to have an
17 entrance facing the bottom of that steep hill, as opposed to
18 facing Rindge Avenue for Building A, or for -- and even more
19 for Building B, because the hill is even higher at that end
20 of the site.

21 And transparency -- again, who is the transparency
22 for? Nobody is looking in the first floor because everybody

1 is 30 feet up or 20 feet up when they're walking on the
2 sidewalk on Alewife Brook Parkway?

3 The parking design, there's not supposed to be
4 parking in the front yard. There's supposed to be certain
5 landscape screening. A number of those -- a number of the
6 Overlay District requirements really don't make sense to
7 apply here, because of the grade change and the setback and
8 the tree screening that's already in place.

9 So this is the table of zoning relief that's
10 requested. The Planning Board, as you heard, and as you saw
11 in the letter enthusiastically supported all the relief that
12 was requested for the project, I think that was roughly
13 their phrasing.

14 And I'd be happy to walk through any of the other
15 requirements or any of the other entries on this table, or
16 answer any questions, if you have any.

17 CONSTANTINE ALEXANDER: I have no questions. Any
18 other members have questions?

19 BRENDAN SULLIVAN: Brendan Sullivan; no questions.

20 JANET GREEN: Janet Green; no questions.

21 LAURA WERNICK: No questions; Laura Wernick.

22 JIM MONTEVERDE: Yeah, Jim Monteverde; no

1 questions on this section.

2 ART KREIGER: Okay, thank you.

3 CRAIG NICHOLSON: So if we could get to the next
4 slide, which is our wrap-up slide? Thank you, Art.

5 And I just wanted to do a quick overview of the
6 benefits that these buildings and this development will
7 create for Cambridge.

8 We're going to be able to expand our adult
9 education programs and double the number of low and
10 moderate-income individuals through our Adult Workforce
11 Education that will have access to better careers.

12 We will be creating 101 units of new, affordable
13 housing, with 22 three-bedroom units, which are of much
14 need. We'll also be able to expand our program with
15 YouthBuild that address at-risk teens, and increase the
16 number of people that are able to get their high school
17 equivalency and job skills.

18 And I know those are all very Just-A-Start-centric
19 benefits, but we're also going to be creating a much mor
20 hospitable site overall for the community. We're going to
21 have solar generation on both buildings. We're going to
22 move away from our reliance on cars. We're going to improve

1 climate resiliency with stormwater retention and green roofs
2 for capture and increase permeable open space.

3 We're also going to be having significant cooling
4 benefits, with a greater quality of life through more trees,
5 as well as the shading that the buildings create.

6 And then we're going to have additional resources
7 for our residents and the community spaces in Building B,
8 but also to the broader community with that community space
9 in Building A, that will be open for anyone in the
10 surrounding area -- anyone in Cambridge that wants to be
11 able to have a function, have some... obviously within reason
12 function, but have some sort of community-oriented event at
13 the site, which is, I believe, a facility that's lacking in
14 that area at this point.

15 And with that, I do thank you for your time, and
16 would obviously love to hear some questions or anything that
17 we can address to help with the approval of this project.

18 CONSTANTINE ALEXANDER: Thank you for putting
19 together a comprehensive presentation. Anyway, I'm going to
20 say I'm going to spare my ire about one aspect of it. But
21 no, it is a good, comprehensive presentation in my opinion,
22 although I suspect we're going to find citizens of the city

1 who find otherwise.

2 But before we get there, questions from members of
3 the Board?

4 BRENDAN SULLIVAN: No questions.

5 JANET GREEN: No questions.

6 LAURA WERNICK: I would just like to say -- this
7 is Laura Wernick -- as Gus said, I'm very impressed with the
8 presentation, and interested to see what the public has to
9 say; very minor things that are very -- an area of expertise
10 of mine, that I would ask that you think about putting all
11 the Pre-K on the ground floor in Building A and that you
12 provide some immediate play space for them. I don't think I
13 saw that in Building A, so just something to think about.

14 I'm interested --

15 CRAIG NICHOLSON: Yeah, I'm happy to address that
16 right now, if you would like. The space on the ground floor
17 we worked with the city, and that's the space that they
18 selected.

19 The space behind it further into the lot is
20 actually the woodshop for our YouthBuild program, which
21 really needs to be on the ground floor for the heaviness of
22 the equipment, the circulation of air, as well as the

1 delivery of materials.

2 So we really did need that space to be Just-A-
3 Start. We actually offered the other front Rindge Avenue
4 space to the city, and they selected to go with what they
5 chose on the first floor and a larger footprint on the
6 second floor.

7 And in their area, they will have a gross motor
8 room. So they will have indoor play areas for their
9 children to be able to move around and do things, especially
10 in the winter months. So they will have that immediately in
11 their facility, and then will have access to the tot-lot as
12 well.

13 LAURA WERNICK: By Building B?

14 CRAIG NICHOLSON: Yes. And there is an existing
15 tot-lot there now. So it's not as if it needs to wait for
16 Building B to have some capability for them. But obviously,
17 once Building B is done, it will be a much more expansive
18 tot-lot.

19 LAURA WERNICK: Thank you.

20 CONSTANTINE ALEXANDER: Thank you, Laura. Jim,
21 have you got any?

22 JIM MONTEVERDE: Jim Monteverde Yes, thank you.

1 Yeah. I have one question, and it was just that it was so
2 early in the presentation.

3 If you could just scoot back a bit, and in
4 Building A just describe again the -- I think you just
5 talked about the child care, about the commercial space and
6 what's the proposed use and what drives it and its size and
7 its location? If I understood that correctly, right?

8 Just in floor plan. It was --

9 CRAIG NICHOLSON: yeah.

10 JIM MONTEVERDE: You know, I recall a first floor,
11 a second floor, the third, then as it starts to get into the
12 residential --

13 CRAIG NICHOLSON: Look at slide 18, possibly,
14 Sisia?

15 JIM MONTEVERDE: And -- no, floor plan.

16 CRAIG NICHOLSON: Oh, you added some. So try 21.
17 Yeah, there we go.

18 JIM MONTEVERDE: Yeah, yeah, yeah.

19 CRAIG NICHOLSON: The first one of those.
20 Next one up?

21 JIM MONTEVERDE: Yep.

22 CRAIG NICHOLSON: Nope, that's down. There we go.

1 [Pause]

2 Yeah, that one, 21.

3 [Pause]

4 Is anyone else seeing 21? I'm not seeing 21.

5 JIM MONTEVERDE: Yeah. I'm seeing it off to the
6 left.

7 CRAIG NICHOLSON: Okay. There we go.

8 JIM MONTEVERDE: It's basically the ground floor,
9 yep.

10 CRAIG NICHOLSON: Yep. So what was your question
11 again?

12 JIM MONTEVERDE: So I get the pre -- it's the --
13 when you talked about commercial space, just where it is,
14 what it is, what the intended use. I get the fact -- or I'm
15 understanding it's the Pre-K on the corner here, and then
16 the workshop on the one side. The other Just-A-Start space
17 is the 1900 square foot is what?

