

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, AUGUST 27, 2020

7:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Vice Chair

Janet Green

Andrea A. Hickey

Jim Monteverde

Slater W. Anderson

City Employees

Ranjit Singanayagam, Commissioner

Sisia Daglian, Assistant Building Commissioner



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

2 * * * * *

3 (6:04 p.m.)

4 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
5 Hickey, Jim Monteverde, Slater W. Anderson

6 BRENDAN SULLIVAN: Welcome to the August 27, 2020
7 meeting of the Cambridge Board of Zoning Appeal. My name is
8 Brendan Sullivan, and I am the acting Chair for tonight's
9 meeting.

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

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

1 All Board members, applicants, and members of the
2 public will please state their name before speaking. All
3 votes will be taken by roll call.

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

8 Generally, you will have up to three minutes --
9 but that might change based on the number of speakers.

10 Andrea Hickey, are you present?

11 ANDREA HICKEY: Yes. Andrea Hickey is present.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: I'm present, thank you.

14 BRENDAN SULLIVAN: Slater Anderson?

15 JIM MONTEVERDE: He's got it on mute. There you
16 go.

17 SLATER ANDERSON: I'm here.

18 BRENDAN SULLIVAN: Janet Green?

19 JANET GREEN: Janet Green is here.

20 BRENDAN SULLIVAN: Okay. We're all here.

21

22

1 * * * * *

2 (6:05 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: First case I'm going to call
6 will be Case Number 017283, 20 Union Street. If the
7 applicant can now unmute and begin the presentation.

8 EDRICK VAN BEUZEKOM: Good evening. My name is
9 Edrick Van Beuzekom. I am the architect for this project.
10 My company is EVB Design. Do you need me to spell my name,
11 as I usually do at the Board, or are we good, since we're in
12 --

13 THE REPORTER: Can you spell it, please?

14 Okay, sure. First name is E-d-r-i-c-k, and the
15 last name, Van Beuzekom is V as in Victor -a-n capital B as
16 in boy, e-u-z-e-k-o-m.

17 Okay. My clients Dorian Thompson and Shane McMann
18 are also here this evening, so they will -- I will present
19 the project first, but then I would like to have them say a
20 few words as well.

21 So if you can scroll to the first page of the
22 drawings there, the existing site plan, thank you.

1 So this house is on Union Street. It's a small,
2 single-family house one house in from the corner of
3 Hampshire Street. The owners have lived here for quite some
4 time and have a son who's in the Cambridge schools. And
5 they approached me about expanding the house for a number of
6 reasons, which I'll let them explain.

7 But basically, what you see in the plan here is
8 the house is quite close to the lot line on the left side of
9 the house at the bottom of the plan. At the rear of the
10 house is a one-story addition that was done some time ago.
11 The original house is a two-and-a-half story house. There's
12 a number of similar houses on Union Street.

13 If you can go to the next drawing?

14 This is our proposed site plan, which basically
15 just gives you a quick summary of the additions here. So
16 one is at the front of the house; we would like to do an
17 addition that gives us a mudroom entry.

18 Basically, currently when you enter the house
19 you're walking in right by the stairs and into the living
20 room, and there's a little storage; it's pretty awkward, so
21 the idea is to give -- for energy purposes, for one thing.

22 And I do want to point out, this is not the most

1 recent set of drawings that we submitted on Monday. We made
2 a change to the front entry, which I just noticed is not
3 showing here. So --

4 BRENDAN SULLIVAN: This is Brendan Sullivan. Let
5 me interrupt just for the edification of the Board. The
6 original submittal, as you see, shows the addition to a
7 mudroom and entrance, and also the stairway forward of that,
8 which is one foot seven inches from the front lot line.

9 I had asked through Maria if Edward would consider
10 taking the stairs and putting them adjoining to the house,
11 just to give a little bit more room between mudroom addition
12 and that front yard setback -- the sidewalk line.

13 So this was the original submittal, and Edward had
14 reworked it, which we'll see subsequently. And so, I would
15 ask that the Board, especially those far more knowledgeable
16 than I consider which one you think is more appropriate for
17 this particular property.

18 Edrick, does that sort of sum it up?

19 EDRICK VAN BEUZEKOM: Yes, it does.

20 BRENDAN SULLIVAN: Okay, thank you.

21 EDRICK VAN BEUZEKOM: Yeah. And so, the other
22 scheme we have does exactly as Brendan was saying. You move

1 the entry ports to the side of the bump out and the stairs
2 coming down in front of the house there, closer to the house
3 so we have a little bit more space in front.

4 In order to make that work, I have to push the
5 entry piece itself out just a tiny bit, about six inches.

6 One issue is we're trying not to block windows
7 that are basement windows. So by pushing it out a tiny bit,
8 I could leave enough space to not block the basement
9 windows. So let me continue.

10 To the rear of the house, basically, the existing
11 house has a sort of a lower entry space, which we are
12 proposing to raise that floor to bring it up level with the
13 rest of the first floor, which gets us the small dining area
14 that you showed toward the back there.

15 And then we wanted to add a deck on the back,
16 which is 30 inches off the ground. And that's -- basically
17 replaces what they have for a back yard, essentially, but
18 trying to make that back yard space very useable and
19 connected with the interior space as well.

20 If we can scroll to the next drawing? This will
21 give you sort of a broad view of all the things we're
22 proposing.

1 The other -- so what you see here is showing how
2 we calculated the FAR and showing what's new and what's
3 existing.

4 So if you look at the drawing on the right, the
5 first floor plan, all of that is existing FAR: We're simply
6 just raising the floor and one section of that, and then of
7 course we're reconfiguring the interior.

8 On the plan -- the second floor plan, what you see
9 there is we've added new FAR. And you can see that's a
10 different hatch on that section in the back, which is
11 basically an addition on top of that one-story section on
12 the back of the house, the current house.

13 And then for the third floor, what we're proposing
14 is to basically remove the entire roof. Because the current
15 roof is a gable roof with a relatively shallow pitch, and it
16 basically has no useable space underneath it. It's less
17 than six feet to the ridge and inside.

18 So the idea is to take the roof off, reframe it at
19 a much steeper pitch, and add a couple dormers; one to get
20 headroom for a stair getting up to the third floor, and the
21 other to get headroom for a bathroom, and then we can get
22 two bedrooms up there.

1 This is a significant increase in FAR, but it's
2 all done over existing footprint, other than the front entry
3 mudroom.

4 And I'll just run you through the other plans. We
5 can go to the next drawing.

6 This is just the basement. We're putting a
7 foundation under the existing one-story addition there
8 that's currently on the foundation piers, it doesn't have a
9 proper cross wall, so it doesn't have a full basement under
10 it.

11 It's not in great shape, so the idea is to build a
12 new foundation for that, which includes a new bulkhead entry
13 that would come in underneath the deck.

14 If we can go to the next page? This is the first
15 floor. I think I've already talked through most of what's
16 going on here. We can go to the next drawing.

17 On the second floor, by doing the addition on the
18 back, we're able to make room to have a bathroom in the
19 middle now and get a full bedroom at the rear of the house,
20 so basically it picks up enough space.

21 And the reason for relocating the bathroom from
22 its current location is in order to get a stair up to the

1 attic, we are taking space where the existing bathroom is,
2 and we'll eventually scroll down to the existing drawing, so
3 you can see the difference there.

4 And if we can scroll to the next page?

5 This is the third floor plan. So this is all
6 under the new roof. The knee walls that you see are roughly
7 just a little bit more than five feet high. Simply, we
8 could have a cathedral ceiling in these spaces. They're not
9 huge rooms, but very comfortable, and we're able to get a
10 bathroom up here as well. And as you see, the stair comes
11 up in under the dormer.

12 If we can scroll two pages down, we can go to the
13 elevation.

14 Here you see the elevation from the driveway side
15 of the house, and we're making some changes to windows here,
16 relocating to sort of make it work a little bit better for
17 the new configuration of space.

18 And then of course new windows on the first floor
19 in that portion where the dining room would be, which is
20 currently the rear entry to the house.

21 One issue that has come up, which is an error on
22 my part: I believe we should have also filed for a special

1 permit for these window relocations, which I failed to do.

2 I was thinking that it was all covered under the variance.

3 So we may have to come back for that.

4 We can scroll to the next drawing.

5 So this is the left side of the house, which is
6 fairly close to the lot line. We're eliminating one window
7 and adding two small windows to get some light into the
8 kitchen area, and then you see the dormer addition that
9 we're doing.

10 The vertical line that you see on the elevation is
11 basically showing where the addition on the -- well, it's
12 actually not quite right, but it's showing approximately
13 where the addition is that goes up above the first floor
14 there. And then you can see the proposed mudroom in the
15 original scheme in this one as well on the right hand side.

16 If we can go to the next drawing?

17 Here's the front of the house on the right, with
18 the proposed new entry. And the dashed line at the roof
19 shows where the existing roof is, so you can see where the
20 new roof line is considerably higher. We're still within
21 the height limits of the zoning district.

22 And on the left is the rear of the building, where

1 you can see the deck and the new windows back there.

2 We can go to the next drawing. Next drawing

3 please? Thank you.

4 This is just a section through the roof, so you

5 get a sense of the steepness of the roof and what sort of

6 space we're getting up on the upper floor.

7 I think that should give you a pretty good sense

8 of what we're proposing here. I submitted a -- along with

9 the updated plans, I submitted a 3D rendering from the front

10 so you can see the alternative entry scheme.

11 And I think maybe we can just scroll down to the

12 existing drawings to show you what we have there.

13 So -- yeah, so here you see -- Okay. So here's --

14 this is the basement. You can see where the dashed lines

15 are; those are just frost poles under the existing spaces

16 back there. So that's what we want to replace with full

17 foundation walls.

18 Next is the first floor plan. So here you can see

19 the portion on the rear of the house, which was an addition

20 done previously that has the playroom and what's labeled as

21 a porch. It's basically an entry from the outside. So

22 that's all interior space. And you can see, you know, we

1 have a tiny little kitchen, and how sort of cramped the
2 entry into the house is as well.

3 Next drawing?

4 So here's the second floor plan. And this shows
5 you a roof over the portion in the rear that we are
6 proposing to build on top of. And here you can see where
7 the current bathroom is, which we are proposing to relocate
8 in order to do the stairs going up to the third floor.

9 And we can just run through the elevations really
10 quickly, scroll down.

11 Yeah. Here you see the driveway side. You can
12 see the one-story addition on the rear of the house.

13 Next drawing?

14 A similar thing from the other side of the house.

15 And then the next drawing? Here you see the front
16 and rear. So hopefully that gives you a pretty good sense
17 of the current massing of the house.

18 So at this point, I'd like to let Dorian and Shane
19 say a few words, and basically explain sort of why they want
20 to do this project and who they are, and just giving their
21 overview. Unless anyone has some questions in the meantime?

22 BRENDAN SULLIVAN: Well, we'll let them speak. If

1 they could introduce themselves?

2 DORIAN THOMPSON: Hi, this is Dorian Thompson

3 SHANE MCMAHON: And I'm Shane McMahon.

4 DORIAN THOMPSON: Hi. Good evening, guys. Can
5 you hear us okay?

6 COLLECTIVE: Yes.

7 DORIAN THOMPSON: Okay. All right. We had some
8 audio problems at the beginning, sorry about that. So I am
9 -- I'm a homeowner at 20 Union Street. And Edrick, I wasn't
10 sure if we should talk a little bit about, you know, why we
11 want to make some changes, if that makes sense?

12 EDRICK VAN BEUZEKOM: Yes, yeah.

13 DORIAN THOMPSON: All right. And I'll just say,
14 you know, I just -- we had a few comments, but if you guys
15 have any questions, just kind of feel free to jump in.

16 So I have lived in Cambridge for -- and I can't
17 believe I'm going to say this, but almost 25 years, so the
18 majority of my life at this point, and been at 20 Union
19 Street for over 15 years.

20 And Shane and I lived there with our son,
21 Lockland, and our rescue dog, who has grown to be
22 dramatically larger than anticipated and expected. And so,

1 our son Lockland, he attends Cambridge Public Schools. He
2 is at Tobin.

3 He loves it there, when he's there. He's very
4 excited and anxious to return with all of his friends and
5 teachers and all of that normalcy, but anyway for now, he's
6 -- you know, happy to be going back online and getting to
7 see everybody, so he's excited about that.

8 And Shane has actually been on the Board of the
9 Friends of Tobin for the last few years now. So we're
10 pretty involved -- pretty involved at this point. And we
11 love it there.

12 And so, you know, one of the main reasons we
13 really want to make some of these changes is, you know,
14 Cambridge is really our home.

15 I mean, we made -- you know, we love the
16 community, we love the city, we love being able to really
17 live in the city and sort of take advantage of all the
18 things there are to do in Cambridge; especially now that we
19 have Lockland it's kind of come to life even more for us.

20 But, you know, we made a really conscious effort
21 to -- you know -- think about where we wanted to live, and
22 where we wanted to raise our family. And that was -- you

1 know, in Cambridge.

2 And, you know, we've stayed -- you know, even to
3 the point where there have been job opportunities that come
4 up and, you know, we were just really not willing to
5 consider anything that's, you know, kind of outside of the
6 Boston area. That would move us.

7 I mean, even if it's sort of beneficial to our
8 career, you know, this is where we want to be. We're not
9 willing to leave, or we haven't been willing to leave. You
10 know, this is really where we hope to stay forever.

11 But unfortunately, you know, there are some real
12 changes that are needed at our house, and they're not minor
13 fixes. We've got to make some changes sort of from a safety
14 standpoint, but also from sort of a comfort standpoint.

15 We have a number of issues with the house, ranging
16 from toilets exploding from time to time, which is fairly
17 unpleasant. We have flushing issues, because of the way the
18 pipes are configured.

19 Our heating doesn't work. On a cold day, the heat
20 can be working really hard to get up to about 60 in our
21 living room -- you know, sort of best effort, while at the
22 same time, our bedrooms upstairs are about 85 degrees. The

1 cooling situation is definitely not ideal, especially on a
2 hot day if the sun is out.

3 You know, we have some window air conditioners,
4 which are also not efficient at all, but just have a really
5 tough time cooling the house, especially the bedrooms.

6 We have electrical wires running through our
7 floorboards. We have fuses that blow pretty frequently.
8 Our electrical box is set up next to pipes that run along
9 the outside wall of the house, so they are -- we've done
10 what we can, but they are prone to freeze and burst. And
11 so, not only do you get the water on the floor, but the
12 water floods down over the electrical box.

13 Oh, and in our bedrooms, we have this issue with
14 this thick plaster dust, and it kind of coats the bedrooms
15 at all times. So obviously not the healthiest and safest
16 environment.

17 And just in general, you know, we would like to
18 have an energy efficient house, which just is not possible
19 at this point, and it's actually it's certainly highly
20 inefficient with, which we're not happy with, but that's
21 where we are today.

22 And also the reality is we do need some more

1 space. We are hopefully growing our family, but we also
2 have parents and actually grandparents, who our son is very
3 close with his great grandmother, Zelda.

4 And, you know, we need -- and Zelda likes to have
5 a comfortable place to stay, and we'd really like her to
6 stay longer term with us when she comes. She lives in Sioux
7 Falls, so it's a big trip. It's not a trip she can make a
8 quick turnaround, and so, we need a comfortable space, as
9 our parents and grandparents get older. So we really do
10 need a little bit more space.

11 And also, just in general, even if that wasn't
12 needed, sort of -- you know, making -- we need to make some
13 dramatic changes to make the house safer, and to fix sort of
14 the energy issues we have.

15 And, I mean, just in reality it's not sort of
16 financially viable to do that without -- you know, gaining a
17 little bit more space and having sort of an appropriate,
18 livable setup for the house.

19 The other thing I would just say is that we love
20 our neighborhood. We have looked around in our neighborhood
21 to see if there was, you know, another house or, you know,
22 attached house that we could find, and we've been looking

1 for a decade.

2 And, you know, for the handful of houses that have
3 come up that have been somewhat affordable or in that range,
4 you know, they're gone before we get to the Open House.

5 There is a bidding war, and then it makes is
6 beyond unaffordable. We had one time where we tried to
7 submit a bid at asking, and we were told, "Don't even
8 bother." So that's been our experience in trying to find a
9 home.

10 And I know, you know, we have really been focused
11 I would say on our neighborhood, we really want to stay in
12 the neighborhood, but, you know, I think the reality is even
13 being willing to sort of move out of our neighborhood and
14 just move somewhere else in Cambridge, unfortunately it's
15 just not an option for us financially.

16 BRENDAN SULLIVAN: Right.

17 ANDREA HICKEY: Thanks for running through that.
18 Go ahead, Brendan, I'm sorry.

19 BRENDAN SULLIVAN: Okay, Edrick, any other
20 comments?

21 EDRICK VAN BEUZEKOM: Could I ask you to -- I
22 don't know if it's possible to put up the revised drawings

1 that I had submitted, so we can see them?

2 BRENDAN SULLIVAN: I don't know if we have scanned
3 that.

4 EDRICK VAN BEUZEKOM: Yeah, okay.

5 BRENDAN SULLIVAN: It was not scanned.

6 EDRICK VAN BEUZEKOM: Okay. I just wanted to
7 point out one other change that we had made, which was in
8 response to one of the neighbors.

9 JIM MONTEVERDE: This is Jim Monteverde. The
10 revised drawings, I believe, are available online. Because
11 I'm looking at it side by side over --

12 EDRICK VAN BEUZEKOM: Okay.

13 JIM MONTEVERDE: -- two screens. So is there --
14 Brendan, do you think that there's a way, can I share your
15 screen?

16 BRENDAN SULLIVAN: Yeah.

17 JIM MONTEVERDE: I have a share screen button, but
18 hold on, let me try this. No, I can't. It says, "Host
19 disabled."

20 BRENDAN SULLIVAN: No, I'm not sure how I can do
21 that.

22 EDRICK VAN BEUZEKOM: That's okay. I can just

1 describe the other change, which is we eliminated one window
2 on the driveway side that faces the neighborhoods. And so,
3 it was at the request of the neighbor, because it sort of
4 lined up with their window. So we got rid of that one, so
5 --

6 BRENDAN SULLIVAN: Okay.

7 EDRICK VAN BEUZEKOM: -- that's the only other
8 change.

9 BRENDAN SULLIVAN: Well, the issue is the windows
10 -- this is Brendan Sullivan -- the windows, even though part
11 of the plan, are not part of the relief to be granted
12 tonight.

