

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 24, 2020

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Alison Hammer

Matina Williams

City Employees

Ranjit Singanayagam

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

2 * * * * *

3 (6:06 p.m.)

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

7 CONSTANTINE ALEXANDER: Welcome to the September
8 24, 2020 meeting of the Cambridge Board of Zoning Appeals.
9 My name is Constantine Alexander, and I am the Chair.

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

19 This meeting is being video and audio recorded,
20 and is broadcast on cable television Channel 22, within
21 Cambridge. In due course, there will also be a transcript
22 of the proceedings. We have a transcriptionist on the line

1 who will be taking -- recording discussion at this meeting.

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

9 Generally, we like -- we give people up to three
10 minutes, but that might change based on the number of
11 speakers or other factors. I'll start by asking the Staff
12 to take Board member attendance, and verify that all members
13 are audible.

14 SISIA DAGLIAN: Andrea Hickey?

15 ANDREA HICKEY: Present.

16 SISIA DAGLIAN: Jim Monteverde?

17 JIM MONTEVERDE: Present.

18 SISIA DAGLIAN: Matina Williams?

19 MATINA WILLIAMS: Present.

20 SISIA DAGLIAN: And transcriptionist, are you
21 audible? [Yes.] And Brendan?

22 BRENDAN SULLIVAN: Brendan Sullivan - present.

1 SISIA DAGLIAN: And Gus?

2 CONSTANTINE ALEXANDER: And I'm here as well.

3 SISIA DAGLIAN: Okay.

4 CONSTANTINE ALEXANDER: Okay. We, as is our
5 practice, we start our evening's proceedings by dealing with
6 continued cases. These are cases that have started at an
7 earlier date, but for one reason or another were continued
8 until this evening. We have two, and we'll go through them
9 very briefly, for reasons you'll quickly see.

10 So I'll start by calling the case #017236 -- 97
11 Sixth Street. Anyone here wishing to be heard on this
12 matter?

13 SEAN O'GRADY: Gus, it's Sean.

14 CONSTANTINE ALEXANDER: Yes, Sean.

15 SEAN O'GRADY: In this case, the continued cases
16 aren't to be heard until 7:00.

17 JIM MONTEVERDE: 7:00.

18 CONSTANTINE ALEXANDER: Is that right?

19 COLLECTIVE: Yes.

20 CONSTANTINE ALEXANDER: I'm sorry, so we'll --
21 thank you. I will hold this case and the other continued
22 case until 7:00 or thereabouts, not earlier.

1 * * * * *

2 (6:08 p.m.)

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

6 CONSTANTINE ALEXANDER: And I'll call now the
7 first case on the regular agenda, Case Number 017317 -- 42
8 Maple Avenue. Anyone here wishing to be heard on this
9 matter?

10 MALCOLM PITTMAN: Yes, I'm Malcolm Pittman. My
11 wife and I are the owners, successors to the petitioner.
12 Should I proceed?

13 CONSTANTINE ALEXANDER: Yes, but not -- before we
14 get to the merits, we have a procedural -- an important
15 procedural issue to deal with. As you know, or should know,
16 the zoning ordinance requires that a notice of meeting be
17 posted and maintained for two weeks -- 14 days -- before the
18 meeting.

19 A week ago, seven days into the 14 days, I visited
20 the site to be sure that the signs have been posted and
21 there was no sign of them. I had a member of the
22 Inspectional Services Department check to be sure I didn't

1 make a mistake, and he confirmed that there was no sign.

2 There is a sign on the ground behind some bushes,
3 which is odd because of the first thing we get a picture --
4 a photograph, I should say -- from your architects showing
5 how the sign was posted or where, that it had been posted at
6 some point. But it's hard to see how it could have gotten
7 from that taped sign to -- on the ground behind the bushes.

8 Further, there's been no sign up for at least
9 seven days of the 14 days that are required. So I -- you
10 know, my first reaction was to continue this case and have
11 you post another sign and make sure it stays up there for
12 the 14 days, but that's maybe premature.

13 Do you have anything to say about that, before I
14 ask the Board to take a vote as to whether it wants to hear
15 the case tonight?