18 CRAIG NICHOLSON: That will be -- a large part of
19 that will be the community room.

20 JIM MONTEVERDE: Okay.

21 CRAIG NICHOLSON: We'll manage that and manage --
22 you know, the bookings and what not.

1 JIM MONTEVERDE: Yep. All right. So that's the
2 community room.

3 CRAIG NICHOLSON: As well as some additional
4 classroom space for our YouthBuild program.

5 JIM MONTEVERDE: Okay.

6 CRAIG NICHOLSON: Maybe some conference room space
7 for both.

8 JIM MONTEVERDE: Yep. And if you go up to the
9 second floor, just walk me up again, in terms of the --

10 CRAIG NICHOLSON: Yep.

11 JIM MONTEVERDE: Yeah, there we go, right.

12 CRAIG NICHOLSON: So this is -- again, more of
13 Just-A-Start space that's connected to the woodshop and the
14 rest of the Pre-K space, which is what the city requested.

15 JIM MONTEVERDE: And what happens in that roughly
16 6000 square feet? What is that? I understand that it's
17 Just-A-Start space, but what types of uses are you --

18 CRAIG NICHOLSON: Classrooms. Classrooms, our
19 teachers, their desks, open areas for the students to --
20 like a student lounge where they have access to
21 refrigerators and microwaves for their food and places to
22 sit and eat lunch.

1 JIM MONTEVERDE: Mm-hm.

2 CRAIG NICHOLSON: But again, primarily classrooms.

3 JIM MONTEVERDE: Okay. And then when you get to
4 the next floor, I think you get the -- it looks like it's
5 the same block of -- oh no, sorry, I'm looking over to the
6 left-hand side again. So that's level three, yeah.

7 CRAIG NICHOLSON: Yep. We're on level three,
8 which is now blue and green.

9 JIM MONTEVERDE: Yep.

10 CRAIG NICHOLSON: Again, the Just-A-Start space is
11 more classrooms and spaces for teachers.

12 JIM MONTEVERDE: Yep.

13 CRAIG NICHOLSON: You know, there's some shared
14 use areas, but then also kind of some separation between the
15 adult and the YouthBuild program.

16 JIM MONTEVERDE: Mm-hm.

17 CRAIG NICHOLSON: So that's the addition of that
18 space. And then as we get to this floor and the fourth
19 floor, we have more just general office use.

20 JIM MONTEVERDE: Right, yep.

21 CRAIG NICHOLSON: And we haven't actually started
22 marketing that. But our intent is that this space is going

1 to be for compatible, mission-oriented, service-oriented,
2 community service-oriented type users.

3 But just general office use, nothing specific
4 beyond that at this point. You know, it's -- we don't
5 expect this to be like a biotech lab for, you know, Moderna
6 Pharmaceuticals or anything like that.

7 JIM MONTEVERDE: Yeah, no I get that, I get that.
8 But is it the income from that space or any of the Just-A-
9 Start space that why there isn't housing in those locations,
10 why it's really some commercial use, as opposed to
11 residential?

12 CRAIG NICHOLSON: Um--

13 JIM MONTEVERDE: What is it that drives the
14 program mix there?

15 CRAIG NICHOLSON: So we -- when we first started
16 designing this program here, we had been talking to another
17 also very community-oriented user besides the city. And
18 their space requirements put us needing more space on that
19 fourth floor for a commercial use.

20 When they dropped out, we looked at the way the
21 building was designed and kind of the -- some of the
22 structures of it and uses and flow, and realized that in

1 order to keep to a large degree some segregation of, say
2 elevators -- so commercial elevators only serve commercial
3 uses --

4 JIM MONTEVERDE: Right, yep.

5 CRAIG NICHOLSON: And the residential elevator
6 only serves residential. We decided it was best to leave
7 that as commercial space.

8 And obviously, you know, we don't expect to
9 necessarily be the highest rent in the area, but so we
10 figured that, you know, it's still good rent that does help
11 make the project happen when you get right down to the
12 funding for the project.

13 JIM MONTEVERDE: Yeah, okay. I think that's
14 basically what I'm asking. Because I'm really looking for
15 the opportunity for more residential and less of the
16 commercial, unless there was some other driving need for it.
17 So -- but I think you've answered the question, thank you.

18 CONSTANTINE ALEXANDER: I have a related question.
19 What about all the classroom space this will be used for?
20 Because a lot of the nonresidential space is for classrooms,
21 as I heard it. What kind of classes? What are you
22 proposing to use the classroom space for?

1 CRAIG NICHOLSON: So Just-A-Start runs programs as
2 part of our education and training division.

3 And we have been running a biomedical certificate
4 program for the last -- gosh, I'm drawing a blank -- it's
5 been decades at this point, where we provide a certificate
6 for low and moderate-income people to gain entry-level jobs
7 in pharmaceutical manufacturing and biotech manufacturing.

8 We also have introduced an IT Help Desk
9 certificate program. That's newer. We're in our second or
10 third year of that. So those are the classrooms for the
11 adult workforce education.

12 We also look from time to time as we expanded into
13 IT just recently as to other areas that would be served
14 through a certificate type program.

15 The other classrooms are for the YouthBuild, which
16 is an alternative high school for at-risk youth. Teens
17 really kind of in that 16 to 21 or 22 range, just because
18 sometimes it takes a little longer for them to come back
19 around to the value of a high school degree, where we're
20 providing -- you know, the standard high school type classes
21 -- history, math, English as well as job training skills
22 like in the woodshop to provide them skills and job skills

1 and just kind of life skills in order to be gainfully
2 employed with a high school education.

3 We've also started a track in YouthBuild that
4 deals with retail customer service. So we realize that not
5 everybody is looking to have construction skills as part of
6 this, but a high school equivalency and another job track is
7 more applicable for some people.

8 CONSTANTINE ALEXANDER: That variance -- it's an
9 impressive list -- of activities, do the students pay
10 anything for that?

11 CRAIG NICHOLSON: No. All these programs are free
12 to students.

13 CONSTANTINE ALEXANDER: Thank you.

14 CRAIG NICHOLSON: Yep.

15 CONSTANTINE ALEXANDER: I think we're all -- I
16 think the Board members have now expressed their comments or
17 views at this stage in the proceedings. We now are going to
18 open the matter up to public discussion. We have -- I will
19 say voluminous -- and I mean voluminous written materials,
20 both for and against the project.

21 So I would ask those who speak, if you've written
22 a letter or e-mail or what have you, don't repeat what

1 you've put in the materials.

2 I think you should assume -- and rightfully so --
3 that the Board members, or at least the majority of the
4 Board members -- have read the files and know what's in
5 there. And you don't get any credit by beating this over
6 the head and saying the same thing you told us in writing.

7 So please, be circumspect in your comments, and
8 don't be repetitious. And the same goes for if you want to
9 make a point, and the person who spoke before you made that
10 point, don't repeat it. We get it. At least most of my
11 Board members -- the other Board members get it, I may not,
12 but we do get it.

13 So with that, the other rule is three minutes. A
14 speaker will be given three minutes to speak, and at the end
15 of three minutes, I'm going to ask that they be cut off --
16 technical staff.

