

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 10, 2020

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

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 (6:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Andrea A. Hickey, Jim Monteverde, and  
6 Slater W. Anderson

7 CONSTANTINE ALEXANDER: Before we start with the  
8 meeting, let me take a roll call to make sure all of the  
9 members are on Board. This is Gus Alexander.

10 BRENDAN SULLIVAN: Brendan Sullivan.

11 ANDREA HICKEY: Andrea Hickey is present.

12 SLATER ANDERSON: Slater Anderson is present.

13 JIM MONTEVERDE: And Jim Monteverde is here.

14 CONSTANTINE ALEXANDER: Slater, you were going to  
15 talk before. You can go first. Unless you want -- quorum.  
16 Okay. Let's start.

17 SLATER ANDERSON: I'm hearing some feedback. I  
18 don't know what's going on, but --

19 CONSTANTINE ALEXANDER: I'm sorry? Slater, I'm  
20 having trouble understanding you.

21 SLATER ANDERSON: Yeah, I'll put myself on mute  
22 until I have something to say, see if that helps.

1           CONSTANTINE ALEXANDER: All right. For those of  
2 you who are listening, beside Board members, welcome to the  
3 September 10 meeting of the Cambridge Board of Zoning  
4 Appeals, the latest in our series of Zoom meetings. Who  
5 knows when we'll stop doing Zoom meetings?

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

16           This meeting is being audio and visually  
17 recorded, and is broadcast on cable television Channel 22,  
18 within Cambridge. There will also be a transcript of the  
19 proceedings in due course.

20           All Board members, applicants, and members of the  
21 public will state their name before speaking. All votes  
22 will be taken by roll call.

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

5           Generally, you will have up to three minutes --  
6 no, not generally -- specifically, you will have up to three  
7 minutes to speak, but that might change based on the number  
8 of speakers. Otherwise, I sincerely hope it will not be the  
9 case. I'll start by asking staff to take Board member  
10 attendance and verify that all members are audible.

11           BRENDAN SULLIVAN: Brendan Sullivan, present.

12           ANDREA HICKEY: Andrea Hickey, present.

13           SLATER ANDERSON: Slater Anderson, present.

14           JIM MONTEVERDE: And Jim Monteverde, present.

15           CONSTANTINE ALEXANDER: Okay. Before we start the  
16 actual cases, a word about our procedures. We're going to  
17 start with the cases that are regularly scheduled for this  
18 evening, which are advertised to begin at 6:00 p.m.

19           Since we get to about 7:00 p.m., we will then  
20 adjourn or recess our regular meeting to hear two continued  
21 cases. These are cases that started at an earlier date, and  
22 for one reason or another have continued. Once we dispose

1 of those cases, we will return to our regular visit and go  
2 until we finish.

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2 (6:04 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, and  
5 Slater W. Anderson

6 And with that, I'm going to call -- let's see --  
7 Case #017295, 34 Andrews Street. Anyone here wishing to be  
8 heard on this matter?

9 SEAN HOPE: Yes, and thank you Mr. Chair. Good  
10 evening Mr. Chairman and members of the Board. For the  
11 record, Attorney Sean Hope, Hope Legal Law Offices in  
12 Cambridge. I'm here on behalf of the applicant. We have  
13 Mr. Paul Cammarata, and also, we have as the Project  
14 Architect Tanya Carrie of Khalsa Design, Inc. for the  
15 presentation.

16 So this is an application requesting a variance  
17 and a special permit to modernize an aged, single-family  
18 structure in Cambridgeport -- specify for the record, I'm  
19 going to go through the elements of relief. We have altered  
20 an existing front yard enclosure.

21 The single-family has a rear yard setback. They  
22 are right on the street, so any impact to that front yard

1 enclosure would trigger relief.

2           The building having a zero front yard setback  
3 raising the roof also triggers variance relief. And it is a  
4 conforming addition to the rear yard, and even though this  
5 conforming addition is conforming, it still is not allowed  
6 by Article 8; therefore falling into the variance  
7 continuing.

8           And lastly, there's a special permit to add  
9 windows within the setback.

10           So I'll go over some of the site conditions, a  
11 couple of the highlights, and then I will turn it over to  
12 the architect to walk through the proposal.

13           As I mentioned, this is a single-family and if you  
14 look at the left-hand corner, that is a picture of the front  
15 of the building. As you see, there's a side entrance, and  
16 so, by changing that front enclosure it's giving relief.

17           But taking a step back, this is an undersized lot.  
18 It's approximately 1900 square feet with an 1800 square feet  
19 house sitting on it. On the side yard setback, they range  
20 between two and close to five feet on the side. So it is  
21 quite tight on the side.

22           And then for Cambridgeport, it has a decent rear

1 yard, and you see that in the upper right-hand corner with  
2 that rear yard panel. There is also a shed there that's  
3 even proposed to be demolished.

4 Part of the setback is -- this is one of the few  
5 neighborhoods in Cambridge that is still dominated  
6 predominantly by families. Only a block up there is a  
7 children's park.

8 There is Dana Park that's about four blocks away,  
9 and then there's also Riverside Park. So there is a family-  
10 friendly neighborhood. In many ways, it's a neighborhood  
11 that is dominated by families.

12 Some of the highlights of the proposal -- by  
13 leaving that rear yard out and turning it, we're actually  
14 making the lot more conforming. Right now that rear yard  
15 ell violates the rear yard setback. So by doing that, the  
16 property seeks greater conformance with the ordinance.

17 There is a series of additions on the interior.  
18 One of the elements is raising the roof. The roof height is  
19 still below the 35-foot height limit in the district, so  
20 it's approximately 32 feet. There is a dormer that was  
21 added to that as well that gives good head height. And it  
22 was intentionally positioned not towards the street but

1 towards the rear yard to mitigate any impacts on the street.

2           And again, the interior renovations are  
3 predominantly to host a family. The building is only 18  
4 feet deep as is, not counting that rear-yard ell. So by  
5 turning that rear-yard ell horizontally against the  
6 building, it does allow for a more functional first-floor  
7 floor plate.

8           Now, I'd like to turn it over to the architect so  
9 she can walk through some of the highlights as well.

10           TANYA CARRIERE: Hi, Tanya Carriere speaking here  
11 from Khalsa Design.

12           Next slide, please?

13           CONSTANTINE ALEXANDER: Sorry, could you lower  
14 your voice a little bit, or -- you're screeching through.

15           TANYA CARRIERE: Sorry.

16           CONSTANTINE ALEXANDER: It's tough to understand  
17 what you're saying.

18           TANYA CARRIERE: Yes, Tanya Carriere. [Is that  
19 good?]

20           ANDREA HICKEY: Still a little loud.

21           TANYA CARRIERE: Okay. So here's just showing you  
22 the existing plot plan, where you can see that one-story

1 area in the rear yard, which we're planning to demolish. So  
2 that currently violates the rear yard setback. There's also  
3 a large shed in the yard that we'd like to demolish to  
4 create a larger, more useful back yard.

5 Next?

6 Here's a couple existing photographs to show you  
7 the abutting houses. The top one: A view down Andrews  
8 Street, and then a view down. So there's a mixture of  
9 building types -- three-stories, flat roof buildings, one-  
10 and-a-half-story gable buildings and two-and-a-half story  
11 gable buildings.

12 And then the bottom three images are the abutter  
13 directly to our right, which are closest to our property.  
14 So we just wanted to show the condition how their house  
15 comes right up to our rear yard.

16 And we've worked closely with them over the past  
17 few months to come up with a design that also works for  
18 them.

19 Next?

20 And just an aerial view, just to give you a better  
21 context of the house there showing the -- our house is the  
22 gabled roof with the one-story area in the back.

1           Next?

2           So what we're planning to do is in dark grey there  
3 in the rear, that is the proposed one-story addition. So by  
4 removing the existing addition which is long and narrow and  
5 violates the rear yard setback, we can create a more useable  
6 floor plan that can create an open-concept living that can  
7 be for a family or anyone. The rear room right now is  
8 slightly narrow and unusable.

9           And also by doing that we increase the rear yard  
10 setback to be compliant. So we're going from a 14 foot two  
11 rear yard to a 20 foot two rear yard setback.

12           And our proposed addition is 10' 4" by 17' 6". So  
13 this would also allow a nice, open back yard area and  
14 increase the open space as well. We're going from 40  
15 percent to 53 percent with this proposal.

16           Next?

17           These are just the existing floor plans and  
18 elevations showing the existing building at 28 feet high.

19           Next?

20           And our proposed plan is showing that that rear  
21 addition is the one-story area with a hip roof. The second  
22 floor would have two bedrooms going back and the third floor

1 would be a modest-size master suite with a 15-foot long shed  
2 dormer centered on the back.

3 Next?

4 And just the roof plan showing the proposed dormer  
5 along with two skylights.

6 Next?

7 So for our proposed elevation, we'd like to  
8 increase the height of the building by three and a half feet  
9 to 32 feet high.

10 And the reason for this is the ceilings in the  
11 existing building are extremely low on all levels. We have  
12 seven foot ceilings on one level, so it's not really up to  
13 modern standards or creating a nice, usable house for a  
14 family.

15 On the front, we're proposing to decrease that  
16 front area that pops out, as you see there -- the entry  
17 area. And then we have a traditional style of detailing on  
18 the house, two-over-one windows, SmartSiding and cedar  
19 shingles.

20 And then on the back we have the rear addition  
21 with the hip roof. Originally, we proposed a large deck  
22 there for more space for the occupants, but in working with

1 the neighbor, it was taken off, as it felt like it was going  
2 to impose on their privacy. And we've removed that.

3 Next?

4 These are just showing average height  
5 calculations.

6 Next?

7 And the building section showing that we're  
8 trading usable ceiling heights eight feet on the second  
9 floor, which is pretty typical for a bedroom level, and then  
10 seven feet to eight foot four on the top with the sloped  
11 roof, and nine feet on the first floor. Privilege, they've  
12 ranged from seven feet to seven foot five.

13 Next?

14 And then we did some shadow studies to show the  
15 neighbors, and the top row is the existing condition and the  
16 bottom is the proposed. So -- I won't go through each one,  
17 but the existing proposed shadow studies are very similar.  
18 These are rotating the rear one-story area and demolishing  
19 the shed. We are actually improving shadows in some  
20 instances.

21 And then there's a very slight increase of shadows  
22 from the raising of the roof that would not be substantial

1 to any of the abutters.

2 Next?

3 And these are just additional shadow studies  
4 showing the before and after. So you can see they're almost  
5 identical.

6 Next? [The last series of shadow studies.]

7 Next?

8 And we just did some aerial views showing what  
9 that dormer would look like and the raised roof. So we're  
10 actually, even though we're raising the roof, we're lower  
11 than the left abutter and lower than the maximum height  
12 allowed.

13 Next? [And a couple additional images.]

14 Last slide please?

15 And this is the proposed rendering showing how we'd like to  
16 detail the house, and how that smaller front entry area  
17 would kind of open up the front space there a little bit  
18 more.

19 That's all for my presentation.

20 CONSTANTINE ALEXANDER: Is that it?

21 TANYA CARRIERE: Yep.

22 CONSTANTINE ALEXANDER: Sean, are you ready?

1 We're going to go back to you.

2 SEAN HOPE: Yeah. The only thing I wanted to add  
3 that I failed to mention is there was -- it was very  
4 intentional to keep the FAR the same. If you notice, even  
5 with all of our alterations, the FAR and the density --  
6 stays the same.

7 And I think this was important because, as I said,  
8 this is an undersized lot. The house is fit in like many of  
9 the houses in this neighborhood, and so we wanted to be  
10 careful to really not try to get more than we needed.

11 And we also tried to strike a balance between  
12 functionality for the occupants of the older home that's  
13 being remodeled as well as feedback from the neighbors. So  
14 I don't think that we were able to satisfy all of the  
15 concerns, but I think that the majority of them we think we  
16 tried our best.

17 I think specifically with the height -- and Tanya  
18 underscored this -- that the ceilings is very awkward. And  
19 even the steps getting up to that third floor. So even  
20 while staying underneath the 35-foot-height limit, we have  
21 really created a functional third floor that meets the  
22 modern standards. I think without that, it would be very

1 challenging.

2           Also there was a proposal that had multiple  
3 dormers. Again, trying to pull that off to be as least  
4 intrusive to the streetscape and enhance it in a positive  
5 way, and hopefully we struck that balance. That's all of  
6 our comments for now.

7           CONSTANTINE ALEXANDER: Sean, am I correct that  
8 although this stuff is currently nonconforming in a number  
9 of respects, you're not going to create new nonconformities?

10           In other words, you may be increasing area here  
11 and there that was already nonconforming and making it more  
12 nonconforming, but no new nonconforming. Am I correct?

13           SEAN HOPE: You are correct. And I believe that  
14 has some implications. I know there are some new  
15 developing case law that maybe hasn't been fully adopted by  
16 Cambridge, but to your point, we are not creating any new  
17 nonconformities.

18           CONSTANTINE ALEXANDER: Thank you. Members of the  
19 Board, any question you want to ask at this point?  
20 Brendan's nodding no. Other members?

21           JIM MONTEVERDE: This is Jim Monteverde, no  
22 questions.

1           ANDREA HICKEY:  Andrea Hickey, I have no  
2  questions.

3           SLATER ANDERSON:  Slater, no questions.

4           CONSTANTINE ALEXANDER:  Okay.  I will now open the  
5  matter up to public testimony.  I will note at the end of  
6  that we have some letters from our neighbors or what have  
7  you, and I'll read them into the record or describe them.  
8  Let me explain how public comments can be given, or should  
9  be -- must be given.

10           Any members of the public who wish to speak should  
11  now click the icon at the bottom of your Zoom screen that  
12  says, "Raise hand."  If you are calling in by phone, you can  
13  raise your hand by pressing \*9 and unmute or mute by  
14  pressing \*6.  And with that, I'll give people a few minutes  
15  to digest, and then I'll ask if there's anyone who wishes to  
16  speak.

17           Yes, we do have someone.

18           SISIA DAGLIAN:  Yes, Annie Butler, you can unmute  
19  yourself now.

20           CONSTANTINE ALEXANDER:  Okay.  Ms. Butler?

21           ANNIE BUTLER:  Hello?

22           CONSTANTINE ALEXANDER:  Hello.

1           ANNIE BUTLER: Okay. So my name is Annie Butler.  
2 I own the house at 32 Andrews Street next door to 34. I am  
3 opposed to the raising of the roof, because it will block  
4 light in my yard and lower my property value. That's one  
5 point.

6           The next is I understand that if the roof is  
7 raised, people could come along and put solar panels on the  
8 roof, and I wouldn't be able to stop them either. So I'm  
9 not opposed to anything that's going on here, except the  
10 raising of the roof, because it will block light to my house  
11 and lower my property value.

12           CONSTANTINE ALEXANDER: Have you seen the shadow  
13 studies?

14           ANNIE BUTLER: Yes, I have.

15           CONSTANTINE ALEXANDER: Okay.

16           ANNIE BUTLER: And any amount of shadow is not  
17 okay for me and my property value.

18           CONSTANTINE ALEXANDER: Thank you.

19           ANNIE BUTLER: The shadow -- I can see the shadow  
20 on the house. Yeah. I see all these studies, and I've  
21 walked around with these studies in my hands. I do  
22 understand what's going on.

1           And I want to make it clear I'm not opposed to  
2 think of development, even though it will be a gigantic  
3 problem for me, because I only live 15 feet away from where  
4 they're going to dig a basement, but I'm willing to put up  
5 with that. I don't want the roof raised, because I don't  
6 want to lose light on my house.

7           CONSTANTINE ALEXANDER: You understand that even  
8 with the roof raising, the building -- the height of the  
9 building will be within the requirements of our zoning  
10 ordinance? They're not seeking any relief with regard to  
11 height.

12          ANNIE BUTLER: Yes.

13          CONSTANTINE ALEXANDER: To be sure, I can see a  
14 raising of the roof could create shadow issues.

15          ANNIE BUTLER: Yes, it does create --

16          CONSTANTINE ALEXANDER: Let me finish. But  
17 [they've] done the shadow study to demonstrate on their  
18 behalf that the shadow study should not be duly adverse to  
19 you, but you obviously feel differently, which is fine,  
20 you're entitled to that.

21           And you also expressed your views about this and  
22 other related issues to the Board in a letter or an e-mail

1 that you sent to us --

2 ANNIE BUTLER: Yep.

3 CONSTANTINE ALEXANDER: Which we never -- either  
4 was not proposed in view of your opportunity to speak  
5 tonight and you are speaking -- to read that into the  
6 record. But it will be recorded.

7 ANNIE BUTLER: Right. I actually would like to  
8 say one more thing.

9 CONSTANTINE ALEXANDER: Go right ahead.

10 ANNIE BUTLER: Another thing that I'm really  
11 worried about is the -- what will be in the debris when they  
12 start taking down and rehabbing this house? This is a very  
13 old property, and I have no idea if there's lead in it, and  
14 how that would be abated if there is lead in it.

15 CONSTANTINE ALEXANDER: And that -- none of us  
16 know, I don't think, what the situation is, as you've  
17 pointed out.

18 ANNIE BUTLER: Right.

19 CONSTANTINE ALEXANDER: If the lead problem is  
20 uncovered in part of the construction, the city will take  
21 action; you'll have a right to go to the city --

22 ANNIE BUTLER: Yes.

1           CONSTANTINE ALEXANDER:  And it just won't go on  
2 indelibly.

3           ANNIE BUTLER:  Thank you.

4           CONSTANTINE ALEXANDER:  So there is a mechanism  
5 within our -- and this happens in all construction in the  
6 city -- there is a mechanism to deal with that kind of  
7 potential problem that no one can anticipate prior to  
8 construction.

9           ANNIE BUTLER:  Mm-hm.

10          CONSTANTINE ALEXANDER:  And you should get set to  
11 rely on the ability and good faith of the city officials.

12          ANNIE BUTLER:  Mm-hm.

13          CONSTANTINE ALEXANDER:  You should feel assuaged  
14 about that, believe it will be taken care of, if it needs to  
15 be taken care of.

16          ANNIE BUTLER:  Mm-hm, Mm-hm.  Yes, I understand.

17          SISIA DAGLIAN:  So we have one more person that  
18 wants to put in a comment.  But also, I think the applicant  
19 wants to respond.  Is that okay, or do we just do public  
20 comment?

21          CONSTANTINE ALEXANDER:  I'm sorry, I don't know  
22 what -- I heard this dialogue, but it doesn't mean anything

1 to me. What's going on?

2 SISIA DAGLIAN: So someone -- the applicant wants  
3 to respond, is that okay?

4 CONSTANTINE ALEXANDER: Oh, yeah.

5 SISIA DAGLIAN: Yeah, okay.

6 CONSTANTINE ALEXANDER: If Ms. Butler is finished  
7 with her comments, yes, the applicant can respond.

8 ANNIE BUTLER: Oh, okay. Then do I get to respond  
9 to the applicant?

10 CONSTANTINE ALEXANDER: Up to a point. We have  
11 long night ahead of us.

12 ANNIE BUTLER: Thank you so much.

13 CONSTANTINE ALEXANDER: You've expressed your  
14 views already orally and in writing.

15 ANNIE BUTLER: Right.

16 CONSTANTINE ALEXANDER: And I think the petitioner  
17 responded to your written comment in writing.

18 ANNIE BUTLER: Mm-hm. And he's already talked to  
19 you. And so, I'd like to respond.

20 CONSTANTINE ALEXANDER: No, wait a minute, let's  
21 stop. Sean, I assume you're the one who's going to respond  
22 to the comments?

1           SEAN HOPE: No, I was going to wait until after  
2 all the comments, but I do think the applicants themselves I  
3 believe had raised their hands. Mr. Cammarata, I believe.

4           CONSTANTINE ALEXANDER: I just don't want to go --  
5 have a back and forth ping pong game here. Have we heard --  
6 we've been given information on both sides, and I don't know  
7 if it's necessary to keep repeating it? Again, because we  
8 have a long evening ahead of us.

9           PAUL CAMMARATA: Committee members, can someone  
10 hear me?

11           COLLECTIVE: Yes

12           CONSTANTINE ALEXANDER: We can hear you.

13           PAUL CAMMARATA: Oh, this is Paul Cammarata, the  
14 applicant. Yeah, hi. Good evening. Could I say a few  
15 things?

16           CONSTANTINE ALEXANDER: Can you what?

17           ANNIE BUTLER: Yes.

18           PAUL CAMMARATA: Could I say a few things?

19           CONSTANTINE ALEXANDER: A few, yes.

20           PAUL CAMMARATA: Yeah, no short. I just want to  
21 address the issue of potential lead in the building and  
22 dust, debris with this. We plan on encapsulating the

1 building while we're doing the work to keep it from -- to  
2 mitigate the spread of any potential problems like that.

3           And also, in terms of the roof being raised, I  
4 know you heard the shadow study. I've spoken with the  
5 neighbor that it doesn't adversely affect her. And it's so  
6 minimal I can't imagine that she would oppose it.

7           But I'm thinking if we had to -- if we had to come  
8 to a compromise, which I told her today, that we could -- or  
9 earlier -- that we would lower it even another 12 inches,  
10 another foot, to come to some -- you know, agreement.

11           But aside from that, I think it fits well under  
12 the code. Okay? That's all I have to say. Thank you.

13           CONSTANTINE ALEXANDER: Okay. Thank you. As I  
14 mentioned, Ms. Butler had corresponded with the petitioner  
15 or the petitioner's architect, and to summarize them, which  
16 you've heard -- we all have heard -- this evening.

17           We also have a second letter from a Suzanne Ryan  
18 and Gordon Harvey, who reside at 327 Allston Street, and it  
19 is really a letter back and forth telling us the day after  
20 the petition what the petitioner responded to.