13 EDRICK VAN BEUZEKOM: Right.

14 BRENDAN SULLIVAN: Because they are going to
15 require a special permit. But Edrick, as far as the front
16 entryway, do you have a preference as to Plan 1 or Plan 2?
17 Vis-à-vis the stairs?

18 EDRICK VAN BEUZEKOM: Yeah. My personal
19 preference would be Plan 1, simply because it leaves more of
20 the front yard intact and doesn't run anything in front of
21 the basement windows.

22 But, you know, both schemes are viable. I think

1 we're happy to do either one. I -- you know, if the Board
2 feels that it's better to keep --

3 BRENDAN SULLIVAN: Yeah, okay.

4 EDRICK VAN BEUZEKOM: -- more distance to the
5 street, we're okay with that. Oh, here we go.

6 BRENDAN SULLIVAN: Okay, we do have it, so --

7 EDRICK VAN BEUZEKOM: Excellent. There you go.
8 So it pulls it -- you know, it pulls it five feet away from
9 the lot line in front. I -- you know, I think the original
10 scheme is a little more attractive, but it also is, you
11 know, feels a little larger too. So, like I say, we're
12 happy to do either one, but my preference would be the
13 original scheme.

14 BRENDAN SULLIVAN: Okay. Okay. That's the end of
15 your initial presentation? Edrick, yes?

16 EDRICK VAN BEUZEKOM: Yep, yes.

17 BRENDAN SULLIVAN: Yes, okay. Let me start the
18 discussion. My initial review of this is that I thought
19 that it was a big ask, and you're going from a 0.69 to a 0.
20 98 in a 0.75.

21 EDRICK VAN BEUZEKOM: Yeah.

22 BRENDAN SULLIVAN: So I think it's a -- somewhat

1 of a big jump. Now the question is, you know, if we were to
2 cut back, say where do you do that? I don't have the answer
3 for that.

4 But if we can just walk through this a little bit,
5 you're raising the height of the peak and you're going up
6 approximately 5.75 feet, is that correct?

7 EDRICK VAN BEUZEKOM: Yes.

8 BRENDAN SULLIVAN: Okay. Have you done a shadow
9 study to whether or not that will affect the house on the
10 left or not?

11 EDRICK VAN BEUZEKOM: We did do shadow studies. I
12 don't think I submitted that, but I know Dorian and Shane
13 had that available when they met with the neighbors.

14 DORIAN THOMPSON: The neighbors on that side?

15 EDRICK VAN BEUZEKOM: Yeah, I think they've met
16 with all their neighbors. They -- you know, they weren't
17 able to reach the landlord, because one of the buildings
18 adjacent to them is all rentals, I think. But they did
19 speak to a bunch of the renters.

20 Let me change -- Dorian, if you're still on, maybe
21 you can just say -- talk a little bit about who you spoke to
22 around --

1 JANET GREEN: Yeah. I'd be most concerned about
2 the neighbors on the side where sort of shadows and shade
3 would increase due to the increase in height. So --

4 EDRICK VAN BEUZEKOM: Yeah.

5 JANET GREEN: -- that's really the only neighbor
6 I'd be interested in hearing their feedback or whether they
7 were given the shadow study, and it was discussed with them.

8 DORIAN THOMPSON: So Alice and Andy, they actually
9 -- I think Alice had mentioned she might join. So I'm not
10 sure if she's on, but we did talk with Alice and Andy about
11 it. I'm not sure if they're on or not.

12 JANET GREEN: And did you share that shadow study
13 with them?

14 DORIAN THOMPSON: We didn't share the shadow
15 study; we did talk to them about the shadows and any
16 concerns. They didn't have any. They actually signed -- I
17 think they both signed the --

18 EDRICK VAN BEUZEKOM: Petition.

19 DORIAN THOMPSON: -- petition that we submitted.
20 We also talked with our neighbors in the back, Eric and
21 Emily. Emily's a dermatologist, so they were actually
22 hoping that they would get some increased shadows, but so we

1 did talk with them pretty thoroughly about the plans.

2 BRENDAN SULLIVAN: Dorian, the people on the left,
3 what is their name?

4 DORIAN THOMPSON: Alice -- they're on the street
5 -- Alice Flaherty.

6 BRENDAN SULLIVAN: Flaherty? Okay. Alice
7 Flaherty and Andy, 22 Union Street, have signed a letter of
8 support.

9 DORIAN THOMPSON: Yes.

10 ANDREA HICKEY: All right. Is there any reason
11 why you didn't share the shadow study with them?

12 DORIAN THOMPSON: Honestly, just when we sat down
13 to talk to them we didn't have it, and it was kind of an
14 awkward time when we were talk to folks, because it was just
15 as COVID, like, was -- it was sort of becoming awkward to
16 have -- to put off conversations.

17 And we probably needed to have conversations
18 sooner than later, so we talked to them in early March. And
19 so, we were just trying to have that conversation before we
20 may not be able to have that conversation, honestly, and so,
21 we just -- we went to their house and sort of talked them
22 through everything.

1 And they were actually extraordinarily supportive.
2 We saw Alice last week, and she was going to try to attend
3 if she could.

4 BRENDAN SULLIVAN: Okay.

5 ANDREA HICKEY: Could I perhaps ask Edrick to
6 share the results of that shadow study, since we can't see
7 it?

8 EDRICK VAN BEUZEKOM: Yes. Let me see if I can
9 find it. Might take me a little bit, we have it in a
10 sketch-up model I think is how I shared it, so. Let me
11 bring that up.

12 JIM MONTEVERDE: While he's searching for that,
13 can I -- Brendan, can I offer a couple other comments?

14 BRENDAN SULLIVAN: If you'd introduce yourself.

15 JIM MONTEVERDE: Oh, sorry. This is Jim
16 Monteverde. He's the phantom, yeah. Jim Monteverde. I
17 just have a concern, and therefore just questions about the
18 intrusion on the front yard setback.

19 You know, I see the rendering. I see the photos
20 of the before and after. I think -- I can understand the
21 rationale for it, but I still think it's an intrusion on the
22 street and neighborhood character of the street to actually

1 enclose the existing porch. So I have a concern at that
2 end.

3 And at the back end, I'm looking through the
4 drawings, and I think I've got it, but I can see where the
5 existing -- and I'm concerned about the amount of
6 development that's within the rear yard setback as well.
7 And I can see I think the profile of what, Edrick, you
8 described as existing.

9 EDRICK VAN BEUZEKOM: Yep.

10 JIM MONTEVERDE: And I think it's just on a frost
11 wall, there's no basement below it.

12 EDRICK VAN BEUZEKOM: That's right.

13 JIM MONTEVERDE: And then I can see the
14 development of the balance of the plan that doesn't exist
15 now on the second floor, and then the upper floor to kind
16 of, you know, bring all that mass out.

17 EDRICK VAN BEUZEKOM: Mm-hm.

18 JIM MONTEVERDE: So I have a similar concern just
19 about filling up everything in the rear yard setback behind
20 what's already enclosed -- the deck, et cetera, just hard up
21 against or close to hard up against the fence.

22 I don't have the same -- I would like to see the

1 shadow analysis, I think that's fair, but in general,
2 looking at the elevation and the street view, what you're
3 proposing for the third floor and the dormers there I have
4 less of an immediate concern with.

5 I think my comments really are about the --
6 enclosing the porch in the front and, you know, what that
7 does just setting in the front yard setback, just for the
8 way it feels and the sense of it in the photographs along
9 the street.

10 EDRICK VAN BEUZEKOM: Yeah.

11 JIM MONTEVERDE: And then the back -- you know,
12 how much you're asking for at the back of the house. So the
13 simple question is, could you do it out the mudroom and
14 basically retain the -- I appreciate changing the stair 90
15 degrees, but to me that doesn't help the issue of that mass
16 then on the front of the house facing the street. So I
17 would more advocate for that not being allowed.

18 And then in the back of the property, it's really
19 how much of that do you need functionally, versus what you
20 really have? Could that be pared back at all, so you're not
21 intruding so much on every floor in the rear yard setback as
22 well?

1 EDRICK VAN BEUZEKOM: Yep. Yeah. First of all,
2 let me just say I'm having trouble with the 3D shading
3 model. It's crashing on my computer here, so hopefully
4 it'll open up as I retry it here.

5 But in the meantime, you know, for the front
6 entry, you know, I went down the street. If you go a little
7 bit farther down the street, you'll see some houses where
8 they do have entries that come out much closer to the street
9 or -- you know, that certainly the -- you know, handful of
10 houses adjacent to this one, you know, are more in line with
11 this and don't project out that much. But there is some
12 precedent far down.

13 But, you know, I understand your concerns. I
14 think for us it's -- you know, it's both a space issue of
15 awkwardness coming in the house and having nowhere to stand
16 and take your coat off and hang your coat.

17 And it's also an energy efficiency issue for us
18 that, you know, when you're opening the door and you're
19 literally right into the stair and the living room, there's
20 no -- you know, there's no way to keep the cold air from
21 blasting into the house.

22 So, you know, we really see this as important for

1 the energy efficiency of the house. So that's just our
2 reasoning for that. I mean, obviously it's not --

3 JIM MONTEVERDE: Could you accommodate the mudroom
4 if you did that -- if you moved it to the opposite side of
5 the front of the house and did it internally?

6 In other words, you've got a couple -- you've got
7 a small amount of space that you can come out to within the
8 front yard setback. If you moved it from -- I'm looking at
9 the front elevation from the left-hand side of the elevation
10 to the right-hand side of the elevation, you'd wind up
11 taking a bite out of the living room --

12 EDRICK VAN BEUZEKOM: Yeah. Which is already
13 pretty small.

14 JIM MONTEVERDE: -- to accomplish what you're
15 asking for.

16 EDRICK VAN BEUZEKOM: Yeah. I mean maybe -- I
17 don't know, I think that's a little more awkward in terms of
18 what it does to the space, because we're already pretty
19 small with the living room, and then you've got to travel
20 across the living room, rather than coming in sort of where
21 the main circulation pattern is.

22 But I don't really see that as a viable option.

1 You know, we could, I don't know -- I mean, we
2 could try -- I mean one option might be scale it back, bump
3 it out to only half this dimension and not have the thermal
4 break.

5 So you wouldn't have the internal door, but it
6 would just give us a little bit more floor area to step into
7 the house there.

8 So, you know, these are all things we can -- we're
9 willing to consider. I just think that, you know, it's --
10 the other location for it is much more inefficient in terms
11 of the circulation, and eliminating it altogether would be a
12 shame.

13 It's not -- you know, I mean obviously it's not
14 essential for living here, but I think it's important,
15 again, to the energy efficiency and the comfort of having a
16 place to step in, and we can put a -- you know, having
17 invested.

18 So as far as the other in the rear, you know, I
19 mean I suppose one place we could scale back might be to not
20 bring the new roof all the way back over the -- you know, we
21 would lose one of the bedrooms up on the third floor, but we
22 could go in the rear bedroom if we were to take that out and

1 pull the roof back where it originally extends to.

2 You know, that would certainly cut out a chunk of
3 FAR there and scale back the massing on the back of the
4 house there. So that's maybe one approach you could take.

5 DORIAN THOMPSON: And Edrick, I just -- I think
6 that's something we'd have to talk about.

7 EDRICK VAN BEUZEKOM: Yeah.

8 DORIAN THOMPSON: I think actually, like I was
9 saying, I mean at a certain point, the amount of work that
10 we're doing and the amount we're going to have to spend to
11 not be able -- to not pick up space, just, like, from a
12 financial standpoint, right? Like it just at a certain
13 point it doesn't --

14 EDRICK VAN BEUZEKOM: Yeah.

15 DORIAN THOMPSON: -- doesn't, not financially
16 viable or justifiable for us to be able to do the work.

17 BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.
18 It appears that there are going to be a number of issues
19 that probably you're going to have to go back and think
20 about, and possibly reconsider.

21 But I think that we probably should have a full
22 airing of all the Board concerns, so that you can make a

1 list of possible areas to address --

2 EDRICK VAN BEUZEKOM: Yeah.

3 BRENDAN SULLIVAN: -- going forward. Jim, does
4 that conclude your initial question?

5 JIM MONTEVERDE: Yes, I'm done.

6 BRENDAN SULLIVAN: Okay. Edrick, I just want to
7 sort of walk through what is existing, what is proposed. So
8 you're raising the height 5.75 feet, and the shadow study,
9 which I think is -- too bad wasn't submitted with the
10 application, because that would have been helpful and it
11 would have answered questions.

12 The existing basement shows an office, a bedroom
13 and a full bath. What is proposed in your sort of storage
14 area -- what is proposed is a study -- in lieu of an office,
15 I guess -- storage of full bathroom, and you're creating
16 additional storage in the basement.

17 The first floor there's a living room, dining
18 room, kitchen, playroom and an entry. Proposed is a living
19 room, dining room, kitchen and a half bath -- playroom,
20 family room. The half bath is actually a toilet room, a
21 powder room.

22 The second floor - master bedroom, bedroom, studio

1 and a full bath. What you're proposing is a master bedroom,
2 full bath, bedroom, laundry room, and a half bath.

3 The third floor there is really no rooms per se up
4 there, and you're proposing 2 bedrooms and a full bath. So
5 the one dormer has a bathroom, the other dormer really is
6 for the stairway egress, code-compliant.

7 So in summation, the existing number of bedrooms
8 are three -- three existing and you're proposing one
9 additional one. The number of bathrooms you have existing
10 are twofold, and you're proposing threefold, and two powder
11 rooms, a toilet and a lav.

12 It appears to be a lot to me. And yes, it's a
13 substandard lot. Right now it is -- the floor area ration
14 actually is compliant -- 0.69 in a 0.75 and you want to
15 exceed that to a 0.98.

16 So I think that you're really trying to pack an
17 awful lot into it; three full bathrooms and two powder rooms
18 and another bedroom -- you know, which I can understand up
19 on the third floor. But that's my concern, anyhow. I don't
20 know how the other members -- any other questions by members
21 of the Board?

22 JANET GREEN: Yeah.

1 BRENDAN SULLIVAN: Slater, any comments?

2 JANET GREEN: I'm getting --

3 BRENDAN SULLIVAN: Yep.

4 JANET GREEN: I'd like to make a comment in
5 agreement with Jim about the front porch, and I think that
6 the ask for the house I agree with all the comments that
7 have been made about how much of an ask it is.

8 And I recognize that when you're sitting and
9 thinking about -- not just thinking about what do you want
10 today, you're trying to think, "Well, our family's really
11 large and we need more space at that time."

12 That said, it is a very big ask of what you're
13 doing. I would suggest that you really look at the front
14 part of the house, because that's the part that's really
15 gonna -- the neighbors and the people driving down the
16 street are going to feel.

17 I know that there are entryways like that, a
18 couple on the street, but most of the houses are pretty
19 consistent in their appearance.

20 And I think when you look at a street like that,
21 one of the things that's appealing about that house is how
22 it fits in with the character of the neighborhood. And I

1 think we want to be really careful about creating a feeling
2 of a very big house that's -- you know, sort of blooming out
3 all over, all different sides of it. You know, it's going
4 up, it's going in front, it's going in back.

5 And I think all those things needed to be looked
6 at, and you have to think about they are zoning dimensions
7 that we're talking about, and they're not -- you know, it's
8 not just saying that you have a problem -- I mean it's not
9 just saying that this is a problem that's only for you. If
10 we were looking at another house in the neighborhood, we'd
11 have to be considering these same things.

12 And so I think it's very important that you look
13 at the size of some of the changes that you're making, and
14 particularly that front porch.

15 BRENDAN SULLIVAN: Thank you.

16 JANET GREEN: Thank you, Mm-hm.

17 BRENDAN SULLIVAN: Andrea, any comment or
18 questions at this time?

19 ANDREA HICKEY: No, I really want to say thanks to
20 Jim for articulating what was in my head about the front
21 porch and -- as Janet just went through -- and the massing
22 in the rear as well. I'm concerned with both of those

1 aspects.

2 And although the proposed height is still within
3 the parameters, I really want the shadow study as part of
4 the record. Thank you.

5 BRENDAN SULLIVAN: Slater, any comments or
6 questions at this time

7 SLATER ANDERSON: No, I would just add that I
8 concur with the general sentiment of the other Board
9 members. I'm not sure the Zoning Board is the path to --
10 you know, solve the problems that the family, you know, has
11 with the house.

12 I sympathize with the challenges they're facing,
13 but these are -- you know, the ask is substantial. And I
14 have concerns about -- you know, the appropriateness of us
15 approving this level of ask, so that's all.

16 BRENDAN SULLIVAN: Jim, anything else to add, or
17 questions?

18 JIM MONTEVERDE: Yeah, please. Just to end on a
19 happier note, and looking at the glass half full, I think
20 there's definitely a way -- my sense is -- and I know Edrick
21 and Edrick's work, there's definitely a way within -- not
22 even within your envelope, but within a slightly modified

1 configuration that might be closer to achieving or
2 maintaining some of the setbacks, is to achieve the program
3 that you're looking for. I think there's definitely a way
4 to do that.

5 I think it just -- you just need to think through
6 some of the pieces. I sympathize with folks who live in
7 smaller houses, because I live in 900 square feet myself,
8 and I know what it's like.

9 So I certainly appreciate what you're trying to
10 do. I think you can look at this and get a lot more out of
11 the footprint that you've got. That's it, thanks.

12 BRENDAN SULLIVAN: Okay. At this time, let me
13 open it up to public comment. And any member of the public
14 who wishes to speak should now click the button that says,
15 "Participants" and then click the button that says,
16 "Participants." And then click the button that says, "Raise
17 hand." If you are calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6.

19 Anybody -- any member of the public would like to
20 call in now, please do so. Give it a few minutes, or a
21 minute or two. [Pause]

22 It appears that nobody is calling in. We are in

1 receipt of a correspondence in the form of a petition, "We
2 the undersigned have reviewed the drawings for the proposed
3 addition and renovation, including the new roof with dormers
4 for Dorian Thompson/Shane McMahon residence at 20 Union
5 Street, prepared by EVB Design. We support the plans for
6 the proposed additions, and their application for a zoning
7 variance."

8 Signed by the residents at 18 Union Street #2, 99
9 Hampshire Street, #18 Union Street #1, 18 Union Street #1,
10 22 Union Street, 22 Union Street and 105 Hampshire Street.
11 Seven people in support. That is the sum and substance of
12 public comment. I will close public comment at this point.