17 So -- and probably we should give you some
18 indication -- maybe 30 seconds or so before the three
19 minutes run, so you can wrap up your comments. But we're
20 not going to spend the rest of this evening and the early
21 morning talking about the same thing over and over again.

22 Okay, with that I'm going to now open the matter

1 up to public commentary, and then I'll deal with in a
2 fashion the written commentary that we received. And the
3 rules are as follows: How to use the system.

4 Any members of the public who wishes to speak
5 should now click the icon at the bottom of your Zoom screen
6 that says, "Raise hand." If you're calling in by phone, you
7 can raise your hand by pressing *9 and unmute or mute by
8 pressing *6. Those are the rules for how you make public
9 commentary, and I'll wait a few seconds or a few minutes to
10 see if anyone wants to speak [hahaha].

11 SISIA DAGLIAN: Okay. I'm going to go in the
12 order that the hands appear on the screen.

13 CONSTANTINE ALEXANDER: Whatever order you have
14 there.

15 SISIA DAGLIAN: I know that there was one that
16 was raised from the beginning, so I'll start with that one.
17 Myniece Greenidge?

18 CONSTANTINE ALEXANDER: Maybe it might help if we
19 do it with the people -- we ask that those who are in favor
20 of granting the relief, they speak. And when that list is
21 exhausted, we go to those who are opposed. That too
22 difficult?

1 SISIA DAGLIAN: It's kind of hard to tell, yeah.

2 CONSTANTINE ALEXANDER: Okay.

3 SISIA DAGLIAN: It would -- yeah.

4 CONSTANTINE ALEXANDER: Another bad idea from me
5 injected. All right.

6 SISIA DAGLIAN: I'm sorry. It's just because it's
7 -- it's just raised hands. It would be hard to --

8 MYNIECE GREENIDGE: Yes. Yes, can you hear me?

9 SISIA DAGLIAN: Yes.

10 MYNIECE GREENIDGE: Yes, thank you. My name is
11 Myniece Greenidge, 402 Rindge Avenue in Cambridge. I am
12 speaking on behalf of Rindge Commons.

13 I am here to address a number of -- first and
14 foremost, I know I have a limited amount of time, but first
15 and foremost, I am in agreement with the construction and
16 development of the Rindge Commons -- both Buildings A and B.

17 I will say that I represent not only myself, but
18 402 Rindge I represent the 402 Rindge Tenants Board, who has
19 expressed -- and a number of other people have expressed a
20 number of comments and questions and concerns... first and
21 foremost being about parking.

22 I know that parking for a lot of people is a

1 heavy concern because a lot of people have two -- one
2 household, one apartment but two families. One person might
3 have a taxicab and the other person might work out in the
4 suburbs and have to drive. They are concerned about their
5 parking. I represent them. I represent them to say that
6 they have the concern about their parking needs.

7 I also represent the retention of the trees. I
8 have had several other members of the community that have
9 said that they are concerned that we will be demolishing a
10 number of trees along the Alewife Brook Parkway, and I also
11 address that as a concern.

12 Dumping, I address that as a concern. There is a
13 water dumping site right adjacent to the train tracks that
14 the city dumps God knows what -- I have taken numerous
15 pictures and I have called them out. And it is a consistent
16 thing that over multiple years, it is a dumping site and
17 people who will be in Building B will be subjected to it.

18 I also want to say I want to speak to Rindge and
19 Alewife Brook Parkway. There needs to be a stop sign right
20 there. And I think that this is the most appropriate time
21 to say it that we can get a stop sign and a No Stop on Red
22 sign at the corner of Rindge and -- Rindge Avenue and

1 Alewife Brook Parkway to say that we can slow traffic and
2 combat accidents.

3 I also want to say --

4 JIM MONTEVERDE: Excuse me, that's -- you're up at
5 three minutes, Gus.

6 CONSTANTINE ALEXANDER: Thank you, Jim.

7 MYNIECE GREENIDGE: Thank you.

8 CONSTANTINE ALEXANDER: Okay, thank you. Next
9 person?

10 SISIA DAGLIAN: Next we have Christopher Schmidt.

11 CONSTANTINE ALEXANDER: I'm sorry?

12 SISIA DAGLIAN: I'm promoting to Panelist -- okay,
13 you can unmute yourself.

14 CHRISTOPHER SCHMIDT: Thank you. I wanted to
15 comment in favor of the Rindge Commons Project. I look
16 forward to the significant efforts that Just-A-Start has
17 made to create opportunities for their educational programs,
18 to create opportunities to redevelop the site, which is
19 oftentimes cited as one that is out of the character of
20 Cambridge.

21 And I really do believe that the zoning variances
22 that are being requested here as well as the overall

1 development process seems like it has been thoroughly
2 thought out.

3 I do appreciate that those who live on the site
4 are going to have more premiums on the parking than I will,
5 but I do think it's important that we also keep in mind the
6 need to move away from a car-centric nature here, the need
7 to move towards increased housing opportunities that are
8 close to transit.

9 And while this isn't quite on top of Alewife and -
10 - you know, crossing Alewife Brook Parkway on foot is no
11 one's favorite activity, this is a transit-related, you
12 know, location.

13 I really look forward to the -- you know,
14 affordable housing opportunities this will provide. I think
15 they're very important for the city, and really think that
16 this project seems really strongly and well thought-out.

17 I will express my continued disappointment that,
18 you know, things like requiring 59 feet of setback from a
19 pair of railroad tracks seems like an utterly ridiculous
20 thing for us to do, but given that that is what the zoning
21 requires, I think asking for these -- you know, exceptions
22 makes sense.

1 This is a good project. You know, looked through
2 and through in this project, it's good. It's a good mixed-
3 use development that's going to be, you know, taking a lot
4 of the concerns that we have and attempting to remedy them.

5 I really think that Just-A-Start has done what
6 should be a great project, and I look forward to seeing it,
7 you know, begun and completed. And I urge you to move
8 forward in improving it. Thank you very much.

9 CONSTANTINE ALEXANDER: Thank you.

10 MYNIECE GREENIDGE: Okay, going forward, could we
11 have people give their address and name for the record?

12 CHRISTOPHER SCHMIDT: Sorry. I -- 17 Laurel
13 Street, Cambridge, Massachusetts, Christopher Schmidt -- S-
14 c-h-m-i-d-t.

15 CONSTANTINE ALEXANDER: Thank you for reminding me
16 of that, and reminding the audience. So not only your name
17 but your address if you plan to speak.

18 SISIA DAGLIAN: Okay. Next, we have James Zall
19 I'm promoting to Panelist now. And you can unmute yourself.

20 JAMES ZALL: This is James Zall. I'm at 203
21 Pemberton Street in North Cambridge, and I'm speaking
22 tonight in favor of the Just-A-Start proposal at 402 Rindge.

1 As you know, there's a serious shortage of housing
2 in general in Cambridge, and in particular affordable
3 housing. The waiting list for affordable housing are many
4 thousands of names long.