16 MALCOLM PITTMAN: Well, yes. We are sorry about
17 that. My wife and I actually live a few blocks away. We
18 bought this unit last month to be our future retirement
19 home. We have a friend who's living there as a tenant now.
20 So we're not there every day. And we did learn from Ms.
21 Daglian that the sign had fallen down.

22 Apparently, the architect, Mr. Okun, stapled it up

1 and -- you know, on the front of the building in a timely
2 manner.

3 And as you know, I guess it's been fairly windy;
4 we don't know exactly what happened, but apparently it did
5 fall to the ground, and since we're not there every day, we
6 did not see it, and we were not notified of it.

7 As soon as we -- soon as we learned of it,
8 obviously, we put it back up. I know it was up for a few
9 days again more than two weeks before the hearing, and it's
10 been up for the last few days. We do not know exactly how
11 long it was down there, and we apologize for that.

12 The only other thing I would say is that this is a
13 petition to amend a variance that was granted six months
14 ago, and it's a very small amendment just to change the size
15 of the deck of the rear yard.

16 There were no objections at the hearing six months
17 ago. You know, we've spoken with a neighbor and with the
18 other unit owners. We're not expecting any objections here.

19 So, you know, we're hoping that the Board can
20 excuse that lapse. But we certainly understand that there
21 was a lapse, and we apologize for that.

22 CONSTANTINE ALEXANDER: Thank you. I think we do

1 have to take -- it's a matter of proper procedure to decide
2 in a preliminary vote as to whether we want to hear the case
3 tonight or to continue it.

4 This vote would be a majority -- a simple majority
5 vote, three out of the five, unlike the four votes you would
6 need for the relief you're seeking.

7 So, with that Brendan, how would you vote on this
8 matter?

9 BRENDAN SULLIVAN: Well, I think that -- this is
10 Brendan Sullivan -- I think there's probably been a good
11 faith effort to at least maintain the sign, so I would vote
12 to proceed with tonight's hearing.

13 CONSTANTINE ALEXANDER: Okay. Jim?

14 JIM MONTEVERDE: Yeah, I agree with Brendan. We
15 can proceed.

16 CONSTANTINE ALEXANDER: Okay. Any other -- has
17 Matina been on?

18 SISIA DAGLIAN: Andrea.

19 CONSTANTINE ALEXANDER: Andrea. Andrea?

20 ANDREA HICKEY: Yes, I'm fine with proceeding. I
21 agree with Brendan -- a good faith attempt was made, and the
22 sign was up for a while.

1 CONSTANTINE ALEXANDER: Okay. Well, that's three
2 already. So I don't think there's a need to continue this
3 vote. We will proceed with the case. But I think we needed
4 to get this out of the way.

5 All right, now back to the merits.

6 MALCOLM PITTMAN: Well, we appreciate that. Thank
7 you very much. Shall I proceed?

8 CONSTANTINE ALEXANDER: Yes, please.

9 MALCOLM PITTMAN: Okay. As I said, we are the
10 successors to the original petitioner. The petition was
11 actually filed by Mr. Wolfberg's architect, Doug Okun. He
12 could not be here tonight. His associate, Janita Naslazi
13 [all names phonetic], was going to call in I believe, in
14 case there are any technical questions.

15 But, as I said, this is -- this petition really
16 seeks a small amendment to the variance that was granted six
17 months ago in February. At that hearing, the Board granted a
18 special permit to allow a sliding glass door to be built at
19 the rear of the ground-floor unit, unit 1, which we bought.

20 And it granted a variance to allow a small deck
21 and stairs to be installed there to allow egress through the
22 sliding glass door to the rear yard below.

1 As I said, we have bought the unit since those
2 decisions were made. When we looked at the plan through the
3 rear yard, we immediately noticed that the deck was not as
4 wide as the sliding glass door.

5 And we thought that as a matter of safety, if for
6 no other reason, the deck should be at least as wide to
7 allow full egress through that sliding glass door.

8 The variance allowed a deck that was five feet
9 wide in accordance with the plans originally submitted by
10 Mr. Okun.

11 This petition seeks an amendment to allow a deck
12 that is eight feet wide. So three feet wider. All the
13 other dimensions, the depth and the height and all that sort
14 of thing, are the same.