13 Edrick, anything you'd like to ask or chime in on?

14 EDRICK VAN BEUZEKOM: Yeah, a couple things. One,
15 I appreciate everybody's comments, and Jim in particular,
16 your positive comments there. You know, we're happy to take
17 a hard look at this and see if we can't make it work for
18 everybody.

19 But, you know, it's tough. The substantial new
20 FAR is all coming from the third floor with the new framing
21 on the roof, you know, and it's -- again, it's not adding
22 footprint, and I apologize that we did not share the shadow

1 studies.

2 So I would like to request a continuance, and we
3 will provide shadow studies. And we will -- you know, take
4 a hard look at, you know, whether we think we can come up
5 with some changes that might be acceptable. And I think
6 Dorian would also like to say a few words.

7 DORIAN THOMPSON: I guess, you know, obviously
8 we're -- you know, disappointed. I was pretty nervous about
9 tonight, because, you know, this is kind of our last ditch
10 effort to try to -- you know, stay in town.

11 And, you know, there's been a lot of development
12 by developers on our start building these modern homes where
13 there was, you know, one home on a lot and now there's four
14 homes in a lot built right up front against the road.

15 You know, we also wanted to make sure that the
16 house still had that same look and feel. We wanted to make
17 sure we maintained some of the woodwork on the house.

18 Again, we were trying to be thoughtful about being
19 energy efficient but, you know, like, this is our one shot
20 to stay in the city and it's just -- you know, we spent a
21 long time working with Edrick and trying to make sure that
22 we could fix the issues that we had, but also didn't have as

1 dramatic an impact on our neighbors.

2 And we spent a lot of time reviewing those plans
3 with our neighbors too, and talking with them and taking
4 feedback where they had it, and it just -- you know, I feel
5 like there's a lot of talk in the city about trying to
6 maintain families.

7 And just I think it's -- you know, this was our --
8 I guess this was our last chance to try to stay in the city
9 and so I think it just -- you know, obviously it's been a
10 tough meeting for that, but we appreciate you guys talk
11 through it with us and your consideration.

12 BRENDAN SULLIVAN: Well, I think that the request
13 for a continuance is in order. Let me make a motion, then,
14 to accept their request continuance from the petitioner on
15 the grounds that -- well, let me see when we can continue it
16 to.

17 SISIA DAGLIAN: If everyone's available, September
18 24 would be the earliest date.

19 SLATER ANDERSON: Slater is not available.

20 BRENDAN SULLIVAN: I think sometime in October.

21 SISIA DAGLIAN: October 8?

22 BRENDAN SULLIVAN: Now, what has -- there are two

1 things that I think have to happen. 1) the continuance of
2 this case, you're also going to have to file the case for a
3 special permit.

4 EDRICK VAN BEUZEKOM: Yes.

5 BRENDAN SULLIVAN: So there is a procedure that
6 has to happen with that. You're going to have to file that
7 pretty soon, get on the docket, and we should probably hear
8 the both of them the same night.

9 This case can be heard first, and then the special
10 permit case can be heard on the same night. I'm not saying
11 right after that, but on the same night, so that we -- you
12 don't have to come back two nights anyhow. So some --
13 middle to the end of October?

14 SISIA DAGLIAN: Yeah, October 8 is possible. The
15 twenty-second is possible. Andrea are you here?

16 BRENDAN SULLIVAN: October 22?

17 ANDREA HICKEY: Yes. I'm here on the eighth.

18 SISIA DAGLIAN: Okay. You're not on the -- well
19 maybe you are on the regular agenda -- you're not on the
20 continued cases for that day?

21 BRENDAN SULLIVAN: Is everybody available on
22 eighth?

1 ANDREA HICKEY: I could do the eighth or the
2 twenty-second, this is Andrea.

3 BRENDAN SULLIVAN: Okay, Jim?

4 JIM MONTEVERDE: Jim - I could do either one.

5 BRENDAN SULLIVAN: All right, Slater?

6 SLATER ANDERSON: Yeah, I could probably do
7 either, yep.

8 BRENDAN SULLIVAN: And Janet? The eighth or the
9 twenty-second of October?

10 JIM MONTEVERDE: You have to unmute yourself.

11 ANDREA HICKEY: Janet?

12 JIM MONTEVERDE: Janet, unmute please. There you
13 go.

14 JANET GREEN: I can do the eighth.

15 BRENDAN SULLIVAN: Yeah. The eighth or the
16 twenty-second, are you available both nights?

17 JANET GREEN: I'm available both nights.

18 BRENDAN SULLIVAN: Okay.

19 JANET GREEN: Either one.

20 BRENDAN SULLIVAN: Edrick, the eighth or the
21 twenty-second?

22 EDRICK VAN BEUZEKOM: I would prefer the eighth if

1 we can do that, and we'll get the special permit application
2 in immediately.

3 BRENDAN SULLIVAN: All right. Let me -- the
4 motion, then, is to continue this matter until October 8 at
5 -- are continuing them at 6:00, or --

6 SISIA DAGLIAN: No, I think 7:00.

7 BRENDAN SULLIVAN: At 7:00. October 8 at 7:00 on
8 the condition that the petitioners change the posting sign
9 to reflect the new date of October 8, 2020 and the new time
10 of 7:00 p.m.

11 Also that any new submissions be forwarded to the
12 Board and in the record the Monday prior to October 8, by
13 5:00 p.m. of that Monday.

14 And third, that -- what is third? That the
15 petitioner sign a waiver of time to the statutory
16 requirement for rendering a decision on this matter; that
17 that waiver be forwarded to the Board by 5:00 p.m. by next
18 Monday evening.

19 All those in favor of granting the continuance?

20 ANDREA HICKEY: Excuse me for --

21 BRENDAN SULLIVAN: Andrea?

22 ANDREA HICKEY: Sorry, I didn't mean to interrupt.

1 I think we need to also instruct the sign to be changed.

2 Did you do that?

3 EDRICK VAN BEUZEKOM: He did mention it.

4 ANDREA HICKEY: Oh, I'm sorry, okay.

5 BRENDAN SULLIVAN: Yeah, Andrea --

6 ANDREA HICKEY: My apologies.

7 BRENDAN SULLIVAN: Andrea Hickey on the
8 continuance?

9 ANDREA HICKEY: Yes, I vote in favor of the
10 requested continuance.

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: Yes.

13 BRENDAN SULLIVAN: Slater Anderson?

14 SLATER ANDERSON: Yes.

15 JIM MONTEVERDE: Janet?

16 JANET GREEN: Yes.

17 BRENDAN SULLIVAN: Brendan Sullivan, yes.

18 [All vote YES]

19 Also, Edrick, that the shadow study be included
20 as part of the new submission.

21 EDRICK VAN BEUZEKOM: We will do that.

22 BRENDAN SULLIVAN: Okay. The matter is continued

1 until October 8 at 7:00 p.m. See you then.

2 EDRICK VAN BEUZEKOM: All right. Thank you very

3 much.

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2 (7:00 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: Okay, the Board will now hear
6 Case Number 017287 -- 27 Kelly Road. Mr. Van Beuzekom?

7 EDRICK VAN BEUZEKOM: Still here.

8 BRENDAN SULLIVAN: Edrick, are you there?

9 EDRICK VAN BEUZEKOM: Yep. Okay. Thank you.

10 BRENDAN SULLIVAN: You're welcome.

11 EDRICK VAN BEUZEKOM: Okay, I'll introduce myself
12 again. I'm Edrick Van Beuzekom from EVB Design, the
13 architect for this project. And I'll just jump in to the
14 presentation?

15 BRENDAN SULLIVAN: Yes.

16 SLATER ANDERSON: And then I believe my clients,
17 Tincay and Michelle, are also on the line too. So they'll
18 speak after I do.

19 We are -- so my clients recently purchased this
20 house, which is a one-story -- sorry, two-story Mansard roof
21 house on Kelly Road. Pretty typical little Cambridgeport
22 house on a tiny little lot, as you can see on the site plan

1 here.

2 Basically, if -- yeah, if you can scroll to the
3 next drawing. So here you can see pretty much none of the
4 house is conforming to the setbacks, except the front and
5 the left side, actually if you use the seven-foot-six
6 minimum complies. So -- but it's -- yeah, it's such a tiny
7 lot that everything's out of conformance.

8 What we are proposing basically, as parts of the
9 renovations here, we're basically doing a gut renovation of
10 the interior of the house. It currently was split up as a
11 two-family, so it has a first-floor unit and a second-floor
12 unit basement. The original basement stair was removed.
13 There's a hatch in the front entry hall to get down there.

14 Yeah, here you see the existing first-floor plan,
15 if we can go to the exhibiting basement here. Anyways, as
16 you can see, it's a small house.

17 So what we're proposing are two additions to the
18 house, and then reconfiguring some of the windows. One of
19 the additions is where there's currently a side porch -- if
20 we can go back to the site plan, actually?

21 Yeah, if you see on the left-hand side right
22 there, yes, there's an existing one-story porch there. So

1 we're proposing basically to enclose that and integrate that
2 into the living space with same footprint, essentially
3 raising the roof on it, but it's basically its existing FAR.

4 At the rear of the house, you can see there's a
5 fire stair that comes down from the second floor. When they
6 made a separate unit up there, they added this fire stair.

7 So what we're proposing to do is use the footprint
8 of the landing there, and build that as a two-story
9 addition, which gives us enough room to make a kitchen on
10 the first floor and get a reasonable bedroom up on the
11 second floor.

12 So let's scroll down to the first floor plan.

13 Here you can see what the proposed first floor is.
14 In the bottom of the plan there, you can see the area that
15 we would be enclosing and integrating into the living room.

16 On the rear, you can see where I patched the
17 walls, on the exterior walls there. That shows you what the
18 addition is there, which basically gives us a rear entrance
19 next to the kitchen there, to get in and out of the house.

20 And then we're proposing to build a new deck in
21 the back, which I believe also meets variance. There's not
22 much yard back there. This is pretty much taking up all of

1 the yard back there. It'll go right out to the fence on
2 both sides. You can scroll to the next drawing. This is
3 the second floor plan. We're completely reconfiguring the
4 walls up here. The rear bedroom, which you see on the left-
5 hand end of the plan, was where the kitchen is currently.

6 And we're proposing basically where that landing
7 is for the fire escape, that's the addition where you see a
8 closet, basically, that gets added for that bedroom, which
9 allows us to get a full-sized bedroom in there.

10 We basically have three bedrooms, two baths up
11 here -- it's a family of four -- a small office space on the
12 second floor as well, a new stair. We've reconfigured the
13 stair from the original.

14 And if we can scroll back up two drawings to the
15 basement plan?

16 So we are also proposing to finish out the
17 basement with a playroom, media room -- basically laundry
18 room, mechanical space.

19 I -- well, these -- actually we've updated our
20 plan in the basement, but the layout is still essentially
21 the same. I mean, the perimeter's essentially the same.
22 What we've done is we've put the laundry and mechanical to

1 the other side of the space and the office space to the
2 bottom of the plan. So I should have submitted an updated
3 drawing for that, but I didn't realize that we had the old
4 one in there.

5 But anyways, the exterior essentially stays the
6 same. So that's basically what we're doing. It's not a --
7 it's a very small increase in FAR. We're going -- [let me
8 find my table here] -- we're just going from 0.77 to 0.784.
9 So a very small amount of additional FAR.

10 And if we can scroll down to the elevation. So
11 two drawings down, here you go.

12 So here you see the house from the front, and the
13 left side. So in the front view on the right, you can see
14 where the windows are on the second floor, we're basically -
15 - there's currently a single window, where I'm showing a
16 double window there. That's where one of the -- where the
17 master bedroom will be.

18 We're just trying to get a lot more light into the
19 house, and so the idea is to double the size of that window
20 there. We're maintaining the Mansard. The house needs a
21 lot of exterior repairs, so that's all part of what we're
22 planning here.

1 And then if you go to the next drawing, here you
2 see the rear of the house.

3 You can see where we've added the little section
4 up above. If you see the entry door on the right hand, the
5 rear elevation, right above that is where -- you know, so
6 that and the little portion above that are the additions.

7 The rest of that is existing, although we're
8 changing -- the roof is going up slightly; it's pitched down
9 to where the headroom is too low for that pair of windows on
10 the second floor. So we're looking at a --

11 So that's basically all we're proposing. It's not
12 a big ask, just some mostly cosmetic changes. I believe the
13 owners have spoken with neighbors, and I will let them join
14 me now and tell their story. And there they are. It's
15 Tuncay and Michele?

16 Tuncay: Yes?

17 EDRICK VAN BEUZEKOM: No, there you are.

18 TUNCAY GUNLUK: My name is Tuncay Gunlak. I'll
19 spell it. It's T-u-n-c-a-y G-u-n-l-u-k.

20 MICHELLE WAGNER: And Michelle Wagner, M-i-c-h-e-
21 l-l-e W-a-g-n-e-r.

22 TUNCAY GUNLUK: And we're also longtime Cambridge

1 residents. So I've been living in Cambridge since 1997.

2 And Michelle joined a couple years later. So we've been
3 there a long time. And we currently live on Franklin
4 Street, just behind the Post Office.

5 We have a small condo -- about 1080 square feet,
6 and now we also have two small boys -- two young boys, which
7 the space we have is not adequate for their running around.
8 They're running around outside right now.

9 And of course I work for Akamai. I've been
10 working for companies in the area in technology for a long
11 time. So I work for Akamai. We're a convenient location
12 from Central Square to Kendall Square, and we want to stay
13 in Cambridge, of course, and we want to raise our boys in
14 Cambridge.

15 And we've been looking for at least two years I
16 think at various houses in the Cambridgeport Riverside area,
17 and we came upon this property that's been long neglected
18 for a long time through word of mouth, actually.

19 And we thought that would fit our needs, at least
20 doubling our space with the boys to make it more functional,
21 the boys having their own bedrooms, maybe living space.
22 That would give us at least more living space -- at least

1 big compared to what we have.

2 What else? We have talked to our neighbors. We
3 have -- I believe at least we know two of our neighbors sent
4 support e-mails that they've copied us. We don't know if
5 the others did, especially the ones who are left 68 Pleasant
6 Street.

7 The owner, Phil Pru (phonetic) sent a supporting
8 e-mail, as well as the one to my right, very close to us --
9 25 Kelly, Unit 2 -- Matt Wallace and Erika Lawson [all names
10 phonetic]. We don't know anybody else.

11 We met the neighbors across the street that are
12 actually similar Mansard houses. We compared our roof
13 plans, and how they like theirs and what we'd like to do
14 with ours.

15 And so, we had a few Open Houses in the house too,
16 to say hi and invited all the neighbors who would like to
17 come and chat with us with the plans. And we have not heard
18 any comments but positive.

19 MICHELLE WAGNER: Right.

20 TUNCAY GUNLUK: At least most of them sound
21 thankful that we're actually fixing the place up, and making
22 it more livable.

1 What else can we say? We are planning our boys to
2 go to Morse School, so that will be a very convenient
3 location for us -- both boys, actually. One is about school
4 age. One is about five, supposed to start in a couple
5 months. The other one is a year and a half, so that's a
6 couple years ago too.

7 BRENDAN SULLIVAN: Good, thank you. That's
8 helpful.

9 TUNCAY GUNLUK: Thank you.

10 BRENDAN SULLIVAN: Edrick, any other comments at
11 this time?

12 EDRICK VAN BEUZEKOM: No, I think -- you know,
13 it's --

14 BRENDAN SULLIVAN: Okay.

15 EDRICK VAN BEUZEKOM: -- a house that needs help,
16 and where they're small additions, I think this makes it a
17 very livable space. It's still small, but -- you know.

18 BRENDAN SULLIVAN: Okay. I will open it up to any
19 questions from members of the Board.

20 JIM MONTEVERDE: This is Jim Monteverde. If I can
21 ask one, and this is about the window that's added on the
22 second floor at the front.

1 BRENDAN SULLIVAN: Mm-hm.

2 JIM MONTEVERDE: And I'm just looking at the
3 dimensional. Not a question about why, but I'm looking at
4 the dimensional information. Does that window set within
5 the front yard setback?

6 EDRICK VAN BEUZEKOM: It does, just barely, yeah.
7 Because it's --

8 JIM MONTEVERDE: So Mr. Chair, is that a different
9 discussion?

10 EDRICK VAN BEUZEKOM: Well, they have applied for
11 a special permit on the windows anyhow.

12 JIM MONTEVERDE: Oh, I'm sorry. I was only
13 reading the variance portion of it. That's fine. That
14 always my question.

15 EDRICK VAN BEUZEKOM: Yeah.

16 JIM MONTEVERDE: Thank you.

17 BRENDAN SULLIVAN: Andrea, any questions or
18 comments?

19 ANDREA HICKEY: No, I have no questions or
20 comments. Thank you.

21 BRENDAN SULLIVAN: All right. Slater, any
22 questions or comments?

1 SLATER ANDERSON: No questions.

2 BRENDAN SULLIVAN: Janet? Any questions or
3 comments?

4 JANET GREEN: No questions or comments.

5 BRENDAN SULLIVAN: All right I will chime in that
6 the house, which was built in 1886 and you're adding 32
7 square feet, it really needs something.

8 And my opinion is that God bless you, and that to
9 do something with this house will be a -- to me would be a
10 benefit. And I think that your request is fair, reasonable
11 and quite de minimis, actually. And I think that the
12 neighborhood will benefit from this. That's my comment,
13 anyhow.

14 Let me open it up to public comment.

15 TUNCAY GUNLUK: Thank you.

16 MICHELLE WAGNER: We hope so.

17 TUNCAY GUNLUK: Thank you.

18 BRENDAN SULLIVAN: Any member of the public who
19 wishes to speak should now click the button that says,
20 "Participants" and then click the button that says, "Raise
21 hand." If you are calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6.

1 And any member of the public will have up to three
2 minutes to speak. Give it a little bit to see if anybody's
3 calling in. Staff says that they are receiving nothing
4 through the wire.

5 We are in receipt of two letters of support. One
6 is from a Matthew Wallace, W-a-l-l-a-c-e and Erika, E-r-i-k-
7 a Wallace at 25 Kelly Road, #3.

8 "My wife and I own the third floor of 25 Kelly
9 Road. We are writing to the BZA to signal our full support
10 for the petitioner, Toucay and Michelle. Not only will
11 Toucay and Michelle make great neighbors, but they are
12 looking to respectfully improve a neglected home. They are
13 longtime Cambridge residents, and are looking for a bit more
14 room for their two young children. We fully support their
15 efforts and hope that the BZA will do the same."