21           I don't see anything in the letter that said we  
22 endorse the plan or that we oppose the plan. It's just

1 presenting information to us for our information, which I  
2 and the Board do appreciate.

3           Anyone else wish to speak?

4           SISIA DAGLIAN: Yeah, there's two more people.

5 Okay, Charles Henebry.

6           CONSTANTINE ALEXANDER: I'm sorry, I didn't catch  
7 the name.

8           SISIA DAGLIAN: Charles Henebry. I might be  
9 saying that wrong.

10          CONSTANTINE ALEXANDER: Okay. You're on.

11          CHARLES HENEGBRY: That is my name, and I think you  
12 can hear me. Am I speaking too loud?

13          CONSTANTINE ALEXANDER: No, you're fine.

14          CHARLES HENEGBRY: So my wife, Lily Gordon, e-  
15 mailed a question at the very last minute we weren't sure  
16 was going to get in, and so, I'm just reading it over to you  
17 right now. She and I have concerns about the proposed  
18 basement renovation. That's an aspect of this project that  
19 hasn't been referenced by Sean or by the architect.

20                 It looks as though they're digging the basement  
21 down by two or three feet. We understand that it's now --  
22 the law has changed, and from the point of view of FAR, it's

1 no longer calculated into FAR, but we're concerned that  
2 there can be significant challenges involved in lowering a  
3 basement floor in an older house like this house.

4 And so, we wanted to check about the scope of the  
5 basement renovation and the plans afoot in terms of the  
6 engineer to make sure that there aren't going to be  
7 consequences for close by neighbors.

8 We live on the other side from Ms. Butler, so it's  
9 the house that's being worked on, and then Ms. Butler and  
10 then our house. So that's the question.

11 CONSTANTINE ALEXANDER: Okay, thank you. To the  
12 extent that they have this basement work, which hasn't been  
13 dealt with, I have to assume that they don't need zoning  
14 relief for that, and if they do the Special Services  
15 Department will not let the project or this part of the  
16 project go forward without a further hearing.

17 So at this point I think -- I appreciate again  
18 your giving us this information. I'm not sure it's entirely  
19 relevant to the relief being sought tonight. But thank you.

20 CHARLES HENEERY: I understand.

21 SISIA DAGLIAN: Now we have Bill Samuel.

22 CONSTANTINE ALEXANDER: Bill Samuel?

1           SISIA DAGLIAN:  Yes.

2           CONSTANTINE ALEXANDER:  Mr. Samuel, you're on.

3           BILL SAMUEL:  Actually, that's a pseudonym.  It's  
4 James Williamson, 1000 Jackson Place.

5           CONSTANTINE ALEXANDER:  Oh, hi Jim.

6           JAMES WILLIAMSON:  I just -- I want to point out -  
7 - this is impossible to follow online for me.  I just got  
8 booted off one format unexpectedly; booted off one format,  
9 and then -- you know, had to watch it spinned (sic) around  
10 and then got back brought up in a different format.

11           I had to -- you know, the raised hand function was  
12 different than the earlier format than it is now, so I had  
13 to do that again, and I was not able to hear what was being  
14 said, and that may be partly because of a slow connection to  
15 the hotspot that -- because we don't have high speed  
16 Internet in Cambridge and, you know, in these public housing  
17 developments.

18           So I might well have had something that I wanted  
19 to say by way of support to one of the speakers, but I  
20 couldn't really hear.

21           Plus the -- and if I may ask just procedurally, my  
22 understanding is that continued cases were to be heard

1 typically first, but so this case seems to have come up a  
2 little bit more quickly than I would have expected. There  
3 were the Magouns - a series of cases for Magoun Street and  
4 then Forest Street. Were they not to be heard before this  
5 case?

6           CONSTANTINE ALEXANDER: Mr. Williamson, let me  
7 explain.

8           JAMES WILLIAMSON: Thank you.

9           CONSTANTINE ALEXANDER: How the cases got  
10 advertised -- and it doesn't involve this Board: They were  
11 advertised that the continued cases were going to be heard  
12 at -- I don't have the sheet in front of me. Anyway, you  
13 have to -- the continued cases are scheduled for 7:00 p.m.  
14 and the new cases were advertised for 6:00 p.m. But we -- by  
15 definition --

16           JAMES WILLIAMSON: I see.

17           CONSTANTINE ALEXANDER: We're starting with -- as  
18 I mentioned earlier, you may have missed it -- once we get  
19 to around seven, we will extend consideration of the new  
20 cases and deal with the two continued cases, then return to  
21 the new cases.

22           JAMES WILLIAMSON: I see, I see. That's not

1 normally the way it's handled.

2           CONSTANTINE ALEXANDER: It's not the way -- that's  
3 how our cases got advertised, and we have to follow how they  
4 were advertised.

5           JAMES WILLIAMSON: Okay. Well, I'll just say then  
6 thank you for that explanation, and I'm sorry for the  
7 interruption. But I will say that I have some sympathy for  
8 what little I've been able to garner from what I was able to  
9 hear.

10           I have some sympathy for the questions that have  
11 been raised by the neighbors in this case, but I would have  
12 liked to have been able to hear more. So anyways, thank  
13 you, I appreciate it.

14           CONSTANTINE ALEXANDER: Thank you for taking the  
15 time to speak on this case. Sean, you have yet to deal with  
16 the legal basis for why relief should be granted. But first  
17 let me make sure, is there anyone else who wishes to speak?

18           SEAN HOPE: Yeah, we're all here.

19           CONSTANTINE ALEXANDER: Okay, and before you  
20 respond to my question, Sean, as I've indicated, the only  
21 letters we have are the ones we cited -- Ms. Butler's, and  
22 she did it in person, as well as in writing, and my

1 characterization of a letter from the other abutters.

2 I didn't think any of that warranted reading to  
3 the whole audience and prolonging the hearing on this case.

4 All right. Now Sean, why do you think you're  
5 entitled to relief?

6 SEAN HOPE: Yeah. So I think it's two-fold. So  
7 one it's the shape of this lot -- and when I say, "shape"  
8 the lot size of this district is 5000 square feet. This lot  
9 size is less than half the size of 1900 square feet, 1925.  
10 So it's undersized. It also has a jog in it that's keeping  
11 it from the square box.

12 But it's the combination of the undersized -- the  
13 small size of the lot -- as well as the nonconforming  
14 existing structure they're on. On three of the four sides,  
15 any change to the building would likely trigger relief. So  
16 there is not a way in which this building could be  
17 modernized.

18 This building does not meet building code, so  
19 there is a health and safety element having three floors or  
20 bedrooms without proper access or building code access; the  
21 light safety system in terms of the electric; also anything  
22 that would slow down a fire in terms of the materials on the

1 exterior -- all of which would be substantially improved by  
2 the proposed renovations.

3 But most importantly, any occupant -- any of this  
4 three-story structure -- excuse me, two and a half story  
5 structure -- that is going to directly be inhabited by a  
6 family would need relief in order to be able to inhabit it  
7 in a modern, natural way.

8 And I think that's highlighted on the third floor,  
9 where you have really almost at the edges less than seven  
10 feet, and in some areas less than five feet.

11 And so, really, the hardship is the fact that the  
12 structure is nonconforming, and that any topical relief  
13 would trigger zoning relief because of how it was siting on  
14 the lot.

15 And I would also -- I'd also note that the changes  
16 that we are proposing, although they are triggering relief,  
17 are primarily within the footprint of the building, and  
18 where we see the footprint of the building in that rear ell  
19 it's only to make the property more conforming; thereby  
20 triggering relief.

21 But the relief to the rear ell is making the  
22 property more conforming out by the rear yard setback, but

1 because of our zoning and because of the written performance  
2 of the zoning it is still thereby triggering relief.

3 So I think it's a combination of the size of the  
4 lot, the nonconforming size of the structure, and the  
5 setbacks specifically that don't allow for modifications  
6 without relief from the Board.

7 CONSTANTINE ALEXANDER: Thank you. With that, I'm  
8 going to close public testimony and the Board will now  
9 consider the case and what decisions it wishes to render.

10 BRENDAN SULLIVAN: This is Brendan Sullivan.  
11 Sisia, could I have you go back to the first section? You  
12 [passed] it a couple of seconds ago. The new ridge is at 36  
13 feet, is that correct, Mr. Hope?

14 SEAN HOPE: No. And we apologize for this  
15 confusion. So the new reach is 32 feet and -- let me see --  
16 is this the best image to show you?

17 JIM MONTEVERDE: I think -- Brendan, this is Jim  
18 Monteverde. It's measuring elevation 0 as the old basement.  
19 So it's really not measuring for mean grade, which appears  
20 to be almost not quite seven feet higher. So I think the  
21 arithmetic is just off.

22 I think the ridge -- I mean the string adds up.

1 But I think the true ridge is at, you know, approximately  
2 call it six and a half feet less than that.

3 SEAN HOPE: Yeah. I'm interested -- it says,  
4 "T.O." Top of ridge 32 feet. But --

5 JIM MONTEVERDE: Okay, I'm sorry. I see it now.  
6 I had the same issue, so.

7 CONSTANTINE ALEXANDER: Thank you. Brendan or  
8 anybody else have any comments they wish to make on the  
9 case? I'll offer some, but I'll let others go first.

10 JIM MONTEVERDE: If I can? This is Jim  
11 Monteverde.

12 CONSTANTINE ALEXANDER: Yes.

13 JIM MONTEVERDE: You know, we've seen a number of  
14 proposals over the past week for additions to relatively  
15 small houses, and whether they needed relief for side yard  
16 or rear yard setbacks.

17 So I'd really like to applaud you were able to get  
18 these 20 pounds of stuff in this tiny little bag and keep it  
19 within the setback's side yard and back yard.

20 And as far as raising the roof to that elevation  
21 in your shadow studies, I'm not uncomfortable with that at  
22 all. I think it's a rather nice little scheme to get this

1 all together. So you have my support.

2           CONSTANTINE ALEXANDER: Jim, did I take your  
3 comment to be that your opposed granting relief, or not? Or  
4 just expressing some concerns?

5           JIM MONTEVERDE: No, not concerns. I'm really  
6 congratulating them for getting the scheme together within  
7 the side yard and the rear yard setbacks, and I don't have  
8 any concerns.

9           CONSTANTINE ALEXANDER: Okay. My observation  
10 would be -- in a general sense, an unusual case -- we have a  
11 lot of nonconforming structures in the city. People need to  
12 modernize them or improve upon them, and it does trigger the  
13 need for zoning relief.

14           The relief here I think being sought is modest in  
15 nature. I don't want to minimize Ms. Butler's concerns, but  
16 I think on balance I am in favor of granting relief. Anyone  
17 else wish to speak, or should we go to a vote?

18           SLATER ANDERSON: I'll concur with Jim's comments.  
19 I think that this is -- you know, a very reasonable proposal  
20 for this property and the characteristics that, you know, it  
21 has. So I'm in support of it.

22           CONSTANTINE ALEXANDER: Thank you, Slater. All

1 right. I'm ready to -- if anyone else wishes to speak  
2 before I make the motion? Okay. The Chair moves that we  
3 make the following findings with regard to the variance  
4 being sought:

5           That a literal enforcement of the provisions of  
6 the ordinance would involve a substantial hardship, such  
7 hardship being is that over time this house is not as  
8 functional as it initially was, and there's a need to do  
9 some changes to bring the house not only for this petitioner  
10 but the future occupants of the house.

11           That the hardship is owing to basically the shape  
12 of the lot, the topography as well, and that relief may be  
13 granted without substantial detriment to the public good, or  
14 nullifying or substantially derogating from the intent or  
15 purpose of this ordinance.

16           So on the basis of these findings, the Chair moves  
17 that we grant the variance requested on the condition that  
18 the work proceeds in accordance with plans prepared by  
19 Khalsa Design -- Khalsa Designer, Khalsa being K-h-a-l-s-a.  
20 Without my reading glasses on, I can't give you the date,  
21 but I've finished the first page of which is initialed by  
22 the Chair.

1 All those in favor? Or do we do it differently?

2 Brendan?

3 BRENDAN SULLIVAN: Brendan Sullivan yes to  
4 granting the relief.

5 ANDREA HICKEY: Andrea Hickey yes to granting the  
6 relief.

7 SLATER ANDERSON: Slater Anderson yes to granting  
8 the relief.

9 JIM MONTEVERDE: Janet, you have to unmute.

10 [58:17 Janet did not vote or was on mute]

11 CONSTANTINE ALEXANDER: All right, Jim?

12 JIM MONTEVERDE: Jim Monteverde, I'm in favor.

13 CONSTANTINE ALEXANDER: Okay. And the Chair is in  
14 favor as well.

15 [All vote YES]

16 Variance granted, case over. Thank you.

17 BRENDAN SULLIVAN: Special permit?

18 CONSTANTINE ALEXANDER: Oh, yeah, there's a  
19 special permit. I'm sorry, you're right. Thank you. Sean,  
20 you want to deal with the special permit?

21 SEAN HOPE: Yes, and I'll be brief. There are  
22 windows within the setback that we are adding and are

1 modifying, and regarding the special permit, we believe that  
2 there won't be any negative impact on privacy or impact on  
3 adjacent uses, and the Chair said that -- I believe that --  
4 this is the intent and purpose of the ordinance to modernize  
5 changing housing stock in a way that's functional and  
6 practical and we believe those windows will help us achieve  
7 that. Thank you.

8           CONSTANTINE ALEXANDER: Don't take my word too  
9 literally in there, Sean. I mean, not every case does that  
10 apply to -- I think it does apply to this case, however.

11           SEAN HOPE: Thank you.

12           CONSTANTINE ALEXANDER: The Chair moves that we  
13 make the following findings with regard to the special  
14 permit that's being sought:

15           That the requirements of the ordinance cannot be  
16 met without the special permit in terms of the structure or  
17 the project that the petitioner is proposing.

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

22           That the continued operation of or development of

1 adjacent uses, as permitted in the ordinance, will not be  
2 adversely affected by what is proposed. And again, I'm  
3 conscious of what Ms. Butler's concerns were about height  
4 and shadow; at least in my opinion. I don't see that the  
5 concern is warranted, or at least not warranted to the point  
6 that I would deny the special permit. Other members of the  
7 Board may feel differently.

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

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

15           So on the basis of these findings, the Chair moves  
16 that we grant the special permit being requested again on  
17 the condition that the work proceed in accordance with the  
18 plan that I've identified in connection with the variance we  
19 just granted. Brendan?

20           BRENDAN SULLIVAN: Brendan Sullivan yes to  
21 granting the special permit.

22           ANDREA HICKEY: Andrea Hickey yes to granting the

1 special permit.

2 SLATER ANDERSON: Slater Anderson yes on the

3 special permit.

4 JIM MONTEVERDE: And Jim Monteverde yes on the

5 special permit.

6 CONSTANTINE ALEXANDER: And the Chair votes yes as

7 well.

8 [All vote in YES]

9 Special permit granted.

10 COLLECTIVE: Thank you.

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1 ANN HIRSCH: Thank you.

2 CONSTANTINE ALEXANDER: -- make your presentation.

3 ANN HIRSH: Thank you. So we were approved to  
4 replace our single-car cinder block garage with a wood frame  
5 structure. We are the homeowners and General Contractors on  
6 this project.

7 We are seeking relief in the form of a variance to  
8 extend the area of a lost space within the 18.5 x 12 foot  
9 footprint of our garage. We wish to extend the lost floor  
10 space by 111 square feet of the GFA, in order to add 80  
11 square feet more use to both bays.

12 The FAR would increase from 0.89 to 0.92, an  
13 increase in an already nonconforming FAR for a nonconforming  
14 structure approved by the BZA in May of 2018.

15 This converted garage will function as our office  
16 space, and in accordance with our condo association  
17 documents, it can never be released to anyone. It's solely  
18 for our use, and we asked for relief for this change for the  
19 following reasons.

20 JEREMY ANGIER: This is Jeremy Angier. In the  
21 plans up on the screen you see here on the left side the  
22 existing approved plans with a winding stair up to a loft

1 space of 78 square feet of actual useable floor space.

2           And our requested conditions are a straight stair  
3 placed against a single wall of the building. It's a code-  
4 complaint staircase, it's three feet wide. It occupies  
5 nearly a third of the width of the building.

6           And then we are requesting an extension of the  
7 loft space to increase it by 80 square feet to 158 square  
8 feet of actual useable floor area.

9           So the stair -- the conditions that we're  
10 requesting are a lot more practical than the winding stair  
11 which we've discovered would be very awkward for moving  
12 things up and down.

---

13           *And a straight stair just simply makes much more*  
14           *practical sense in this situation. That's basically*  
15           *it. It's a pretty straightforward request.*

---

16           ANN HIRSH: In the end, our original plan didn't  
17 really create a functional space. By extending the loft and  
18 creating a full floor, we gain a much more useable, more  
19 practical and safer space overall.

20           We wanted to add also that recent changes related  
21 to COVID-19, some of which may become permanent changes have

1 meant that like many other households, we work from home a  
2 lot more than ever now. We will be depending on this space  
3 more than we could ever have imagined in 2018. Every square  
4 inch of floor space makes a big difference to us.

5 The proposed change in no way impacts the  
6 footprint of the building. We're just adding interior space  
7 where there was error in our first plans.

8 And with that -- and our intention is to be brief  
9 -- we appreciate your attention and look forward to your  
10 thoughts.

11 CONSTANTINE ALEXANDER: Again, I just want to  
12 confirm that right now the structure is nonconforming, and  
13 the yards are nonconforming. And you're not going to  
14 increase the nonconformance in terms of what you want to do  
15 in the interior of the building, is that correct?

16 ANN HIRSH: I believe that it is correct, although  
17 increasing the FAR ratio from 0.89 to 0.92 -- we're new to  
18 this, so if we've done our calculations correctly, we don't  
19 -- I don't know if that increases the nonconforming aspects.

20 CONSTANTINE ALEXANDER: Thank you.

21 ANN HIRSH: Thank you.

22 CONSTANTINE ALEXANDER: Questions from members of

1 the Board?

2 BRENDAN SULLIVAN: No questions.

3 ANDREA HICKEY: Hi, this is Andrea Hickey. So is  
4 there a bathroom in this garage now?

5 ANN HIRSH: The garage is not built. We have a  
6 toilet and a sink within our original plans, and that's  
7 what's within this new plan, although there are no hinges  
8 there, so we haven't presented that information.

9 ANDREA HICKEY: Okay. So I do see in your master  
10 deed amendment that it allows sort of overnight guests or  
11 something to that effect. Are you looking to sort of  
12 sanction that in this petition?

13 All right. Then I guess Brendan, I'll wait --  
14 Gus, I'll wait until you're ready to make your motion, but  
15 I'd like to be sure that we're not sort of approving this  
16 for overnight guest occupancy or anything like that.

17 JEREMY ANGIER: Well, we certainly had no  
18 intention of -- this is Jeremy again -- of renting it out  
19 for overnight use, if that's what you are getting at there.

20 ANDREA HICKEY: No, I'm not just talking about  
21 rentals. Do you have any intention of using this space for  
22 overnight guests?

1           JEREMY ANGIER: No, it's really just an office  
2 space for our daily use.

3           ANDREA HICKEY: Fine. Thank you. That's all I  
4 have.

5           CONSTANTINE ALEXANDER: Thank you, Andrea.

6           JIM MONTEVERDE: This is Jim Monteverde. Can I  
7 ask a question?

8           CONSTANTINE ALEXANDER: Ask away.

9           JIM MONTEVERDE: I was a little -- I'm still not  
10 clear in this submission what exists there now? Is it a  
11 garage with a lot, or does that not exist?

12          ANN HIRSH: So we understand your confusion. We  
13 are in the process, so we began construction of this  
14 project. The garage has been demolished, and we've been  
15 begun construction, but nothing actually exists yet. We're  
16 talking about a change in plan, but --

17          JIM MONTEVERDE: Oh, okay. Right. So it's just a  
18 change to a previous plan that was submitted that -- yeah, I  
19 get it. Okay.

20          ANN HIRSH: Thank you.

21          JIM MONTEVERDE: Thank you.

22          CONSTANTINE ALEXANDER: Slater, do you have any

1 questions at this point?

2 SLATER ANDERSON: No questions.

3 CONSTANTINE ALEXANDER: Okay, thank you. Before I  
4 open the matter up to public testimony, we should deal with  
5 the legal requirements of the variance you're seeking.

6 Let me try to summarize what I've heard, and help  
7 you in one area; help in the sense that one of the  
8 requirements for a variance by state law is that you have to  
9 demonstrate a hardship -- I think you've dealt with that.

10 But then you have to demonstrate that the hardship  
11 is owing to the following circumstances relating to the soil  
12 condition, shape or topography of such land or structures,  
13 and especially affecting such land or structures but  
14 not affecting generally the zoning district in which it's  
15 located.

16 You have responded by saying not applicable. That  
17 don't work. It is applicable, and you have to demonstrate  
18 that. I think what you would have said if you didn't put,  
19 "not applicable" is that the circumstances -- it's basically  
20 the nature of the structure that's being -- that's on there,  
21 or being built to replace the garage that was there. That's  
22 special to your property.

1           I think you've done petitions before I think, that  
2 the hardship is that you need some additional living space  
3 for the conduct of your businesses, which you have found  
4 working from home, and that this space is therefore  
5 necessary for that.

6           And it would be necessary for anyone who needs  
7 additional living space to Unit #1 at 20 Leonard, and that  
8 relief may be granted without substantial detriment to the  
9 public good, or nullifying or -- and you've demonstrated  
10 that.