15 So that's the only change. As I said, our
16 understanding is the people we've spoken with -- the
17 neighbors and the other unit owners -- have no objection.
18 So that's our --

19 CONSTANTINE ALEXANDER: That's an enlarged deck.
20 It's not enlarged to the extent that you can have people
21 sitting on it, or are you?

22 MALCOLM PITTMAN: It would allow people to sit on

1 it, yes. It's not -- it's small, but it would allow two
2 chairs if it were eight feet wide.

3 CONSTANTINE ALEXANDER: Is that the intention to
4 allow them to use it for seating purposes as well as
5 entrance purposes?

6 MALCOLM PITTMAN: Occasionally, yes. We're going
7 to have a table in that small back yard there, which I think
8 would be the primary place we would sit in the back yard,
9 but there is an intention to allow seating up there as well.

10 CONSTANTINE ALEXANDER: The neighbor who would be
11 most affected by the large deck, has he or she spoken to
12 you, or?

13 MALCOLM PITTMAN: Yes, that's the neighbor we
14 spoke with, the neighbor directly behind the rear yard, and
15 they told us they had no objection.

16 CONSTANTINE ALEXANDER: Okay. I don't think they
17 wrote a letter; I didn't know they haven't. All right,
18 thank you. Questions from members of the Board?

19 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

20 ANDREA HICKEY: It's Andrea Hickey here. Could I
21 ask Sisia to put up any plans that she has in the file?

22 CONSTANTINE ALEXANDER: Sisia is about to do that,

1 trying to do it.

2 [Conversation in the background]

3 MALCOLM PITTMAN: This is the relevant page.

4 SISIA DAGLIAN: Okay.

5 MALCOLM PITTMAN: You see on the left there, it
6 shows the new deck would be eight feet wide.

7 [More conversation in the background]

8 ANDREA HICKEY: Yeah, somebody needs to mute,
9 whoever's talking in the background, please.

10 CONSTANTINE ALEXANDER: All set? Andrea, you have
11 any more?

12 ANDREA HICKEY: Yeah, I'm just reviewing. Nothing
13 further from me at this time.

14 CONSTANTINE ALEXANDER: Okay. Matina? Do you
15 have any questions you want to ask?

16 MATINA WILLIAMS: Not at this time.

17 CONSTANTINE ALEXANDER: Okay. And --

18 JIM MONTEVERDE: This is Jim Monteverde, I'm all
19 set.

20 CONSTANTINE ALEXANDER: I thought you were all
21 set.

22 JIM MONTEVERDE: Yep.

1 CONSTANTINE ALEXANDER: All right. There are no
2 letters in the files, or any other communication. Well,
3 first question to ask, see if anyone wants to speak. So let
4 me give the instructions for that.

5 Any members of the public who wish to speak should
6 now click the icon at the bottom of your Zoom screen that
7 says, "Raise hand." If you're calling in by phone, you can
8 raise your hand by pressing *9 and unmute or mute by
9 pressing *6. So I'll just wait a few minutes to see if
10 anyone wishes to speak?

11 Apparently not. Okay. And as I think I said,
12 there are no written communications from. So I will close
13 public testimony. Discussion, or are we ready for a vote?

14 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
15 vote.

16 CONSTANTINE ALEXANDER: Okay. I assume that's
17 true of all the others, so I won't ask.

18 COLLECTIVE: Ready.

19 CONSTANTINE ALEXANDER: Okay. All right. The
20 Chair moves that we make the following findings with regard
21 to the relief being sought:

22 That -- I'm looking for the section of the statute

1 that we have to deal with:

2 That a literal enforcement of the provisions of
3 the ordinance would involve a substantial hardship, such
4 hardship being is that the deck, as submitted to us and
5 approved earlier, really is approved to be not a sufficient
6 size, and so, there's a need to correct an inadvertent and
7 incon -- in my mind -- inconsequential error.

8 The hardship is owing to the same reasons that
9 justified putting in the deck the first time around when we
10 granted the variance.

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

14 Again, in this regard the neighbor most affected -
15 - probably the only person in the city affected besides the
16 petitioner and other occupants of the structure -- are in
17 support of the relief.