5 This project is being proposed by a community
6 foundation that has an exemplary track record. The project's
7 been reviewed and recommended by several city departments,
8 and it's got the approval of the Planning Board as well. It
9 provides not only housing, but other facilities for people
10 in the neighborhood. And I hope that the Board will grant
11 this permit. Thank you.

12 CONSTANTINE ALEXANDER: Thank you.

13 SISIA DAGLIAN: Okay. Next, we have Mike
14 Nakagawa.

15 CONSTANTINE ALEXANDER: Mike, you're on.

16 SISIA DAGLIAN: You can unmute yourself now.

17 MIKE NAKAGAWA: Mike Nakagawa, 51 Madison Avenue.

18 Am I on?

19 CONSTANTINE ALEXANDER: Your address, please?

20 MIKE NAKAGAWA: 51 Madison Avenue.

21 SISIA DAGLIAN: Madison?

22 MIKE NAKAGAWA: Madison.

1 SISIA DAGLIAN: Sorry, it's a little --

2 CONSTANTINE ALEXANDER: Can you spell that,
3 please? We're having trouble.

4 SISIA DAGLIAN: It's a little muffled.

5 MIKE NAKAGAWA: 51 Madison Avenue.

6 CONSTANTINE ALEXANDER: In Cambridge, I assume?

7 MIKE NAKAGAWA: In Cambridge. So I've been a part
8 of several of the city's Climate change Preparedness and
9 Resilience Plan for Alewife Focus Groups, Envision
10 Cambridge, Climate Environment Working Group, and currently
11 the Climate Resilience Zoning Task Force.

12 And while there are many good parts about what
13 they're doing for climate change, the impacts on climate
14 change, my concern is the impact on the current residents
15 and the neighbors of primarily the heat effects in this area
16 -- the 1100 + residents.

17 So we're going to have a lot of -- we anticipate
18 68 days where it's 90 degrees or more in the summer, and
19 this would be a big help for us.

20 What we've done is created more mass in this area,
21 and fish and trees. Our goals are 30 percent tree canopy
22 coverage, and that leaves very few trees here.

1 I think if we scaled the building back a little
2 bit to allow more trees and maybe had a parking garage where
3 you could put a rooftop garden, and then you could take the
4 athlete parking and [4:38:17 audio unclear] full canopy
5 coverage, and the garage might be in conjunction with the
6 planning towers. That would be a good position.

7 I also have concerns of how close the building
8 gets to the corner. It's very close to the edge, so it's
9 hard to see around, it's dangerous, there's traffic. And
10 there's very high overhanging sidewalk.

11 Additionally, the three trees there are on the
12 north side, which get very... in the winter, creating a need
13 for a lot of salt. And if you look across the street at
14 Cambridge Park 5 -- most of those trees have a lot of salt
15 damage. They don't survive...

16 Also in a flood area, which is going to push the
17 flooding into the neighborhood or further... And they are not
18 covering enough... to the entire site. We wonder what the
19 current plan is, but they're trying to get... based on the
20 entire site from... this entire site.

21 In general, I think if things were scaled back a
22 little --

1 JIM MONTEVERDE: Mr. Chair, that's three minutes.

2 CONSTANTINE ALEXANDER: Thank you.

3 SISIA DAGLIAN: Next we have Peter Munkenbeck.

4 You should be able to unmute yourself now.

5 PETER MUNKENBECK: Thank you, Mr. Chair. My name
6 is Peter Munkenbeck, 33 Sparks Street in Cambridge. I am
7 the Chairman of the Just-A-Start Board of Directors and a
8 Cambridge resident first in 1970 and for a good part of the
9 time since then.

10 And I'm proud to serve in this role and to ask
11 your support of our project, which we feel will make a
12 marked difference in both its scale and its quality to the
13 affordable housing options available in Cambridge.

14 And we look forward very much to what we hope will
15 be your willingness to allow us to proceed. Thank you.

16 CONSTANTINE ALEXANDER: Thank you.

17 SISIA DAGLIAN: Okay. Next, we have Theresa
18 Sullivan. You should be able to unmute yourself now.

19 THERESA SULLIVAN: Thank you, can you hear me?

20 SISIA DAGLIAN: Yes.

21 THERESA SULLIVAN: Hi. My name is Theresa
22 Sullivan. I'm at 6 Acorn Street and I'd like to speak in

1 support of Rindge Commons. I'm proud -- I've been born and
2 raised in Cambridge and I'm grateful to still be here, and
3 I'd like more people to be able to have that experience too.

4 We need projects like Rindge Commons to help make
5 housing and education opportunities available to more
6 people. I remember what Alewife was like 20 years ago.

7 And so, when I'm in the area today I notice lots
8 of market-rate apartments and the lab and office campuses
9 that have sprung up. It's smart and it's fair to also move
10 affordable apartments forward, as well as the training that
11 unlocks quality jobs here for residents.

12 I think this type of project really represents the
13 future of Cambridge. We can build high-quality housing,
14 people with a range of incomes can access, combined with
15 community services.

16 We can take a huge parking lot and transform it
17 into a transit-oriented place for people to live. We can
18 prioritize people's basic needs and not lose sight of that
19 as we chase innovation.

20 The future of Cambridge is really the commitment
21 to put people first, to accept and embrace that cities
22 change, and we can decide to be out front changing for the

1 better. In this case, we have the ability to make a real
2 difference for real people. We can't just talk about
3 housing policy or the opportunity gap, we have to actually
4 take action to permit and build space for people to thrive
5 in our city. Thanks for your time.

6 SISIA DAGLIAN: Okay, next we have Linda Vick. And
7 you can unmute yourself.

8 LINDA VICK: Hello, can you hear me?

9 SISIA DAGLIAN: Yes.

10 LINDA VICK: My name is Linda Vick. I live at 402
11 Rindge Ave currently. I am in for the project. I do like
12 the first thing they want to do an A and B, so it doesn't
13 interrupt our daily lives as much as it did when they did
14 the last renovation.

15 We do have a few concerns as residents. Like
16 Myniece said, you know, the parking and all that. Also
17 coming in and out of Rindge Ave, which I did talk to Craig,
18 he said they were going to ask the city to maybe put a, "Do
19 Not Block Driveway." That way it's easier for residents to
20 get in and out, because it could take a very long time to
21 get in and out of the driveway.

22 I do think the programs are great. We do need

1 more space. We do need more education.

2 I really do think there should be more three
3 bedrooms and handicapped accessible apartments. Rindge
4 Towers currently is only Studio, one and two bedrooms. So I
5 really do think they could add more three-bedrooms, to give
6 more families more chances to live here.

7 And that's really my thought. I think it's a good
8 project. It's going to make the place look prettier. It's
9 going to make it feel more homely. So hopefully you'll take
10 our comments into consideration. Thank you.

11 CONSTANTINE ALEXANDER: Thank you.

12 SISIA DAGLIAN: Okay. Next, we have Miriam Ortiz.

13 MIRIAM ORTIZ: Hello, can you hear me?

14 SISIA DAGLIAN: Yes.

15 MIRIAM ORTIZ: Okay, thank you. My name is Miriam
16 Ortiz, and I am the Director of Education and Training at
17 Just-A-Start, working at the 1035 office.