11           As you point out, the addition is only interior  
12 and does not impact anyone except the homeowners.

13           So with that, I will now open the matter up to  
14 public testimony. Is there anyone here who wishes to speak  
15 on this matter.

16           ANN HIRSH: Can you read the instructions again?

17           CONSTANTINE ALEXANDER: Oh, are you -- I should  
18 read the instructions for people who do want to speak.

19           Any members of the public who wish to speak should  
20 now click the icon at the bottom of your Zoom screen that  
21 says, "Raise hand." If you're calling in by phone, you can  
22 raise your hand by pressing \*9 and unmute or mute by

1 pressing \*6.

2 I'll give people a few minutes to follow those  
3 instructions if they wish to speak.

4 Apparently not, we have no indication anyone  
5 wishes to speak. We have no correspondence or comments  
6 regarding the relief being sought while close public  
7 testimony. Discussion or members of the Board ready for a  
8 vote?

9 BRENDAN SULLIVAN: This is Brendan Sullivan. I  
10 just have one question. What is the ground floor of the  
11 garage being used for?

12 ANN HIRSH: The same as the upper floors. With  
13 the stairs, with the toilet and sink bathroom area, there is  
14 actually -- with the -- especially the increased size of the  
15 stairs, there's very little space on the ground-floor.  
16 That's another reason why we would really appreciate the  
17 loft being bigger. But it's all office space and there are  
18 two of us, and we do our design work.

19 BRENDAN SULLIVAN: And you say the garage is  
20 heated?

21 ANN HIRSH: Yes.

22 BRENDAN SULLIVAN: No further questions.

1 ANN HIRSH: Thank you.

2 CONSTANTINE ALEXANDER: Andrea?

3 ANDREA HICKEY: Gus, when you're ready to make  
4 proposed findings, it would be important to me to  
5 incorporate into those that this space is not to be used as  
6 sort of overnight dwelling space or for any short-term  
7 rental or any type of use like that, and that the approval  
8 would be strictly for office type use.

9 CONSTANTINE ALEXANDER: Would you be amenable to  
10 occasional use for a non-compensatory basis? I can see  
11 there may be a situation where you have friends and  
12 relatives coming in, and they're staying for the weekend,  
13 and then the space is occupied. Or is that --

14 ANDREA HICKEY: Well, I think the hardship  
15 expressed here was sort of with COVID and people working  
16 from home, but they need office space. There is really no  
17 testimony about this being spillover space for friends and  
18 family. I don't know whether my fellow Board members have  
19 any thoughts on that? I'd be open to listen.

20 BRENDAN SULLIVAN: Brendan Sullivan. I would  
21 support Andrea on that, because I think the presentation was  
22 as such. And I think that we just need to augment that and

1 to memorialize that particular statement, and I would agree  
2 with Andrea in putting that condition in.

3           CONSTANTINE ALEXANDER: Haven't heard yet from  
4 Slater or Jim.

5           JIM MONTEVERDE: This is Jim Monteverde. I would  
6 agree. I read everything saying it's, you know, for office  
7 use and the conditions that Andrea mentioned, I would  
8 certainly support.

9           SLATER ANDERSON: Agreed.

10           CONSTANTINE ALEXANDER: Okay. I think we're ready  
11 for a vote, then. The Chair moves that we make the  
12 following findings with regard to the variance being sought:

13           That a literal enforcement of the provisions of  
14 the ordinance would involve a substantial hardship, such  
15 hardship being is that the current -- I'm going to call it  
16 the principal structure -- is small, and additional living  
17 space is necessary, particularly in this day of remote  
18 businesses for your home.

19           That the hardship is owing to basically the nature  
20 of the structure. It's small -- the lot is small, and  
21 therefore there is the need for the variance.

22           And that relief may be granted without substantial

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

3           Again, on this basis, pointed out by the  
4 petitioner, the impact is really within the lot itself, it  
5 has no impact on the surrounding neighborhood.

6           So on the basis of all of these findings, the  
7 Chair moves that we grant the variance requested on the  
8 condition that the work proceed in accordance with the plans  
9 prepared by the petitioner, and which have been initialed by  
10 the Chair. They've not been architecturally prepared -- at  
11 least there's no signature on it. But anyway, I have  
12 initialed them.

13           And on the further condition that the space that  
14 we are permitting by the variance we use only for office or  
15 other business purposes, and will not be used for  
16 residential purposes or for overnight guests. It is  
17 strictly a relief which is tied to office use, not  
18 residential use.

19           All those in favor of granting the variance on  
20 this basis?

21           BRENDAN SULLIVAN: Brendan Sullivan yes to  
22 granting the variance.

1                   ANDREA HICKEY:  Andrea Hickey yes to granting the  
2  variance.

3                   SLATER ANDERSON:  Slater Anderson yes to granting  
4  the variance.

5                   JIM MONTEVERDE:  And Jim Monteverde yes for the  
6  variance.

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

9                   [All vote YES]

10                  Variance granted.  Thank you.

11                  COLLECTIVE:  Thank you very much.

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(6:56 p.m.)

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

CONSTANTINE ALEXANDER: Okay, now I'm going to  
turn -- I'm going to recess this meeting, as I indicated at  
the outset to hear -- we have two continued cases that were  
advertised for tonight at 7:00 p.m. I'm not sure it's quite  
seven, but it's one minute before 7:00, thank you.

First, let me deal with a bunch of -- I mentioned  
there are two cases. There are actually many more than that  
advertised, but they're all being withdrawn. That requires  
a vote from this Board.

So the Chair moves that in this regard the Chair  
calls Case Number 017212 -- 45 Magoun Street, and the  
petitioners have requested a withdrawal of this case, which  
requires a vote to accept that requested withdrawal, which  
goes then into public record as a denial of the relief that  
was originally being sought.

Brendan?

1           BRENDAN SULLIVAN: Brendan Sullivan, yes to accept  
2 the withdrawal.

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

5           JANET GREEN: Janet Green accepting the  
6 withdrawal.

7           SLATER ANDERSON: Am I sitting on this one? I  
8 can't remember. Yes, I agree.

9           JIM MONTEVERDE: Jim Monteverde. I agree as well.

10          CONSTANTINE ALEXANDER: Who should not be --

11          [All vote YES]

12          Sisia, who is not participating in this meeting?

13          SISIA DAGLIAN: Actually, Maria didn't tell me  
14 that.

15          CONSTANTINE ALEXANDER: Okay, well we'll have six  
16 votes.

17          JIM MONTEVERDE: We have a super majority, yeah.

18          CONSTANTINE ALEXANDER: That's one for the good.

19          Okay that one is withdrawn. The next withdrawal --

20          requested withdrawal -- again is 45 Magoun Street. James

21          and Judith Robinson are the petitioners, they've made the

22          request. Jim, do we accept the requested withdrawal?

1           BRENDAN SULLIVAN: Brendan Sullivan. I vote yes  
2 to accept the withdrawal.

3           ANDREA HICKEY: Andrea Hickey yes to accept the  
4 withdrawal.

5           JANET GREEN: Janet Green accepts the withdrawal.

6           SLATER ANDERSON: Slater Anderson accepts the  
7 withdrawal.

8           CONSTANTINE ALEXANDER: We need a super majority.

9           JIM MONTEVERDE: Yeah, that's Jim. Yeah, I vote  
10 to accept.

11           CONSTANTINE ALEXANDER: And the Chair votes to  
12 accept as well.

13           [All vote YES]

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(7:01 p.m.)

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

CONSTANTINE ALEXANDER: Next we have Case Number  
017213 -- 41 - 43 Magoun Street. I move that we accept the  
requested withdrawal by the petitioners.

BILL ARDINGER: Brendan Sullivan yes to accept the  
request for a withdrawal.

ANDREA HICKEY: Andrea Hickey yes to accept the  
request for a withdrawal.

JANET GREEN: Janet Green to accept the request  
for withdrawal.

SLATER ANDERSON: Slater Anderson yes to accept  
the request for the withdrawal.

JIM MONTEVERDE: And Jim Monteverde yes.

CONSTANTINE ALEXANDER: And the Chair votes yes as  
well.

[All vote YES]

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(7:01 p.m.)

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

CONSTANTINE ALEXANDER: We have also 41 Magoun  
Street. Magoun Street's a popular street tonight; Case  
Number 017257 -- the Chair moves that we grant the requested  
withdrawal by the petitioner.

BRENDAN SULLIVAN: Brendan Sullivan yes to accept  
the request for the withdrawal.

ANDREA HICKEY: Andrea Hickey yes to accept the  
request for the withdrawal.

JANET GREEN: Janet Green to accept the  
withdrawal.

SLATER ANDERSON: Slater yes, accept the  
withdrawal.

JIM MONTEVERDE: Jim Monteverde yes.

[All vote YES]

CONSTANTINE ALEXANDER: Case withdrawn.

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(7:01 p.m.)

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

CONSTANTINE ALEXANDER: We have two other cases --  
they're related cases -- that the petitioner is seeking a  
further continuance. Case Number 017247 involves 16-18  
Forest Street, and since they're related, I'll take the  
other one as well, 017248 -- 17-19 Forest Street. First of  
all, is there anyone here wishing to be heard on this  
matter?

NICK ZOZULA: Mr. Chair, Attorney Nick Zozula,  
McDermott, Quilty & Miller. I'm here to help answer any  
questions the Board may have if there are any. But we did  
submit a continuance letter with our rationale and request.

CONSTANTINE ALEXANDER: I forget -- before I leave  
it out -- what date do you want to continue this case to?

NICK ZOZULA: Yes, sir. So we would ask to be  
continued until the last case of the year, if possible,  
which is December 10<sup>th</sup>. We've been working and trying to

1 follow up on the July 9 hearing with what was given to us as  
2 feedback specifically from the Board in terms of working  
3 with Planning and ISP on the affordability component of  
4 bicycle parking.

5           And we just want to make sure we have enough time  
6 that we are able to do that. We have met with them already,  
7 and we're working on some of the things that we've come  
8 across with them as a result of that meeting.

9           So again, we just don't -- you know, we'd like to  
10 have the longest deferral possible just so we don't have to  
11 come back for another meeting.

12           CONSTANTINE ALEXANDER: That's fine.

13           NICK ZOZULA: We want to be cognizant of the  
14 Board's time and understand that you have full agendas and  
15 not have to continue again.

16           CONSTANTINE ALEXANDER: I appreciate that, and in  
17 fact our policy is we don't continue cases more than twice,  
18 absent compelling reasons for the continuance. And so  
19 you're -- this will be your second continuance, so I have to  
20 ask you if you're comfortable at least as of right now that  
21 you'll be ready to go on December 10?

22           NICK ZOZULA: Mr. Chair, if there is the ability

1 to have it to January, we'd take that, but I don't know if  
2 that's available. I know what agenda -- you know, what  
3 dates are up on the --

4 CONSTANTINE ALEXANDER: Let's find out.

5 NICK ZOZULA: -- the last one is December 10,  
6 that's why we chose it.

7 CONSTANTINE ALEXANDER: Okay.

8 NICK ZOZULA: But if the Board or staff would  
9 allow us to go to January, we would certainly do that.

10 SISIA DAGLIAN: I don't have the January dates.

11 CONSTANTINE ALEXANDER: I can't believe --

12 SISIA DAGLIAN: I don't think we've set them yet.

13 NICK ZOZULA: Yeah, exactly.

14 CONSTANTINE ALEXANDER: I think we can wing it and  
15 rely on the fact that January is available. Do you want to  
16 do it in January, the second meeting in January?

17 NICK ZOZULA: That would be amenable to us, yes,  
18 sir. Again, we just want to be cognizant of your time and  
19 not have to come back.

20 CONSTANTINE ALEXANDER: As I said, when you come  
21 --

22 NICK ZOZULA: Exactly.

1           CONSTANTINE ALEXANDER:  -- you come for the final  
2 round and not the further continuance.

3           NICK ZOZULA:  Understood.  And we would like to do  
4 that as well.  So January, even though it's undated, once it  
5 is dated, we can be in touch with Staff to determine that  
6 date.  That would be amenable to us.

7           CONSTANTINE ALEXANDER:  The vote would be the  
8 second meeting date for a regular meeting date in January,  
9 which is generally the fourth week in January.

10          SISIA DAGLIAN:  That would probably be the twenty-  
11 eighth.

12          NICK ZOZULA:  The twenty-eight.

13          SISIA DAGLIAN:  Or --

14          NICK ZOZULA:  Well.

15          SISIA DAGLIAN:  Or the twenty-first or the twenty-  
16 eighth, it would be one of those.

17          CONSTANTINE ALEXANDER:  I'll just for the purpose  
18 of the motion say the second regular meeting in January.  
19 And you've heard, sir, that presumably it could be the  
20 twenty-first or the twenty-eighth.

21          BRENDAN SULLIVAN:  This is Brendan Sullivan.  This  
22 is a case heard, and when I'm looking forward to January,

1 I'm looking forward not to be in the City of Cambridge in  
2 January. And so, I, as of right now I'm not sure will be  
3 available in January.

4           CONSTANTINE ALEXANDER: Let me say that again.  
5 I'm going to suggest --

6           BRENDAN SULLIVAN: And I think we poll the other  
7 members to see their availability going that far out in  
8 February.

9           CONSTANTINE ALEXANDER: Well said. My suggestion  
10 is we'll make an exception to the no more than two  
11 continuance rule.

12           SISIA DAGLIAN: No.

13           CONSTANTINE ALEXANDER: If our schedule goes out  
14 and you find you cannot be put on -- everyone cannot be  
15 present in January, that we will have a hearing in January  
16 to further continue the case, a date that works for  
17 everybody.

18           BRENDAN SULLIVAN: Yeah, or they could go ahead  
19 with four members.

20           CONSTANTINE ALEXANDER: Anyone else have concerns  
21 about what -- at this point anyway, whether they might not  
22 be able to sit on a case -- this case, either in the last

1 meeting in January of this Board, regular meeting?

2 I guess not. All right. So why don't we pursue -  
3 - we don't need to take this as far as a motion. We have  
4 continued cases more than twice, so -- and we just now have  
5 a reason why we might have to do it again. And it's not the  
6 petitioner's fault, it's just the way the lives work out.

7 So the Chair moves that we continue this case as a  
8 case heard, until the second regularly scheduled meeting  
9 date in January, subject to the following conditions:

10 First, that the petitioner sign a waiver of time  
11 for a decision, and you've already done that in connection  
12 with today's continuance, so that's been satisfied.

13 Second, that the posting sign for the hearing,  
14 there needs to be a new one, or at least a modification to  
15 the old one, which reflects the new date and the new time --  
16 the new time will be 7:00 p.m. -- on the second, if I didn't  
17 mention that before, on the second regularly scheduled  
18 meeting in January.

19 And last, to the extent that -- and it probably is  
20 relevant -- the petitioner plans to submit new or modified  
21 planned dimensions, dimensional forms, they must be in our  
22 files no later than 5:00 p.m. on the Monday before the

1 scheduled hearing date.

2 All those in favor of continuing the case on this  
3 basis?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
5 continuing the case until January.

6 ANDREA HICKEY: Andrea Hickey yes to continuing to  
7 January.

8 SLATER ANDERSON: Slater Anderson yes on  
9 continuance.

10 JANET GREEN: Janet Green yes on continuance.

11 JIM MONTEVERDE: And Jim Monteverde yes on  
12 continuance.

13 CONSTANTINE ALEXANDER: The Chair as well. So  
14 that case is continued.

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(7:08 p.m.)

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

The next case -- it's a related case, as has been  
mentioned earlier, is relating to 17-19 Forest Street, Case  
Number 017248.

And the Chair proposes that we just incorporate  
everything we just did with the earlier case on Forest  
Street, rather than try to reconstruct what we did before,  
and that includes the conditions that we would continue the  
case to. Does anyone have a problem with that?

BRENDAN SULLIVAN: No.

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: Yes to agreeing to the past  
statement and also to continue this matter to the same date  
in January.

ANDREA HICKEY: Andrea Hickey, yes to all that Mr.  
Sullivan just said.

SLATER ANDERSON: Slater Anderson agrees to the

1 continuance.

2           JANET GREEN: Janet Green agrees to the

3 continuance.

4           JIM MONTEVERDE: And Jim Monteverde agrees.

5           [All vote YES]

6           CONSTANTINE ALEXANDER: Thank you.

7           NICK ZOZULA: Thank you.

8           CONSTANTINE ALEXANDER: Case continued.

9           NICK ZOZULA: Thank you very much.

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3 (7:09 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,

5 Janet Green, Andrea A. Hickey, Jim

6 Monteverde, and Slater W. Anderson

7 CONSTANTINE ALEXANDER: Okay. Now we have the two

8 cases -- well we're going to get to them. Okay. The Chair

9 will now call Case Number 017311 -- 40 Thorndike Street.

10 And with regard to this case, the Chair will not

11 be sitting. Mr. Sullivan will act as Chair for the meeting.

12 I think we still have five members. We have Janet on and

13 Slater and Jim. Am I right? You're all -- we still have

14 five?

15 BRENDAN SULLIVAN: Correct. That's a late yes.

16 CONSTANTINE ALEXANDER: Okay. Brendan, the floor

17 is yours.

18 BRENDAN SULLIVAN: Okay, Mr. Rafferty? Mr.

19 Rafferty, are you present in the house?

20 JAMES RAFFERTY: I apologize. I was talking and I

21 noticed I was muted. So can you hear me now.

22 BRENDAN SULLIVAN: We can, yes.

1           JAMES RAFFERTY: Thank you. My apologies. Good  
2 evening, again, Mr. Vice Chair, members of the Board --  
3 James Rafferty, Attorney with offices located at 907  
4 Massachusetts Avenue representing the petitioner.

5           June Win (phonetic) is also here from Leggat  
6 McCall. We also have the Project Architect with us, as well  
7 as our co-consultant.

8           Board members might recall that we were before the  
9 Board two weeks ago with this application. The issue  
10 involves dimensional relief around vertical clearance  
11 associated with the conversion of basement space in the  
12 former Sullivan courthouse, the parking space.

13           Just as the matter was being put up for a vote,  
14 one of the more astute members of the Board recognized that  
15 the plan that was before the Board actually was not the most  
16 current plan. So it was determined by the Board the case  
17 would be continued so that the current plan would be before  
18 the Board.

19           So the case was originally filed with a garage  
20 floor plan that was dated July of 2020. We had filed a  
21 revised floor plan for August of 2020, which was not before  
22 the Board. So the next day we arranged for the filing of

1 the August 2020 plan.

2           Ironically, in the interim after we filed it, our  
3 consultant met with the Handicap Accessibility Coordinator,  
4 both at the city and elsewhere at the AAB to get a read on  
5 the approach that was taken.

6           And it was suggested that the location of the  
7 handicap van on the lower level be relocated. So it's  
8 before the Board now with yet a third plan, and this one  
9 should be dated September 2020.

10           The only difference between the August 2020 plan  
11 that has been in the file for some time and the September  
12 2020, which was filed last week, is the location of the  
13 handicap van.

14           And that location was changed to reduce the amount  
15 of conflict between themes that have been discovered in the  
16 basement and the aisle -- travel in the aisle for the  
17 handicap van.

18           So it will -- that will require ultimately a  
19 variance from the Architectural Access Board, but tonight's  
20 variance is the same as when we applied for the original  
21 application. It's a relief from the vertical clearance  
22 requirements in Article 6.

1           The floor plans depict areas where the vertical  
2 clearance is not -- the zoning required clearance of 7.6,  
3 but in fact in most cases meets the state building code  
4 requirement.

5           At any rate, the plan is now the correct plan, and  
6 we're happy to answer any further question, although as a  
7 matter of fact nothing has changed beyond that relocated  
8 handicap van space, when the Board last heard the case two  
9 weeks ago.

10           BRENDAN SULLIVAN: Thank you. Any questions from  
11 members of the Board?

12           JIM MONTEVERDE: This is Jim Monteverde. Are the  
13 plans available, just to see what areas are encumbered in  
14 the Level 1 and Level 2?

15           JAMES RAFFERTY: Yeah. So they're up on the  
16 screen now.

17           JIM MONTEVERDE: Yep.

18           JAMES RAFFERTY: Lower Level 1 and Lower Level 2.  
19 The areas that are shaded in yellow show the two areas where  
20 we're seeking relief. There's a vertical clearance  
21 requirement, where things are shaded in yellow, and then  
22 there's the aisle width requirements.

1           In the areas where existing columns are in place,  
2 the aisle -- the minimum aisle width requirement of 22 feet  
3 is reduced in some cases by six inches, in some cases as  
4 much as 12 inches. But those are all depicted on both  
5 levels of the plan.

6           JIM MONTEVERDE: Right. Can Sisia or whoever just  
7 go to the next slide? I think that one, yeah.

8           So Mr. Rafferty, are these the same areas that  
9 were encumbered in the last time we saw this?

10          JAMES RAFFERTY: Yes, same area.

11          JIM MONTEVERDE: Same area, right?

12          JAMES RAFFERTY: Yeah. So the difference, Mr.  
13 Monteverde -- and I'd be happy to have the Project Architect  
14 go into greater detail -- it was discovered where the  
15 handicap van is located now, I'm sure as you're aware -- the  
16 objective is typically to have that handicap van space as  
17 close to the elevator as possible.

18           It was determined that if that were the case, then  
19 the handicap van would have vertical clearance challenges  
20 where there are some beams in the drive aisle, and that the  
21 change -- the only change in the plan is that that space now  
22 has been located such that as soon as that handicap van

1 enters, comes down the ramp onto Lower Level 2, it can turn  
2 right and immediately go into the parking space.

3 BRENDAN SULLIVAN: Yep, understood.

4 JAMES RAFFERTY: And there's an area beyond the  
5 spaces you can see between the two rows of spaces that's a  
6 pedestrian walkway.