18 So on the basis of these findings, the Chair moves
19 that we grant the variance requested on the condition that
20 the work proceed in accordance with plans prepared by -- let
21 me get information up exactly -- prepared by Douglas Okun --
22 O-k-u-n and Associates, and they are -- I'm looking for a

1 date, but I don't see it -- the plans have been initialed by
2 the Chair.

3 All those in favor, please say, "Aye."

4 BRENDAN SULLIVAN: Brendan Sullivan yes to grant
5 the relief.

6 ANDREA HICKEY: Andrea Hickey yes to grant the
7 relief.

8 MATINA WILLIAMS: Yes to grant the relief.

9 JIM MONTEVERDE: And Jim Monteverde yes.

10 CONSTANTINE ALEXANDER: And the Chair votes yes as
11 well.

12 [All vote YES]

13 CONSTANTINE ALEXANDER: Relief granted,
14 congratulations.

15 MALCOLM PITTMAN: Thank you very much. We
16 appreciate it.

17 CONSTANTINE ALEXANDER: You're welcome.

18

19

20

21

22

1 * * * * *

2 (6:20 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017319 -- 113 Inman Street. Anyone here wishing
8 to be heard on this matter?

9 ALEX VAN PRAAGH: Hello, Mr. Chair. Alex Van
10 Praagh. I am the petitioner and architect on this project.

11 CONSTANTINE ALEXANDER: Okay. The floor is yours.

12 ALEX VAN PRAAGH: We are seeking relief to install
13 a guardrail along an exterior stairwell that is six feet
14 from the northeast side yard property line. We are also
15 seeking relief to install or modify -- slight modification
16 to two windows that are within the minimum side yard
17 setback.

18 CONSTANTINE ALEXANDER: I take it that -- with
19 regard to the variance and the requested guardrail, that's
20 all for safety factors?

21 ALEX VAN PRAAGH: Yes, it is.

22 CONSTANTINE ALEXANDER: Any other members of the

1 Board have any questions they want to ask?

2 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

3 CONSTANTINE ALEXANDER: Jim?

4 JIM MONTEVERDE: Sisia, are you bringing up a
5 plan?

6 SISIA DAGLIAN: Yes, I'm trying to.

7 ALEX VAN PRAAGH: I should mention that the
8 property owners Charles and Carol Korn are also present at
9 this meeting.

10 CONSTANTINE ALEXANDER: Thank you.

11 ALEX VAN PRAAGH: The relevant pages, or one
12 relevant page, is the S1.1. It calls out the proposed
13 basement stair and guardrail at six feet from the property
14 line. It's clouded.

15 [Pause]

16 Exactly. It appears on the northeast elevation as
17 well, if you wish to see Sheet #A2.1.

18 JIM MONTEVERDE: And then, if I may, the reason
19 for the basement access in that manner.

20 ALEX VAN PRAAGH: It's a full renovation of the
21 building, and the basement is being renovated, and the
22 utility of the basement would be enhanced with a basement

1 access stair.

2 JIM MONTEVERDE: Is it meant to be an accessory
3 apartment, or is this still a one-family, a two-family, I
4 guess?

5 ALEX VAN PRAAGH: It's actually going from a two-
6 family to a single-family.

7 JIM MONTEVERDE: Oh, okay. Thank you. Yes.

8 ALEX VAN PRAAGH: So this A2.1 shows this side
9 view. It also shows the two windows, which are replacing
10 existing windows and modifying their width from 18.5 inches
11 to 21 inches, and shifting them three and nine inches
12 respectively towards the east, towards the front of the
13 building.

14 What you're looking at is the full scope of the
15 proposed relief.

16 BRENDAN SULLIVAN: This is Brendan Sullivan. Mr.
17 Van Praagh, is there another entry into the basement? Or
18 will this be the only one, the primary one?

19 ALEX VAN PRAAGH: This would be the only exterior
20 entry. There is an internal stair.

21 BRENDAN SULLIVAN: To the outside?

22

1 ALEX VAN PRAAGH: This is the perfect plan to see,
2 thank you. This is the only stair to the outside.

3 BRENDAN SULLIVAN: Okay. So actually the railing
4 is -- well, what triggers this is it's a building code
5 requirement?

6 ALEX VAN PRAAGH: Yes.

7 CONSTANTINE ALEXANDER: Anyone else have -- any
8 other members have questions they want to ask the
9 petitioner's representative?