16 Correspondence from Philip (phonetic) Hou, H-o-u.
17 [Hope I pronounced that correctly.]

18 "I am the owner of 68 Pleasant Street and writing
19 in support of the case petitioned by Toucay and Michelle.

20 Kind regards,
21 Phil."

22 Those are the sum and substance of letters of

1 support. I will close public comment. Edrick, any final
2 comments?

3 EDRICK VAN BEUZEKOM: No, I think we're --

4 BRENDAN SULLIVAN: Okay. Is the Board ready for
5 any comments or ready for a motion?

6 ANDREA HICKEY: Ready for a motion.

7 BRENDAN SULLIVAN: Ready?

8 JANET GREEN: Ready for a motion.

9 BRENDAN SULLIVAN: Great. Let me make a motion
10 then to grant the relief requested. The Board finds that a
11 literal enforcement of the provisions of the ordinance would
12 involve a substantial hardship to the petitioner, because it
13 would preclude the petitioner from expanding the house to
14 better accommodate a family by reworking some of the
15 interior space, and also, providing for suitable and useable
16 rear-yard area.

17 The hardship is owing to the fact that the
18 structure, which was built in 1886 -- prior to the zoning
19 ordinance and is therefore encumbered by the current
20 ordinance, which governs the residences in C-2 zone in which
21 this house is located -- makes it very difficult to make any
22 additions to the house.

1 The nonconforming size of the lot, the size and
2 shape of the structure, the site that they're on and the
3 difficulty it places on the structure to be able to adjust
4 to contemporary standards for a growing family to continue
5 to occupy the structure which is their home.

6 Desirable relief may be granted without either
7 substantial detriment to the public good because the Board
8 finds that the existing structure is in need of a great deal
9 of reworking, which will enhance the livability and the
10 value of the structure, and add greatly to the streetscape,
11 preserve and possibly enhance the value of surrounding
12 properties.

13 Relief may be granted without nullifying or
14 substantially derogating from the intent and purpose of the
15 ordinance, which the ordinance is to encourage housing for
16 persons of all income levels, encourage the most rationale
17 use of land throughout the city.

18 The Board finds also that this proposal is a fair
19 and reasonable request of relief from the ordinance. And I
20 make the motion that we grant the relief requested.

21 On the motion to grant, Andrea Hickey?

22 ANDREA HICKEY: Yes. I approve the motion to

1 grant.

2 BRENDAN SULLIVAN: Jim Monteverde?

3 JIM MONTEVERDE: Yes.

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: Approved.

6 BRENDAN SULLIVAN: Janet Green?

7 JANET GREEN: Yes, I approve.

8 BRENDAN SULLIVAN: Brendan Sullivan, and I vote to
9 grant the relief requested on the condition that the work
10 conform to the drawings and to the supporting dimensional
11 documents as submitted, and initialed by the Chair with the
12 vote of 5:0.

13 [All vote YES]

14 The variance is granted.

15 Now, on the special permit for the windows,
16 Edrick, if you can just briefly just to highlight those
17 windows again?

18 EDRICK VAN BEUZEKOM: Yeah, again we're changing
19 windows on the front, adding that window at the second
20 story.

21 We're also -- we'll be replacing the windows in
22 the bay, and then on the left-hand side of the house, we're

1 replacing or changing the current windows as well in the
2 dining room area there, both on the side and in the rear,
3 and at the kitchen as well. Those are all changed from what
4 the current configuration is.

5 BRENDAN SULLIVAN: Okay. Any questions by members
6 of the Board?

7 JIM MONTEVERDE: This is Jim, no.

8 BRENDAN SULLIVAN: Okay. Regarding the special
9 permit, I will open it up to public comment.

10 On that, any member of the public who wishes to
11 speak now regarding the location of the changes and location
12 of the windows should now click the button that says,
13 "Participants" and then click the button 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 Give it a second to see if anybody is calling in.
17 Appears to be nobody calling in regarding windows. I will
18 close that portion and have public comment. Also, I would
19 incorporate the two letters of support as acknowledgement of
20 the changes in the windows.

21 Are we ready for a motion?

22 JANET GREEN: Read.

1 ANDREA HICKEY: Ready.

2 BRENDAN SULLIVAN: Make a motion that we grant the
3 special permit for the installation and relocation of
4 windows. The Board finds that the requirements of the
5 ordinance can be met; that the proposed window changes are
6 small, and do not have any increase in the impact or
7 dimensional requirements of the ordinance.

8 The Board finds that traffic generated or patterns
9 of access or egress would not cause congestion, hazard, or
10 substantial change in the established neighborhood character
11 and that no impact is -- and also, that the patterns would
12 be consistent with the neighborhood character.

13 The Board finds that continued operation of or
14 development of adjacent uses as permitted in the zoning
15 ordinance would not be adversely affected by the nature of
16 the proposed use, and the Board finds that there would not
17 be any significant impact on neighboring properties.

18 There would not be any nuisance created to the
19 detriment of the health, safety and welfare of the occupants
20 of the proposed use. In fact, the addition of some windows
21 would add to the light and fenestration of the interior of
22 the house, which is a benefit to the occupants.

1 The Board finds that the proposed use would not
2 impair the integrity of the district or adjoining districts
3 or otherwise derogate from the intent and purpose of the
4 ordinance. In fact, the Board finds that it is consistent
5 with the character of existing structures within the
6 neighborhood. All those in favor of granting the special
7 permit?

8 Andrea Hickey?

9 ANDREA HICKEY: Yes, I vote in favor of granting
10 the special permit?

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: Yes, vote in favor.

13 BRENDAN SULLIVAN: Slater Anderson?

14 SLATER ANDERSON: I vote in favor.

15 BRENDAN SULLIVAN: Janet Green?

16 JANET GREEN: I vote in favor.

17 BRENDAN SULLIVAN: Brendan Sullivan yes.

18 [All vote YES]

19 The special permit is granted. Good luck.

20 EDRICK VAN BEUZEKOM: All right. Thank you very
21 much. Appreciate it.

22 MICHELLE WAGNER: Thank you.

1 TUNCAY GUNLUK: Thank you very much. Thank you

2 for your time.

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2 (7:20 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: The Board will hear Case Number
6 017286, 1 Brattle Square. Mr. Barnosky?

7 ADAM BANOSKY: Hi, good evening, Mr. Chairman and
8 members of the Board. My name is Adam Barnosky, last name
9 B-a-r-n-o-s-k-y.

10 For the record, I'm an attorney with I'm an
11 attorney with an address of 255 State Street in Boston. I'm
12 here on behalf of Spice Food Co.

13 With me tonight is Kale Rogers, the COO of
14 cofounder of Spice, and we're here regarding the property
15 located at One Brattle Square, and a special permit parking
16 waiver for two parking spaces relative to the development of
17 a new fast cash restaurant at the premises.

18 The property is located in the heart of Harvard
19 Square between Brattle and Mount Auburn Street, off Brattle
20 Square.

21 The restaurant will be 311 square feet located on
22 the first floor of a four-story multiunit commercial

1 building in the Business B zoning district. The space, as
2 you may recall, was formerly the location of Chipotle
3 restaurant.

4 The immediate abutters of the premises within the
5 same building are Webster Bank to the right, and Visionworks
6 to the left, within the same building. The location will be
7 the second for Spice, with their first location in Boston's
8 Downtown Crossing Neighborhood.

9 As a way of background, Spice was created by four
10 robotics-inspired MIT grads, including Kale Rogers, and is
11 the first fully automated restaurant. The food is prepared
12 using robotics and heat induction blocks, which are fast,
13 efficient and particularly timely, considering the current
14 environment.

15 As for the use and the request before the Board
16 tonight, the proposed restaurant use is allowed by right,
17 pursuant to Section #4.35 of the zoning ordinance.

18 Indoor seating at the restaurant will consist of
19 58 indoor table seats and eight single bar window seats
20 totaling 66 indoor seats, with seasonal outdoor patio
21 seating for 22.

22 Under Section #6.36, there is a requirement for

1 5.8 parking spaces for this use, with the seating count.
2 Pursuant to #6.12(c), Spice is entitled to four -- a waiver
3 of four parking spaces. So we are only here before you
4 seeking a waiver of two spaces.

5 So it requires a special permit pursuant to
6 Section #10.4 of the zoning ordinance, and in the special
7 permit application we provided to the Board that I believe
8 is before you in part on the screen, it lays out all of the
9 reasons in great detail, as far as the facts according to
10 why.

11 This application meets the requirements for a
12 special permit, and in compliance with Section 10.43 of the
13 zoning code. But in brief, there's an abundance of
14 transportation options in the area that the Board should
15 consider.

16 Number 1 is the location's proximity to the
17 Harvard Square Red Line stop, and over a dozen bus lines
18 which either originate or stop at the location, including
19 directly in front of one Brattle Square.

20 There's also the availability of metered parking
21 in the vicinity, particularly all along Mount Auburn Street.
22 And there are several public parking spaces -- I'm sorry,

1 several public parking garages within 750 feet of the
2 premises.

3 More importantly, however, is the nature of the
4 restaurant. It's going to act as an amenity to the
5 neighborhood, to the neighborhood's existing patrons,
6 students, faculty and residents within the area.

7 So a vast majority of the customers, if not all
8 the customers on a given day, will be coming from the area.
9 This is not a destination restaurant for the most part,
10 which further reduces the need for parking.

11 So in short, we do find that the request for you
12 today for a special permit in two spaces is de minimis.
13 It's not going to impair the neighborhood or interfere with
14 parking or traffic in the area, and we can certainly
15 elaborate on any other facts in support, if the Board would
16 like.

17 It's also worth noting that we were in touch with
18 the Harvard Square Advisory Committee. They reviewed the
19 application materials, and they declined to meet on the
20 waiver, and they are leaving the determination of the
21 special permit with the BZA without comment or
22 recommendation.

1 Happy to answer any questions that the Board may
2 have.

3 BRENDAN SULLIVAN: This is Brendan Sullivan.
4 You're applying for relief under 6.351 reduction of parking
5 -- the required parking. The ordinance states any minimum
6 required amount of parking may be reduced, only upon
7 issuance of a special permit from the Board of Zoning
8 Appeal.

9 Special permit shall be granted only if the Board
10 determines, and cites evidence in its decision that the
11 lesser amount of parking will not cause excessive
12 congestion, endanger public safety, substantially reduce
13 parking availability for other uses, or other adversely
14 impact the neighborhood..

15 or that such lesser amount of parking will provide
16 positive environmental and other benefits to the users of
17 the lot and the neighborhood, including specifically --
18 among other things -- assisting in the provision of
19 affordable housing, not applicable in this particular case.

20 In making such a determination, the Board shall
21 also consider whether or not less off-street parking is
22 reasonable in light of the following: The availability of

1 surplus -- I think we touched on some of these points --
2 availability of surplus off-street parking, availability of
3 public or commercial parking facilities, and the shared use
4 of off-street parking serving other usage during peak times.

5 I'm not sure if that's applicable in this
6 particular instance. That's something that the petitioner
7 would have to possibly work out with something else.

8 And I think that another thing is the location.
9 You also touched on this too, Counsel, by stating the
10 location of the proposed restaurant.

11 And my thought is that where it is set back there
12 was an expanded sidewalk in front of it, and that to require
13 a parking would require obviously a curb cut, would require
14 interruption of that pedestrian way, and my way of thinking
15 it would not be appropriate, in this particular instance.

16 I think it would really be quite harmful and
17 disruptive to that streetscape, and also to the pedestrian
18 mode of coming or going. So that's sort of my thought on
19 that.

20 You have also, I think, touched on the reasons
21 that we could grant a special permit because it seems like
22 you have checked the boxes as far as the availability of

1 other modes of transportation and/or parking. So --

2 Any questions from any members of the Board?

3 Andrea?

4 ANDREA HICKEY: No questions, Brendan.

5 BRENDAN SULLIVAN: Jim?

6 JIM MONTEVERDE: Sorry, I'm just trying to unmute
7 myself. No, and I -- Brendan I support your review there.

8 I know it's a very -- it's a dense, urban environment by
9 design, by intention.

10 The parking spaces placed anywhere in front would
11 be intrusive and unwanted. It's exactly the type of use
12 that really should be in that space, wants to be in that
13 space. So I support that. And you're right across the
14 street from the Red Line. So I think you kind of tick all
15 the boxes.

16 BRENDAN SULLIVAN: Yep. Slater, any comments?
17 Questions?

18 SLATER ANDERSON: No comment.

19 BRENDAN SULLIVAN: Janet, any comments, questions?

20 JANET GREEN: I do have a question. I have a
21 question about your hours and your plan for delivery and the
22 things that you'll need -- and also, have a question about

1 how you'll manage the trash.

2 ADAM BARNOWSKY: Kale, could you speak to that if
3 you're available?

4 BRENDAN SULLIVAN: Adam?

5 ADAM BARNOWSKY: I believe Kale Rogers is -- he
6 might be in the waiting room. I don't know if he can raise
7 his hand and speak to that question.

8 JIM MONTEVERDE: There we go. He's just muted.

9 ADAM BARNOWSKY: Okay.

10 JIM MONTEVERDE: On mute, and you're good to go.

11 KALE ROGERS: Hey, you all. Can you hear me?
12 Great. Awesome. Sorry, I was in the waiting room. So just
13 a quick recap of the questions you were wondering about
14 delivery and how we plan to do that in our proposed plan
15 with the trash?

16 JANET GREEN: Yes.

17 KALE ROGERS: Great. So delivery is something
18 that we're actually really excited about. We'll have a
19 fleet of mopeds that we're going to be using, so these are
20 electric mopeds that we're actually working with the local
21 Somerville to work with. So it's a zero emission delivery
22 system that we're actually setting up ourselves.

1 We're working with the local parking garages to
2 find parking for those overnight, and our drivers will come
3 and just grab things from our other employees and take those
4 deliveries away.

5 In terms of trash, there's some dumpsters that
6 we'll be using, as well as we'll have a couple totes that
7 we'll be basically taking over those dumpsters, that will
8 then get deleted (sic) by -- you know, the building
9 trashers.

10 ANDREA HICKEY: Could you talk -- this is Andrea
11 Hickey. Could you talk a little bit about delivery from
12 your suppliers?

13 KALE ROGERS: Yeah, yeah. So delivery of food
14 drops will come in. Typically they happen pretty early in
15 the morning. They'll come in through the front door, which
16 is in the bottom right of the diagram that you can see here.
17 And we'll take those in and unbox them in the back house and
18 put them in our walk-in box.

19 There's a couple -- like, there's a loading zone,
20 basically slightly to what would be the left of this in our
21 plane view here, where we can take those deliveries in.

22 ANDREA HICKEY: Do you mean around the corner?

1 KALE ROGERS: Yeah, slightly around the corner on
2 Mount Auburn Street.

3 ANDREA HICKEY: Okay. Janet, did you have any
4 follow up?

5 JANET GREEN: No, that answered my questions,
6 thank you.

7 BRENDAN SULLIVAN: Any other questions by members
8 of the Board? Let me open it up to public comment. Any
9 members of the public who wish to speak should now click the
10 button that says, "Participants" and then click the button
11 that says, "Raise hand." If you are calling in by phone,
12 you can raise your hand by pressing *9 and unmute or mute by
13 pressing *6.

14 [Pause]

15 There are no call ins. We are in receipt of
16 correspondence on Liza Paden, Community Development. The
17 Harvard Square Advisory Committee reviewed the application
18 materials for the BZA special permit, parking reduction and
19 decline. They convened a meeting, there was no comment from
20 the committee.

21 Also the Planning Board has had no comment on this
22 case or any of the cases tonight and leaves it up to the

1 Board. I will now close the public comment portion of it
2 and Counsel, I don't know if you have any other parting
3 words before I make a -- take it to the motion?

4 ADAM BARNOWSKY: No, and no parting words. Thank
5 you.

6 BRENDAN SULLIVAN: Okay, all right. Any questions
7 by the Board, or shall I make a motion?

8 ANDREA HICKEY: Motion.

9 JIM MONTEVERDE: Ready for a motion.

10 JANET GREEN: Motion.

11 ADAM BARNOWSKY: Yep.

12 BRENDAN SULLIVAN: Let me make a motion then to
13 grant the relief requested, which is a reduction of parking
14 requirement by two spaces. The Board finds that the
15 requirements of the ordinance can be met with the granting
16 of the special permit.

17 The Board finds that the purpose of the restaurant
18 -- that the proposed restaurant, excuse me -- the proposed
19 restaurant -- is to be located in an existing structure,
20 with such structure occupying nearly the entirety of the
21 lot.

22 In order to provide the required parking on site,

1 portions of the existing building would need to be
2 demolished or retrofitted to provide the adequate space for
3 parking, which is not tenable or reasonable request, and
4 just to provide two parking spaces.

5 The Board finds that traffic generated or patterns
6 of access or egress resulting from what is being proposed
7 would not cause congestion, hazard, or substantial change in
8 established neighborhood character. The proposed restaurant
9 is well served by a wide range of transportation options.
10 There is metered vehicle parking along Mount Auburn Street
11 and no less than four public parking garages within 750 feet
12 of the proposed restaurant.

13 The Harvard MBTA Station is approximately one-
14 tenth of a mile away. The following 13 bus lines are all
15 located within a 1000-foot radius of the proposed
16 restaurant. Also, I think that the ordinance is especially
17 applicable to Harvard Square discourages vehicular traffic
18 and encourages pedestrian use of the Square.

19 And the required two spaces would require a curb
20 cut, as stated earlier, and that the enter and egress
21 patterns would potentially cause unsafe conditions and
22 disrupt the normal modus operandi of the pedestrians in the

1 Square, due to the pedestrian nature of that particular
2 area.

3 Continued operation of or development of adjacent
4 uses, as permitted in the ordinance, would not be adversely
5 affected. The VB District is intended for a diverse range
6 of commercial uses, including the proposed restaurant use,
7 which would help contribute to the diversity of food options
8 in the area.

9 The proposed restaurant would be a good fit for
10 the character of the neighborhood, attract local residents
11 as well as students, faculty and employees from Harvard and
12 provide another dining option for people who live or work in
13 the area.

14 The Board finds that as stated above, there was an
15 abundance of transportation, so that the area is well served
16 by MBTA Red Line and numerous bus lines.

17 Other reasons the proposed use would not impair
18 the integrity of the district: The proposed restaurant fits
19 the character of the neighborhood, the relief requested is
20 de minimis, and the granting of said relief will not impair
21 the neighborhood or interfere or exasperate (sic) parking
22 and/or traffic in the area.