7 So the handicapped person, if they were in a  
8 wheelchair would have a safe and protected access to the  
9 elevator. So it was deemed a bit of a tradeoff to reduce  
10 the conflict with the lower beam and relocate this here.

11 So today's application, if approved, would provide  
12 the necessary zoning relief for such clearance, but we would  
13 still need to proceed from tonight's hearing with an  
14 application to the AAB to allow for that vertical clearance  
15 of the handicapped space.

16 BRENDAN SULLIVAN: Yep. And one final question,  
17 the 21 foot 6 aisle width, all your aisles; this is a single  
18 direction path of travel, correct?

19 JAMES RAFFERTY: That's correct.

20 BRENDAN SULLIVAN: You don't have any two-way  
21 traffic? So this is all one-way traffic?

22 JAMES RAFFERTY: That's correct. And the 21' 6'

1 occurs in the locations where existing columns are in place.

2 JIM MONTEVERDE: Okay, thank you.

3 BRENDAN SULLIVAN: Any other questions by members  
4 of the Board? I hear none. I will open it up to public  
5 comment. Options to follow.

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

11 A couple of minutes for any call ins. There  
12 appears to be none. The only communication we have is from  
13 the Planning Board, actually referencing the previous case,  
14 night and day they had no comments. And we'll close public  
15 comment. Mr. Rafferty, any final words?

16 JAMES RAFFERTY: No, thank you. I'm just pleased  
17 that I see up on the screen is the plan date of September  
18 2020. So that is the relevant plan.

19 BRENDAN SULLIVAN: It's the one we're debating on.  
20 Any questions by members of the Board, or ready for a vote?

21 ANDREA HICKEY: Ready for a vote.

22 BRENDAN SULLIVAN: Okay. Let me make a motion,

1 then, to grant the relief requested to modify certain  
2 dimensions for the off-street parking spaces at 40 Thorndike  
3 Street.

4           The Board finds that the literal enforcement of  
5 the provisions of the ordinance would indeed involve a  
6 substantial hardship to the petitioner, because it would  
7 preclude the petitioner from providing a required number and  
8 much needed parking spaces for this mixed-use, repurposed  
9 building, which has received a special permit to convert the  
10 former courthouse into 48 affordable dwelling units, ground-  
11 floor retail and office space.

12           The Board finds that the hardship is directly  
13 related to the existing condition of the current building,  
14 with regard to existing structural and mechanical elements  
15 of the building, which impedes compliance with the current  
16 dimensional requirements of Section 6.42 of the ordinance.

17           Additionally, the desire to lower a section of the  
18 first floor to provide barrier-free access, a huge public  
19 benefit, further adds to the difficulty in satisfying the  
20 requirements of the ordinance. The Board finds that relief  
21 may be granted without substantial detriment to the public  
22 good.

1           The Board finds that the requested dimensional  
2 relief for certain parking spaces and drive aisles will not  
3 derogate from the intent and purpose of this ordinance; to  
4 the contrary.

5           Permitting the proposed caulking in the basement  
6 of the building is consistent with the provisions of Section  
7 1.30 to encourage the most rational use of land to the city.

8           And the Board acknowledges the prior use of the  
9 building and the proposed repurposing and rehabilitation of  
10 the building, which is a benefit to the neighborhood.

11           On the motion to grant the required variance on  
12 the condition that the work comply with the new dated  
13 drawings for September of 2020 at 40 Thorndike Street and  
14 initialed by the Chair?

15           Roll call on the motion to grant, Andrea Hickey?

16           ANDREA HICKEY: Andrea Hickey votes yes to grant.

17           BRENDAN SULLIVAN: Jim Monteverde?

18           JIM MONTEVERDE: Jim Monteverde votes yes.

19           BRENDAN SULLIVAN: Janet Green?

20           JANET GREEN: Janet Green votes yes.

21           BRENDAN SULLIVAN: Yes. Slater, do you sit on  
22 this case or not?

1           SLATER ANDERSON: Yes, I do. And I vote to  
2 approve.

3           BRENDAN SULLIVAN: All right. That will make it a  
4 super majority. Brendan Sullivan, I vote to approve the  
5 variance requested.

6           [All vote YES]

7           Variance granted. Thank you, Mr. Rafferty.

8           JAMES RAFFERTY: Thank you, Mr. Vice Chair. I  
9 might add that that was one of the most comprehensive  
10 motions I've ever had the pleasure of listening to.

11           And while I know you're the Vice Chair, I imagine  
12 your colleagues will be taking note next time a Chair is  
13 elected. With performances like that, I'm sure someday you  
14 could be in that chair to your right.

15           CONSTANTINE ALEXANDER: I take offense.

16           [Laughter]

17           JAMES RAFFERTY: Well you're not one of those  
18 leaders that sees everything personally, Mr. Chair. I was  
19 just complimenting the Vice Chair.

20           CONSTANTINE ALEXANDER: [Laughter].

21           BRENDAN SULLIVAN: Thank you, Mr. Rafferty.

22           JAMES RAFFERTY: Thank you very much.

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(7:21 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: Okay. Moving on, with everyone here we'll consider the next continued and last continued cases before returning to our regular agenda. So the Chair will call Case Number 017294 -- 36 Montgomery Street. Anyone here wishing to be heard on this matter?

JAMES RAFFERTY: Mr. Chair, James Rafferty, once again appearing on behalf of the petitioner. Present also on the call is the Project Architect, Keith Hinzman, H-i-n-z-m-a-n, and the homeowner and resident Kama Cicero, K-a-m-a C-i-c-e-r-o and Paul Wilshire.

This is a case that the Board kindly suggested to the applicants when the matter was first before them that they reconsider their plans. I happened to be an attendant at that meeting, and I think the advice was very sound and prudent. The applicants took that advice to heart, as did their architect.

1           So there's a redesign on the dormer here. What  
2 was in the prior submission was merely a full-length dormer  
3 on both sides of this somewhat small house or small lot.  
4 What Mr. Hinzman has done in this case is scale both of the  
5 dormers back considerably.

6           The dormer that constitutes living space for a new  
7 bedroom is 15 feet in length and complies with the dormer  
8 guidelines in terms of sitting back from the edge of the  
9 building.

10           Similarly, the dormer on the other side is only  
11 eight feet 10 inches, and its sole purpose is to provide  
12 necessary, code-complaint code-compliant headroom and egress  
13 up to the third floor.

14           The petitioners have lived in this house -- Ms.  
15 Cicero -- for many years, raised her family here. They wish  
16 to remain here. So if they -- it's a case of a small house  
17 needing some additional living space. The additional gross  
18 floor area in the revised plans amounts to only I believe  
19 it's 155 square feet, but I want to check that before.

20           Yes, it's 155 square feet of additional square  
21 footage contained in a new entry 44 feet for the south  
22 dormer and 75 feet for the north dormer, for a total of 155

1 square feet of additional gross floor area.

2 As I said, the hardship is it's an extremely small  
3 lot, and it's a very small, modest home. But it has been  
4 the home of the Cicero family for decades. And Ms. Cicero's  
5 daughter is looking to return and live in the home, and this  
6 will provide -- a third-floor bedroom really provides much  
7 needed living space.

8 There is access to the attic currently, but the  
9 access and the headroom in the attic itself really doesn't  
10 allow for much comfortable living space.

11 CONSTANTINE ALEXANDER: Mr. Rafferty, should we  
12 grant the relief that's being sought tonight, will the house  
13 still be used as a single-family?

14 JAMES RAFFERTY: Good question. No, the house  
15 does have a dwelling unit in the basement. And the  
16 architect did an analysis under the new provisions allowing  
17 for accessory units in single-family houses. That's why  
18 what you'll see in the plans is also a new second means of  
19 egress into that basement space.

20 So it would, but the basement space would -- it  
21 would be a single with an accessory unit in the basement,  
22 and it complies with the limitations on the size of

1 accessory units and --

2           CONSTANTINE ALEXANDER: Accessory units -- I'm  
3 sorry, I apologize for interrupting you. The secondary --  
4 to get an accessory apartment, this procedure is a special  
5 permit, not a variance.

6           And I don't see anything in the variance  
7 application dealing with this accessory unit. I don't see  
8 how we could approve the use of an accessory unit or any  
9 other dwelling unit, based on the case before it.

10           JAMES RAFFERTY: Well, I believe that the unit is  
11 -- I don't know the status of the accessory unit  
12 historically. I don't know -- I'm not sure of its origin,  
13 and I understand that the application as advertised doesn't  
14 address the issue of the accessory unit, but candidly, I  
15 think the accessory unit requirement may not require a  
16 special permit in this case.

17           CONSTANTINE ALEXANDER: Well, if not then you're  
18 going to have two dwelling units in the structure, and in  
19 this district only one dwelling unit per structure is  
20 permitted.

21           JAMES RAFFERTY: Well, that's -- first of all,  
22 that's not correct. It's a residence B district.

1           CONSTANTINE ALEXANDER:  Yep.

2           JAMES RAFFERTY:  So two dwelling units are  
3 permitted.  Dimensionally that's the case, but the accessory  
4 unit provisions that were recently adopted last year create  
5 exceptions to the lot area for dwelling unit requirements.  
6 So I'm going -- I have my ordinance with me.

7           CONSTANTINE ALEXANDER:  It's 2.44.1 I think is the  
8 right exception.

9           JAMES RAFFERTY:  Yeah.

10          KEITH HINZMAN:  So I mean if it's --

11          KAMA CICERO:  I think it's 4.22.  Isn't it 4.22?

12          CONSTANTINE ALEXANDER:  I'm sorry?

13          KAMA CICERO:  Accessory units 4.22, I think you  
14 need a special permit.

15          CONSTANTINE ALEXANDER:  I know, I just -- I'm  
16 sorry, I'm having a conversation with other Staff and  
17 members of the Building Department.  That's the question  
18 before us right now, I'm raising it.  Are they taking -- do  
19 they need different relief if they want to have an accessory  
20 use?

21                 And I'm not convinced yet that they don't -- I  
22 think they do need different relief.  I also think there may

1 be other requirements for that unit that are not part of  
2 this application.

3           So, again, I'm concerned about whether we have an  
4 adequate case before us to make a final determination. We  
5 can make the determination on the dormers and on the  
6 structure, that's permitted, but not with respect to a  
7 second dwelling unit.

8           JAMES RAFFERTY: Well, I don't disagree. So I  
9 think at this point the application didn't seek that  
10 approval. So if it's deemed necessary, the applicant would  
11 have to refile for the accessory unit.

12           So it is a -- the application was prepared and  
13 filed seeking relief for the dormers. I think it was the  
14 owners' intent to rely upon the existing status of the  
15 basement dwelling unit, which has been in existence for  
16 quite some time.

17           But I anticipate that if it's not deemed -- I mean  
18 if a special permit is found to be necessary for that  
19 dwelling unit, then I think they would have to file an  
20 additional application.

21           I agree there's not -- this application doesn't  
22 include a request for an accessory dwelling unit.

1           BRENDAN SULLIVAN: This is Brendan Sullivan. One  
2 other thing -- not to pile on, but -- regarding the entrance  
3 into the basement, there is a window opening and obviously a  
4 door opening at the bottom of that stairs, and that would be  
5 openings within the side yard setback, which would require a  
6 special permit. That has not been applied for.

7           On the other side of the house, on the left side,  
8 there is a triple slider that has been either installed or  
9 anticipated, and that too is within the front yard setback.  
10 The side, private way is still considered a street. So  
11 there are some deficiencies that I see in the application.

12           CONSTANTINE ALEXANDER: I guess the bottom line --  
13 the point I'm making -- I was trying to make anyway, and  
14 what Brendan has made is that if we grant relief tonight,  
15 doesn't mean you can go forward yet with the project. There  
16 will have to be another application seeking the missing  
17 pieces that were not part of this application.

18           And then and only then if we approve that second  
19 one, and we've approved tonight, then the project goes  
20 forward.

21           JAMES RAFFERTY: Well, is it not the case Mr.  
22 Chair, that if the applicant -- if the Board were to grant

1 the variance requesting the additional dimensional relief  
2 for the dormers, they could proceed with that project, and  
3 perhaps if they want to -- if it's determined that they need  
4 -- that the accessory unit, when the accessory unit has been  
5 in existence for more than 10 years, there is a provision in  
6 the ordinance with regard to nonconforming elements of the  
7 structure that have been in existence -- if the variation or  
8 modifications to the statute of limitations that occurred a  
9 few years ago, it's all political.

10 BRENDAN SULLIVAN: Right.

11 JAMES RAFFERTY: So we would need to explore that,  
12 but certainly we wouldn't be able to get -- if a special  
13 permit is deemed necessary for this.

14 And I understand the Vice Chair's point about the  
15 windows, and candidly I hadn't seen that, although there was  
16 -- so maybe they will need to do this as a phased project  
17 and come back with a second application for the basement  
18 space.

19 I would only say that the basement space -- and  
20 maybe Mr. Hinzman or Ms. Cicero could speak to it, but the  
21 basement space is a finished basement that has been used as  
22 living space for I think over a decade, so.

1 KAMA CICERO: Over 20 years.

2 JAMES RAFFERTY: 20 years, okay.

3 BRENDAN SULLIVAN: This is Brendan Sullivan again.  
4 I think maybe why may be alluding to, Mr. Rafferty, is  
5 because there is ongoing construction and that were we to  
6 stop the proceedings and then clean the application up and  
7 ask everything that they need, that they would lose many  
8 weeks, and to refile they're going to wind up getting to the  
9 back of the line somewhere.

10 It may be prudent to assist the petitioner that we  
11 consider the dormers and the relief for the front entryway,  
12 and leave the other issues aside.

13 And if they need to come back for a special  
14 permit, then that would be a separate case. But the way it  
15 is here, they get some finality to that, and they can either  
16 proceed or they don't proceed.

17 JAMES RAFFERTY: That's where I'm at.

18 BRENDAN SULLIVAN: Is that what you're sort of  
19 thinking, Mr. Rafferty?

20 JAMES RAFFERTY: I was, because I'm looking at the  
21 description of work that was contained in the application.  
22 It does include a new exterior entry to the basement with

1 exterior steps to the retaining wall. So if that area does  
2 contain windows, I would think the variance that authorized  
3 if the Board were to grant this variance, I would think that  
4 variance would be adequate to allow for the construction of  
5 a new, exterior area to the basement, as depicted on the  
6 plan.

7           CONSTANTINE ALEXANDER: I think that's something  
8 that would have to be taken up with the Building Department  
9 at the first instance.

10           JAMES RAFFERTY: Right.

11           CONSTANTINE ALEXANDER: And appeal to this Board  
12 if an appeal is necessary.

13           JAMES RAFFERTY: Right. But as the Chair notes,  
14 this issue comes up from time to time in cases where  
15 openings are on nonconforming walls. When those  
16 nonconforming walls are being constructed pursuant to a  
17 variance, is it then necessary to get a special permit, or  
18 does not the variance approve within the required setback  
19 containing openings? We've had cases where the Board has  
20 concluded that that special permit may not be necessary.

21           CONSTANTINE ALEXANDER: That's for another night,  
22 though.

1 JAMES RAFFERTY: Understood, understood.

2 CONSTANTINE ALEXANDER: I don't know, I insist.

3 JAMES RAFFERTY: Yeah, and I don't think we can  
4 ask for anything more than what we've applied for, and in  
5 this case the application is certainly silent to the issue  
6 of the accessory unit.

7 So I don't disagree that if a determination is  
8 made at the Building Department that a special permit is  
9 needed to authorize the use of the basement as an accessory  
10 apartment, they would need to return to this Board.

11 CONSTANTINE ALEXANDER: Thank you. I'm sorry, I  
12 think we got off on a little bit of a change. Any more of  
13 your presentation, Mr. Rafferty, or ask other Board members  
14 if they have any questions at this point?

15 KAMA CICERO: No questions.

16 JAMES RAFFERTY: Nothing for the petitioner, thank  
17 you.

18 CONSTANTINE ALEXANDER: Okay. Well, Brendan and I  
19 -- other members of the Board have any questions or comments  
20 at this stage?

21 JIM MONTEVERDE: This is Jim Monteverde. Could  
22 you just flip through the drawing or explain the

1 advertisement that says, "enclose existing front porch to  
2 allow for new coat closets"? Is that area within the front  
3 yard setback?

4 JAMES RAFFERTY: Is Mr. Hinzman on the call?

5 KAMA CICERO: He should be. I'll try and reach  
6 him right now.

7 JIM MONTEVERDE: Well, first you could just flip  
8 through the drawings.

9 JAMES RAFFERTY: That may take time if he's not on  
10 the call, because maybe --

11 JIM MONTEVERDE: Okay, thank you, Jim. Is --  
12 could we look at -- could we look at the plan, or does Paul  
13 -- Paul, are you aware as to whether or not the reference  
14 here to the enclosing of the existing front porch, you're  
15 not going beyond the footprint of the existing front porch,  
16 are you?

17 PAUL WILSHIRE: That's exactly where -- yes, it is  
18 going to be on the footprint of what's already there, right.

19 JIM MONTEVERDE: That's what I understand. So I  
20 understand it's a porch, and you're -- the request here is  
21 to enclose it?

22 JAMES RAFFERTY: Correct.

1           JIM MONTEVERDE: So my question is do you know if  
2 that enclosure is within the front yard setback?

3           CONSTANTINE ALEXANDER: I can answer that, I think  
4 from the dimensional form that the petitioner has submitted  
5 this afternoon, though it should have been here a month ago,  
6 several days ago.

7           And it shows that -- or the petitioner states that  
8 the roughly at least 15 feet of front yard setback and  
9 there's only 11.3. You did not propose this change yet.  
10 It'll be 11.3 after the work is done if we approve it, but  
11 it will continue to be nonconforming after the front yard.

12           SLATER ANDERSON: That's correct. So the --  
13 without, since the footprint isn't changing, and it's  
14 already a covered porch, I think it has limited impact.

15           JIM MONTEVERDE: I'm not sure I agree, but I take  
16 your point, Mr. Rafferty.

17           JAMES RAFFERTY: Well, I mean, Mr. Montverde, I  
18 mean the front setback is unchanged --

19           JIM MONTEVERDE: I understand.

20           JAMES RAFFERTY: -- whether it's an open porch or  
21 an enclosed porch.

22           JIM MONTEVERDE: Yeah. Understood.

1 JAMES RAFFERTY: Yep.

2 SEAN O'GRADY: Hi, this is Sean O'Grady. I should  
3 just point out for the record that as long as the roof  
4 exists, the simple enclosure doesn't require any relief.

5 JIM MONTEVERDE: Okay. So it's as-of-right?

6 SEAN O'GRADY: Yes.

7 JIM MONTEVERDE: Okay, thank you.

8 KAMA CICERO: Can I just explain why we --

9 JAMES RAFFERTY: I don't -- Kama, I don't think  
10 that's necessary, thank you.

11 KAMA CICERO: Okay.

12 JAMES RAFFERTY: Right.

13 CONSTANTINE ALEXANDER: Any other questions at  
14 this point from members of the Board? I gather not, from --

15 SLATER ANDERSON: No questions.

16 ANDREA HICKEY: None from Andrea.

17 CONSTANTINE ALEXANDER: Okay. So now I'll open  
18 the matter up to public testimony. First let me give the  
19 instructions. I will comment that we have letters of  
20 support and opposition. Here it is, I got it. All right.

21 With regard to public comment, which we're going  
22 to start now, any members of the public who wish to speak

1 should now click the icon at the bottom of your Zoom screen  
2 that says, "Raise hand." If you're calling in by phone, you  
3 can raise your hand by pressing \*9 and unmute or mute by  
4 pressing \*6. I'm going to wait a few minutes to see if  
5 anyone wishes to speak.

6 SEAN O'GRADY: Go ahead, Phillip.

7 PHILIP ARSENAULT: My name is Philip Arsenault.  
8 Is it okay to speak?

9 CONSTANTINE ALEXANDER: Give your name again, sir?

10 PHILIP ARSENAULT: My name is Philip Arsenault.  
11 Is it okay to speak?

12 CONSTANTINE ALEXANDER: Yes.

13 PHILIP ARSENAULT: I live at 4 Francis Place.  
14 I've lived there for 62 years. I did my house over in 2007,  
15 and I was the General Contractor, and I made sure I had all  
16 the right permits before I left the house, and I made sure I  
17 had the variance approved.

18 Made sure I had all the building permits, and I  
19 started no construction because I was told I couldn't,  
20 though I had all the permits.

21 Then I had to have it inspected when the walls  
22 were opened. I had to have everything inspected, every step

1 had to be inspected, had to be approved by the Building  
2 Department. The owners of this house, the General  
3 Contractor, Paul, who has lived in the house for five years,  
4 has followed no procedures at all. He has a permit to do  
5 the first floor and gut the basement. He already poured a  
6 whole floor in the basement.

7 He had -- on the permit it says, "No new  
8 openings." He already installed the three doors on the side  
9 entrance, enclosed them, painted them, gutted the third  
10 floor with no permit. Everything he's done is against  
11 Inspectional Services guidelines. I just don't understand  
12 how he gets away with it.

13 I had to call one time he had dumpsters over full.  
14 I had to make sure they removed the dumpster -- get the  
15 dumpster removed. I work in the Fire Department, and I had  
16 a Berkshire 10-alarm fire with a dumpster up against the  
17 house. I did not want that in my neighborhood.

18 I'm just -- I'm very concerned that if he installs  
19 that three doors on the side with a deck, it's -- Francis  
20 Place is where I walk out, I exit. It's what they call the  
21 unaccepted street. That's our feasible access for us to  
22 leave 1, 2, 3 and 4 Francis Place.