18 I am here representing a lot of the students that
19 were lined up to speak to tell you about their experience
20 with the training programs, and unfortunately, they couldn't
21 stay the whole time.

22 But we just want to speak briefly about the value

1 of the training center and the fact that right now where we
2 are serving our students it's not ideal... that having a
3 unified space that allows us to streamline our operations
4 and expand the number of students that we can serve really
5 will be life-changing for our students.

6 Just, you know, sort of a reminder that this
7 program is about economic mobility for black and brown
8 people of color and -- I'm sorry black, brown and people of
9 color.

10 And the expansion of the site really does
11 represent a big step in the right direction for us. Thank
12 you for your time.

13 CONSTANTINE ALEXANDER: Thank you.

14 SISIA DAGLIAN: Okay. Next, we have Lisa Drapkin.
15 And you can unmute yourself.

16 BRENDAN SULLIVAN: Letters of opposition here.

17 CONSTANTINE ALEXANDER: Loads of them in here. Not
18 loads -- mostly James Williamson.

19 [Pause]

20 What happened?

21 SISIA DAGLIAN: I don't know. It's -- I'm asking
22 to unmute, but...

1 [Pause]

2 SISIA DAGLIAN: Okay. I'll just keep her on
3 Panelist, in case she figures it out. And then I'll go to
4 the next person for now?

5 CONSTANTINE ALEXANDER: Yes. Go to the next
6 person.

7 SISIA DAGLIAN: Okay. We have Evan Redd. And you
8 can unmute yourself now.

9 EVAN REDD: Thank you. My name is Evan Redd. I
10 live at 6 Sargent Street in Cambridge just downtown road,
11 down Rindge Ave.

12 And I have been living here for the past three,
13 four years. And I have overseen, or I walked down Rindge
14 Avenue and saw the construction of the CHA project with
15 their workforce and their community development and their
16 trainings and open windowfronts, and I'm speaking in favor,
17 in support of Rindge Commons.

18 I can't wait to see what they're doing with their
19 first-floor space and community development. They've been
20 doing great work. And so, I'm speaking in favor.

21 CONSTANTINE ALEXANDER: Thank you.

22 SISIA DAGLIAN: Okay. Next, we have --it says,

1 "B.M. Azad." You can unmute yourself.

2 B.M. AZAD: Hi, my name is B.M. Azad. I live in
3 404 Rindge Avenue. So I am a Just-A-Start Biomedical Career
4 Program Student. I joined Just-A-Start Biomedical Career
5 program, which is a nine-month professional program, which
6 is an emerging program that prepares a student for an entry-
7 level job in the biomedical industry.

8 It is a very handsome (sic) program. We are just
9 graduating in September. So I support this program. And I
10 think it'll create more jobs and more opportunities. Thank
11 you very much.

12 CONSTANTINE ALEXANDER: Thank you.

13 B.M. AZAD: Thank you.

14 SISIA DAGLIAN: And that's all the hands I have.
15 I had -- oh, there's one more, sorry. James Williamson, you
16 can unmute yourself.

17 [Pause]

18 SISIA DAGLIAN: Did he get out of it?

19 [Pause]

20 SISIA DAGLIAN: He's not showing up on the panel.

21 Hello?

22 CONSTANTINE ALEXANDER: We seem to have technical

1 difficulties in getting James on the phone.

2 SISIA DAGLIAN: Sorry, one second.

3 [Pause]

4 SISIA DAGLIAN: Can you tell him to call in?

5 CONSTANTINE ALEXANDER: I'm sorry?

6 SISIA DAGLIAN: Can you tell him to call in by
7 phone?

8 CONSTANTINE ALEXANDER: Okay.

9 SISIA DAGLIAN: Oh, here we go. He's here.

10 JAMES WILLIAMSON: Yeah, hi. James. Listen,
11 before you start the clock, could we go back and ask Craig
12 Nicholson to give his home address, just for the record,
13 please?

14 CONSTANTINE ALEXANDER: Surely.

15 CRAIG NICHOLSON: My home address is 68B Flagg
16 road, Southborough.

17 JAMES WILLIAMSON: Thank you. So --

18 CONSTANTINE ALEXANDER: James, three minutes.

19 JAMES WILLIAMSON: I'm sorry?

20 CONSTANTINE ALEXANDER: Three minutes.

21 JAMES WILLIAMSON: Yeah, got you, yeah. Even
22 though I waited an awfully long time and listened to an

1 awful lot of stuff. So I have lived in Cambridge for 50
2 years. I've now lived at Jefferson Park for 13 years, where
3 I was for a period of time President of the Tenant Council.

4 During the past five months or so, I've actually
5 been walking directly across the corner of Rindge Ave, the
6 place where the building is proposed. Because for the first
7 time in 13 years, I've been spending a lot of time coming
8 over to the Fresh Pond Mall.

9 I have a number of concerns, and I hope that you
10 won't rush to approve this without considering -- giving
11 serious consideration to --quote, unquote-- "imposing some
12 sensible conditions. And I'll try to speak to where I think
13 those can be derived usefully, for the neighborhood and for
14 the residents.

15 The first thing is this is the most dense quadrant
16 in terms of Census tracts, by three times more than the one
17 that comes in in second place; three times the density of
18 affordable housing units in all of Cambridge. So by far,
19 this is already the most dense area for affordable housing.

20 And I think the people who live in this extremely
21 concentrated, dense area for affordable housing deserve
22 considerations for generosity when it comes to open space,

1 and generosity when it comes to real amenities; and, you
2 know, access to meaningful transportation, not having to get
3 across Alewife Brook Parkway, which is actually quite
4 dangerous.

5 So first of all, so is there an alternative to the
6 current plan that allows for some of what obviously has
7 merit, but addresses some of the important concerns that
8 people living in this intense density and the neighbors
9 have?

10 One would be, I think, if the building could be
11 moved back and made smaller, I think it's going to be a big
12 impact. The renderings show it from above, which makes it
13 seem smaller.

14 But from below, from the street level, it's going
15 to be six stories, and it's going to be twice the height of
16 other buildings along Rindge Ave.

17 So if it were not so big and more in conformity
18 with current zoning, it could be less of an imposition on
19 those of us who live and actually walk in the neighborhood.

20 The other thing is if it were pushed back from
21 Rindge Ave, that would allow for preserving the two, mature
22 shade trees that are there now, which are actually quite

1 pleasant -- I wish there were more of them. There's a
2 greensward, there's some --

3 JIM MONTEVERDE: Mr. Chair, that's three minutes.

4 JAMES WILLIAMSON: Maybe I could have another
5 minute?

6 CONSTANTINE ALEXANDER: I'll give you another
7 minute, but yeah try to --

8 JAMES WILLIAMSON: Okay.

9 CONSTANTINE ALEXANDER: -- come to a conclusion.

10 JAMES WILLIAMSON: Okay. So the open space,
11 putting two big buildings on the parking lot and saying that
12 you're creating open space is hard for me to grasp. It
13 seems to me that even though it is parking spaces, that
14 people do use it as open space. And so, reducing the size
15 and the impact of the buildings would actually allow for
16 real usable open space.