1 On that, is there anything else to add? Members
2 of the Board? I don't hear any. On that motion, then to
3 grant the special permit for the reduction of parking at one
4 Brattle Square, Andrea Hickey?

5 ANDREA HICKEY: I vote in favor.

6 BRENDAN SULLIVAN: Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Slater?

9 SLATER ANDERSON: I vote in favor.

10 BRENDAN SULLIVAN: Janet?

11 JANET GREEN: Yeah, I vote in favor.

12 BRENDAN SULLIVAN: Brendan Sullivan yes for the
13 granting of a special permit.

14 [All vote YES]

15 The special permit on a vote of 5:0 is hereby
16 granted. Thank you for your presentation.

17 COLLECTIVE: Thank you.

18 KALE ROGERS: We open in November, hope to see
19 you.

20 COLLECTIVE: Bye-bye.

21 SISIA DAGLIAN: Brendan, could I interrupt for a
22 second before the next one? So I'm seeing about six or

1 seven people listed as James Rafferty. Could the actual
2 James Rafferty please raise their hands so I can promote
3 you.

4 And everyone else, could you rename yourselves, so
5 that I can promote you to panelist at the appropriate time?
6 Otherwise I can't tell who's who.

7 BRENDAN SULLIVAN: Speak.

8 SISIA DAGLIAN: Thank you.

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2 (7:39 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: The Board will hear Case Number
6 017311. I'm sorry, I'm jumping ahead here, Mr. Rafferty.
7 The Board will hear Case Number 017306, 2020 400 Cardinal
8 Medeiros Avenue. Mr. Rafferty?

9 JAMES RAFFERTY: Good evening, Mr. Chair. For the
10 record, I am THE James Rafferty. I don't know who these
11 other people are claiming to be James Rafferty, but I'm
12 joined this evening by Father Walter Carreiro. Father
13 Carreiro is the Pastor of St. Anthony's Church. They are
14 the petitioner in this case.

15 This is an application by St. Anthony's to allow
16 for two forms of setback relief to permit the construction
17 of a two-car garage on the campus of St. Anthony's Parish.

18 The St. Anthony's site is approximately two acres.
19 It's bordered by three, it fronts onto three public ways;
20 Cambridge Street -- well two public ways; Cambridge Street
21 and Cardinal Medeiros Avenue.

22 The garage is depicted on a site plan that can be

1 best seen at Plan A1.0.0, and I can -- if we could show that
2 plan, I could easily identify what the two areas of relief
3 are.

4 The first is the requirement in Section 5.13 for a
5 10-foot minimum separation between buildings. And in this
6 case, the proposed separation between buildings is only
7 eight and a half feet. I'm looking to see A101.

8 There was a filing on Monday of better plans,
9 because the initial filing was less than optimal, and I
10 apologize for any difficulty in reading the plans by Board
11 members that may have reviewed the file prior to Monday.
12 The information was there, but it was just -- it wasn't
13 large enough. I think it was a function of the way the plan
14 got formatted.

15 So the garage is going to be in the corner of the
16 lot next to the rectory. As I said, the reason the -- the
17 hardship is directly related to an existing condition on the
18 site that again is shown on the A101.

19 Is it possible -- do you have the Monday plan?
20 Because this is the earlier plan. I think this is the
21 existing site plan. But there's -- the plan that's A101, I
22 don't believe this is that plan. Is it possible to --

1 SISIA DAGLIAN: If I could just have a minute,
2 Jim, I'm trying to figure it out.

3 JIM MONTEVERDE: Okay, thank you Sisia.

4 JAMES RAFFERTY: 1.0.0.

5 SISIA DAGLIAN: Is this what you were looking for?

6 JAMES RAFFERTY: No. 1.0.0. I'm sorry, Sisia
7 that was correct, the earlier one. Yes, you can see right
8 here. Thank you for launching it.

9 So as you can see in the image in the top of this
10 page, the top right-hand side, you can see the footprint of
11 the garage, and that it's a largely square-looking
12 footprint. If you look to the top left of that image, you
13 can see what the hardship is.

14 The hardship is an existing -- and I'm sorry, it's
15 the image to the right. Not the elevation -- thank you,
16 yes, here.

17 So if you look on this particular image at the
18 second, at the top image, right there, at the left-hand
19 corner of the garage you'll see the footprint of the outline
20 of the outline of an electrical transformer. And just where
21 the cursors are going to right now.

22 SISIA DAGLIAN: Yeah.

1 JAMES RAFFERTY: That transformer is a large part
2 of the hardship here. If the garage were to have the
3 correct separation, the 10-foot minimum, the transformer
4 would block access into the garage. And relocating the
5 transformer is a costly exercise.

6 And candidly, the relief being sought is really
7 modest enough that we were seeking a request for the
8 variance to allow for this eight-and-a-half-foot separation
9 as opposed to 10 feet.

10 The red line you see on the right, that's the
11 extra wall of the garage. And you can see that the garage
12 lines up nicely with the building next door. You'll see the
13 two doors opposite one another -- that's the access into the
14 office rectory complex.

15 The campus consists of the sanctuary, the church
16 itself, the office and rectory, and a parish hall. This
17 garage will allow for nearly direct access from the Parish
18 rectory into the garage. So it's an ideal location to be
19 placed.

20 If you look at the elevations, the material for
21 the garage and the roofline are all designed to be
22 compatible with the existing and adjoining rectory. If you

1 look at the bottom left image here on the screen, you see
2 the existing office and rectory on the right. The roofline
3 here is intended to mimic that.

4 The second setback relief involves the rear of the
5 garage. The rear of the garage is actually a side setback
6 because of the corner status of the property; it has two
7 fronts and two sides.

8 But the setback there, the property -- the rear
9 abutter to the property is a rail -- a freight rail. It's
10 going to be the home of the future Grand Junction Pathway,
11 but at the moment the rear abutter here is the railroad.

12 So when the rectory and church were constructed in
13 the early '70s, the setback requirements were slightly less
14 than they are now. So the rectory is conforming in these
15 garages designed to have the same relationship at its face
16 as the rectory does.

17 So the request on that setback, it's required to
18 be based on the formula setback in this district, it should
19 be 22 feet. The requested relief is to have a setback at 19
20 feet two inches.

21 So those are the two zoning issues presented.
22 They have hardships directly related, as I stated, to the

1 location of the transformer, and the second hardship is an
2 attempt to have design compatibility with the adjoining
3 structure.

4 There's no real change in the rear setback. The
5 current rear setback of the rectory is at the 19.2 that
6 we're proposing. So this will merely continue that
7 condition.

8 And as I said, the area behind the rectory is
9 going to ultimately become part of the Grand Junction
10 pathway and the church has been a helpful participant in
11 this. They're going to be selling land that will enable the
12 city to complete this Grand Junction, this location. So
13 this is part of a capital improvement associated with that
14 transaction.

15 Our architects are present on the call -- Caitlin
16 Walsh and Brian Thorp of ARC are available if Board members
17 have any questions about any of the details on the garage.

18 BRENDAN SULLIVAN: Thank you. This is Brendan
19 Sullivan. The only question I would have, Mr. Rafferty, is
20 why now? And what is the real purpose of the garage. And I
21 don't want to say real purpose, but I mean what is the
22 purpose of the garage now?

1 JAMES RAFFERTY: Well, the purpose of the garage
2 is to park two vehicles. It will also have storage on the
3 second floor.

4 The garage is part of a capital improvement that
5 was part of a transaction involving Alexandria Real Estate
6 that is purchasing the land and doing a series of
7 improvements to the rectory as part of that transaction,
8 including new windows and a relocated and new HVAC system
9 for the sanctuary for the church.

10 So this was a -- this is all part of the capital
11 improvements that were offered to the church as an
12 inducement to get them to sell the land to Alexandria that
13 they are required to then convey to the city.

14 BRENDAN SULLIVAN: And the garage, obviously,
15 affords protection to the staff vehicles?

16 JAMES RAFFERTY: I'm sorry?

17 BRENDAN SULLIVAN: The garage will also afford
18 protection from the weather, from elements for the staff?

19 JAMES RAFFERTY: Yes, that's correct. I see
20 Father Carreiro has raised his hands. He may want to speak
21 on that.

22 FATHER WALTER CARRIERO: If I could?

1 BRENDAN SULLIVAN: Yes, Father, go.

2 FATHER WALTER CARRIERO: I've been Pastor here for
3 the past 13 years. It was also my first assignment, so I
4 was here from '95 to 2000. And it was part of the plan to
5 build a garage at the end of the building, as it's located
6 or shown on the prints, but it just never got done.

7 Obviously, as you said, it would be for the
8 protection of vehicles, but also -- you know, as pastors or
9 priests are aging, it also affords us some comfortability
10 against the arthritic pain that we have, and replacements of
11 joints that are necessary.

12 Another part of that is that the second floor
13 would be storage, and in developing the plans for this
14 plant, the facility, there's very little storage space.

15 I don't know if you recall, but years ago there
16 was a semitrailer parked in the back that was for storage,
17 and it was really an eyesore. And so, like, thankfully we
18 got rid of that. You know, but it's diminished our storage
19 area, refuse materials and other things that we use during
20 the year, throughout the year.

21 So it's really a two-fold purpose, which would
22 really help the Parish for now, and obviously in the future.

1 BRENDAN SULLIVAN: All right, thank you.

2 FATHER WALTER CARRIERO: Thank you.

3 JAMES RAFFERTY: I'm told, Mr. Chair, that Father
4 Carreiro intends to list his shovel and ice scraper on eBay
5 when the project is over.

6 FATHER WALTER CARRIERO: I'll give them away for
7 free.

8 BRENDAN SULLIVAN: Thank you. Mr. Rafferty, we
9 notice that the existing parking spaces total 94. There
10 will be a reduction to 86, but you are still well over the
11 required amount.

12 JAMES RAFFERTY: That's correct.

13 BRENDAN SULLIVAN: Father, we possibly have a
14 question for you. At full capacity, which, obviously is
15 challenging at this time, is the parking lot really ever
16 full?

17 FATHER WALTER CARRIERO: Only for -- you know,
18 major holidays -- Xmas, Easter, Holy Week it really gets
19 full.

20 BRENDAN SULLIVAN: Okay. So that the net
21 reduction in the parking really would or would not have an
22 adverse effect?

1 FATHER WALTER CARRIERO: No, no.

2 BRENDAN SULLIVAN: It would not? Okay. All
3 right. Any questions by members of the Board? Andrea?

4 ANDREA HICKEY: Yeah, I had a question for
5 Counselor Rafferty. I'm not really understanding Alexandria
6 Real Estate's involvement. Can you explain that?

7 JAMES RAFFERTY: Sure. Alexandria Real Estate
8 entered into a Letter of Commitment associated with the
9 recent adoption of a zoning petition that created the Grand
10 Junction Pathway Overlay District that is the abutter to
11 this property.

12 As part of Alexandria's commitment to fund the
13 cost and design of that Overlay District, they set about to
14 acquire the land necessary to locate the pathway. The
15 pathway is a long-standing planning objective for more than
16 20 years of the city.

17 Alexandria purchased a property at the corner of
18 Cambridge Street, right by this location -- Cambridge Street
19 and the railroad tracks -- and then the Alexandria role will
20 be to convey that land, this land that they're acquiring
21 from the Parish, and some of their own land that they have
22 in their One Kendall Square complex to create a -- to create

1 the Grand Junction Pathway Overlay District.

2 So the petitioner is the Parish. Alexandria's
3 role here, candidly, is they are financing the construction
4 of this and other capital improvements at the Parish as part
5 of their real estate transaction involving the Parish's
6 willingness to sell land to Alexandria that will be then
7 conveyed to the city for a public purpose.

8 ANDREA HICKEY: Thank you.

9 BRENDAN SULLIVAN: Jim Monteverde, any questions?

10 JIM MONTEVERDE: No, sir.

11 BRENDAN SULLIVAN: Slater, any questions?

12 SLATER ANDERSON: No questions.

13 BRENDAN SULLIVAN: Janet, any questions?

14 JANET GREEN: No questions.

15 BRENDAN SULLIVAN: Okay. I will open it up to
16 public comment. Any members of the public who wish to speak
17 should now click the button that says, "Participants" and
18 then click the button that says, "Raise hand." If you are
19 calling in by phone, you can raise your hand by pressing *9
20 and unmute or mute by pressing *6.

21 I'll wait a bit for any --

22 SISIA DAGLIAN: We have Devin Mackoff. You can

1 unmute yourself now.

2 BRENDAN SULLIVAN: Okay.

3 DEVIN MACKOFF: Sorry.

4 BRENDAN SULLIVAN: Devin, if you would like to
5 comment, you'll have up to three minutes.

6 SISIA DAGLIAN: Yeah.

7 DEVEN MACKOFF: So my name is Devin Mackoff, D-e-
8 v-i-n M-a-c-k-o-f-f. I live across the street at 371
9 Cardinal Medeiros. I just wanted to say that, you know, I
10 think the overall support -- you know, the church doing
11 these improvements, they've been good neighbors, they take
12 care of the -- you know, they do a nice job of taking care
13 of their property and no, you know, real issues there.

14 I appreciate Mr. Rafferty explaining -- and I just
15 wanted to confirm: So Alexandria doesn't own, like the
16 parking lot and the rectory, they're just buying a piece of
17 land kind of to add to the junction basically, right? Is
18 that --

19 JAMES RAFFERTY: Mr. Chair, do you want me to
20 respond?

21 BRENDAN SULLIVAN: Yes, if you would, yeah.

22 JAMES RAFFERTY: Yes. So that is correct. So

1 there is going to be a conveyance of a strip of land that
2 runs along the entire back portion of the church property.
3 It's a 14-foot strip of land that will be conveyed to
4 Alexandria, who will then in turn convey it to the city
5 under the terms of the recently adopted zoning.

6 And that land will become where the new multimodal
7 path will be constructed. And this stretch of the path will
8 be going from let's call it, "Little Binney Street" out to
9 Cambridge Street. So it's a significant section of the
10 path.

11 The path is intended to continue across Cambridge
12 Street past the Millers River apartment and ultimately
13 across Monsignor O'Brien Highway and connect to the bicycle
14 path Somerville that goes to the west out to Lexington and
15 to the east to Boston.

16 So it's a long sought-after transportation
17 objective. The petition was passed -- the zoning petition
18 was passed unanimously by the City Council in February of
19 this year, and as I stated, it's a long-standing
20 transportation goal of the city to extend this Grand
21 Junction path.

22 DAVID MACKOFF: Just my last question, just for

1 the -- my understanding.

2 So how long will the construction take, and do you
3 think that there's going to be an impact? You know, you're
4 obviously losing a few parking spaces, which is not a huge
5 deal because you have the parking lot.

6 But do you anticipate based on -- I think losing
7 some additional ones during construction, that there will be
8 issues with parking in there, just and having -- you know,
9 parishioners to park elsewhere during that period?

10 BRENDAN SULLIVAN: No, well it's not expected. I
11 mean, during the week, candidly, the lot is nearly empty.
12 There's not much activity. So the construction activity --
13 the church activity is most evenings and weekends. And
14 construction activity on the path will not be occurring
15 during this time.

16 DEVIN MACKOFF: Alright. That's it for me.

17 BRENDAN SULLIVAN: Thank you. Thank you for
18 calling in. Are there any other -- there appears to be no
19 other call ins. We are in receipt of just correspondence
20 from the Planning Board, which they have no comment on this
21 particular case. I will close public comment.

22 Mr. Rafferty, any final thoughts?

1 JAMES RAFFERTY: Well, no, thank you but I just
2 wanted to remind the Board that it's -- the location of the
3 transformer is one of the principal issues and it does
4 represent a real hardship. We had to relocate that
5 transformer, gain that foot and a half. So we -- but that
6 hardship has real financial impacts for the parish, so.

7 BRENDAN SULLIVAN: Great, thank you.

8 JAMES RAFFERTY: Thank you.

9 BRENDAN SULLIVAN: I will close the presentation
10 part. Any questions by members of the Board?

11 JIM MONTEVERDE: No.

12 BRENDAN SULLIVAN: None? Are we ready for a
13 motion?

14 JIM MONTEVERDE: Yeas.

15 BRENDAN SULLIVAN: The Board finds that -- let me
16 make a motion to grant the relief requested. The Board
17 finds that a literal enforcement of the provisions of the
18 ordinance would involve a substantial hardship to the
19 petitioner, because it would preclude the petitioner from
20 constructing an ordinance compliant garage without having to
21 relocate an electric transformer, the cost of which would be
22 quite prohibitive to the petitioner.

1 And the Board finds that the hardship is owing to
2 the size of the lot, the siting of this particular structure
3 on the lot, the siting of the electrical transformer which
4 was not anticipated back in 1985, when the church property
5 was built.

6 And as such, there is an inherent hardship in
7 order to build an ordinance-compliant structure, one that
8 will adequately serve needs of the staff of the church.

9 The Board finds that desirable relief may be
10 granted without substantial detriment to the public good.

11 The Board finds that the proposed garage would not
12 cause any detriment to the public good; the requested
13 setback and building separation relief is modest.

14 And the Board finds a fair and reasonable request
15 that the construction of the garage in this particular
16 location, which will facilitate the sale of the land at the
17 rear of the property, that will become part of the integral
18 part of the Grand Junction Pathway. It has a great deal of
19 public benefit.

20 Relief may be granted without nullifying or
21 substantially derogating from the intent and purpose of the
22 ordinance. The proposed garage is well within the allowed

1 gross floor area and height allowed in Residence C1 Zoning
2 District.

3 Furthermore, the garage will align with the
4 existing rectory wall, and the rooflines have been designed
5 to achieve architectural symmetry, so that the aesthetics
6 will be maintained and will be tastefully achieved.

7 For those reasons, I make a motion to grant the
8 relief from the ordinance. Andrea Hickey?

9 ANDREA HICKEY: I vote in favor of granting
10 relief.

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: I vote in favor.

13 BRENDAN SULLIVAN: Slater Anderson?

14 SLATER ANDERSON: I vote in favor.

15 BRENDAN SULLIVAN: Janet Green?

16 JANET GREEN: I vote in favor.

17 BRENDAN SULLIVAN: In Brendan Sullivan. I also
18 vote in the affirmative to grant the variance, on the
19 condition that the work be in compliance with the drawings
20 submitted, and also the supporting documents. Five to zero
21 the variance is granted.

22 [All vote YES]

1 COLLECTIVE: Thank you very much.

2 JIM MONTEVERDE: Mr. Chair, can I request a two-
3 minute break before the next case begins?

4 BRENDAN SULLIVAN: You sure can.

5 JIM MONTEVERDE: Thank you.

6 [BREAK]

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2 (8:07 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: All right, Mr. Rafferty?