1           As the report I submitted, you understand why  
2 there were some issues last year. With them installing this  
3 bigger deck, and installing the three doors, it's just  
4 opening up for me every time I leave my house be aggravated  
5 and harassed by them.

6           They've done the construction in previous years,  
7 to get even with us. They had three motorcycles, remove the  
8 mufflers. Have them revved up so loud they wake up every  
9 neighborhood -- every neighbor in the neighborhood all the  
10 way to Rindge Ave. Well, when they're doing the  
11 construction, they remove and put mufflers on the  
12 motorcycles not to disturb the neighbors.

13           Isn't it a coincidence that they can help the  
14 neighbors when they want to get something done? And that'll  
15 be it. I apologize for the long talk.

16           CONSTANTINE ALEXANDER: No, no apologies  
17 necessary. Thank you. I just couldn't make an observation  
18 until Mr. Rafferty appeared on the scene. The petitioners  
19 have not proceeded in accordance with good zoning practices.  
20 And that's why we're having a continued case.

21           So the first time around, basically were given  
22 dormers that were wildly noncompliant with the dormer

1 guidelines. But we're trying to rectify things with Mr.  
2 Rafferty on board. Hopefully we'll get to where we should  
3 get.

4           Anyone else wishes to speak on this matter? Yes,  
5 we have others. Yep?

6           SISIA DAGLIAN: I'm sorry, Sean's doing these, but  
7 I think we have Folk-Man Wong.

8           CONSTANTINE ALEXANDER: Okay.

9           PHILIP ARSENAULT: Yeah, I tried to unmute him.  
10 Folk-Man, if you're there?

11           FOLK-MAN WONG: Hello there, Chair. Hello there,  
12 Board. It's Folk-Man Wong. Can I speak?

13           CONSTANTINE ALEXANDER: Yes.

14           FOLK-MAN WONG: Yes? Okay.

15           CONSTANTINE ALEXANDER: Yes, you may speak.

16           FOLK-MAN WONG: Yes, thank you. Well, we are  
17 Minera (phonetic) and Folk-Man Wong. We live next door to  
18 Montgomery Street, night and seeing changes on the south  
19 side of the house, it will have the lowest (sic) impact on  
20 us out of all the neighbors, because we are only 15 feet  
21 from their property line.

22           So we bought our house 14 years ago expecting to

1 have some privacy from our neighbors and these variances to  
2 that sort will impact us enormously, and we object to some  
3 components of it.

4           So with respect to the dormers, we object to  
5 having the eight-foot, 10-inch south-facing dormer, which  
6 will only be about 25 feet away from our property's windows.  
7 That dormer is going to have two windows, although the size  
8 of the visible glass hasn't been stated, and it does provide  
9 a direct view into our master bedroom, main bathroom,  
10 kitchen and our yard of course as well.

11           So we object to that. We of course prefer that  
12 there's no windows at all in that dormer, because it will  
13 introduce a completely new violation of our privacy that  
14 didn't exist before.

15           It would also compound the fact there's already a  
16 problem with the three-panel siding door having already been  
17 installed. Previously it was two panels, now three panels,  
18 and as you'd expect, they have greater visibility start  
19 across into our house too.

20           So these things combined really are troublesome,  
21 especially in light of the fact that a three-panel door has  
22 already been installed prior to your approval.

1           The other thing we object to is about the side  
2 deck. The original side deck is about 6 foot 4, 6 by 4  
3 feet. And perhaps it's better described as a landing  
4 platform between the two-panel sliding door and short  
5 staircase that goes out to the ground.

6           But the proposed rebuild is much bigger than that;  
7 much larger deck. And it's not rebuilt so much as a  
8 completely new build, a new construction with expansion of  
9 the house. But unfortunately there's only a day to review  
10 these new plans.

11           We haven't been able to work out exactly how much  
12 larger the new deck is. But if we look at the July plan  
13 proposal, the deck there is 17 feet 7.75 inches by 5 feet  
14 5.5. And just visually looking at the pictures, it's going  
15 to be about the same size.

16           So the allotment of the deck from 6 x 4 feet to  
17 17.5 x 5.5 is enormous. And of course it's going to have a  
18 big impact on the neighborhood. That's going to be an  
19 extension of their living space.

20           JIM MONTEVERDE: Excuse me, excuse me --

21           FOLK-MAN WONG: Yes.

22           JIM MONTEVERDE: Mr. Chair, that's three minutes

1 30, if you're counting.

2 FOLK-MAN WONG: So yeah, thank you. The deck is  
3 going to be an extension of their living space, so with this  
4 large deck they'll probably use it for recreation, dining  
5 and so on. And as a result, you have a privacy issue.

6 They'll be able to see straight through into our  
7 first floor -- the noise, particularly from a resident deck  
8 -- a resident deck. It's going to be particularly loud, and  
9 this invasion of privacy is not necessary, and would be  
10 exacerbated enormously by their proposal.

11 Thank you, sir.

12 CONSTANTINE ALEXANDER: Thank you. Anyone wishes  
13 to be heard?

14 SISIA DAGLIAN: No.

15 SEAN O'GRADY: No, we're not seeing anyone. So I  
16 think we're done with the public comment.

17 CONSTANTINE ALEXANDER: Okay. Then I think I  
18 mentioned before, we do have some written commentary -- some  
19 pro, some con. I'll try to go through them as best I can.  
20 We've already heard from -- excuse me -- from Dr. Folk-Man  
21 and Minera Wang, so I won't need to read their rather long  
22 and well put together letter.

1           We have a letter from G.J. -- I hope I get this  
2 right -- Libaridian, L-i-b-a-r-i-d-i-a-n. They're in  
3 support. We have a letter from Brookline Design and Build  
4 in support. A letter from Lilian Simpson, and some other  
5 name, I can't read the handwriting, because it's not been  
6 printed out.

7           And then we have a letter in opposition, another  
8 long letter from Philip Arsenault, A-r-s-e-n-a-u-l-t. I  
9 don't propose to read it, because it just goes on for a bit.  
10 The conclusion is they're opposed to the relief being  
11 sought; he is opposed to the relief being sought.

12           JAMES RAFFERTY: And Mr. Arsenault spoke during  
13 public comment, in opposition.

14           CONSTANTINE ALEXANDER: I thought that was Mr.  
15 Wong? Dr. Wong?

16           JAMES RAFFERTY: No, it was Mr. Arsenault. Both  
17 of them.

18           CONSTANTINE ALEXANDER: Oh, I'm sorry. I must  
19 have missed. My apologies. Thank you. And that's the  
20 public commentary we have. Any final comments, Mr.  
21 Rafferty, before we go to Executive Session?

22           JAMES RAFFERTY: Well, candidly I was unaware of

1 the opposition here. And ordinarily I would endeavor to see  
2 if modifications could be made to changes.

3 I'm thinking of Dr. Wong's reservation about two  
4 windows in the dormer that exists just to provide headroom  
5 into the third floor -- perhaps the fenestration there could  
6 be modified and reduced, since its purpose isn't really for  
7 a living space, but merely for a stairway.

8 I also think that the three bay -- the three-panel  
9 slider may be on a conforming wall, so I'm not certain that  
10 that's problematic. But I would welcome the opportunity to  
11 discuss with Mr. Arsenault if there are things about the  
12 deck that he's concerned about whether the size of the deck  
13 could be scaled back as well.

14 So I guess I'm wondering whether the Board has --  
15 my clients are eager to get this decision this evening, but  
16 I think that's presumed it would be a favorable decision,  
17 so.

18 CONSTANTINE ALEXANDER: I read exactly where you  
19 were going with your comment. I mean, there are problems  
20 with the neighbors. There are the facts that we talked  
21 about earlier in the hearing about your accessory apartment,  
22 and whether other zoning relief is necessary.

1           I understand this case has dragged on for a while,  
2 and that your client is anxious to go forward, but the  
3 client would be better served if they had hired you at the  
4 outset.

5           The problems to date in the delay is caused by  
6 your client, but not appreciating or maybe ignoring -- I  
7 don't want it to go that far -- the zoning requirement and  
8 the technical requirements required to do the work that's  
9 being proposed, and the use of the structure that's  
10 apparently being proposed.

11           I for one, although I don't want to keep  
12 continuing cases, would welcome a further continuance to get  
13 a more uniformed presentation by you, Mr. Rafferty. And  
14 again, it's not a criticism of you, it's given where you  
15 joined this case; late in the game.

16           JAMES RAFFERTY: Right. Well, my goal in  
17 continuing the case would be to see if we could have  
18 constructive dialogue with the abutters that address some of  
19 the issues that have been raise this evening. It seems to  
20 me that in some cases there are obvious opportunities to do  
21 so.

22           I don't have any illusions that that might turn

1 opponents into supporters, but I would like to the applicant  
2 to have an opportunity to at least address those issues, and  
3 allow the Board to determine whether their response is  
4 appropriate.

5           CONSTANTINE ALEXANDER: Okay, I agree with that.  
6 I also would like, rather than sort of kicking the can  
7 downtown road with regard to these accessory apartments and  
8 maybe other modifications that are required for them in  
9 terms of window openings and the like.

10           I think it would be nice if we could get all these  
11 wrapped up in one package, and we can then have a more  
12 informed vote than we would take tonight. I don't like  
13 piecemeal votes, which we would be doing.

14           So I would support: To you, Mr. Rafferty, or your  
15 client: I would support a continuance of this case until a  
16 time where all of the issues can be vetted, conclusions  
17 reached, and we can have a more informed vote than we would  
18 take tonight.

19           JAMES RAFFERTY: I understand. And I think that's  
20 a wise approach. And it will give us time to see if we  
21 needed to file a supplemental application or to file an  
22 amendment to this application.

1           But I'm guessing that in order to do that and get  
2 on the schedule, we're probably looking at a late October  
3 hearing, if the Board has --

4           CONSTANTINE ALEXANDER: Let me find out. How much  
5 time would you want to continue the case? What date? Give  
6 me some idea. Then we'll let you know whether --

7           JAMES RAFFERTY: Well, I would think that knowing  
8 my understanding of the Board's agendas and availability, I  
9 would think it would be the second October hearing would  
10 give us ample time to review all of the issues that have  
11 been brought up this evening, including allow ample time for  
12 filing and advertising if need be to address the issues of  
13 the accessory apartment.

14          CONSTANTINE ALEXANDER: Okay. Let me have --  
15 Sisia, do you have --

16          SISIA DAGLIAN: Yeah, October 22.

17          CONSTANTINE ALEXANDER: I'm sorry?

18          SISIA DAGLIAN: October 22.

19          CONSTANTINE ALEXANDER: October 22 is a date that  
20 is available, Mr. Rafferty.

21          JAMES RAFFERTY: I know Ms. Cicero would want me  
22 to emphasize what a hardship a further continuance would be,

1 but I think given the status of the matter, I don't think  
2 there's any other practical alternative, because my sense is  
3 the application in its current form is unlikely to receive  
4 the necessary four affirmative votes.

5           CONSTANTINE ALEXANDER: Okay. I'll make a motion  
6 to continue this case, unless my fellow Board members feel  
7 otherwise?

8           BRENDAN SULLIVAN: The prudent -- Brendan Sullivan  
9 -- I think the prudent thing would be to continue this  
10 matter to tidy up all the loose ends and have a concise  
11 maybe one or two cases in front of us.

12           SISIA DAGLIAN: The only thing is I'm not sure  
13 Janet's available, and I think she --

14           CONSTANTINE ALEXANDER: I'm sorry?

15           SISIA DAGLIAN: I'm not sure Janet's available  
16 that day, and I think she already left.

17           CONSTANTINE ALEXANDER: She's not on?

18           SISIA DAGLIAN: No, she --

19           CONSTANTINE ALEXANDER: The other members of the  
20 Board who are sitting tonight on this case, are you  
21 available on October 22?

22           ANDREA HICKEY: Yes, Andrea Hickey, I am

1 available.

2 JIM MONTEVERDE: Yeah, Jim Monteverde is as well.

3 CONSTANTINE ALEXANDER: Who is the fifth member,  
4 is it Janet? Well, Janet's not here, she left the meeting.

5 SISIA DAGLIAN: Yeah.

6 SLATER ANDERSON: I thought Janet was on this one.  
7 Again, I'm looking at the minutes of July 9. I'm not on  
8 this one. I didn't hear this before.

9 CONSTANTINE ALEXANDER: Hang on. I think Janet  
10 must be on this one.

11 JAMES RAFFERTY: All right, well this is a case  
12 not heard. Tonight is the first night the case has been  
13 heard.

14 CONSTANTINE ALEXANDER: Not quite.

15 SLATER ANDERSON: Not, not -- there's a transcript  
16 in the file.

17 CONSTANTINE ALEXANDER: No, the first time around  
18 there was a failure to -- the former guidelines were  
19 [2:15:17 simultaneous speech]

20 JAMES RAFFERTY: Oh, all right. I recall that. I  
21 thought that was explained to the applicant at the outset, I  
22 apologize. I though --

1           CONSTANTINE ALEXANDER:  Maybe, no, you may be  
2 right.  I'm not sure either.  There's no --

3           BRENDAN SULLIVAN:  This is Brendan Sullivan.  It  
4 is a case not heard, because the architect at the time asked  
5 the Board to consider the reason for the long dormers, and  
6 we said no, we did not want to open it up, because it would  
7 be a case heard.  So it is a case not heard.

8           SLATER ANDERSON:  Okay.  We're not hearing it, I  
9 guess.

10          CONSTANTINE ALEXANDER:  All right.  But we have a  
11 case heard tonight, and we have five members.  Janet wasn't  
12 here.  She's -- so Slater, you would be the fifth member if  
13 we continue the case until October 22.  Are you available?

14          SLATER ANDERSON:  I plan to be in Cambridge yes.

15          CONSTANTINE ALEXANDER:  Okay, thank you.  All  
16 right.  Let me make the motion.  The Chair moves that we  
17 continue this case as a case heard until 7:00 p.m. on  
18 October 22, subject to the following conditions:

19                 The first is the petitioner sign a waiver of time  
20 for decision, and that was done in connection with this  
21 case, so we don't need that again.

22                 Second, that the posting sign, or a new posting

1 sign or a modified posting sign must be erected and  
2 maintained for the 14 days under our ordinance, the 14 days  
3 prior to October 22.

4 And that lastly, that any new plans, drawings,  
5 dimensional forms, must be in our files by 5:00 p.m. on the  
6 Monday before October 22.

7 And let me point out that this was also a  
8 condition of the prior continuance, and it was ignored. It  
9 doesn't make me or members of the Board quite happy. We  
10 didn't get that form until it was requested today, and other  
11 Board members probably have not had their chance to look at  
12 it.

13 So with you in the picture, Mr. Rafferty, I'm sure  
14 that you will have all the information that's necessary in  
15 the files by 5:00 p.m. on the Monday before October 22. All  
16 those in favor of continuing the case on this basis?

17 BRENDAN SULLIVAN: Brendan Sullivan in favor of  
18 continuing.

19 ANDREA HICKEY: Andrea Hickey yes, I vote in favor  
20 of continuance.

21 SLATER ANDERSON: Slater Anderson in favor of  
22 continuing.

1 JIM MONTEVERDE: And Jim Monteverde in favor.

2 CONSTANTINE ALEXANDER: And the Chair is in favor  
3 as well.

4 [All vote YES]

5 Case continued. Thank you.

6 JAMES RAFFERTY: Thank you very much.

7 JIM MONTEVERDE: Mr. Chair, can I request -- this  
8 is Jim Monteverde -- can I request a two-minute break?

9 CONSTANTINE ALEXANDER: Sure. We'll take a --  
10 we'll give you more, a five-minute recess.

11 JIM MONTEVERDE: No! Thank you.

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(7:59 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: So the Chair will now  
call Case Number 017291 -- 151 Lexington Avenue. Anyone  
here wishing to be heard on this matter?

SHIPPEN PAGE: Yes, Mr. Chair. Shippen Page for  
the proponent, it's number 168 -- I just want to correct the  
record -- 168 Lexington Avenue. The applicants are Anna  
Silby (phonetic) and Jeff Thompson. And the architects are  
Axel Ramirez Velasco (phonetic), Ian masters and Sam Kachmar  
from Sam Kachmar Architects.

Mr. Chairman, we're -- I'm from -- I'm sorry,  
Shippen Page, Page & Powell 174 Lakeview Avenue in  
Cambridge. The petitioners, Mr. Chairman, are here this  
evening because they have a structure that's a preexisting,  
nonconforming structure in the sense that the lot is too  
narrow.

The left setback is zero because it's a double

1 house, and the house is three feet too high. It's at 38  
2 feet 3 inches. So what my clients wish to do is to add a  
3 window in a rear bathroom and add two dormers. And by that  
4 they would add 269 square feet to the overall FAR, resulting  
5 at an increase from 0.457 to 0.503.

6           And the reason they wish to have this is they've  
7 got two school-age children. Both children have been  
8 lifetime attendants at the Cambridge public schools -- one  
9 at Harrington and one at Vassal Lane. One is an entering  
10 seventh grader and I'm told will soon be over six feet.  
11 They're trying to get additional headroom in the third  
12 floor.

13           The house, while it looks quite grand from the  
14 outside, is in fact rather peculiarly configured on the  
15 inside, as the floor plans will attest, and as the  
16 architects will speak to, and they feel as though all the  
17 nonconformity is intensified by what they propose to do; it  
18 would not result in a substantial detriment to the  
19 neighborhood.

20           And I would want to address each one of the  
21 criteria for special permit relief, but with your permission  
22 would like to turn the microphone over to Mr. Ramirez

1 Velasco to go through the floor plans with you to the extent  
2 that the Board wishes to see them in greater detail. Axel?

3 AXEL RAMIREZ VELAZCO: Yes, thank you Shippen. My  
4 name is Axel Ramirez from Sam Kachmar Architects. We need  
5 to present our city counsel project on 168 Lexington.

6 Could we go to the next page, please?

7 yes.

8 From this page we can see on the left side our FAR  
9 calculation. We go for (sic) 0.452 to 0.503. And [2:26:00  
10 this speaker is indiscernible, microphone too close}

11

12 minimum increase in the allowed ordinance FAR of  
13 about 0.6 [2:27:05 indiscernible].

14 On the left, on the right side we can see our  
15 floor plan, where the setback lines is represented by the  
16 dashed line rectangle.

17 We can see in three areas, this is all clear,  
18 except on the right side, because the condition of the  
19 house. It's a semi-attached single-family house. When we  
20 had some work we didn't set back on the right side.

21 Next -- sheet, please?

22 It is, we have a view from the [2:27:37

1 indiscernible] picture -- current picture from the house.

2 There are two dark renderings.

3           We have no intention in any alteration on this  
4 elevation, we want to preserve the integrity of the design.

5 We have minimal work. We have been trying replacement  
6 windows in the Level 1, and any windows on the bay area,  
7 Level 1, that will be all in this elevation.

8           Can we go to the next sheet please?

9           Same three views, different angles. Some  
10 alterations are visible.

11           Next, please? On this side elevation, we have the  
12 intention build the sky [light?] in the top. And Level 3,  
13 two small dormers into one dormer. This dormer width is 12  
14 feet 6. It's allowed by right it's 15 feet wide.

15           And then the ground level on the left border, we  
16 see a new entry for the Level 0. That is holding close, and  
17 we can appreciate the enclosed quarter on the left -- on the  
18 right side of the house on Level 1 and 2.

19           We can go to the next sheet please.

20           This elevation -- west elevation or back elevation  
21 -- is the one that projects more of the renovation in the  
22 house. We are closing the two corners on the right and left

1 of the house. We have new exterior walls, matching in  
2 sizing, new windows. We're adding a dormer, new dormer on  
3 Level 3.

4 Now on ground level you can see the entry to the  
5 Level 0 on the left side, and then on the right side we can  
6 see the egress window with the optical window well.

7 We'll go to the next sheet please.

8 Here are the western elevations; pretty much the  
9 same as the initial renderings. No alteration at all in  
10 this elevation.

11 Next, please?

12 Same here. It shows the dormer on the Level 3 and  
13 the vacancy on the Level 0, at ground level.

14 Next, please?

15 Again, the back elevations, showing most of the  
16 alterations on the project.

17 Next, sheet please?

18 Here on Level 1 you can see in red all the areas  
19 that we are proposing the increase on the FAR.

20 Next, sheet please?

21 Again, you can see on the calculating the proposed  
22 floor plan on 15 the area that we are adding FAR.

1           Next one, please?

2           And here on the third floor is the area where the  
3 big dormer will be, and the small area between the two  
4 existing and dormers that includes FAR at this elevation.

5           Next, please?

6           Here is 0 level. You can see the difference  
7 between the two dormers, as with respect (sic) to the  
8 original one.

9           Next, sheet please?

10           IAN MASTERS: This is Ian Masters of SKA, and this  
11 is the end of our presentation. We have some little pages  
12 to follow if necessary, but as we turn back over to Shippen,  
13 we invite you to scan the QR code with your phone's camera  
14 to view a video rendering of the exterior of the hall.

15           SHIPPEN PAGE: Wow, wow. Thank you very much,  
16 Ian. Mr. Chairman, with your permission I'd like to just  
17 touch on the various elements that we would have to satisfy  
18 the Board with respect to the special permit. I have  
19 submitted these in my written application.

20           It appears that the requirements of the ordinance  
21 can be met, because the scope of the work is modest;  
22 installation of the bathroom window. The neighbors are fully

1 in support of the dormers, and they will not pose any  
2 invasion of their privacy.

3 And in fact adding the interior square feet will  
4 be entirely interior to the structure and will not be  
5 visible from the street.

6 We are seeking relief from the strict 0.5  
7 Residence B FAR, with 0.502 or 3 -- there is probably a  
8 rounding error there.