10 Apparently not. I will open the matter up to
11 public testimony. And again, the instructions are that any
12 member of the public who wishes to speak should now click
13 the icon at the bottom of your Zoom screen that says, "Raise
14 hand."

15 If you're calling in by phone, you can raise your
16 hand by pressing *9 and unmute or mute by pressing *6. I'll
17 take a moment or two to see if anyone wishes to speak.

18 ALEX VAN PRAAGH: Stephanie, would you like to
19 speak?

20 KENNETH AND STEPHANIE JAMES: Yes, please. This
21 is Stephanie and Ken from 111 Inman, right across on the
22 neighboring yard from the Korns.

1 CONSTANTINE ALEXANDER: Go ahead. We'd like to
2 ask permission to speak. Okay, great. So we're really
3 excited. It's going to be a beautiful house once it's done.

4 We had an arrangement with Moss, the builder, to
5 not start work until 8:00 a.m. and it looked like the work
6 has resumed, so wanted to make sure with this modification
7 and with the additional work going on that they're not
8 starting before 8:00 a.m.

9 Primarily, like, they have a metal dumpster and
10 they throw very heavy things early in the morning into the
11 metal dumpster, and our windows are just a few feet away.
12 So it scares awake the people in 111 Inman, the six condos
13 that are in there.

14 CONSTANTINE ALEXANDER: The city of -- for your
15 information, the City of Cambridge has regulations governing
16 when work can begin and should stop for purposes of
17 construction, and they will apply. I believe it's can't
18 start -- Sisia, what?

19 SISIA DAGLIAN: 7:00.

20 CONSTANTINE ALEXANDER: 7:00. They can't start
21 before 7:00.

22 KENNETH AND STEPHANIE JAMES: Thanks.

1 CONSTANTINE ALEXANDER: They can start after 7:00.

2 And they have to finish by 5:00? 6:00, by 6:00.

3 KENNETH AND STEPHANIE JAMES: Yep. This was an
4 agreement that involved the Mayor, so one of our neighbors
5 when to the Mayor. And someone from the Department went
6 over and agreed with Moss that work would not start until
7 8:00 a.m.

8 It was the -- the ISD was the one who came over
9 and agreed with Moss that that would not -- work would not
10 start before 8:00 a.m.

11 CONSTANTINE ALEXANDER: Well, I think it's
12 something that you should work out with your neighbor. I
13 don't think it's within the purview of a Zoning Board to
14 regulate hours of construction on a site. That, again, is
15 for the city, other parts of the city bureaucracy to set the
16 rules. As I had indicated, it's 7:00 to 6:00 are the times
17 they can do it.

18 But I'm sure that your neighbor will be
19 cooperative in terms of not disturbing the peace of your
20 house, or the people who live in your home, or your
21 structure.

22 I for one, and other members of the Board may feel

1 otherwise, I for one am loathe to have as a zoning Board us
2 setting hours for construction for the site. [Should we
3 grant relief, by the way.]

4 ANDREA HICKEY: I would agree with the Chair, and
5 I would add that I do not we have authority to sort of
6 include in our decision work hours that are covered by other
7 city ordinances.

8 CONSTANTINE ALEXANDER: Thank you, Andrea. Any
9 other further?

10 ALEX VAN PRAAGH: Mr. Chair, may I add a comment?
11 [Alex Van Praagh]

12 CONSTANTINE ALEXANDER: Yes.

13 ALEX VAN PRAAGH: I was remiss in not mentioning a
14 note of support that was forwarded to me from the neighbor
15 most affected by the relief being sought. If I may, I'll
16 read it. It's very brief.

17 "Hello, my name is Doug Ashram (phonetic). I live
18 at 115 Inman Street with my family. I am a direct abutter
19 of 113 Inman Street, and I wanted to express our support for
20 the architectural changes proposed for the project that were
21 outlined in the special permit notice.

22 "The proponent has reviewed the plan changes with

1 our family in detail, and they are of minimal impact to our
2 residents.

3 "We've also had a good experience with the
4 construction crews, as they have been respectful and
5 responsive during these unique and challenging times. We
6 look forward to welcoming the Korn family to our
7 neighborhood."