6 JAMES RAFFERTY: Thank you. So I'm sure Board
7 members are quite familiar with 40 Thorndike Street. It has
8 been the home of the Middlesex County Courthouse for the
9 last 40 plus years.

10 Leggat McCall obtained approval from the Planning
11 Board about six years ago, to convert the structure, the
12 closed courthouse, to an office building with -- a mixed-use
13 building with 48 units of housing, retail on the ground-
14 floor, and the balance of the building is office.

15 The project has been going through Design Review
16 in anticipation of getting a building permit, and as the
17 architects have and engineers have begun to study the
18 building, there was a discovery around the vertical
19 clearance requirements in Article 6 for parking garages.

20 In this case, what the project proposes to do is
21 to introduce two levels of below-grade parking in what was
22 formerly the basement of the garage -- excuse me -- the

1 courthouse.

2 And we have a couple of floor plans that depict
3 the areas where we are slightly below in some cases the
4 seven-foot-six vertical clearance requirement.

5 The garage floor plans -- here's the first one
6 coming up now -- consists of two levels; lower level one and
7 lower level two. This is lower level 1. And lower level 1,
8 everywhere you see here in yellow we're asking for a request
9 for a vertical clearance of seven feet.

10 The reality is that in several cases, the seven-
11 six requirement will be achieved, but there's also some
12 mechanical equipment, some projections that will be going
13 into this area that will result in a reduction below the
14 seven-foot-six requirement.

15 The second portion of relief that's being asked
16 involves the aisle width. The minimum aisle width
17 requirements in parking garages is 22 feet. In this garage,
18 however, this converted basement, the distance between the
19 columns is only 21 feet six inches. So you can see there
20 are portions of the aisle width that fall shy of the 22
21 feet.

22 This hardship is related to the existing

1 structural nature of the building and existing structural
2 columns. So the request here is for a modest reduction in
3 aisle width.

4 The story is quite similar on the next page, which
5 is Lower Level 2. Lower Level 2 has less area that will
6 require vertical clearance relief -- the area depicted in
7 yellow -- but it also has a similar condition between the
8 columns. So where the columns are opposite one another,
9 there's a loss of six inches in the aisle widths.

10 It should be noted, and I included a site from the
11 building code because I thought it might be of interest to
12 Board members: The state building code actually allows for a
13 vertical clearance in a garage of seven feet. It just so
14 happens that the Cambridge city zoning ordinance has a
15 seven-foot-six requirement. So it is building code
16 compliant.

17 The other thing the building code allows for --
18 and I included that section -- is they allow for protrusions
19 that would in some cases drop the vertical clearance from
20 six foot -- from seven feet, excuse me, to six-foot-eight.

21 And you'll see by the red arrow here that that
22 exception is allowed when -- for less than 50 percent, not

1 more than 50 percent of the area.

2 In this garage, the area that will have these
3 protrusions at what's anticipated to be 6 feet 8 -- is less
4 than 10 percent of the garage area. So it all involves
5 relief from the vertical clearance requirements of seven-
6 feet-six.

7 In some cases, the requested condition will be
8 seven feet, and in areas where there are protrusions for
9 mechanical equipment, it will be at six-feet-eight, as
10 permitted by the building code.

11 And as I said, the hardship is related to the fact
12 that this was not previously parking, this was not designed
13 as a garage. We're working with existing conditions here in
14 this building.

15 And the vertical clearances -- one of the issues
16 that caused the vertical clearance issue in the upper lower
17 level, Lower Level of care, is one of the key features of
18 the redesign of the building is to bring the first floor of
19 the building to have at grade access on all three sides of
20 the building.

21 People recall the building -- the building
22 particularly at the Third Street side, is very high off of

1 the sidewalk.

2 And the plan here is to have residential entries
3 on Thorndike Street, and to have retail entries. And all of
4 this will be occurring at grade. Right now, there is no on-
5 grade access into the building.

6 Everything is done through stairs or, in some
7 cases, there's a significant separation. If you look at the
8 Spring Street side of the building, it's almost considered a
9 moat -- the distance on Spring Street.

10 So the building is going to be brought down to
11 grade. So in doing so, the floor above Lower Level I gets
12 dropped a little. So that's also an element of the
13 hardship, but it's achieving a much sought-after urban
14 design benefit to have on-grade access on all four sides of
15 the building, or the three sides of the building.

16 Right now the Spring Street side will have a plaza
17 in front of it. But it's particularly helpful on the Third
18 Street side of the building and the Thorndike Street side to
19 have direct access. And there are active uses planned and
20 designed for those spaces now, which also contributed to a
21 lowering of the site.

22 Ms. Schroder and Mr. Kazlasky [all names phonetic]

1 are both here, if there are questions about the mechanics of
2 what's going on here, or what's proposed by way of the new
3 vertical clearance.

4 BRENDAN SULLIVAN: Oh, thank you. This is Brendan
5 Sullivan. Any questions by members of the Board? Andrea?

6 ANDREA HICKEY: No.

7 BRENDAN SULLIVAN: Jim?

8 JIM MONTEVERDE: This is Jim Monteverde. I just
9 have one -- two related questions. So in plan, as you went
10 through the plan, if you can go back to those, in terms of
11 the height -- yeah, I was looking for the handicap parking
12 spaces adjacent to the elevator. So that's in the zone for
13 the -- you're looking for the height relief? This is the
14 Upper Level Garage, correct?

15 JAMES RAFFERTY: That's correct.

16 JANET GREEN: No, it says, "Lower Level." It says
17 Lower Level on the plan.

18 JAMES RAFFERTY: As low as --

19 JIM MONTEVERDE: Well no, I think there's a level
20 below. If you look at the --

21 JAMES RAFFERTY: Yeah.

22 JIM MONTEVERDE: -- the plan, it looks like you

1 entered this right off the street. You take a quick, right-
2 hand turn and you're at this level.

3 JAMES RAFFERTY: Right.

4 JIM MONTEVERDE: SO this must be the Upper Garage
5 level, right? Okay, so that's the handicapped. So where
6 does the handicap -- there's a requirement for a handicap
7 van, correct?

8 JAMES RAFFERTY: There is.

9 JIM MONTEVERDE: Is that accommodated somewhere
10 else?

11 JAMES RAFFERTY: No. It's accommodated there, but
12 it's a very salient point. The project will be seeking an
13 AAB variance --

14 JIM MONTEVERDE: Variance?

15 JAMES RAFFERTY: -- to allow for a lower vertical
16 clearance with a handicap van.

17 JIM MONTEVERDE: Okay. And I think if you go in
18 the lower plan, that's where the van space shows up. Is
19 that correct? There?

20 JAMES RAFFERTY: Yes.

21 JIM MONTEVERDE: So that's an area that's lower
22 than the -- whatever the required, eight-foot-two? So

1 you're going to go for a variance for that, correct?

2 JAMES RAFFERTY: We're going to go for an AAB
3 variance for that.

4 JIM MONTEVERDE: Yeah, correct, correct.

5 JAMES RAFFERTY: The zoning variance we're seeking
6 now would address it from a zoning perspective, but we're
7 very mindful of the fact that the AAB requirement will
8 needed to be dealt with, and that's why we have Mr.
9 Kazlowsky on the call.

10 JIM MONTEVERDE: Yep.

11 JAMES RAFFERTY: He is an engineer with building
12 code expertise, and we are going to be seeking relief to
13 allow for that van.

14 JIM MONTEVERDE: Yep. And then a follow-up
15 question, if I may? The 21-foot-6 clear space column to
16 column, I assume -- do you have a parking consultant or a
17 transportation consultant, that they opined on the
18 suitability of that as a typical dimension for -- is this
19 one-way traffic or two-way traffic? Sorry, that's two
20 questions. Is it one-way traffic in the 21-foot-6 aisles?

21 JAMES RAFFERTY: I'll defer to you. The
22 requirement is 22. So it's six inches shy.

1 JANET GREEN: I'd like to defer to our architect,
2 Maria Sharou (phonetic) --

3 MARIA: Sure.

4 JANET GREEN: -- who can speak to the consultants
5 to worked on the traffic patterns.

6 MARIA: Sure. This is Maria, from Elkus Manfredi
7 Architects, and our -- we have a parking consultant, Desmond
8 Parking, and they have looked at the configurations of the
9 garage. The garage is a one-way. You can lightly see on
10 this screen --

11 JIM MONTEVERDE: Oh yeah, I see it. MARIA: --
12 the arrows?

13 JIM MONTEVERDE: Yep.

14 MARIA: Okay. So it's one way, and they've looked
15 at the turning movements of the some of the tighter areas,
16 and it will be sufficient.

17 JIM MONTEVERDE: Okay, thank you.

18 BRENDAN SULLIVAN: Anything further, Jim?

19 JIM MONTEVERDE: No, thank you.

20 BRENDAN SULLIVAN: Slater, any questions?

21 SLATER ANDERSON: No questions.

22 BRENDAN SULLIVAN: Janet, any questions, comments?

1 JANET GREEN: No questions, thank you.

2 BRENDAN SULLIVAN: Let me open it to public
3 comment. Any member of the public who wishes to speak
4 should now click the button that says, "Participants" and
5 then click the button that says, "Raise hand." If you are
6 calling in by phone, you can raise your hand by pressing *9
7 and unmute or mute by pressing *6. You will have up to
8 three minutes to address your comments.

9 There appears to be nobody calling in with
10 comments. We are in receipt of only correspondence from the
11 Planning Board, which basically has no comments on this or
12 any of the other cases before us tonight.

13 I will close the public comment portion of this.
14 Mr. Rafferty, any parting words?

15 JAMES RAFFERTY: Yes, Mr. Chair. I received a
16 text message. Apparently, we filed revised plans, and
17 they're slightly different. On August 15, there's an August
18 15 plan and I think these are July plans.

19 So I just want to make sure that as the Board
20 references its decision on plans that we have the correct
21 plan depicted on the screen, as well as the part of the
22 approval.

1 BRENDAN SULLIVAN: So the correct plans are to be
2 dated -- I'm sorry August what, Jim?

3 JIM MONTEVERDE: Maria?

4 MARIA: Yep.

5 JIM MONTEVERDE: Do you have a date on the
6 corrected plans?

7 MARIA: They are just dated August 2020, instead
8 of July, 2020.

9 JIM MONTEVERDE: Okay. So the plan we're looking
10 at now says July 2020. There was subsequent plans filed
11 that state August 2020. And those would be the operative
12 plans for the relief being requested.

13 JANET GREEN: So the August plans don't appear to
14 have been downloaded for the public to view. Are you able
15 to describe to us what the difference is?

16 MARIA: Yes.

17 JAMES RAFFERTY: Sure. I'm sorry, Maria can do
18 that quite easily.

19 MARIA: Sure. So for the Lower Level 1 plan in
20 front of us, there's no change other than right at the
21 parking entry, where we're requesting a 21-foot-2 dimension.
22 We're just trying to leave some construction tolerance in

1 that location in order to fit the garage doors in.

2 And then on the next plan on Lower Level --

3 JANET GREEN: Can I back up for a second? So on
4 the plan we're looking at, it says, "21 4," is that where
5 you're talking about?

6 MARIA: Correct. In the lower right-hand side.

7 JANET GREEN: All right. So in the August plan,
8 that changed to what?

9 MARIA: 21-foot-2.

10 JANET GREEN: Thank you.

11 MARIA: And then on the next plan, Lower Level 2,
12 the portion in yellow that we're requesting the seven-foot
13 height difference, has continued along basically everywhere
14 there's a parking space, except for the handicap van parking
15 space. So it would continue along the perimeter of the
16 floor plan, and then in the center of the plan, except where
17 there's a handicap van parking space. And that's it.

18 JANET GREEN: Thank you.

19 BRENDAN SULLIVAN: Any other comments, Mr.
20 Rafferty?

21 JAMES RAFFERTY: No, thank you.

22 BRENDAN SULLIVAN: Any comments by members of the

1 Board, or are we ready for a motion?

2 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
3 here. I'm just not sure how we can approve plans that we've
4 not seen, procedurally.

5 BRENDAN SULLIVAN: Those were not downloaded to
6 the file, and I think that you raised a very good point --
7 that even though the difference may have been de minimis, or
8 -- and illustrated to the Board, that it's really what the
9 Board is comfortable with.

10 JAMES RAFFERTY: Well, Mr. Chair, do you have a
11 physical copy of the file? Because they were filed in a
12 timely manner. I mean, could you -- could you attest to
13 those? You might have them in front of you, frankly.

14 BRENDAN SULLIVAN: The ones that are in front of
15 me are July 2020. However, when I did review the case
16 earlier in the week, and then also on yesterday, there may
17 have been another document in here that has not made it to
18 the file tonight. It may have been inadvertently taken out
19 of the file and put out to the sides, possibly. I did it
20 while I was reviewing the cases.

21 But the file that is in front of me here is dated
22 July 2020.

1 ANDREA HICKEY: Hi, it's Andrea Hickey again.
2 Jim, I know you're -- Jim Monteverde, are you able to look
3 online. I want to make sure that I'm not misstating it, but
4 I don't see the August plans.

5 JIM MONTEVERDE: Halfway through our hearing, they
6 kind of wipe out the drawings for the current hearing. So I
7 couldn't access tonight's files anymore.

8 ANDREA HICKEY: Okay.

9 MARIA: Would it be useful if I could share my
10 screen? I could show you the graphics from my computer.

11 SISIA DAGLIAN: I don't think we have that ability
12 to.

13 JIM MONTEVERDE: I don't think you can.

14 MARIA: Okay.

15 JIM MONTEVERDE: Yeah.

16 JANET GREEN: Actually, there is a Share Screen
17 button at the bottom of every --

18 JIM MONTEVERDE: Yeah, I know but it's --

19 JANET GREEN: Deactivated.

20 JIM MONTEVERDE: -- if you try it, it'll tell you
21 that staff is disabled, I think, but --

22 MARIA: Okay.

1 JIM MONTEVERDE: -- we've tried that before,
2 amongst ourselves. Let's see if I can get it online again.

3 MARIA: I opened the link in the agenda, and I
4 only see the July plans here on the website.

5 ANDREA HICKEY: All right. Right. I just wanted
6 someone to confirm that. I'm not the best at technology, I
7 just didn't want to misstate that they're not there if they
8 were, so.

9 BRENDAN SULLIVAN: It has not been downloaded?

10 SISIA DAGLIAN: No, it's not up on the website.

11 BRENDAN SULLIVAN: And a physical document is not
12 in front of me in the file. Would it be prudent of the
13 Board to continue this matter to the next hearing, so that
14 they have access to the revised, August 2020 drawings?

15 ANDREA HICKEY: Hi, it's Andrea Hickey again. I
16 think we have to. I don't see how we can tie a decision to
17 plans that we've not seen -- we've all not seen.

18 JIM MONTEVERDE: Jim?

19 ANDREA HICKEY: But I'm willing to listen to other
20 opinions.

21 BRENDAN SULLIVAN: Jim, your thoughts? Jim
22 Monteverde?

1 JIM MONTEVERDE: Yeah. No, I think what was
2 described was really minor -- dimensionally at least, but I
3 would defer to you, to Andrea on the procedural piece.

4 I think it is odd not to have the plans that are
5 being approved in front of you, Mr. Chair, so that's in fact
6 what you're initialing.

7 So -- unless there's another procedural way around
8 it, you can condition it on -- I don't know what you can
9 condition -- how else can you phrase it so you could accept
10 it now but conditioned on a set of plans that no one's seen?

11 BRENDAN SULLIVAN: Slater, your thoughts?

12 SLATER ANDERSON: I think procedurally it is
13 accurate to want to have the plans that are the final plans.

14 BRENDAN SULLIVAN: Okay. And Janet, your
15 thoughts?

16 JIM MONTEVERDE: You've got to unmute, Janet.

17 BRENDAN SULLIVAN: Janet's in the green room.

18 JANET GREEN: I agree. I agree that we need to be
19 looking at the plans.

20 BRENDAN SULLIVAN: Yeah, no I think --

21 JIM MONTEVERDE: Okay.

22 BRENDAN SULLIVAN: It's -- I agree with Andrea. I

1 think she's absolutely right on point, and it's also that
2 precedent that we proceed without having the documents
3 before us.

4 And again, how it came out of the file and not
5 downloaded, I don't have the answer for that. I think that,
6 Andrea, you're correct. I would then make a motion, then,
7 to continue this matter to the next hearing, which is --

8 JIM MONTEVERDE: The tenth.

9 SISIA DAGLIAN: The tenth is already full.

10 JIM MONTEVERDE: Oh.

11 BRENDAN SULLIVAN: Can we squeeze it in on the
12 tenth?

13 BRENDAN SULLIVAN: Mr. Rafferty, is there a real
14 time crunch on this? I know that's another step along the
15 way, but you want to check off and minimize the number of
16 steps, but --

17 JAMES RAFFERTY: Right. No, I appreciate that.
18 It really is -- it's an issue we need to resolve in order to
19 get the building permit. So yes, we'd like to have it
20 sooner rather than later.

21 Given the fact that it's merely the plan; we can
22 get the plan in soon, I wonder if the Board might consider

1 putting this case on on the tenth. It should not be a case
2 that will require any presentation by the applicant, unless
3 the Board had a question. I would suggest it could be an
4 extremely brief hearing, and it would only involve the
5 review of the plan and the differences.

6 I candidly do not disagree with the Board's
7 concern about the need to have an accurate plan at the time
8 of the granting of the variance. And so, I haven't offered
9 any argument to suggest that you could approve this with the
10 plan to be submitted later. I understand the significance
11 of that. I don't want the Board to have to be put in that
12 position.

13 ANDREA HICKEY: Sisia, how many other cases are on
14 for that night?

15 SISIA DAGLIAN: Well, we have one-two-three, three
16 other properties for continued, and I don't know -- oh, and
17 eight regular cases on -- yeah.

18 BRENDAN SULLIVAN: I mean -- Brendan Sullivan -- I
19 think that this can probably be dealt with in very short
20 order, and not impact the schedule on the tenth.