9 There will be no change in traffic since they have  
10 lived here since 2007 and have raised their children. They  
11 tell me that their children are growing, and that because of  
12 the configuration of the space, it will be difficult for  
13 them to live in Cambridge. They have every intention of  
14 continuing to live here, they love it. And their kids have  
15 been -- as I said, in Cambridge public schools since  
16 kindergarten.

17 All of the surrounding uses are residential, and  
18 there are letters of support in the file, which perhaps the  
19 Chairman will touch on, and the dormers are within the  
20 city's dormer guidelines, and the house was built in the  
21 1890s, and it will not -- the modifications will enhance  
22 rather than derogate from the style and appearance of the

1 neighborhood, and will not derogate from the intentions and  
2 the purpose of the ordinance.

3 And I would rest my case here, and certainly  
4 welcome questions from the Board. Thank you, Mr. Chairman.

5 CONSTANTINE ALEXANDER: Thank you, Mr. Page.  
6 Questions from members of the Board?

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

9 JIM MONTEVERDE: Jim Monteverde, no questions.

10 ANDREA HICKEY: Andrea Hickey, I have no  
11 questions.

12 SLATER ANDERSON: Slater Anderson, no questions.

13 CONSTANTINE ALEXANDER: Okay. I have no questions  
14 either. So I'll close public testimony. Welcome to public  
15 comment, and there are letters of support indicated by Mr.  
16 Page, which I'll allude to after we have public comment, if  
17 any.

18 So if anyone wishes to comment on this case, now's  
19 the time. And you need to now click the icon at the bottom  
20 of your Zoom screen that says, "Raise hand." If you're  
21 calling in by phone, you can raise your hand by pressing \*9  
22 and unmute or mute by pressing \*6. Okay, I'll see if

1 anybody wishes to speak. Apparently not, so there will be  
2 no public commentary.

3 As Mr. Page indicated, and the Chair would  
4 confirm, there are numerous letters of support, and I do not  
5 propose to read them. I'll let it go at that. So I'll  
6 close all public testimony. Discussion, or are we ready for  
7 a vote?

8 ANDREA HICKEY: Ready.

9 BRENDAN SULLIVAN: Ready, yep.

10 CONSTANTINE ALEXANDER: Okay. The Chair moves  
11 that we make the following findings with regard to the  
12 special permit being sought by the petitioner: That the  
13 requirements of the ordinance cannot be met without the  
14 relief being sought.

15 That traffic generated or patterns of access or  
16 egress resulting from what is being proposed will not cause  
17 congestion, hazard, or substantial change in established  
18 neighborhood character.

19 In this regard, the Chair would note that the work  
20 being performed from the zoning point of view is rather  
21 modest, and has no impact on the neighborhood that we can  
22 see, the Board can see.

1           That the continued operation of or development of  
2 adjacent uses, as permitted in the ordinance, will not be  
3 adversely affected by the nature of the proposed use -- and  
4 again, same points being made, that the modifications are  
5 the dormers and the like have no neighborhood impact,  
6 adverse neighborhood impact.

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

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

14           So on the basis of all of these findings, the  
15 Chair moves that we grant the special permit being sought on  
16 the condition that the work proceed in accordance with plans  
17 prepared by Sam Kachmar Architects, the cover page of which  
18 has been initialed by the Chair.

19           All those in favor of granting?

20           BRENDAN SULLIVAN: Brendan Sullivan yes to  
21 granting the special permit.

22           ANDREA HICKEY: Andrea Hickey yes, I approved

1 granting of the special permit.

2 SLATER ANDERSON: Slater Anderson yes on the  
3 special permit.

4 JIM MONTEVERDE: And Jim Monteverde yes.

5 CONSTANTINE ALEXANDER: The Chair votes yes as  
6 well. Special permit granted. Thank you.

7 COLLECTIVE: Thank you.

8 ANDREA HICKEY: And I did scan the QR code. I've  
9 never done that before. Pretty nice work.

10 COLLECTIVE: Thank you very much.

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(8:19 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017297 -- 12 Clinton Street. Mr. Page? Go  
ahead.

SHIPPEN PAGE: Thank you, Mr. Chairman. Shippen  
Page of Page & Powell, 174 Lakeview Avenue for the  
petitioners David and Patricia Wagner.

Again, on this call the Michaela -- just a minute,  
Mr. Chairman, I just want to make sure I've got Michaela's  
last -- Wozniak; Ian Masters and Sam Kachmar will be  
presenting for the architects, Samuel Kachmar Architects,  
and the petitioners Patricia and David Wagner are on the  
call and may be available for questions should the need  
arise.

CONSTANTINE ALEXANDER: Can I ask a question at  
the outset, sir?

SHIPPEN PAGE: Please.

1           CONSTANTINE ALEXANDER: Can I ask a question at  
2 the outset?

3           SHIPPEN PAGE: Please.

4           CONSTANTINE ALEXANDER: And I did see this is an  
5 older structure, obviously. That's part of the issue with  
6 one of your neighbors. I didn't see any reference to the  
7 approvals or appearance before the Cambridge Historical  
8 Commission?

9           SHIPPEN PAGE: I'll turn that over to the  
10 architects, Mr. Chairman. I believe that they've had a  
11 hearing, and the proposal was approved.

12          CONSTANTINE ALEXANDER: Why don't we have a copy  
13 of that letter? All right. I'll ask the architects.  
14 Because usually we get in the file, we have the approval --  
15 a copy of the approval.

16          SHIPPEN PAGE: Of course.

17          MICHAELA WOZNIAK: [2:38:37 audio unclear for this  
18 speaker - Chairman and Board members stress this coming up]  
19 Cambridge; the first time we were rejected; it was a  
20 nonbinding hearing - now the 30 days have passed.

21          CONSTANTINE ALEXANDER: I'm sorry, you have to  
22 repeat that.

1           MICHAELA WOZNIAK: Pardon me. I said we did  
2 present for the Mid Cambridge Historical Commission.  
3 Unfortunately --

4           THE REPORTER: Could you state your name, please,  
5 for the record?

6           SHIPPEN PAGE: Kayla?

7           MICHAELA WOZNIAK: Sorry. I'm Michaela Wozniak  
8 from SKA. We just presented in front of Mid Cambridge  
9 Historical Commission. We were rejected, but it was a  
10 nonbinding hearing, and since then, more than 30 days have  
11 passed.

12          CONSTANTINE ALEXANDER: Go ahead. Thank you, go  
13 ahead. Continue with your presentation.

14          SHIPPEN PAGE: Thank you, Mr. Chairman. To  
15 resume, David and Patricia Wagner are new to Clinton Street.  
16 They come with a two-year-old. He'll be 2 on the 23<sup>rd</sup> of  
17 September. They hope to have a larger family.

18                 This is a building that was build many years ago  
19 in the 19<sup>th</sup>-century. It is part of a bunch of buildings that  
20 were built at that time. No substantial work has been done  
21 on that for many, many years.

22                 And what they've proposed to do is to make

1 improvements to the house so that it would be appropriate  
2 for a young family with the modern conveniences. They've  
3 sought to limit their additions to a minimum.

4 That which they're proposing to do in the left  
5 yard setback I should say that it's a preexisting,  
6 nonconforming structure because the frontage is too small  
7 and the left yard setback is insufficient by -- let me see,  
8 Mr. Chairman -- by, well 6 feet 2 and one-seventh inch, when  
9 it's supposed to be seven foot 6 inch.

10 They have discussed their proposal at some length  
11 with their neighbor at 14 Clinton Street Sue Butler, who has  
12 written a very strong supporting letter. I understand that  
13 there are objections from their neighbor to the south, at  
14 #10 Clinton Street.

15 I'm sure the architects will address his  
16 objections in turn, and the scope of the relief they seek is  
17 relatively small. They will continue to be within the limit  
18 of the FAR. They're going from a 0.59 to a 0.74, and I will  
19 reserve my legal comments until after the presentation with  
20 the Board's approval.

21 CONSTANTINE ALEXANDER: You mentioned the strong  
22 letter of support. I'm looking through the file now. I

1 don't remember seeing it. Maybe I missed it the first time  
2 around.

3 SHIPPEN PAGE: It's from Ms. Sue Butler at 12 and  
4 I'm sure it's in the file. Michaela?

5 CONSTANTINE ALEXANDER: Okay. Let's assume it is.  
6 I don't want a holdup. Keep going.

7 SHIPPEN PAGE: I'd like to turn the presentation,  
8 Mr. Chairman, over at this point to Michaela Wozniak from  
9 Sam Kachmar Associates.

10 CONSTANTINE ALEXANDER: And by the way I just  
11 found the letter, so we do have it.

12 SHIPPEN PAGE: Good, good. Thank you, Mr.  
13 Chairman.

14 MICHAELA WOZNIAK: So Michaela Wozniak, now  
15 speaking for [2:41:52 audio still unclear for this speaker,  
16 located at 367 Avenue. On our cover sheet you can see a  
17 proposed rendering...]

18 Today we're requesting relief by way of a special  
19 permit regarding proposed work within the northern side  
20 yard.

21 CONSTANTINE ALEXANDER: Excuse me, excuse me. I  
22 have to say -- and one other of my fellow Board members

1 sitting near me had the same reaction. We just can't  
2 understand what you're saying. It's a bad echo. Can you  
3 have a -- can you do a better way so we can understand your  
4 presentation?

5           MICHAELA WOZNIAK: Yes, I'm sorry. So, again, if  
6 you can hear me clearly, I'm Michaela Wozniak speaking from  
7 SKA located at 357 Huron Avenue.

8           On the cover sheet, you can see we placed side by  
9 side the existing photo of the house, and also the proposed  
10 rendering of the renovation. Today, we are requesting, as  
11 Shippen stated, a special permit regarding proposed work  
12 within the northern side yard setback.

13           CONSTANTINE ALEXANDER: one more time. I can't  
14 understand you.

15           JIM MONTEVERDE: You're still echoing.

16           CONSTANTINE ALEXANDER: Too much echo.

17           JIM MONTEVERDE: Closer to the microphone?

18           CONSTANTINE ALEXANDER: And I think it's probably  
19 the pitch of your voice. You've got to do something better  
20 to make -- to hear your presentation.

21           MICHAELA WOZNIAK: Okay. Can you guys hear me  
22 when I speak this loudly, or?

1           SPEAKER UNIDENTIFIED: Yeah, it's not a matter of  
2 volume. Are you able to maybe call in on a phone or  
3 something?

4           SHIPPEN PAGE: It's coming across with a reverb  
5 Michaela and it's -- you have a headset or you can go to a  
6 room that has less echo, it would help the Board.

7           SPEAKER UNIDENTIFIED: We'll bone up on another  
8 technology real quick.

9           SHIPPEN PAGE: Thank you, Sam, very much.

10          SAM KACHMAR: No problem. -- our previous  
11 presentation?

12          CONSTANTINE ALEXANDER: I beg your pardon?

13          SAM KACHMAR: Did that echo exist on our previous  
14 case presentation?

15          COLLECTIVE: No.

16          SHIPPEN PAGE: It may be the timbre of Michaela's  
17 voice, I don't know, but I share the Board's concern.  
18 Because it's difficult to hear. I think she can talk a  
19 little slower too would be helpful. That would be helpful.

20                 [Technical difficulties]

21          MICHAELA WOZNIAK: I'm sorry about that, Mr.  
22 Chairman. Can you hear my voice better now?

1 SPEAKER UNIDENTIFIED: Yes.

2 MICHAELA WOZNIAK: Okay. So this is Michaela  
3 Wozniak speaking from Sam Kachmar Architects located at 367  
4 Huron Avenue. As Shippen stated, today we are requesting  
5 relief by way of a special permit regarding our proposed  
6 work within the northern side yard setback.

7 Next slide, please?

8 On this sheet you can see the proposed FAR. It's  
9 to increase by 4 percent, which is just 164 square feet  
10 increase to the total living area.

11 Additionally in the site plan, you can see  
12 highlighted in red the area that you are requesting relief  
13 for, which includes all of the windows within that façade,  
14 the new side door entry, and a 4 foot x 7 inch 5 foot at the  
15 rear of the house addition.

16 Next slide, please?

17 On this perspective from the north you can see  
18 that the goal of the project, that was to create a modest  
19 proposal, which contextually reflects the design. We are  
20 proposing to maintain the historic existing façade with  
21 update by way of [2:45:29 audio remains unclear for this  
22 speaker]

1           Otherwise, at this perspective you can see the  
2 proposed dormer that we're adding at the north to  
3 accommodate head height by building or at the stairwell to  
4 meet building code.

5           The existing historic [2:45:40 indiscernible] in  
6 Level 1 to Level 2 is proposed to continue on where it's  
7 Level 3.

8           Next slide, please?

9           At the southern elevation you can see we are  
10 keeping our intent minimal, with historically respectful  
11 changes. Our exterior details will match the existing  
12 details to preserve the façade. For instance, you can see  
13 at all of the Level 1 windows, they will have tenements to  
14 match the existing windows as a main treatment.

15           Throughout our elevations, you will see notes of  
16 all these windows that are remaining with the [2:46:13  
17 indiscernible otherwise being salvaged and indiscernible] or  
18 new windows. We will be salvaging all but six of the  
19 existing windows.

20           Next slide, please?

21           Our elevations as well you can see highlighted on  
22 each one the work that we are requesting relief for. So

1 here you can see highlighted the new side entry door, as  
2 well as the existing footprint of that bump out, which we  
3 will be adding to at the rear.

4 Next slide, please?

5 This slide shows the new rear roof, which will  
6 match the front roof and the new configuration. All the  
7 proposed work is designed to meet building regulations. The  
8 exterior details are historically contextual and the  
9 entry is inspired by 8 Clinton Street further down the  
10 Street.

11 Next slide, please?

12 Highlighted here in red, you can see 4-foot-7-inch  
13 by 5 foot addition we are requesting relief for at the rear  
14 of the house. Along with that are all the windows at the  
15 northern façade and the new side entry door.

16 Next slide, please?

17 Highlighted here you can see all the work we are  
18 requesting relief for, including all the windows, the new  
19 side entry door and the new addition on the rear, as well as  
20 the modest one, a design to accommodate their building,  
21 their head wall height by building code.

22 You can also see that we removed some windows at

1 the rear second floor, while considering the privacy of 14  
2 Clinton Street.

3 Next slide, please?

4 In each floor plan we highlight in red the areas  
5 that we are requesting relief for that are within the  
6 northern setback. Here you can see an addition at the lower  
7 level as well as the new side entry door.

8 Next slide, please?

9 Highlighted in red here the first floor you can  
10 see we are requesting relief for all of the windows at this  
11 northern elevation, the rear addition to the kitchen, as  
12 well as that new side entry door.

13 Next slide, please?

14 Highlighted in red here is the second floor, all  
15 the windows that we require relief for at this northern  
16 elevation.

17 Next slide, please?

18 And at the third floor highlighted is the area  
19 requiring relief, which includes a dormer and the two  
20 windows rear facing there. This dormer you can see abides  
21 by the Cambridge dormer guidelines, except for [2:48:30  
22 indiscernible at the ridge to the line of sight at the main

1 roof ridge] for head height purposes.

2 Next slide, please?

3 That's where you can see the dormer abiding by the  
4 guidelines [2:48:43 indiscernible.]

5 Next slide, please?

6 With our last presentation, we had some  
7 supplemental materials, or you can scan the QR codes to see  
8 a rendered video of our proposed work. Thank you.

9 SHIPPEN PAGE: Thank you, Michaela, very much.  
10 Mr. Chairman, I'd certainly entertain questions from the  
11 Board, or I can proceed with my legal arguments, with  
12 respect to the special permit, at your pleasure.

13 CONSTANTINE ALEXANDER: Why don't you make your  
14 legal arguments now, and then we'll see if the Board has any  
15 comments or questions at this stage? Go ahead with your  
16 presentation.

17 SHIPPEN PAGE: Thank you Mr. Chairman. So in sum,  
18 this is an intensification of the nonconformity in the sense  
19 that they are doing work in the left side yard setback. The  
20 house was built in 1881. It has these three  
21 nonconformities. The design will be consistent in  
22 conforming to the design and the [2:49:43 audio unclear] of

1 the neighborhood.

2 Traffic generated will not change for this single-  
3 family residence, who will continue to be so. There will be  
4 off-street parking, and there will be no changes in patterns  
5 of ingress or egress.

6 The continued operation of or development of  
7 adjacent uses will not be affected. We will continue to use  
8 the property as a single-family dwelling, and there will be  
9 no adverse impact on the street, particularly since the  
10 extent of the addition is relatively modest.

11 The nuisance or hazard will not create any  
12 detriment at the house to the welfare of the occupant,  
13 because this was built in 1881, and it's been in the  
14 neighborhood for about 140 years.

15 The modest addition and the continued use of the  
16 building as a single-family dwelling will not constitute  
17 either a nuisance or a hazard, rather. It will constitute  
18 improvement for the neighborhood.

19 For other reasons, the proposed use will not  
20 impair the integrity of the district or adjoining district,  
21 because it's in fact -- [2:50:38 audio unclear / technical  
22 difficulties conversation] exercised great care to make this

1 consistent with the character of the house, and the  
2 character of the neighborhood.

3 And that I think, Mr. Chairman, is my  
4 presentation. But in summary, it will not constitute a  
5 substantial detriment to the neighborhood, and I welcome  
6 comments and questions from the Board.

7 CONSTANTINE ALEXANDER: If I may ask you -- I will  
8 ask you to respond to the very, very long proposition, as  
9 you are aware of. But let's see if the writer or the author  
10 of that letter may wish to speak first. So I will hold my  
11 question on that for now.

12 SHIPPEN PAGE: Thank you.

13 CONSTANTINE ALEXANDER: Other members of the  
14 Board, questions? Brendan?

15 BRENDAN SULLIVAN: Brendan Sullivan - no questions  
16 at this time.

17 JIM MONTEVERDE: No. Not for me -- Jim  
18 Monteverde.

19 SHIPPEN PAGE: No questions.

20 ANDREA HICKEY: Andrea Hickey, no questions.

21 CONSTANTINE ALEXANDER: Okay. I will now open the  
22 matter up to public testimony, and the way this will work is

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

6           Apparently not. I will now turn to the written  
7 comment. And I think we've got a very -- as I've said  
8 several times now -- very long letter from a Nicholas  
9 Makris, if I've pronounced it right; M-a-k-r-i-s, who  
10 resides at 10 Clinton Street, and has submitted a very, very  
11 long memo and presentation if I'm being fair mostly  
12 objecting to the fact that this very old house will be  
13 replaced by something new and modern in appearance.

14           And it's not comparable to the neighborhood -- not  
15 compatible with the neighborhood or the furthers (sic) of  
16 the housing stock of the city of Cambridge -- again, in  
17 terms of its appearance.

18           I didn't see any substantive comments -- not that  
19 these are not -- dealing with specific issues relating to  
20 the gut rehab that's being proposed. And I use, "gut rehab"  
21 because those are the words used by the architect.

22           This, the Wagner residence project is a gut

1 renovation. So there we are. Any comments you want to  
2 make?

3 SHIPPEN PAGE: Yeah, Mr. Chairman I may?

4 CONSTANTINE ALEXANDER: Go ahead.

5 SHIPPEN PAGE: I'd like to defer to our -- what's  
6 the word I'm looking for? I'd like to have Michaela address  
7 the neighbors' concerns point by point. It's interesting  
8 that minimal changes to the building are being suggested  
9 that will in any way require special relief this side of the  
10 building.

11 And I think one thing that I can refer to --

12 ANDREA HICKEY: I'm sorry, we're getting feedback  
13 from somebody. I think it's Michaela's.

14 SHIPPEN PAGE: Michaela, can you mute please?

15 Thanks, Andrea. The neighbor alleges that there's going to  
16 be a shading impact on his property. His property is to the  
17 south of the petitioners. And so, I'm going to ask  
18 Michaela, you have Mr. Nicholas -- I don't remember his last  
19 name -- and she's going to respond to his points point by  
20 point.

21 Michaela, would you mind taking on this, please?

22 MICHAELA WOZNIAK: -- contact the neighbors, and

1 did not receive a response. But I can list out a few  
2 different things that we have done on our side to kind of  
3 try to accommodate some of the neighbors' requests, the  
4 first being that we will be protecting the tree at the side  
5 yard between [2:55:03 audio unclear] and at the request of  
6 the neighbors.

7           Additionally, we are keeping slate roof materials.  
8 We are keeping slate roof material throughout the whole  
9 roof, also in order to accommodate the neighbor and their  
10 request.

11           Thirdly, our rear addition to the back of the  
12 house we already have shrunk down by a few feet.

13           Additionally, he has concerns about some shadows.  
14 Our internal documents do show a shadow study that our  
15 building, including the addition at the rear, will not cast  
16 any shadow on [2:55:35 Kenslington Lexington.]

17           Lastly, we have simplified some of the styling of  
18 the windows at the dormers to accommodate the original  
19 request for the house to fit more into the historic context.

20           SHIPPEN PAGE: Thank you, Michaela.

21           CONSTANTINE ALEXANDER: Thank you.

22           SHIPPEN PAGE: Does the Board have further

1 questions, Mr. Chairman?

2           CONSTANTINE ALEXANDER: Just for the record, and I  
3 should have indicated, as you've indicated earlier, that we  
4 do have a letter of support in the files from Susan Farist,  
5 F-a-r-i-s-t Butler, who resides at 14 Clinton Street. And  
6 she's in support of the relief being sought.

7           JIM MONTEVERDE: Mr. Chair, this is Jim  
8 Monteverde. Can I ask a question?

9           CONSTANTINE ALEXANDER: Go right ahead.

10          JIM MONTEVERDE: Can you explain again what the  
11 response was from -- you said you went to the Historic  
12 Commission? And can you explain what that -- what  
13 transpired, what the responses were, what the dialogue was,  
14 what the outcome?