17 The design of the building I think the design of
18 the building at Rindge Ave -- the idea that this is an urban
19 sort of edge doesn't make a lot of sense when it's right
20 next to a highway. And I think that's another reason for
21 considering pulling it back from Rindge Ave, allowing the
22 trees to exist along Rindge Ave.

1 I'm not sure how much sense it makes to have this
2 be 60 percent commercial. This is -- supposedly it's built
3 as an affordable housing project. Phase 1 --

4 JIM MONTEVERDE: Mr. Chair, that's four minutes.

5 JAMES WILLIAMSON: Okay. Phase 1 is 60 percent
6 commercial. I'm not convinced that this really qualifies as
7 an affordable housing project, this was it's --

8 CONSTANTINE ALEXANDER: Thank you, James, I'm
9 going to add your comments now. You've had four minutes.

10 SISIA DAGLIAN: Okay.

11 CONSTANTINE ALEXANDER: And you submitted
12 voluminous -- and I don't mean that sarcastically --
13 voluminous written materials expressing views.

14 JAMES WILLIAMSON: I just don't know if anybody
15 bothered to read any of it.

16 CONSTANTINE ALEXANDER: I can say I read it, and
17 I'm sure most -- not all of my fellow Board members -- have
18 read it as well. We are dealing with it.

19 JAMES WILLIAMSON: Thank you.

20 SISIA DAGLIAN: We have one more.

21 CONSTANTINE ALEXANDER: Yes.

22 SISIA DAGLIAN: Michael Brandon. You can unmute

1 yourself.

2 CONSTANTINE ALEXANDER: Okay, Mr. Brandon.

3 [Pause]

4 SISIA DAGLIAN: I think there might be some
5 lagging.

6 CONSTANTINE ALEXANDER: Some what?

7 SISIA DAGLIAN: Some, like lagging.

8 CONSTANTINE ALEXANDER: Oh, okay.

9 SISIA DAGLIAN: I think there might be a delay.

10 JAMES WILLIAMSON: I think I hear him.

11 CONSTANTINE ALEXANDER: Yeah, there's Michael
12 Brandon. Now I lost the page with my notes. Michael, it's
13 difficult to hear you. Can you get closer to whatever
14 you're speaking into?

15 MICHAEL BRANDON: Yes.

16 [Pause]

17 Is that any better?

18 CONSTANTINE ALEXANDER: Better, yes.

19 MICHAEL BRANDON: Okay. I'm sorry, I'm having
20 some computer difficulties. All right. Well, so I had some
21 questions that I hope -- yes, I'm sorry, it's Michael
22 Brandon, B-r-a-n-d-o-n. I live at 27 Seven Pines Ave in

1 North Cambridge. I had some questions that came up from the
2 presentation that I hope --

3 CONSTANTINE ALEXANDER: You're fading away again,
4 Mr. Brandon.

5 MICHAEL BRANDON: Can you hear me now?

6 CONSTANTINE ALEXANDER: A little better. Not as
7 good as before, but better.

8 MICHAEL BRANDON: I agree with the Chairman's
9 concerns.

10 CONSTANTINE ALEXANDER: I just can't hear you.

11 BRENDAN SULLIVAN: We'll give him three minutes,
12 and that's it.

13 CONSTANTINE ALEXANDER: And the three minutes are
14 running, by the way.

15 BRENDAN SULLIVAN: Yeah. You're a minute into it.

16 MICHAEL BRANDON: Like I say, if you can't hear
17 me, I think this is the loudest I can get it. But if you're
18 not hearing it, I won't bother.

19 CONSTANTINE ALEXANDER: Thank you, Mr. Brandon.

20 We're going to close public testimony now. I trust there's
21 no one else that wants to speak?

22 SISIA DAGLIAN: It looks like the person that

1 wasn't unmuted before --

2 CONSTANTINE ALEXANDER: I'm sorry?

3 SISIA DAGLIAN: -- unmuted themselves. Remember
4 we had someone that wasn't unmuting themselves, and we moved
5 on in case she would come back.

6 CONSTANTINE ALEXANDER: I could not hear her.

7 SISIA DAGLIAN: Did you want to say something,
8 Lisa?

9 LISA DRAPKIN: Yes, I would. Can you hear me?
10 Now?

11 SISIA DAGLIAN: Yes.

12 LISA DRAPKIN: Okay. I'm Lisa Drapkin, and I live
13 at 37 Putnam Avenue. I am a homeowner and I've been living
14 in Cambridge for 25 years.

15 I've been a real estate agent for those 25 years,
16 and I just want to say that I think that this project at 402
17 Rindge I'm in favor of. I think it will do wonders for that
18 corner and for the North Cambridge neighbor. And I also am
19 excited about 101 units of affordable housing to provide
20 housing for more families in Cambridge. I think it's a
21 great development, and it's been well thought out.

22 And I want to also just give a nod and thank all

1 the Board members of the zoning group. You guys are
2 incredible. I can't believe it's 10 minutes of 11:00 and
3 you guys are keeping at it. So thank you for all the work
4 that you do.

5 CONSTANTINE ALEXANDER: Thank you for the
6 compliment. Now we're done?

7 SISIA DAGLIAN: Yes.

8 CONSTANTINE ALEXANDER: Okay. We will end public
9 commentary. We have loads of written commentary, both pro
10 and con from local residents to the usual cast of characters
11 in the political scene, to the Planning Board. And the
12 Planning Board, of course, is an important agency in the
13 city.

14 And I propose to read a letter, memo or whatever
15 you want to describe it from the Planning Board into the
16 record. And then that will be it. We'll discuss the case
17 among ourselves, of course publicly.

18 Anyway, here's the memo from the Planning Board.

19 "The Planning Board reviewed this application for
20 a comprehensive permit at its meeting on August 4, 2020.
21 The Board heard a summary of the project by the applicant,
22 received written and oral testimony from the public, and

1 received written materials from the Community Development
2 Department, Traffic, Parking and Transportation Department
3 and Department of Public Works.

4 "The Planning Board is very supportive of this
5 proposal and recommends granting all the necessary relief to
6 allow it to proceed. The proposed development will be a
7 positive addition to the city by providing much needed
8 affordable housing and space for other services that will
9 benefit the community at large.

10 "Moreover, the project will greatly improve what
11 is now an unappealing corner right at the entrance to
12 Cambridge. The design of the project works with a very
13 complicated set of site conditions and manages to
14 ingeniously add new buildings that promote a more
15 neighborhood friendly context, while at the same time
16 retaining the existing housing and circulation patterns on
17 the site.

18 "The proposal is also impressive in that it adopts
19 a Passive House standard, which is very demanding, and
20 places it at the forefront of sustainable design. Board
21 members acknowledge concerns that were raised around traffic
22 patterns on Rindge Avenue, but noted that this project can

1 do little to improve those conditions without major changes
2 to regional traffic patterns.