21 SISIA DAGLIAN: Okay.

22 BRENDAN SULLIVAN: Is that possible? Yes. All

1 right. So let me make --

2 SISIA DAGLIAN: It think if you want it.

3 BRENDAN SULLIVAN: Is everybody available on the
4 tenth of September?

5 JIM MONTEVERDE: Yes.

6 BRENDAN SULLIVAN: Andrea, Jim, Slater, Janet?

7 ANDREA HICKEY: Yes. Andrea yes.

8 JANET GREEN: Yes, I am available.

9 BRENDAN SULLIVAN: Okay. Let me make a motion,
10 then, to continue this matter to September 10,2020 on the
11 condition that the petitioner change the posting signs, of
12 which there are numerous, to reflect the new date and time
13 of 7:00 p.m. on the -- September 10.

14 And that any new submissions be in the file by
15 Monday prior to the September 10 hearing. I would encourage
16 the petitioner to check with staff in the morning to make
17 sure that the August 2020 drawings are in fact in the
18 department, and that they are available for the Board to
19 view immediately.

20 ANDREA HICKEY: And if they could also be scanned
21 so the public can see them as well? I don't know what the
22 procedure is to request that.

1 BRENDAN SULLIVAN: Yeah. Well, I think that they
2 need to be downloaded ASAP.

3 ANDREA HICKEY: Right.

4 BRENDAN SULLIVAN: But the legal requirement would
5 be the Monday before. But I would request the petitioner
6 make sure that they are available, even with the new set of
7 copies or something, and that they be downloaded ASAP so the
8 Board has access to them immediately, and also, the public
9 does also.

10 JAMES RAFFERTY: Just to be clear, I don't think
11 the applicant can download onto the city website?

12 BRENDAN SULLIVAN: Well, just to make sure that --

13 JAMES RAFFERTY: Right.

14 BRENDAN SULLIVAN: -- that she has a copy of it.

15 JAMES RAFFERTY: Understood. Yeah, we'll get that
16 over tomorrow, no question.

17 BRENDAN SULLIVAN: So that they will change the
18 date and the time of the posting sign, and also, that the
19 petitioner -- if you would sign a waiver of the statutory
20 requirement for a hearing when you visit the office in the
21 morning, that was also one of the other requirements.

22 All those on the motion, then, to continue this

1 matter until September 10, 2020 at 7:00 p.m.: Andrea
2 Hickey?

3 ANDREA HICKEY: Yes, I vote in favor the
4 continuance.

5 BRENDAN SULLIVAN: Jim Monteverde?

6 JIM MONTEVERDE: Yeah, I vote in favor.

7 BRENDAN SULLIVAN: Slater Anderson?

8 SLATER ANDERSON: I vote in favor.

9 BRENDAN SULLIVAN: Janet Green?

10 JANET GREEN: I vote in favor of the continuance.

11 BRENDAN SULLIVAN: Brendan Sullivan in the
12 affirmative.

13 [All vote YES]

14 The matter is continued until September 10. Thank
15 you.

16 JAMES RAFFERTY: Thank you very much.

17 COLLECTIVE: Thank you very much.

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2 (8:32 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: The Board will now hear Case
6 Number 017290 -- 44 Avon Hill Street.

7 SEAN HOPE: Good evening Mr. Chair, members of the
8 Board. For the record, Attorney Sean Hope, Hope Legal
9 Offices. I'm here tonight on behalf of the petitioners. We
10 have -- and owners -- Keith Wang and Kathryn Sayn-
11 Witgenstein.

12 We also have Project architects. We have from Sam
13 Kachmar Architects. We have a Mr. Sam Kachmar, and we have
14 Michael Fields.

15 So this is an application requesting variance
16 relief to enclose a portion of a covered entryway, and also,
17 a small rear addition at the back of the property. The total
18 additional square footage is approximately just under 50
19 square feet.

20 Just to orient the Board, the site is located --
21 it's a single-family structure, and it's located in the Res
22 A-2 Zoning District on a noncompliant 5000-square-foot lot.

1 The structure itself is nonconforming, in that the
2 house is situated on the left property side. Therefore, any
3 changes to that façade would require some sort of zoning
4 relief.

5 As I mentioned, we are enclosing an entryway that
6 is on that the side yard setback, and per the zoning it is
7 considered building within the setback, triggering relief.
8 And that is the same for the rear yard addition.

9 Just procedurally, this application was before the
10 Historical Commission this summer, receiving a unanimous
11 certificate of appropriateness because of the location and
12 the district that it's in. So although the rear addition is
13 not necessarily visible from the street, the front entryway
14 is very visible.

15 I'd now like to turn it over to the architects, if
16 they could highlight the areas of relief and answer any
17 questions by the Board.

18 MIKE FIELDS: Great. Thank you, Sean. This is
19 Mike Fields and Sam Kashmar, and if we would be able to
20 share on the screen the presentation that was sent over on
21 Monday, that would be -- [Pause]

22 Excellent. Thank you. So here, first slide, just

1 -- you know, this is the view of the existing front of the
2 house.

3 What we're doing is replacing a lot of the fences
4 around the property, but removing the ones the street face
5 to open it up to the neighborhood. Most of the volume of
6 the house experienced some change.

7 And we can go to the next slide.

8 This is an existing site axon.

9 And then on the next slide you can see the
10 proposed. What we're doing is on the left side of the
11 screen is the north side of the house, where the house is
12 currently over the side setback line by about 30 inches.

13 We are not proposing to extend any further into
14 that setback, but to extend the portion of the entrance
15 forward towards Avon Hill Street, and then square off a
16 corner at the back of the house, which we'll see on the
17 proposed site plan on the next screen.

18 And areas of red are where we are taking the
19 existing covered entryway and enclosing it with a small, 28-
20 inch overhang at the front door. This is being done in the
21 same plane as the curb lot to minimize any impact from the
22 street.

1 That you'll see at the back corner is where we are
2 proposing to square off the first floor, which will provide
3 room for a powder room. Much of that is actually covered by
4 a roof already, and we'll see that later on in the
5 elevations.

6 If we go to the next screen?

7 This is the basement plan. We are not proposing
8 to increase the basement. We're going to be using just
9 frost walls. The way that our plan sheets are set up --
10 just really quickly -- is that the upper left hand corner is
11 existing and the lower right-hand corner is proposed.

12 And then you'll see where it's switching from our
13 existing vertical fence, which is fairly big and beat up, to
14 a more transparent area of horizontal fence.

15 And then we can go to the next screen.

16 All right. Here on the left-hand side where it is
17 circled in red, you'll see a modest addition to the entryway
18 to pull it back off of the stair that creates a little bit
19 of a windbreak.

20 We're reusing the existing door and essentially
21 pulling that elevation forward towards the street so it is
22 not particularly visible, as you can see the before and

1 after perspectives right to the left.

2 And then in the back corner of the powder room,
3 this is squaring off the open corner. It's only a first
4 floor addition at the back of the house. So we're just
5 extending the roof at that point.

6 If we go to the next screen?

7 This is views of those rooves from the second
8 floor. Then we are -- just changed the layout of putting
9 some new bathrooms in. There is a small window change
10 that's within the setback, but we've shown that to be left
11 in those perspectives as well, just for everyone's
12 edification.

13 Next screen?

14 This is the third floor layout. And one of the
15 items on the north elevation that you'll see in the before
16 and after perspectives is that we are removing an existing,
17 unused chimney and a whole house fan that is on the side of
18 the house and restoring the shingles in that location.

19 That is it on this. Next?

20 All right. This is the view from Avon Hill Road.

21 Essentially, you can see that the entry to the
22 left is just pulled forward. So elevationally, there's not

1 much change, apart from the increase -- we have a total
2 increase of the FAR going from the existing 0.66 to a 0.67.
3 I think we're adding about 50 square feet.

4 We can go to the next slide.

5 All right. Here is a good depiction of what is
6 changing at the rear corner. Currently, there's a slight
7 overhang at the rear entry door, and then some log storage.
8 And really, we're just squaring that off.

9 We did submit a shadow study to the Historic
10 Commission, but didn't include it in this, because it wasn't
11 specifically listed. But that is available. Most of what
12 we're doing occurs within the shadow of the existing house,
13 and any changes to the shadow line may not extend beyond the
14 existing fence line.

15 Then if we want to go to the next slide?

16 This is the south elevation. One of the -- this
17 is where we have the change in windows. But all of this
18 occurs in the existing zoning setbacks. We're removing a
19 metal chimney from this façade.

20 And, you know, generally windows are staying in
21 the same place, being replaced in kind. Same size, type of
22 location where they need to be replaced.

1 SEAN HOPE: All right, next slide?

2 Then this is the north elevation. You can see
3 we're removing the whole house fan, the chimney. This shows
4 where the front entry is getting pulled forward slightly.
5 We're removing an existing, corrugated fiberglass awning and
6 bringing that roof down flush to the existing pergola there,
7 and the façade extends along the first floor to square off
8 that corner.

9 And that should be it. But I think we have
10 supplemental -- if we go to the very last page, I'll show
11 you the street elevation perspectives. I think that is it.
12 Are there any questions? That is our proposal.

13 BRENDAN SULLIVAN: Any questions by members of the
14 Board? Andrea?

15 JIM MONTEVERDE: No, thanks.

16 BRENDAN SULLIVAN: Jim?

17 JIM MONTEVERDE: No thanks.

18 ANDREA HICKEY: No questions -- Andrea.

19 BRENDAN SULLIVAN: Slater?

20 SLATER ANDERSON: No questions.

21 JANET GREEN: No.

22 BRENDAN SULLIVAN: All right. Mr. Hope, any

1 comments at this point?

2 SEAN HOPE: one thing I failed to mention is that
3 in preparation for the application, we did reach out to our
4 abutters and neighbors, and I do believe there are some
5 correspondence in the files supporting the application.

6 Thank you.

7 BRENDAN SULLIVAN: All right. Let me open it up
8 to public comment. Any member of the public who wishes to
9 speak now should click the button that says, "Participants"
10 and then click the button that says, "Raise hand." If
11 you're calling in by phone, you can raise your hand by
12 pressing *9 and unmute or mute by pressing *6.

13 [Pause]

14 There appears to be nobody calling in. We are in
15 receipt of correspondence from Anne Austin (phonetic). She
16 talked with Katherine about building a powder room that,

17 "Might take some light from my small abutting
18 yard. She has been most accommodating, showing me drawings
19 of a powder room so tiny it couldn't possibly shade my yard.
20 I support her proposal before the Zoning Board, and I'm glad
21 to have her as a neighbor."

22 There was correspondence from Mary Blue Magruder,

1 M-a-g-r-u-d-e-r, 82 Avon Hill.

2 "I own 46 Avon Hill Street just to the north of
3 the house at 44. I have looked at their plans to add a
4 small addition, and didn't see any problem with the new
5 powder room, and herein approve of their plans."

6 There is correspondence from Claudia Scott.

7 "My name is Claudia Scott, and I own the house at
8 63 Avon Hill. I'm writing to state my support for my
9 neighbors and their application for a special permit for
10 their home at 44 Avon."

11 And there's correspondence from Juliana Davis, D-
12 a-v-i-s.

13 "My name is Juliana Davis, and I live at 11 Gray
14 Gardens East. I'm writing to state my support for my
15 neighbors and their application for a special permit for
16 their home at 44."

17 There is correspondence from Sari Edelstein, E-d-
18 e-l-s-t-e-i-n and Holly Jackson, J-a-c-k-s-o-n of 117 Avon
19 Hill Street.

20 "We want to express our support for the renovation
21 plans that our neighbors have presented to the Board of
22 Zoning Appeal. We feel that they have been sensitive to

1 preserving the existing character of the neighborhood, and
2 we are delighted to have them in our community."

3 And the Planning Board has no comment on this
4 case. Nobody has called in. I will close public comment at
5 this time. Mr. Hope, any parting words?

6 SEAN HOPE: No, thank you.

7 BRENDAN SULLIVAN: Any questions by members of the
8 Board, or shall I make a motion?

9 ANDREA HICKEY: Motion.

10 JIM MONTEVERDE: Motion.

11 JANET GREEN: Yes.

12 BRENDAN SULLIVAN: Let me make a motion to grant
13 the relief requested. The Board finds that a literal
14 enforcement of the provisions of the ordinance would involve
15 a substantial hardship to the petitioner, because the
16 petitioners are undertaking an extensive renovation of a
17 dwelling that was built in 1987, including upgrading all
18 systems resulting in the property being more energy
19 efficient and functional.

20 Granting the proposed entryway enclosures in 33
21 square feet of first floor addition will allow for greater
22 functionality and use of the dwelling for the petitioners

1 and their family.

2 The hardship is owing to the nonconforming
3 location for the existing structure, and as such, any
4 changes in the nonconforming side of the property would
5 require zoning relief. They require changes that are modest
6 in nature, but will have a substantial benefit to the
7 petitioner and any future owners of the dwelling.

8 The Board finds substantial detriment that the
9 Board can grant relief, and that there would not be any
10 substantial detriment to the public good; the requested
11 enclosures and addition will not negatively impact the
12 adjacent residential uses, and will allow for an improved
13 front entrance for the building occupants.

14 Further, through a combination of fencing and
15 proposed landscaping, the proposed additions will be mostly
16 screened from the public way and abutters.

17 The Board finds that relief may be granted without
18 substantial detriment to the public good, or nullifying or
19 substantially derogating from the intent and purpose of the
20 ordinance, because the single-family dwellings that are
21 allowed in this use and the proposed addition and enclosures
22 will improve the functionality of the property and the

1 future occupants of the property will add to the streetscape
2 and enhance the value of this property and adjoining
3 properties.

4 On the motion to grant the variance on the
5 condition that the work comply with the drawings that have
6 been submitted, including an Addendum for the entryway,
7 which was added to the original submission and the
8 supporting documents.

9 On the motion to grant, Andrea Hickey?

10 ANDREA HICKEY: Yes, I approve the motion.

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: I approve.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: I approve.

15 BRENDAN SULLIVAN: Janet Green?

16 JANET GREEN: I agree. I approve.

17 BRENDAN SULLIVAN: Brendan Sullivan in the
18 affirmative to grant the variance and the requested relief.

19 [All vote YES]

20 Good luck.

21 COLLECTIVE: Thank you very much.

22

1 * * * * *

2 (8:50 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: Moving right along. After 7:15
6 it is. The Board will hear Case Number 017290 -- I'm sorry,
7 we just heard that one. The Board will hear Case Number
8 017313 - 38-40 High Street. Mr. Hope?

9 SEAN HOPE: Good evening, Mr. Chair, members of
10 the Board. For the record, Attorney Sean Hope, Hope Legal
11 Law Offices in Cambridge. I'm here tonight as the
12 applicant, and as self-representing myself.

13 This is an application requesting variance relief
14 to locate dormers to a third floor of an existing,
15 nonconforming two-family at 38-40 High Street.

16 Just some background for the Board, prior to
17 looking at the drawings: This is a 3800,25-square-foot lot.
18 This home being a two-family with front and rear porches is
19 pretty typical in this neighborhood. You can see that there
20 are several of these types of structures. This is a picture
21 from the street.

22 And the proposal -- so this is a two-family as I

1 mentioned.

2 The Unit 1, or the first floor unit is the first
3 floor. The basement is shared by both units, and it's your
4 typical basement with systems in it. But the second unit on
5 the second and third floor existing has four bedrooms.
6 There's two on the second floor and there's two on the third
7 floor.

8 If you go to the next slide, this is the back of
9 the structure again, and these are the two porches, that is
10 pretty typical for this style of homes.

11 And then there's a third photo just from the
12 driveway looking from the back yard into the street.

13 And going to the next slide, please?

14 SEAN HOPE: Right. So this is a view from the
15 front. And as you can see, there is your primary entrance
16 for both units, and the idea is to put the dormers on both
17 sides of the roof. The impetus for the dormers is like the
18 Board sees many times to be able to activate and to make
19 more functional that third floor.

20 If you will notice the right side dormer -- and
21 this is the one we're looking at now -- this is going to --
22 this captures what -- there's an existing stair going from

1 the second to the third floor. I'm 5'9.5" and when I walk
2 up those stairs, I have to bend my head because of the slope
3 of the roof.

4 So while there are two bedrooms up there existing,
5 and that's not going to change, the dormer on the right-hand
6 side allows for proper head height, to be able to walk up
7 that stairs.

8 If you go to the next slide?

9 And so, capturing that, in that right side dormer,
10 additionally there is also a bathroom. Now, this upper unit
11 is a four-bedroom and there is one existing bathroom. The
12 location of the bathroom on the third floor is going to be
13 directly above the bathroom on the second floor and directly
14 under the bathroom under the first floor.

15 So the bathrooms are all stacked on each other.
16 So there's a practicality to the location of that. It
17 happened to be adjacent to the stairs, and it happened to
18 also comply with the 15-foot dormer guidelines. So we were
19 able to achieve a functional stair going from the second to
20 the third floor, and also a bathroom.

21 The concept is these are going to be likely --
22 especially this upper floor -- inhabited by family. And I

1 think the Board has heard many times if you have a four-
2 bedroom possibly with four people in there, having one
3 bathroom is challenging for modern families. So within the
4 dormer guidelines, we were able to have a proper head height
5 for a stair, and also a bathroom on that floor.

6 Onto the next slide?

7 Again, this is showing you the existing condition
8 on the left-hand side. And so, as you'll see is typical
9 with these sloped rooves, you have a significant portion of
10 the size of the property being less than five feet, and if
11 you look at the stair, as I was talking about, that stair
12 coming up from the second and the third floor, that is where
13 you have extremely low head height.

14 So if you look at the roof plan, you'll notice
15 that the dormer on the right hand side is closer to the edge
16 of the property than the dormer on the left-hand side. And
17 that is because in order to capture the stair, the dormer on
18 the right hand side needed to be closer to the edge of the
19 property. And again, that is to be able to achieve good
20 head he is plan.

21 As you'll see, the bedrooms still have the five-
22 foot condition on the front and the back. That's not going

1 to change.

2 So these are going to be -- they're going to feel
3 like kids' bedrooms. You're going to have -- you know,
4 sufficient head height in the middle, but it is going to get
5 lower in the wings and that is not going to change.

6 Primarily what we're doing is focusing on that primary
7 living space and activating that with a playroom, bathroom,
8 and then room for the stairs going up from the second to the
9 third floor.

10 But the bedrooms and the wing walls of 5 feet are
11 going to remain in place.

12 Next slide, please?

13 Again, so this is a depiction of the finished
14 space, and this is a better view of it. And as I mentioned,
15 the front and back bedrooms, which are existing, are going
16 to stay largely unchanged, just painting and sanding the
17 floor. But the dormers are going to achieve good head
18 height and living space.

19 Next slide, please?

20 So this is a picture, an elevation showing what
21 the finished dormer would look like. Again, you know, you
22 won't necessarily be able to see the dormers from this view,

1 but from this view and the elevation, you can see how they
2 are slightly scaled to the right-hand side to be able to
3 capture that stair.