15          CONSTANTINE ALEXANDER: Thank you. That's a good  
16 question. I had the same one, go ahead.

17          SAM KACHMAR: Mr. Monteverde, Sam Kachmar here  
18 from SKA. The main issue of the Historical Commission was  
19 that originally in our presentation we were going to change  
20 the slate roof on the house to an asphalt roof. And the  
21 Historical Commission did not like that. They wanted a  
22 slate roof.

1           Since then, our clients and ourselves have changed  
2 the roof to be designed to remain as a slate roof, both on  
3 the existing structure and on the new roof that we're  
4 adding. It was mostly a financial issue that we were able  
5 to work out.

6           JIM MONTEVERDE: Okay. But that was the extent of  
7 the discussion or their concern was really about the roof  
8 material, not the massing and detail, anything else?

9           SAM KACHMAR: So I mean we're keeping the front  
10 pretty much the same from the public way. There's really  
11 little change in that case.

12          CONSTANTINE ALEXANDER: You didn't get a letter,  
13 or I think the client get a letter from the Historical  
14 Commission with these conclusions? Usually almost every  
15 case that involves Historical, there is a letter in the file  
16 saying yes, we approve subject to the following conditions,  
17 or yes, we approve absolutely. I'm surprised we don't have  
18 such a letter in this case.

19          SAM KACHMAR: All right. Because it's nonbinding  
20 in this case, it was a moot point or a not required letter  
21 in that regard, Mr. Chairman.

22          ANDREA HICKEY: So there was no letter?

1 SAM KACHMAR: No letter of?

2 ANDREA HICKEY: Of anything -- of comments;  
3 Historical didn't issue anything in writing whatsoever?

4 SAM KACHMAR: Not that we know of, no.

5 ANDREA HICKEY: Okay.

6 DAVID WAGNER: There was -- just to be clear,  
7 there was a letter, I don't have that -- this is David  
8 Wagner. There was a letter, I don't have that in front of  
9 me.

10 SHIPPEN PAGE: David, I think it would be  
11 important for you to provide that to the Board so they could  
12 be assured that in fact those bases were covered.

13 ANDREA HICKEY: Yeah.

14 SHIPPEN PAGE: I share the Chairman's concerns.

15 PATRICIA WAGNER: This is Patricia Wagner. The  
16 letter just stated that we were denied.

17 SHIPPEN PAGE: Denied what?

18 PATRICIA WAGNER: Approval from the Historic  
19 Commission, as Michaela had stated.

20 SHIPPEN PAGE: On the grounds of the slate roof,  
21 Patricia? Please be clear with the Board so they can know  
22 what the context of this is.

1           PATRICIA WAGNER: I don't believe it had any  
2 specific details.

3           SHIPPEN PAGE: Okay, but Mr. Kachmar represented  
4 that it was a nonbinding decision.

5           PATRICIA WAGNER: That's correct.

6           SHIPPEN PAGE: I was not involved, Mr. Chairman,  
7 in that aspect of the proceeding, so I can't speak to that  
8 out of personal knowledge.

9           CONSTANTINE ALEXANDER: Understood. Again, I am  
10 disappointed in the lack of information -- written  
11 information from the Historical Commission. Be that as it  
12 may, we don't have it or it's not part of our files.

13           I think it's time to close public testimony.  
14 Discussion by the Board? You want a motion?

15           BRENDAN SULLIVAN: Brendan Sullivan -- I have no  
16 further questions, no.

17           CONSTANTINE ALEXANDER: Anybody else have any  
18 questions? If not, I'll make a motion with regard to this  
19 proposal.

20           JIM MONTEVERDE: Ready to go.

21           CONSTANTINE ALEXANDER: All right. Ready to go.  
22 The Chair moves that we make the following findings with

1 regard to the special permit that's being sought:

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

4           Traffic generated or patterns of access or egress  
5 resulting from what is proposed will not cause congestion,  
6 hazard, or substantial change in established neighborhood  
7 character.

8           I think in this case the facts speak for  
9 themselves, that it's just not going to have the impact with  
10 regard to congestion or hazard or change in established  
11 neighborhood character.

12           Change will be in the appearance of the  
13 neighborhood, as a result of the makeover of the exterior of  
14 the building, but that's not -- and I should mention this  
15 right now -- can start with the thrust of the objector's  
16 comments is that we're not a design Review board. We pass  
17 on more concrete issues relating to building construction.

18           A building of this age, Cambridge Historical  
19 Commission is a body that takes more responsibility -- takes  
20 responsibility for commentary and approval on this, and then  
21 advises us. And again, as we've beaten this to death, we  
22 don't have that letter, which is -- again, I find very

1 disappointing.

2           That the continued operation or development of  
3 adjacent uses, as permitted in the ordinance, will not be  
4 adversely affected by what is being proposed.

5           Again, the nature of the changes speak for  
6 themselves in terms of adverse effect on the continued  
7 operation or development of adjacent uses.

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

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

15           So on the basis of all of these findings, the  
16 Chair moves that we grant the special permit requested on  
17 the condition that the work proceed in accordance with plans  
18 prepared by Sam Kachmar Architects, the cover page of which  
19 has been initialed -- the cover page of which is dated  
20 September 2, 2020 and which has been initialed by the Chair.

21           All those in favor?

22           BRENDAN SULLIVAN: Brendan Sullivan yes to

1 granting the special permit.

2           ANDREA HICKEY: Andrea Hickey yes.

3           SLATER ANDERSON: Slater Anderson yes.

4           JIM MONTEVERDE: Jim Monteverde yes.

5           CONSTANTINE ALEXANDER: The Chair yes.

6           [All vote YES]

7           CONSTANTINE ALEXANDER: Motion - relief granted.

8 Thank you.

9           SHIPPEN PAGE: Thank you very much, Mr. Chairman  
10 and members of the Board. Thank you very much for your  
11 consideration.

12           COLLECTIVE: Thank you. [Pause]

13           CONSTANTINE ALEXANDER: Excuse me. I'm taking  
14 just a brief delay to try to get the papers in order for the  
15 next case. [Side conversation.] Sorry, Mr. Page, why don't  
16 you proceed. Allow me to call the case.

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(8:46 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will call  
Case Number 017305 -- 174 Lakeview Avenue.

SHIPPEN PAGE: Thank you, Mr. Chairman.  
Shippen Page representing myself and my wife, Ann St. Goar  
in our application to do an accessory apartment at our  
residence at 174 Lakeview Avenue.

We are applying for this, Mr. Chairman, because  
this was formerly a two-family house. We renovated it in  
1989. We're getting older, we have grandchildren.

The house is large enough that we can convert a  
section of the basement consistent with the accessory  
apartment part of the ordinance, so that we can provide  
flexibility for our children, and we would like to have a  
student living down there if we can for nominal rent.

We'd like to expand on the housing stock of the  
city, and we've provided floor plans for in support of our

1 application. It meets the ordinance guidelines at 708  
2 square feet, which is roughly about 20 percent of the  
3 overall floor area ratio square footage of the house, and  
4 the Board has some flexibility in reviewing this proposal.

5           And I would -- I believe that we have met the  
6 requirements of the ordinance; the house was built in 1875.  
7 It is a single-family. It contains more than 1800 square  
8 foot of gross floor area. It's no more than 900 square feet  
9 of 35 percent of the gross floor area. It's only one  
10 accessory apartment, and we have no parking requirements.

11           And I think, Mr. Chairman, that hopefully  
12 satisfies the Board. But of course I'd be happy to  
13 supplement my remarks and cover bases that I may have left  
14 unattended.

15           CONSTANTINE ALEXANDER: Just one second. I was  
16 reading something; I may have missed it.

17           SHIPPEN PAGE: Sure.

18           CONSTANTINE ALEXANDER: Your comment about the  
19 requirements of 4.22.1, which says you can have an accessory  
20 Department -- I'm sorry, apartment -- based upon a special  
21 permit that we grant if the following conditions are met.  
22 As to the second of the three conditions, four actually, the

1 dwelling must contain at least 1800 square feet of gross  
2 floor area, and yours does. Am I right?

3 SHIPPEN PAGE: Yeah. It has more than 3000 square  
4 feet of gross floor area.

5 CONSTANTINE ALEXANDER: Thank you.

6 SHIPPEN PAGE: Yep.

7 CONSTANTINE ALEXANDER: questions from members of  
8 the Board?

9 JIM MONTEVERDE: I'm sorry. Mr. Chair, can you  
10 repeat your question?

11 CONSTANTINE ALEXANDER: My question was I was  
12 making sure that they satisfy -- the petitioner satisfies  
13 one of the requirements for adding an accessory apartment,  
14 that requirement being that the accessory apartment within a  
15 single-family or two-family dwelling prior to alteration,  
16 that they're willing to exchange at least 1800 square feet  
17 of gross floor area.

18 JIM MONTEVERDE: Right. Not the accessory  
19 apartment, but the dwelling itself?

20 CONSTANTINE ALEXANDER: That's correct.

21 ANDREA HICKEY: Correct.

22 CONSTANTINE ALEXANDER: That's right.

1 JIM MONTEVERDE: Yeah. Thank you.

2 CONSTANTINE ALEXANDER: That's right.

3 JIM MONTEVERDE: Yep, thank you.

4 BRENDAN SULLIVAN: Brendan Sullivan -- no  
5 questions.

6 CONSTANTINE ALEXANDER: Andrea, questions?

7 ANDREA HICKEY: Yeah. Attorney Page, what is the  
8 ceiling height of that basement unit?

9 SHIPPEN PAGE: I think it's 7 feet 8 inches or so.  
10 I don't have that dimension. Perhaps it's in the  
11 elevations? I don't have that at my fingertips, I don't  
12 want to give you a misleading number.

13 ANDREA HICKEY: Okay.

14 SHIPPEN PAGE: And I believe -- it's certainly  
15 adequate headroom, except for the ducks, which obviously  
16 come down roughly 8 inches. But it's comfortable clearance  
17 for a 6-foot man such as myself. So I suspect it's 7 feet,  
18 7 feet a little bit more.

19 ANDREA HICKEY: Thank you.

20 CONSTANTINE ALEXANDER: Slater? Any questions?

21 SLATER ANDERSON: No.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: No, sir.

2 CONSTANTINE ALEXANDER: Okay. I will close public  
3 testimony and open the matter up to public comment. I'm  
4 looking for my instructions. Here we are.

5 Anyone wishes to comment, you now need to click  
6 the button at the bottom of your Zoom screen that says,  
7 "Raise hand." If you're calling in by phone, you can raise  
8 your hand by pressing \*9 and unmute or mute by pressing \*6.

9 Take a few minutes to see if anyone wishes to  
10 speak. No. Apparently, there is no one on the line. So  
11 close that part of public testimony. We are in receipt of a  
12 number of written communications, all in support of the  
13 relief being sought. I don't propose to read them under the  
14 circumstances.

15 So I will close public testimony. Any discussion,  
16 or ready for a vote?

17 BRENDAN SULLIVAN: Ready for a vote.

18 ANDREA HICKEY: Ready.

19 JIM MONTEVERDE: Ready.

20 CONSTANTINE ALEXANDER: Okay. The Chair moves  
21 that we make the following findings with regard to the  
22 special permit being sought:

1           That the requirements of the ordinance cannot and  
2 will not be met unless we grant the special permit.

3           That traffic generated or patterns of access or  
4 egress will not cause congestion, hazard, or substantial  
5 change in established neighborhood character. We're talking  
6 about a modest size apartment that meets the requirements,  
7 or accessory apartment, that's set forth in our ordinance --  
8 specifically in Section 4.22.1.

9           That the continued operation of or development of  
10 adjacent uses, as permitted in the ordinance, will not be  
11 adversely affected by the proposed use. And in support of  
12 that, I would cite the various letters of support, mostly  
13 from neighbors, who are not opposed to an accessory  
14 apartment and new structure.

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

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

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

1 Chair moves that we grant the special permit requested on  
2 the condition that the work proceed in accordance with plans  
3 prepared by Dingman Allison Architects, each of which has  
4 been initialed by the Chair. Vote?

5 BRENDAN SULLIVAN: Brendan Sullivan yes to  
6 granting the special permit.

7 ANDREA HICKEY: Andrea Hickey yes to granting the  
8 special permit.

9 SLATER ANDERSON: Slater Anderson yes on the  
10 special permit.

11 JIM MONTEVERDE: And Jim Monteverde yes.

12 CONSTANTINE ALEXANDER: And the Chair as well.

13 [All vote YES]

14 Special permit granted. Case over.

15 SHIPPEN PAGE: Thank you very much Mr. Chairman  
16 and members of the Board.

17 CONSTANTINE ALEXANDER: Thank you.

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(8:53 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: Okay. The Chair will now  
call Case Number 017298 -- 177 Elm Street. Is there anyone  
who wishes to be heard on this matter?

SHIPPEN PAGE: Thank you very much, Mr. Chairman.  
Shippen Page of Page & Powell for the petitioner, Jessica  
Berry, 177 Eliminate Street. Ms. Berry and her husband Jose  
Avila I think will be on this call, as will the architect,  
Chris Dallmus of Design Associates.

In sum, Mr. Chairman, we are seeking a special  
permit. This is a young family. They've just had their  
first child in June. This is a clearly a nonconforming,  
preexisting structure.

It's not conforming in many respects. It's part  
of a two-unit condominium in a very dense area of the city.  
The lot is 2871 square feet, with 5000 required. The  
setback is 1.4 on the right side, where 13.9 is required.

1           The rear setback is less than a foot from the rear  
2 lot line, where you need over 17 feet, and the floor areas  
3 combined are 84, where 0.75 is permitted.

4           The context of this, Mr. Chairman and members of  
5 the Board, is that this young family really has very few  
6 options. They'd like to stay in Cambridge, they've had a  
7 young child. Both are professionals; one works for the  
8 Probation Department, the other one is an Attorney doing  
9 youth law. Teaches part-time at Boston College Law School.

10           The building is quite cramped, quite antiquated.  
11 If you were to walk-in the front door, the stairway to the  
12 second floor goes at a very steep angle up, which would be  
13 way out of code were it to be built today.

14           And their solution working with Mr. Dallmus is to  
15 extend the rear of the building, build over the present  
16 single story shed front, and have a combined living area and  
17 master bedroom on the second floor.

18           And so, it's going to increase the FAR, but it is  
19 certainly an intensification of the nonconformity. But I  
20 would argue that it doesn't result in a substantial  
21 detriment to the neighborhood.

22           There is a building to the right that is owned by

1 a man, and he has voiced his concerns to the petitioners.  
2 I've asked the petitioners to forward to the Board  
3 photographs showing the area between the existing first  
4 floor of the petitioner's house and the six-story brick  
5 building.

6 And the window which is most affected by the  
7 petitioner's application seems to indicate a staircase so  
8 that it's not either a residential use or it's not  
9 presumably used as it depends on the light.

10 Because we have had shade studies, which we've  
11 submitted to the Board. The impact on the brick structure  
12 is nominal, but we certainly respect the owner of the  
13 building's concerns, and the owner, Jessica Berry, has been  
14 in dialogue with the owner, and we've sought to accommodate  
15 his reasonable concerns.

16 There are no other objections from surrounding  
17 neighbors, and I think letters of support have been  
18 submitted to the Board. And the other owner of the two-unit  
19 condo has submitted a letter in support of my clients'  
20 proposal.

21 With that, I'd like to turn to Chris Dallmus from  
22 Design Associates to walk you through the plan and some of

1 the tradeoffs that he says were -- he claims were necessary  
2 for this particular configuration to be designed the way it  
3 was. Chris?

4 [Pause]

5 Chris, are you on? Hello, Chris. Paging Chris.

6 Well, I don't hear.

7 CHRISTOPHER DALLMUS: Yes. I just need to unmute,  
8 I apologize.

9 CONSTANTINE ALEXANDER: That's all right. I'm  
10 glad you're here.

11 CHRISTOPHER DALLMUS: Christopher Dallmus, Design  
12 Associates, 1035 Cambridge Street in Cambridge. If we could  
13 -- Sisia you're leading the way through the drawings here?  
14 If you could --

15 SISIA DAGLIAN: Yes.

16 CHRISTOPHER DALLMUS: -- just progress through  
17 them. So this is essentially just our locus plan. It's  
18 showing the position of the 177 Main Street. It's toward  
19 the rear of that shaded area, so it's back from Elm Street,  
20 and the other condominium unit is essentially fronting on  
21 Elm Street. Next slide, Sisia, please?

22 As you can see, we've dashed in the setbacks --

1 front, side and rear. And there's a sort of very thin  
2 triangle that runs between the two structures. It's closer  
3 to the top of the building footprint.

4           So we're proposing to add a new, single-story  
5 mudroom that is to the top of the sheet, I'll call it the  
6 south side. And then extending essentially the roofline to  
7 position itself over the existing single-story structure  
8 that's to the rear of the property.

9           Additionally, we are -- presently, the present  
10 structure has a five-foot knee walls, which really greatly  
11 inhibits one's ability to essentially get circulation  
12 legally by code, and also, to develop a reasonable floor  
13 plan.

14           So as part of this proposal, we're also increasing  
15 the structure by 3 feet 3 inches, so that we will be able to  
16 get an 8-foot wall height, where we presently have a 5 --  
17 4.5-5 foot wall height. And that would be uniform, the  
18 ridge height, from the front to the rear.

19           Next slide?

20           Okay. The upper right-hand corner is the first-  
21 floor plan. You'll see the single-story mudroom that's to  
22 the bottom of the sheet. Everything else essentially within

1 the interior is within the existing footprint.

2           If you go to the upper left-hand corner, the  
3 second floor plan, you'll see the dashed line of the current  
4 rear wall of the property, and then our proposed addition,  
5 which essentially extends out over the entire footprint. So  
6 we're building up off the footprint as a 2.5 story, 2.25  
7 structure from front to back.

8           Next slide, please?

9           Not sure if you can make it out, but we have kind  
10 of superimposed a dashed line of the existing structure --  
11 probably best seen on the south elevation, where you'll see  
12 on the left-hand side of the drawing -- that's in the upper  
13 left-hand corner, you'll see the outline of the single-story  
14 structure, unto which we're essentially building and  
15 extending out over the second floor.

16           We are also noting on the drawings where we are  
17 providing new windows, and where existing windows are going  
18 to remain.

19           Let's go to the shading study, please?

20           So we've done shading studies of both the proposed  
21 conditions at the summer solstice and the winter solstice,  
22 and this is -- we're looking at proposed right now. So you

1 can see that I think we also need -- Sisia, if you could  
2 also pop up the existing.

3 So the structure as it exists right now has some  
4 impact in terms of providing shadow during the summer on the  
5 building.

6 And if you then go to the proposed shading study,  
7 it really just seems to us that there's essentially one  
8 window that's impacted. And from our understanding, is that  
9 that one window is essentially part of the staircase. I'm  
10 not sure -- Shippen, are you aware what the use of that  
11 building is I've heard it's an artist's studio?

12 SHIPPEN PAGE: That's what I understand from the  
13 petitioner, that's correct, Chris.

14 CHRISTOPHER DALLMUS: Okay.

15 SHIPPEN PAGE: And I think we have a photograph of  
16 that particular window showing the staircase in profile.  
17 Sisia, is that something you could show?

18 SISIA DAGLIAN: Are you talking about these  
19 drawings, or these photographs?

20 SHIPPEN PAGE: No, it's one photograph that shows  
21 the window. It's the one after that that I sent you this  
22 afternoon that shows the window as you might see in a

1 Hitchcock movie.

2           SISIA DAGLIAN: This was the only additional photo  
3 that I got.

4           SHIPPEN PAGE: Okay. I can -- I'm sorry that I  
5 don't -- I can provide it to you, but I'm not sure you can  
6 get it on the screen from my -- if I were to e-mail it to  
7 you, would you --

8           SISIA DAGLIAN: Yeah, I'll do that. I think you  
9 should be able to share your screen now, if you want to try  
10 doing that.

11           SHIPPEN PAGE: Unfortunately I'm challenged  
12 because I've got a --

13           SISIA DAGLIAN: Just e-mail it to me.

14           SHIPPEN PAGE: I'll e-mail it to you right now.  
15 Great. Thank you. Continue on, Chris, and then I'll try to  
16 -- I'll get this slide to Sisia.

17           CHRISTOPHER DALLMUS: You know, fundamentally I  
18 think that's really the -- sort of the big picture of what  
19 the applicant is proposing to do here, and that is  
20 essentially increase the wall height to a uniform 8-foot  
21 wall height to provide them full use of the second-floor  
22 layout, which is otherwise very challenging architecturally

1 speaking, to obtain circulation and have the layout that is  
2 currently proposed.

3 SHIPPEN PAGE: Yeah. Thank you, Chris. I would  
4 be certainly interested, Mr. Chairman, in walking the Board  
5 through the legal points that would justify the applicants  
6 obtaining a special permit, if that's deemed appropriate at  
7 this time?

8 CONSTANTINE ALEXANDER: Yes, it is. Now is the  
9 time.

10 SHIPPEN PAGE: Great. So in sum, there would be  
11 no nuisance or hazard created by this project to the  
12 detriment of the health, safety or welfare of the occupants,  
13 or the citizens of the city. They increased by 0.09 in the  
14 FAR -- is very modest.

15 This is the way the petitioner can remain in  
16 Cambridge. They've just had their first child, and the  
17 addition will provide them with essential living space for  
18 their family.

19 As you see, Mr. Chairman, I'm simply reading from  
20 my application, but I think it's important to put in the  
21 record the proposed use does not differ from the use of this  
22 dwelling since it was built in 1873. In this C1 district,

1 houses are generally very close together.