3 "The only area of improvement that Planning Board
4 members ask to investigate is more tree plantings, if they
5 would not impact the project's feasibility as a way to
6 mitigate urban heat island effects and further improve the
7 landscape.

8 "Board members also suggested that CDD staff be
9 involved in the detailed color selection of façade materials
10 at a later stage of design.

11 Okay, with that I'm going to propose an end to
12 public testimony. Now the Board members need to talk about
13 it. I think the views have come out already. I think this
14 case is all about the conditions, such as they may be, and
15 not whether yes or no. But I don't want to foreclose
16 discussion on that.

17 So anyone on the Board wish to speak first, or do
18 you want to go to -- I have a suggested list of conditions,
19 which I'm sure can be improved on? And I will, at an
20 appropriate time in the view of the other Board members,
21 propose them.

22 Well, anyone wish to speak?

1 JIM MONTEVERDE: So -- this is Jim Monteverde --
2 so just for the record, and really following the thread that
3 I tried to talk about before in terms of the commercial
4 space, just I would be -- would have been much happier if
5 Phase I really provided more of that needed housing --
6 particularly the family housing.

7 And that that wasn't all deferred -- not all, but
8 so much deferred to Phase 2, since there isn't a firm
9 timeline or commitment for Phase 2.

10 So that's my concern.

11 And again, if 40B is really all about housing,
12 that major piece of that Phase 1 is related, but not
13 housing. Thank you.

14 CONSTANTINE ALEXANDER: I'm going to propose a
15 condition regarding the commercial space -- not necessarily
16 what you're thinking about. But I do think we just can't
17 leave it go at 40 something thousand feet of commercial
18 space without some restrictions.

19 I don't think we want a biotech lab there --
20 commercial lab for example -- or other kinds of uses.

21 Anyone else wish to speak?

22 Laura?

1 LAURA WERNICK: I have a question, and I may have
2 missed this early on, but we've got the crosswalk across
3 Alewife. Is there an improvement being proposed to make
4 that safer? Or is it just as it stands now? What's going
5 to happen? How will people be getting across?

6 CONSTANTINE ALEXANDER: My recollection is -- and
7 I would ask Mr. Nicholson or other members of his team to
8 also chime in, but my recollection is there's nothing to
9 improve across -- there's not going to be a traffic light or
10 anything else. I think everybody recognizes that that's an
11 issue with regard to crossing the highway.

12 But Mr. Nicholson, or any members of your group,
13 am I wrong or right, or anything you want to add?

14 CRAIG NICHOLSON: Actually, I'm going to pass that
15 over to Aaron Gallagher, who is with our Civil Engineer,
16 Niche Engineering. He's had conversations with the DPW in
17 regard to the crosswalk, accessible ramps there, and our
18 willingness to work with him on it. Aaron, if you could
19 expand on this conversation, that would be great.

20 AARON GALLAGHER: Sure, thanks Greg. Can you guys
21 hear me?

22 COLLECTIVE: Yes.

1 AARON GALLAGHER: As Craig said, we had some
2 discussions with the DPW about realigning the crosswalk
3 across Rindge Ave, actually, which would help in creating a
4 new sort of ramp in that situation.

5 Then we had some discussions with Traffic and
6 Parking also, where they were actually asking us to kind of
7 keep it the way it was, due to some of the traffic
8 configurations. So there is still a little bit of work to
9 do there on actually what's going to happen.

10 But realistically, the apex ramp that's there is
11 most likely going to stay but get it reconstructed on the
12 project side of the Alewife Brook Parkway to make it more
13 accessible.

14 It currently doesn't meet the accessibility
15 standards. So we are going to enlarge it to be able to
16 accept the two crosswalks that come into it currently. So
17 there is some realignment there.

18 There's also going to be a little bit of
19 reconstruction of the island in the middle of Rindge Ave, as
20 you cross Rindge Ave to create a little bit more pedestrian
21 safety as you get to the middle of the road. Right now
22 there is considered what's considered a safety island there,

1 but there's really no safety there at this point. So there
2 is a little bit of reconstruction that's going to happen
3 with that.

4 And we are also mostly going to be reconstructing
5 the accessible ramp on the other side of Rindge Ave, as part
6 of that accessibility upgrade.

7 CONSTANTINE ALEXANDER: Could you elaborate on
8 that, because I didn't think I heard very much that was very
9 concrete.

10 What -- let me ask you straight away -- what
11 steps, if any, are you contemplating or proposing with
12 regard to making crossing Alewife Brook Parkway much safer
13 than it is now, and that safety concerns will increase
14 needless to say with these new structures -- particularly
15 the first structure, which is right at the corner?

16 AARON GALLAGHER: Yeah, so currently the apex ramp
17 at the corner of Rindge and the Alewife Brook Parkway on the
18 project side of Rindge Ave is -- it doesn't currently meet
19 accessibility standards, and it's accepting two -- it's too
20 small for accepting two crosswalks the way that it currently
21 does.

22 So when two people -- say somebody's crossing

1 Rindge Ave and somebody's crossing on the Parkway, if they
2 come to the ramp at the same time, there's not enough space
3 there for both of them to get up out of the roadway at the
4 same time.

5 So that is where the reconstruction will be
6 happening, and we'll be widening that to accept the two
7 crosswalks. We'll make it safer crossing and getting up
8 onto the sidewalk from the two streets as you cross the
9 roadway.

10 CONSTANTINE ALEXANDER: All right.

11 AARON GALLAGHER: Does that answer your question?

12 LAURA WERNICK: [5:08:04 audio unclear] Obviously,
13 the accessibility's a great thing, but widening -- to widen
14 the middle island, is that correct?

15 AARON GALLAGHER: Yes, correct. Yeah, there is
16 some talk with the DPW and Traffic and Parking about
17 creating more of a pedestrian safe zone in the middle of the
18 road there, but reconstructing that island.

19 LAURA WERNICK: But no talk about modifying
20 traffic lights or providing pedestrian --

21 AARON GALLAGHER: No, because I think technically
22 that traffic light and everything that's associated with it

1 is owned by DCR, not the city.

2 LAURA WERNICK: And you had discussions with DCR?

3 Is that --

4 AARON GALLAGHER: I have not been part of
5 discussions with DCR. I don't think Craig has, but he can
6 answer that question.

7 CRAIG NICHOLSON: I've had discussions with DCR.
8 They did not bring up making any modifications to the
9 signals or the traffic lights there. They were mostly
10 discussing their parcel that sits between ours and the
11 parkway and the trees and ensuring that we maintain those
12 trees. They did not request us to do anything with the
13 lights and the traffic signals.

14 LAURA WERNICK: I guess I was asking if you
15 requested their permission to do -- to impact their road. I
16 think it's -- I can see them not caring, they're not as
17 aware as you might be about the importance of that safe
18 crossing.

19 BRENDAN SULLIVAN: This is Brendan Sullivan.
20 Unfortunately, I think the way these things work out is that
21 they will be reactive rather than proactive, and that
22 somebody -- pleural -- get hurt or injured until they take

1 some action. That's unfortunately the way things tend to
2 happen.