4 But also too -- and I will see -- what I did is if
5 you look on the street, and it is a great, street as many of
6 you who know who live in this area, there is a series and
7 pattern of development that had dormers -- on High Street,
8 on Home Street, and also, on Parker Ave.

9 In preparation for this application, I sent
10 letters to the neighbors and abutters. One of our closest
11 abutters is the house on the left-hand side, that 34 High
12 Street.

13 The windows that are required as part of the
14 glazing requirement was looking onto that house. That house
15 also has a pretty big dormer on itself. But again, we have
16 support from that side, and that was really the side where
17 it would have the largest impact, due to their house being
18 directly on the property line.

19 But there is a letter in the file supporting the
20 dormers there.

21 Next slide, please?

22 Again, this is a rear elevation. Again, just

1 showing what it's going to look like from the rear. And
2 then if we skip two slides -- we don't have to go through
3 each of them -- these are just some photos. So this right
4 here, this is a -- so this is a photo of the abutter that I
5 mentioned. Right there, okay.

6 So the house on the right is the yellow house.
7 That's High Street, and this is the abutter on the left-hand
8 side, who also had a dormer, who had supported the
9 application.

10 Next slide, please?

11 This is just some context photos. This is Home
12 Street, and you can see the back of 38 High Street in
13 between these two houses. But if you look at this, the
14 house with the vinyl siding in your purview, you can see
15 that there's a pretty large dormer on both houses, on the
16 left and on the right.

17 Go to the next slide, please? I don't know, my
18 screen is not showing the next slide. But again, these are
19 just further examples -- thank you -- of dormers that are
20 within the block of 38-40 High Street.

21 So again, this is a great family neighborhood. It
22 is on a quaint street, and with the new park that's coming

1 on Huron Ave, in close proximity to many amenities that were
2 made for families, I believe that this four-bedroom, now
3 two-bath would serve the occupants of this unit for years to
4 come. And I think it's an appropriate request, given the
5 character of the neighborhood.

6 BRENDAN SULLIVAN: Thank you. Any questions by
7 Members of the Board? Andrea?

8 ANDREA HICKEY: No questions.

9 BRENDAN SULLIVAN: Jim?

10 JIM MONTEVERDE: No questions.

11 BRENDAN SULLIVAN: Slater?

12 SLATER ANDERSON: [Silence]

13 BRENDAN SULLIVAN: Janet?

14 JANET GREEN: No questions.

15 BRENDAN SULLIVAN: Okay. Let me open it to public
16 comment. Any member of the public who wishes to speak
17 should now click the button that says, "Participants" and
18 then click the button that says, "Raise hand." If you are
19 calling in by phone, you can raise your hand by pressing *9
20 and unmute or mute by pressing *6.

21 [Pause]

22 There appears to be nobody calling in. We are in

1 receipt of a letter from Lissa Galluccio (phonetic).

2 "I am writing in reference to the above zoning
3 request for 38-40 High Street. I am the owner of 34 High
4 Street, and the direct neighbor. Sean Hope has shared the
5 plans with me for the dormer on the third floor, and I have
6 no issue with the dormer at all. If you have any questions,
7 feel free to contact me.

8 Lissa Galluccio."

9 That is the sum and substance of any
10 correspondence. I will close the public comment part. Mr.
11 Hope, any other words to say?

12 SEAN HOPE: No additional words.

13 BRENDAN SULLIVAN: All right. Any questions by
14 the Board or on the motion before us?

15 JIM MONTEVERDE: Motion is good.

16 BRENDAN SULLIVAN: Okay.

17 JANET GREEN: I have no questions.

18 ANDREA HICKEY: Ready for a motion.

19 BRENDAN SULLIVAN: Let me make a motion then to
20 grant the relief requested, as per the drawings and the
21 supporting documents. The Board finds that a literal
22 enforcement of the provisions of the ordinance would involve

1 a substantial hardship to the petitioner.

2 The Board finds that the structure was built in
3 1926, prior to the enactment of the current zoning
4 ordinance, which govern the Residence B districts, in which
5 this property is located, and is therefore encumbered by the
6 current ordinances.

7 The hardship is owing to the nonconforming size of
8 the lot, the siting of the structure on the lot, and
9 creating additional nonconformities to the ordinance.
10 Additionally, the current building code dictates how
11 remedial actions need to be addressed, and the building of
12 the dormer within the side yard setback, with proper
13 headroom on the right side of the building will address that
14 issue.

15 Relief may be granted without substantial
16 detriment to the public good, because the proposed
17 renovation of the structure is considered consistent with
18 other such renovations in the area, and better brings the
19 housing up to contemporary standards for families to occupy
20 them.

21 Relief may be granted without substantial
22 detriment to the public good, or nullifying or substantially

1 derogating from the intent and purpose of the ordinance,
2 which is to provide adequate housing for persons of all
3 income levels, allow for adequate light and air within the
4 structure, allow for the renovation of existing housing to
5 remedy noncompliance with the state building code to provide
6 safe access and egress to floors -- in this case the third
7 floor, and adequately and adequate sanitary code compliance,
8 and the preservation of land and structures.

9 The Board finds that it would not derogate from
10 the intent and purpose of the ordinance, and in fact would
11 enhance the purpose of the ordinance. All those in favor of
12 granting the relief requested? Andrea?

13 ANDREA HICKEY: Andrea Hickey, yes, I'm in favor.

14 BRENDAN SULLIVAN: Jim?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Slater?

17 SLATER ANDERSON: In favor.

18 BRENDAN SULLIVAN: Janet?

19 [Pause]

20 BRENDAN SULLIVAN: Janet?

21 [Pause]

22 BRENDAN SULLIVAN: Do I hear a yes?

1 JANET GREEN: In favor.

2 BRENDAN SULLIVAN: I hear a yes.

3 BRENDAN SULLIVAN: Brendan Sullivan yes; granting
4 the relief on the condition that the work comply in
5 conformance with the drawings submitted and the supporting
6 documents.

7 [All vote YES]

8 On a 5:0 vote the variance is granted.

9 COLLECTIVE: Thank you so much. Thank you.

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2 (9:05 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.
4 Hickey, Jim Monteverde, Slater W. Anderson

5 BRENDAN SULLIVAN: Okay, the last case. I will
6 now call Case Number 017310, 118R Industrial Park Way.
7 Anybody from Industrial Park Way?

8 DANIL KLASNICK: Hi, good evening?

9 BRENDAN SULLIVAN: Danny Klasnick?

10 DANIEL KLASNICK: Yeah, I'm trying to. Can you
11 hear me okay?

12 BRENDAN SULLIVAN: We can hear you; I don't know
13 if we can see you.

14 DANIEL KLASNICK: I'm trying to turn my video on.
15 For some reason, it won't turn on. But if you can hear me -
16 - oh, there I am.

17 BRENDAN SULLIVAN: There you are.

18 JANET GREEN: Oh, there you are.

19 BRENDAN SULLIVAN: Okay. If you would introduce
20 yourself for the record?

21 DANIEL KLASNICK: Good evening. My name is Daniel
22 Klasnick. I'm with the law firm of Duval and Klasnick. We

1 have offices at 210 Broadway in the lovely town of
2 Lynnfield, Massachusetts.

3 I represent Verizon Wireless in its proposal to
4 modify it's existing facility that's located on the Boston
5 Sand and Gravel batching plant.

6 I think we're probably all familiar with this. We
7 drive by in on the expressway, perhaps don't give it much
8 thought. But it's a good location for Verizon Wireless
9 installation.

10 Just by way of a little background, the
11 installation was originally approved by special permit in
12 1997, with a subsequent approved modification in 2016 by
13 proposing to modify its equipment with Verizon Wireless
14 doing its documented approach that uses its existing
15 infrastructure to address demand that's being placed upon
16 its notwithstanding.

17 Through this qualified Section 5409(a) eligible
18 facility modification request, we did submit a detailed
19 application for a special permit -- a detailed project
20 narrative that describes all aspects of the facility and
21 finds the Section 6409 as well as the ordinance for special
22 permit, as a set of stamped plans, and photo simulations,

1 RFCT licenses and copies of the prior decision.

2 If we could please just move down to sheet 32 of
3 the provided plans, if that's possible, please?

4 This gives you a bird's eye view of the top slide
5 -- the top portion of the existing layout. Verizon Wireless
6 currently has 11 antennas installed on the side of the
7 vacuum plant.

8 As part of this proposal, what it will be doing is
9 just removing eight of these existing antennas, retaining
10 three antennas. In its place it will install 10 antennas.
11 So when it's all completed, there will be a total of 13
12 antennas, which will consist of -- if you look at the bottom
13 slide -- of the Alpha sector designated five antennas, the
14 Beta sector three antennas, and again the Section Five
15 antennas. All the equipment will have, will match the
16 existing color of the batch plant.

17 We also provided -- if we could please just move
18 down to the photo simulation -- in accordance with the
19 ordinance. We provided four separate photo simulations, as
20 an example.

21 Well, as we're doing that, I would just say once
22 again the purpose of the modification is really an integral

1 part of Verizon Wireless network, to improve reliability of
2 voice and Internet service for those Cambridge residents and
3 commuters.

4 The modification of the existing facility is
5 highly advantageous, to both the community and to allow
6 Verizon Wireless to address this network's coverage
7 requirement.

8 We do respectfully submit the proposed
9 modification satisfies the standards for an eligible
10 facility requirement for Section 64.9, as it does not
11 involve any substantial change to eligible support
12 structure.

13 As noted in the application, the proposed
14 modification meets all the criteria of the Federal
15 Communications Commission's rules.

16 In addition, I -- we did detail in there
17 satisfaction of your special permit standards. So if we
18 can't get the photo simulations, it's basically going to
19 look like it does now -- albeit Dennis covered -- oh, here
20 we go.

21 This first one on the left is the existing view of
22 the batching plant. The right shows the Alpha and Gamma

1 structures that were shown in the plan before. Once again,
2 everything could be masked to the extent it can. It's
3 looking at the existing.

4 The next slide, if you could, please? shows one of
5 the -- this is the actual Gamma sector again, on the left
6 side of the existing view and the right side of the
7 proposed. But again, it's not something that's going to be
8 visibly -- a visible change.

9 Please, the next slide? Represents the -- see
10 this would be the video sector, the four antenna sector,
11 this would be the side of the once we get everything
12 designed to match the as the existing.

13 And then the final slide of the photo simulation
14 -- residential, and just the Alpha sector antenna.

15 So as I had already said, the purpose for this
16 facility and the satisfaction of both the 6409(a)
17 conception] and the ordinance standard, we would
18 respectfully this program modification. Thank you very
19 much.

20 BRENDAN SULLIVAN: Okay. Any questions by members
21 of the Board?

22 JIM MONTEVERDE: No.

1 ANDREA HICKEY: No questions.

2 JANET GREEN: No questions.

3 BRENDAN SULLIVAN: Okay. You're applying under
4 Article 4, Section 4.32. In reviewing a special permit
5 application for mobile communication facilities, in
6 particular the Board of Zoning Appeal shall consider the
7 following in reaching its determination: The scope of or
8 limitations imposed by any license secured to any state or
9 federal agency having jurisdiction over such matters. And
10 the submittal shows that there are no limitations.

11 The extent to which the visual impact of the
12 various elements of the proposed facility is minimized
13 through the use of materials and texture and color to blend
14 in with the materials to which the facility are attached.

15 As a little aside here, we always struggle with
16 the -- how these things look on buildings. The building
17 could not be any worse, and that these things will have
18 absolutely no negative effect on that -- the look of that
19 building.

20 Other effective means to reduce the visual impact
21 of the facility from the site: I think you have -- I will
22 venture to say that you have probably done that by painting

1 them to the background color.

2 In granting the special permit, the Board shall
3 set for this in its decision under which circumstances or
4 any procedure if any are permitted, should be allowed to
5 replace or upgrade its equipment without the necessity of
6 seeking a new special permit.

7 BRENDAN SULLIVAN: Let me -- I think that the
8 submittals have addressed all of those issues. Let me open
9 it up to public comment. Any members of the public who wish
10 to speak should now click the button that says,
11 "Participants" and then click the button that says, "Raise
12 hand." If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6.

14 We'll give it a little bit.

15 [Pause]

16 There appears to be nobody calling in. I will
17 close the public comment part of the hearing. Any questions
18 by -- Counselor, any final words in your presentation?

19 DANIEL KLASNICK: No, Mr. Chair.

20 BRENDAN SULLIVAN: Nothing? Okay.

21 DANIEL KLASNICK: No.

22 BRENDAN SULLIVAN: Any questions by members of the

1 Board, any comment, or shall I go to a motion.

2 ANDREA HICKEY: Motion.

3 JIM MONTEVERDE: Motion, please.

4 BRENDAN SULLIVAN: Okay.

5 JANET GREEN: Motion.

6 BRENDAN SULLIVAN: Let me make a motion then that
7 the Board -- make a motion then to grant the special permit
8 for the addition and relocation to the existing
9 telecommunication facility as per the drawings submitted,
10 the supporting documents and the photo simulations.

11 The Board -- it appears that the requirements of
12 the ordinance can be met, that traffic generated or patterns
13 of access or egress would not cause congestion, hazard, or
14 substantial change in the established neighborhood.

15 The Board finds that continued operation of or
16 development of adjacent uses, as permitted in the ordinance,
17 would not be adversely affected by the nature of the
18 proposed use. There would not be any nuisance or hazard
19 created to the detriment of the health, safety and/or
20 welfare of the occupant of the proposed use, or to the
21 citizens of the city.

22 It appears that the proposed use would not impair

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

4 The Board finds that there is an existing facility
5 at the premise; that this is an enhancement to that
6 facility, which only benefits the general public by the
7 modifications as such.

8 The Board finds that the modifications of its
9 existing telecommunication facility at the site does not
10 substantially change the physical dimension of the existing
11 wireless tower or bay station as such a facility within the
12 meaning of Section 6409 of the Middle Class Tax Relief and
13 Job Creation Act of 2012, also known as the Spectrum Act.

14 Based on the finding, the Chair moves that the
15 petition be granted the special permit it is seeking,
16 subject to the following conditions: That the work proceed
17 in accordance with the plans submitted by the petitioner,
18 and initialed by the Chair.

19 That upon completion of the work, the physical
20 appearance and visual impact of the proposed work will be
21 consistent with the photo simulations submitted by the
22 petitioner, and initialed by the Chair.

1 That the petitioner shall at all times maintain
2 the proposed work, so that its physical appearance and
3 visual impact will remain consistent with the photo
4 simulations previously referred to.

5 That should the petitioner cease to utilize the
6 equipment approved tonight for a continuous period of six
7 months or more, it shall promptly thereafter remove such
8 equipment and restore the building on which it is located to
9 its prior condition and appearance, to the extent reasonably
10 practical.

11 That the petitioner is in compliance with and will
12 continue to comply in all aspects the conditions imposed by
13 this Board with regard to previous special permits granted
14 to the petitioner with regard to the site in question.

15 Also in as much as the health effects of the
16 transmission of electromagnetic energy waves is a matter of
17 ongoing societal concern and scientific study, the special
18 permit is also subject to the following conditions:

19 That the petitioner shall file with the
20 Inspectional Service Department each report it files with
21 the federal authorities regarding electromagnetic energy
22 wave emissions, emitting from all of the petitioner's

1 equipment on the site.

2 Each such report shall be filed with the
3 Inspectional Services Department no later than 10 business
4 days after the report has been filed with the federal
5 authorities. Failure to timely file any such report with
6 the Inspectional Services Department shall ipso facto
7 terminate the special permit granted tonight.

8 That in the effect (sic) that at any time federal
9 authorities notify the petitioner that its equipment on the
10 site -- including but not limited to the special permit
11 granted tonight -- fails to comply with the requirements of
12 law, or governmental regulations -- whether with regard to
13 the emissions of electromagnetic energy waves or otherwise -
14 - the petitioner within 10 business days of receipt of such
15 notification of such failure, shall file with the
16 Inspectional Services Department a report disclosing in
17 reasonable detail that such failure has occurred, and the
18 basis of such claimed failure, the special permit granted
19 tonight shall ipso facto terminate if any petitioner's
20 license is or are suspended, revoked or terminated.

21 That to the extent that a special permit has
22 terminated pursuant to the foregoing paragraphs a) and b),

1 the petitioner may apply to this Board for a new special
2 permit, provided that the Public Notice concerning such
3 application discloses in reasonable detail that the
4 application has been filed because of a termination of
5 special permit, pursuant to paragraph a) or b) above.

6 Any such new application shall not be deemed a
7 repetitive petition, and therefore will not be subject to
8 the two-year period during which competitive petitions may
9 not be filed.

10 That within 10 business days after receipt of a
11 building permit for the installation of the equipment,
12 subject to this petition, the petitioner shall file with the
13 Inspectional Service Department a sworn affidavit of a
14 person in charge of the installation of the equipment by the
15 petitioner with a geographical area that includes Cambridge,
16 stating that a) he or she has such responsibility, and b)
17 that the equipment being installed pursuant to the special
18 permit we are granting tonight will comply with all federal
19 safety rules and be situated and maintained in locations
20 with appropriate barricades and other protections, such that
21 individuals including nearby residents and occupants of
22 nearby structures will be sufficiently protected from

1 excavate radiofrequency radiation under federal law.

2 That is the motion. On the motion to grant the
3 special permit as per the application submitted, Andrea
4 Hickey?

5 ANDREA HICKEY: Yes, I vote in favor.

6 BRENDAN SULLIVAN: Jim Monteverde?

7 JIM MONTEVERDE: I vote in favor.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: I vote in favor.

10 BRENDAN SULLIVAN: Janet Green?

11 JANET GREEN: I vote in favor.

12 BRENDAN SULLIVAN: Brendan Sullivan in the
13 affirmative.

14 [All vote YES]

15 It's granted on the vote of five members for and 0
16 against. Special permit granted.

17 DANIEL KLASNICK: Greatly appreciate it. Have a
18 great evening.

19 BRENDAN SULLIVAN: Thank you, Counselor. Good
20 presentation. That's it!

21 ANDREA HICKEY: Excellent job, Brendan. Very well
22 done.

1 JANET GREEN: Thank you, Brendan.

2 BRENDAN SULLIVAN: Thank you for the support.

3 [Collective goodbyes]

4 [09:21 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 _____ day of _____, 2020.

Notary Public

My commission expires:

August 6, 2021