2           The proposed addition complies with and supports  
3 the intent and purpose of the ordinance, and in no way  
4 impairs the integrity of the district.

5           And the urban design is not relevant to this  
6 particular -- I'm missing one section, Mr. Chairman, of this  
7 -- the first three elements, which I must -- if you'll bear  
8 with me for a moment, I've got to cover those. Please, can  
9 you bear with me for a moment, Mr. Chairman?

10           CONSTANTINE ALEXANDER: I can hear you, yes.

11           [Pause]

12           SHIPPEN PAGE: I just realized that my  
13 presentation would be incomplete. Forgive me. Just I think  
14 it's late, I'm tired. But I will do my best here. Hold on.

15           CONSTANTINE ALEXANDER: Any luck?

16           SHIPPEN PAGE: Not so far. I'm going to have to  
17 key off, Mr. Chairman, because it didn't scan, and I was  
18 unable to get access to this online. So I'm going to go  
19 based on a previous -- to just recite that in fact those  
20 four elements will not be an impediment to my client's  
21 application, if you'll just bear with me for one moment.

22           The requirements of the ordinance can or will be

1 met for the following reason: The scope of the work is  
2 modest.

3 We are adding square footage, which is in excess  
4 of what is allowed in the C-1 district, but it's modest in  
5 comparison with what other projects in this area have been  
6 built and approved. We are going to provide a bedroom and  
7 living space for the applicant, who've had their first  
8 child.

9 Traffic generated or patterns of access or egress  
10 will not cause congestion, hazard, or substantial change in  
11 the neighborhood, because the petitioners will continue to  
12 use this house and this condominium unit in exactly the same  
13 way they have since they purchased the property.

14 The continued operation of or development of  
15 adjacent uses, as permitted in the ordinance, will not be  
16 adversely affected by the nature of the proposed use,  
17 because it will continue to be used as a single-family  
18 residence, albeit with the improvements that are being  
19 proposed, and the nuisance or hazard will not be created to  
20 the detriment of the health, safety and/or welfare of the  
21 city, as I've previously indicated.

22 Thank you, Mr. Chairman for bearing with my rather

1 awkward presentation. I hope it satisfies the members of  
2 the Board. I'm certainly happy to answer any questions.

3           CONSTANTINE ALEXANDER: Questions from members of  
4 the Board?

5           BRENDAN SULLIVAN: No questions at this time.

6           ANDREA HICKEY: Andrea Hickey here. Attorney Page  
7 and Mr. Chair, I've just realized that I may have a  
8 potential conflict in this case. I don't know how much  
9 detail you'd like me to get into.

10           SHIPPEN PAGE: Attorney, if I may, I was informed  
11 that you represented the lender, or perhaps the clients when  
12 they purchased the property.

13           I advised them that time thought it was a one-  
14 instance representation that did not constitute continued  
15 representation, and I felt that it was not an ethical or --  
16 an ethical violation or a conflict of interest, but that was  
17 my interpretation.

18           They did disclose to me, and I didn't feel that it  
19 was relevant unless you brought it up, which you have, and  
20 so, I would certainly defer to the Board's determination,  
21 whether a conflict exists.

22           ANDREA HICKEY: That's acceptable to me. Thank

1 you. I can give some brief detail, Attorney Page. If  
2 that's acceptable to you, I'll keep it as brief as possible  
3 and refer only to matters in the public record.

4 SHIPPEN PAGE: Please.

5 ANDREA HICKEY: May I proceed?

6 SHIPPEN PAGE: Please.

7 ANDREA HICKEY: So apparently in 2013 I  
8 represented Ms. Berry individually in her purchase as well  
9 as her lender, and from my records I also show that I  
10 handled the refinance just lender representation in 2015.

11 You're correct that I don't have any ongoing  
12 matters or ongoing representation other than those two cases  
13 five and seven years ago.

14 Mr. Chair, which is your pleasure?

15 CONSTANTINE ALEXANDER: My view on potential --  
16 because I face this as well -- not in this case, but others  
17 -- on Conflict of Interest Officer, it's a personal  
18 decision. I think you have to decide whether you feel what  
19 you've just described to us constitutes a -- makes you  
20 uneasy enough that you do not wish to participate in the  
21 decision for this case.

22 If you make that decision -- let's say you will

1 just abstain from the vote, we would still have four votes.  
2 It would be the four votes that all have to be in favor for  
3 relief to be granted.

4 So I guess the next question is, if you wish to  
5 not vote on this case, whether Mr. Page would like to  
6 continue the case to another day, when we can get a fifth  
7 member who doesn't have the potential problems?

8 ANDREA HICKEY: Well --

9 CONSTANTINE ALEXANDER: Because I think --

10 ANDREA HICKEY: I'm sorry --

11 CONSTANTINE ALEXANDER: It's all back to you, you  
12 and Mr. Page.

13 ANDREA HICKEY: Thank you. So Mr. Page's analysis  
14 bears a lot of weight for me. If he and his client are  
15 comfortable with me proceeding and voting in this manner, I  
16 am comfortable as well. I regret that I didn't realize this  
17 until just now.

18 So I would be happy and prepared to proceed. I  
19 don't see a conflict given the length of time that's passed.  
20 So if Mr. Page and his client are comfortable, I would elect  
21 to proceed and vote.

22 SHIPPEN PAGE: Thank you Attorney Hickey. From my

1 standpoint, Mr. Chair, I had no knowledge of course who was  
2 going to be sitting on the hearing this evening, and I was  
3 informed of this representation this afternoon, in a  
4 preparatory meeting with my client and the architect, Mr.  
5 Dallmus.

6           And so, I would certainly be willing to proceed  
7 with Ms. Hickey's participation. I have no reason to think  
8 that her prior representation would color her opinion or her  
9 vote in this matter, given the length of time and the rat  
10 limited circumstances of her representation of the  
11 petitioner.

12           ANDREA HICKEY: Correct. And I'd like to add that  
13 I did not confer or consult with the applicant in connection  
14 with this petition this evening.

15           CONSTANTINE ALEXANDER: Thank you. The record  
16 will speak for itself, as to all of this. Back to -- any --  
17 now that you're going to stay in the case, at least for  
18 decision purposes, Andrea do you have any questions you  
19 would like to ask at this point?

20           ANDREA HICKEY: I do not, thank you.

21           CONSTANTINE ALEXANDER: Jim and Slater, any  
22 questions?

1 JIM MONTEVERDE: No sir, Jim Monteverde all set.

2 SLATER ANDERSON: No questions, thank you.

3 CONSTANTINE ALEXANDER: Okay. No questions from  
4 the Chair either. I will close public testimony, and -- no,  
5 I won't close it, I will now open the public testimony.

6 So if anyone wishes to speak, here's the rules.  
7 Any members of the public who wish to speak should now click  
8 the I could not at the bottom of your Zoom screen that says,  
9 "Raise hand." If you're calling in by phone, you can raise  
10 your hand by pressing \*9 and unmute or mute by pressing \*6.

11 I'll wait a few minutes to see if anyone wishes to  
12 speak. No one wishes to speak? We are in receipt of a  
13 letter of support -- one from a Mikhail Fytchov, F-y-t-c-h-  
14 o-v. He says he has no problems with the renovation  
15 project.

16 And I did see another one from -- well, there were  
17 more than that. There are other letters all of support.  
18 There are no letters in opposition.

19 So with that, I will close public testimony.  
20 Ready for a vote? Sullivan's nodding his head yes.

21 ANDREA HICKEY: Ready.

22 SLATER ANDERSON: Yes.

1           CONSTANTINE ALEXANDER: Okay. The Chair moves  
2 that we make the following findings with regard to the  
3 relief being sought:

4           That the requirements of the ordinance cannot be  
5 met without the special permit being sought.

6           That traffic generated or patterns of access or  
7 egress resulting from what is proposed will not cause  
8 congestion, hazard, or substantial change in established  
9 neighborhood character. In fact, the impact on the  
10 neighborhood will be minimal -- it's mostly an impact on the  
11 abutters, who expressed no opposition.

12           The continued operation of or development of  
13 adjacent uses, as permitted in the ordinance, will not be  
14 adversely affected by the nature of the proposed use. All  
15 that is going forward is an ability to get additional living  
16 space.

17           No nuisance or hazard will be created to the  
18 detriment of the health, safety and/or welfare of the  
19 occupant or the citizens of the city.

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

1 ordinance.

2           So on the basis of these findings, the Chair moves  
3 that we grant the special permit requested on the condition  
4 that the work proceed in accordance with plans prepared by  
5 Design Associates, Inc., each page of which has been  
6 initialed by the Chair.

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

9           ANDREA HICKEY: Andrea Hickey yes to granting the  
10 special permit.

11           SLATER ANDERSON: Slater Anderson yes.

12           JIM MONTEVERDE: And Jim Monteverde yes.

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

15           [All vote YES]

16           Relief granted. Thank you.

17           SHIPPEN PAGE: Thank you very much, and thank you  
18 members of the Board for bearing with a long evening and  
19 bearing with me. I'm sure I have tested your patience, but  
20 I'm very much obliged on behalf of my clients. Thank you so  
21 much.

22           BRENDAN SULLIVAN: It's sort of like the Page

1 night at the opera.

2           CONSTANTINE ALEXANDER: You had a busy night.

3           SHIPPEN PAGE: I had a busy night in the sense.

4 Hopefully I'll be able to sleep, and perhaps I'll come back  
5 again with your [3:34:54 indiscernible ]Thank you very much,  
6 everybody.

7           COLLECTIVE: Thank you, good night.

8 SHIPPEN PAGE: And thank you, Ms. Hickey, very much.

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(9:17 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, and  
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017312 -- 201-203 Concord Turnpike. I assume no  
one is to be heard on this matter, because the petitioner  
has decided to withdraw his application. I'm -- the letter  
comes from a Principal of Criterion Development Partners,  
and this says, "This e-mail serves as formal confirmation  
that Criterion -- that's the petitioner -- seeks to withdraw  
its application for a sign variance with respect to 201-203  
Concord Turnpike."

A vote is required from this Board to accept that  
requested referral, just for the record. A requested  
withdrawal is deemed to be a denial, and therefore basically  
the same relief cannot be sought for two years. But I  
assume the petitioner is aware of that.

The Chair moves that we grant -- we accept the  
requested withdrawal.

1           BRENDAN SULLIVAN: Brendan Sullivan yes to  
2 accepting the withdrawal.

3           ANDREA HICKEY: Andrea Hickey yes to accept the  
4 request for the withdrawal.

5           SLATER ANDERSON: Slater Anderson yes on  
6 withdrawal.

7           JIM MONTEVERDE: Yep, Jim Monteverde yes.

8           CONSTANTINE ALEXANDER: The Chair votes yes as  
9 well.

10           [All vote YES]

11           Case withdrawn, thank you.

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3 (9:19 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,

5 Andrea A. Hickey, Jim Monteverde, and

6 Slater W. Anderson

7 CONSTANTINE ALEXANDER: Now last but not least,

8 the Chair will call Case Number 017320 -- 80 Erie Street.

9 Is there anyone here wishing to be heard on this matter?

10 Hello?

11 DANIEL KLASNICK: Hello, good evening.

12 CONSTANTINE ALEXANDER: Okay. You may proceed,

13 starting with identifying who's speaking.

14 DANIEL KLASNICK: HI, good evening. This is

15 Daniel Klasnick. I'm the attorney representing Verizon

16 Wireless in its proposal to modify its existing facility

17 installed on the building located at 80 Erie Street.

18 Just by way of a little background, the

19 installation was originally approved by special permit in

20 2008. I should also note the building currently does

21 contain equipment from another wireless service provider.

22 As I noted in previous presentations to the Board

1 by proposing to modify its equipment, Verizon Wireless I  
2 think has a documented approach. They use an existing  
3 approved installation as one way to address service demands  
4 on its network.

5 For this qualified 6409(a) eligible facility  
6 modification, Verizon Wireless submitted an application that  
7 included all the city's forms for modification to a special  
8 permit, detailed project narrative, sent a stamped plan  
9 photo simulation, licenses and a copy of the prior decision.

10 We included in our narrative an outline of the  
11 modifications compliant with Section 6409, as well as the  
12 ordinance standards for the special permit.

13 I don't know if it's possible to please, if the  
14 Board wishes, to put up a copy of the plans or not, but  
15 Verizon Wireless -- thank you --

16 Yeah, this is the C-1, the rooftop view. Just by  
17 way of background again, Verizon Wireless currently has six  
18 antennas installed inside of four [3:38:23 indiscernible  
19 false] canisters and on the façade of the building  
20 penthouse.

21 This modification -- this 6409 (a) modification  
22 includes removing all six of the antennas, and in their

1 place Verizon Wireless will install a total of nine  
2 antennas.

3 As depicted in on this particular sheet, the alpha  
4 alpha sector antenna will consist of three antennae inside  
5 of two replacement canisters.

6 The beta sector will also include three antennas  
7 inside two replacement cannisters, and what is designated as  
8 a gamma sector will have three antennas mounted to the  
9 penthouse, which are covered to match -- all the equipment  
10 matching the existing condition and color of the building.

11 I also have provided photo simulations I've given  
12 to the Board, and you'll see the cover page on the next  
13 sheet, please, to show the actual map. It is three separate  
14 photo simulations taken from various perspectives.

15 The first -- the next slide shows the existing  
16 condition. As noted, it's facing southeast from Erie Street  
17 highlighting the two existing cannisters.

18 The next slide, please, will show --I think it's  
19 the next slide please, number 12? Oh, okay, I'm sorry.

20 Verizon Wireless is showing the replacement of the  
21 cannisters, which will match the existing cannisters.

22 The next slide, please, shows the perspective from

1 -- the existing cannisters are both highlighted.

2           The next slide would show the proposed, once  
3 again, matching the existing condition. This is the final  
4 photo simulation slide, which is a view of the antennas that  
5 Verizon Wireless currently has mounted on the façade of the  
6 building.

7           And then the final photo simulation, once again,  
8 shows the three replacement antennas mounted at the same  
9 location below the height of the penthouse, and colored to  
10 match the building.

11           And I think I stated in previous presentations to  
12 the Board, this is really part of Verizon Wireless's design,  
13 network design to improve reliability of voice and data  
14 service to Cambridge residents in the civic theaters.

15           We think that the modification of an existing  
16 facility is highly advantageous to both the city of  
17 Cambridge and Verizon Wireless.

18           And as noted, we submit it does satisfy the  
19 standards for eligible facility request, that will not  
20 substantially change the eligible support structure.

21           The Verizon Wireless therefore respectfully  
22 requests approval of the proposed modification. Thank you

1 very much.

2           CONSTANTINE ALEXANDER: Thank you. Questions from  
3 members of the Board?

4           BRENDAN SULLIVAN: Brendan Sullivan -- no  
5 questions.

6           ANDREA HICKEY: Andrea Hickey -- no questions.

7           SLATER ANDERSON: Slater -- no questions.

8           JIM MONTEVERDE: This is Jim Monteverde. I just  
9 have one quick question, unrelated to zoning. But you tell  
10 me what material is an RF-friendly cannister made of? Is  
11 that fiberglass?

12           SHIPPEN PAGE: Yes, essentially.

13           JIM MONTEVERDE: Okay.

14           SHIPPEN PAGE: It allows the RF signals to  
15 propagate.

16           JIM MONTEVERDE: Right. All right. Thank you.

17           CONSTANTINE ALEXANDER: The Chair has no questions  
18 at this point. I'll open the matter up to public testimony.  
19 So the rules are that any member of the public who wishes to  
20 speak should now click the icon at the bottom of your Zoom  
21 screen that says, "Raise hand."

22           If you're calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
2 wait a few minutes to see if anyone wants to speak. Nope?  
3 Okay. And we have no written communications as well. So  
4 the Chair will close public testimony. Ready for a vote?

5 JIM MONTEVERDE: Ready.

6 CONSTANTINE ALEXANDER: All right. How come I  
7 sort of knew that? The Chair moves that this Board may take  
8 a while, sir, to share its counsel, but we have to -- I want  
9 to do it.

10 The Chair moves that this Board make the following  
11 finding: That the requirements of the ordinance cannot be  
12 met unless we grant the relief being sought.

13 That traffic generated or patterns of access or  
14 egress resulting from these changes will not cause  
15 congestion, hazard, or substantial change in established  
16 neighborhood character; in fact by appearance there will  
17 almost be no change, and of course if we're talking about  
18 rooftop additions, there is not any congestion that's going  
19 to result.

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

1 nothing more than the continuation with approved equipment  
2 from what has been there before, and the fact is the  
3 operation of adjacent -- development of adjacent uses has  
4 not been affected by this telecommunications equipment.

5 That no nuisance or hazard will be created to the  
6 detriment of the health, safety and/or welfare of the  
7 occupant or the citizens of the city.

8 And generally, that the proposed use will not  
9 impair the integrity of the district or adjoining district,  
10 or otherwise derogate from the intent and purpose of this  
11 ordinance.

12 The Board also finds that the modification of its  
13 existing telecommunication facility at the site proposed by  
14 the petitioner does not substantially change the physical  
15 dimensions of the existing wireless tower or base station at  
16 such facility, within the meaning of Section 6409(a) of the  
17 Middle Class Tax Relief and Job Creation Act of 2012, also  
18 known as the Spectrum Act.

19 Based on these findings, the Chair moves that the  
20 petitioner be granted the special permit it is seeking  
21 subject to the following conditions:

22 One, that the work proceed in accordance with the

1 plans submitted by the petitioner and initialed by the  
2 Chair.

3 Two, that upon completion of the work, the  
4 physical appearance and visual impact of the proposed work  
5 will be consistent with the photo simulations submitted by  
6 the petitioner and initialed by the Chair.

7 Three, that the petitioner shall at all times  
8 maintain the proposed work, so that its physical appearance  
9 and visual impact will remain consistent with the photo  
10 simulations previously referred to.

11 Four, that should the petitioner cease to utilize  
12 the equipment approved tonight for a continuous period of  
13 six months or more, it shall promptly thereafter remove such  
14 equipment and reinstate the building on which it is located  
15 to its prior condition and appearance, to the extent  
16 reasonably practical.

17 Five, that the petitioner is in compliance with  
18 and will continue to comply with in all respects the  
19 conditions imposed by this Board with regard to the previous  
20 special permit granted to the petitioner with regard to the  
21 site in question.

22 Continuing: In as much as the health effects of

1 the transmission of electromagnetic energy waves is a matter  
2 of ongoing societal concern, and scientific study, the  
3 special permit is also subject to the following conditions:

4 a) That the petitioner shall file with the  
5 Inspectional Services Department each report it files with  
6 the federal authorities regarding electromagnetic energy  
7 waves emissions emanating from all of the petitioner's  
8 equipment on the site.

9 Each such report shall be filed with the  
10 Inspectional Services Department no later than 10 business  
11 days after the report has been filed with the federal  
12 authorities.

13 Failure to timely file any such report with the  
14 Inspectional Services Department shall ipso facto terminate  
15 the special permit granted tonight.

16 b) That in the event that at any time the federal  
17 authorities notify the petitioner that its equipment on the  
18 site, including but not limited to the special permit  
19 granted tonight, fails to comply with the requirements of  
20 law, or governmental regulation -- whether with regard to  
21 the emissions of electromagnetic energy waves or otherwise -  
22 - the petitioner within 10 business days of receipt of such

1 notification of such failure, shall file with the  
2 Inspectional Services Department a report disclosing in  
3 reasonable detail that such failure has occurred, and the  
4 basis for such claimed failure.

5           The special permit granted tonight shall ipso  
6 facto terminate if any of the petitioner's federal licenses  
7 is or are suspended, revoked or terminated.

8           c) That to the extent that a special permit has  
9 terminated, pursuant to the foregoing paragraphs a) and b),  
10 the petitioner may apply to this Board for a new special  
11 permit, provided that the public notice concerning such  
12 application discloses in reasonable detail that the  
13 application has been filed because of the termination of the  
14 special permit pursuant to paragraphs a) or b) above.

15           Any such new application shall not be deemed a  
16 repetitive petition, and therefore will not be subject to  
17 the two-year period during which repetitive petitions may  
18 not be filed.

19           And d) that within 10 business days after receipt  
20 of a building permit for the installation of the equipment  
21 subject to this petition, the petitioner shall file with the  
22 Inspectional Services Department a sworn affidavit of the

1 person in charge of the installation of equipment by the  
2 petitioner with the geographical area that includes  
3 Cambridge stating that a) he or she has such responsibility,  
4 and

5           b) that the equipment being installed pursuant  
6 to the special permit we are granting tonight will comply  
7 with all applicable federal safety rules, and will be  
8 situated and maintained in locations with appropriate  
9 barricades and other protections, such that individuals,  
10 including nearby residents and occupants of nearby  
11 structures will be sufficiently protected from excavate  
12 radiofrequency radiation under federal law.

13           All those in favor of granting the special (sic),  
14 subject to these conditions?

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

17           ANDREA HICKEY: Andrea Hickey yes to granting the  
18 special permit.

19           SLATER ANDERSON: Slater Anderson yes on the  
20 special permit.

21           JIM MONTEVERDE: And Jim Monteverde yes.

22           CONSTANTINE ALEXANDER: Jim Monteverde?

1 JIM MONTEVERDE: Yes.

2 CONSTANTINE ALEXANDER: Okay.

3 JIM MONTEVERDE: Yes. Sorry.

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

6 [All vote YES]

7 Special permit granted subject to the conditions  
8 just read. The case is over. October.

9 COLLECTIVE: Have a great evening. Thank you.  
10 Goodbye, goodnight everyone.

11 [09:32 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