3 And then they're forced to do something. But I'm
4 not sure if it's on the onus of the applicant before us to -
5 - they can raise the conversation, they can have it and the
6 concerns, but it's really -- you're dealing with the state.

7 LAURA WERNICK: I think that's all I'm asking, is
8 just to raise the --

9 BRENDAN SULLIVAN: Yeah.

10 LAURA WERNICK: -- to raise it.

11 BRENDAN SULLIVAN: Yeah.

12 AARON GALLAGHER: We did commit in our
13 conversations with DPW to continue conversations with them
14 about what can be done, and to assist where we can. The
15 concrete thing that we were definitely doing is the
16 accessible ramps at the project site on the sidewalk.

17 BRENDAN SULLIVAN: It's going to take getting to
18 your local state reps to put pressure on the state. That's
19 -- somebody's going to --

20 AARON GALLAGHER: Sorry, I will add --

21 BRENDAN SULLIVAN: So maybe's going to have to
22 turn up the heat.

1 AARON GALLAGHER: -- yeah, I will add that in our
2 discussions with Traffic and Parking and the DPW, there was
3 a lot of talk on their side about the master planning stuff
4 that's happening across on the other side of the Parkway
5 that might end up having to reroute some of the roadways
6 there into that intersection, which means that whole
7 intersection would get kind of redesigned and reconstructed
8 anyway.

9 So they were hesitant to make us do anything on
10 that side of the street now, because of -- it might just get
11 reconstructed as part of some other Master Planning stuff
12 that's going on across the street.

13 CONSTANTINE ALEXANDER: Okay.

14 LAURA WERNICK: Thank you.

15 CONSTANTINE ALEXANDER: Jim, I don't think we've
16 heard -- Laura, do you have anything further you want to
17 ask?

18 LAURA WERNICK: No.

19 CONSTANTINE ALEXANDER: Okay, thank you. Jim, do
20 you have anything you want to say or not?

21 JIM MONTEVERDE: No, I did. I have -- and I'm
22 sitting here reading the intent and the language in Chapter

1 40B, and it's just the point of providing housing I get; the
2 other spaces I question in Phase 1.

3 CONSTANTINE ALEXANDER: All right my -- let me
4 make my suggestion again. I'm going to propose a motion
5 that improves the project, with conditions. And it's my
6 feeble efforts to try to come up with something that is
7 protective of the city as possible. And I'm sure it can be
8 -- there are things other Board members will want to add,
9 subtract or whatever.

10 But is that acceptable to the Board members to
11 proceed that way?

12 LAURA WERNICK: Yes.

13 CONSTANTINE ALEXANDER: Okay. The Chair moves
14 that the applicant has submitted to the Board a complete and
15 satisfactory application -- a very comprehensive permit --
16 for its proposed construction of 101 units of housing and
17 42,500 feet of commercial space at 402 Rindge Avenue.

18 The Board further finds that the applicant has met
19 all of the jurisdictional requirements, and that the relief
20 from the specific requirements of Cambridge restrictions and
21 regulations requested by the applicant is necessary in the
22 circumstances to ensure the creation of affordable housing

1 and to allow the construction as proposed.

2 Based on these findings, the Board further finds
3 that the proposed development meets the requirements for a
4 comprehensive permit under Chapter 40B of the Massachusetts
5 General Laws, and that such a permit shall be granted to the
6 applicant, subject to the following conditions:

7 1) That before construction may begin, the final
8 detailed construction plans must be submitted to and
9 approved by the Building Inspector, to ensure that the final
10 plans are consistent with the preliminary plans submitted by
11 the applicant, the first page of which has been initialed by
12 the Chair.

13 2) That the proposed commercial activities to be
14 conducted on the site be limited to Just-A-Start training
15 programs and activities, and to community-oriented service
16 providers to conduct community-oriented activities.

17 3) That the number of one, two and three-bedroom
18 dwelling units described in the applicant's application
19 shall not be materially modified.

20 4) That in no event shall any of the dwelling
21 units ever be used for any purpose other than to provide
22 affordable housing as proposed by the petitioner. That's

1 what I would propose. Board members?

2 BRENDAN SULLIVAN: Brendan Sullivan; no, that
3 seems fine. I would accept that.

4 JIM MONTEVERDE: Yeah, Jim Monteverde; that's
5 fine.

6 LAURA WERNICK: Laura Wernick, I --

7 CONSTANTINE ALEXANDER: I'm sorry, go ahead.

8 LAURA WERNICK: Yeah, I agree.

9 CONSTANTINE ALEXANDER: Okay, well then what I've
10 just read is in the form of a motion. All those in favor of
11 adopting this motion and approving the grant of the
12 comprehensive permit?

13 BRENDAN SULLIVAN: Brendan Sullivan; yes to the
14 adopting the motion and to granting the relief requested of
15 the project.

16 JANET GREEN: Janet Green on adopting the motion
17 and approving the variance; I agree.

18 LAURA WERNICK: Laura Wernick; I agree.

19 JIM MONTEVERDE: And Jim Monteverde; I agree to
20 both.

21 CONSTANTINE ALEXANDER: And this is the Chairman
22 and I'm going to abstain.

1 [FOUR VOTES IN FAVOR, ONE ABSTENTION]

2 I am very much in support of affordable housing,
3 and for that reason I would never vote against this. But I
4 am troubled by a number of aspects of this project.

5 I think site is you're tucked off in the section
6 of Cambridge, you're isolating the people who are going to
7 live here, and just push them off into a corner between a
8 highway and train tracks and a busy thoroughfare, that being
9 Rindge Avenue.

10 I'm troubled by the density that's going to be
11 resulting to another 101 units, to say nothing of the impact
12 of the commercial activities and the impact will be in terms
13 of people coming and going, and just adds to the traffic
14 into an area that has a lot of traffic now. So I'm on the
15 fence a bit.

16 The motion's going to carry, obviously, we have
17 four votes in favor, but I just want to express why I am not
18 going to vote at this stage in favor of the request for a
19 comprehensive permit.

20 So anyway, the motion is carried, 401, and good
21 luck.

22 CRAIG NICHOLSON: Thank you very much, Chairman

1 Alexander and the rest of the Board. We greatly appreciate
2 it and are very excited to move this forward, and we will
3 submit an option for Phase 2 very quickly.

4 CONSTANTINE ALEXANDER: Please.

5 CRAIG NICHOLSON: Good neighbor.

6 CONSTANTINE ALEXANDER: Good neighbor.

7 SISIA DAGLIAN: Thank you.

8 COLLECTIVE: Goodnight, thank you.

9 [11:07 p.m. End of Proceedings]

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CERTIFICATE

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.

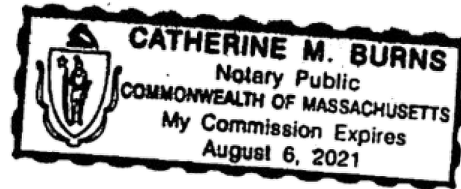
In witness whereof, I have hereunto set my hand this 20th day of August, 2020.



Notary Public

My commission expires:

August 6, 2021



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