8 Doug Arsham and Jenny Efron [all names phonetic].

9 CONSTANTINE ALEXANDER: Thank you. I should tell
10 you that we do have a copy of that letter in our files as
11 well.

12 ALEX VAN PRAAGH: Okay, great.

13 CONSTANTINE ALEXANDER: So -- and I was going to
14 read it.

15 ALEX VAN PRAAGH: Oh.

16 CONSTANTINE ALEXANDER: But you beat me to the
17 punch. That's fine, no problem.

18 ALEX VAN PRAAGH: My apologies. I just wanted to
19 make sure that the Board was aware, and Moss Keene has done
20 his best to work well within these challenging times.

21 CONSTANTINE ALEXANDER: Thank you.

22 ALEX VAN PRAAGH: He is the General Contractor.

1 CONSTANTINE ALEXANDER: Anyone else wishes to
2 speak?

3 SPEAKER UNIDENTIFIED: So we would also like to
4 echo that sentiment, representing the people of 111 Inman,
5 that we're excited to see the Kornes move in and to welcome
6 them.

7 CONSTANTINE ALEXANDER: Okay. Anyone else?

8 KENNETH AND STEPHANIE JAMES: Yeah, this is
9 Kenneth and Stephanie.

10 ANDREA HICKEY: You need last names, or do you
11 have that from the case list?

12 KENNETH AND STEPHANIE JAMES: That is correct.

13 CONSTANTINE ALEXANDER: Moving on, I'm going to
14 close public testimony. As I mentioned, as indicated, we
15 have one letter in our files, the one that the architect
16 read and the one I have confirmed we have received and are
17 in the file for this case.

18 So with that, I will close all public testimony,
19 and turn it over to the Board. I should remind everyone
20 we're talking about two votes on this case; one for the
21 variance and one for the special permit.

22 Actually haven't heard anything about the special

1 permit, so, sir, if you could just talk about -- go over
2 briefly the window installation in the setback, where they
3 are in the plans?

4 ALEX VAN PRAAGH: Yes. If we could reference the
5 A1.1 is the first plan where the shift -- the three-inch-
6 shift in the window appears. And this is in order to
7 accommodate built-ins that would run on two sides of a
8 pantry.

9 And then A1.2 the window is having a slight shift
10 in order to accommodate the bathroom layout so that the
11 window does not sort of come dangerously close to the tub.

12 So those are the reasons for the shift, and while
13 the windows of the house are being replaced with Marvin
14 Integrity windows and the window size is being slightly
15 increased by two and a half inches...

16 Or from 18.5 to 21 inches in both cases to allow
17 more light to come in, the sill of the window is slightly
18 higher than the existing window for privacy reasons and to
19 allow the cabinets to work well in the pantry below.

20 CONSTANTINE ALEXANDER: Have you had any
21 discussions with the persons who would be affected by the
22 window change? I.e., the -- that face the wall of your

1 client's structure, where the window will be?

2 ALEX VAN PRAAGH: The letter that I read is from
3 the abutter that faces --

4 CONSTANTINE ALEXANDER: Okay.

5 ALEX VAN PRAAGH: -- this elevation.

6 CONSTANTINE ALEXANDER: Good. Thank you. With
7 that, I will close public testimony on both requests that
8 are being made for the zoning relief. Discussion, or are
9 members of the Board ready for a vote?

10 JIM MONTEVERDE: This is Jim Monteverde. I have
11 one quick question, if I can?

12 CONSTANTINE ALEXANDER: Go right ahead.

13 JIM MONTEVERDE: I understand the need or the
14 desire to have the access directly to the basement from the
15 outside. Can you explain why the access basically faces the
16 street and not the back of the lot?

17 ALEX VAN PRAAGH: Well, the idea is that the back
18 yard could be a place where the clients' children and family
19 could, you know, have their garden and enjoy the space. And
20 they were trying to sort of allow the yard to survive.

21 And there is a very sort of clear and ready part
22 of the site where a path could approach the stair as

1 proposed.

2 JIM MONTEVERDE: Okay, thank you.

3 CONSTANTINE ALEXANDER: Anyone else on the Board
4 want to ask questions or make a comment? I guess not. So I
5 think we'll proceed to the votes. I'll start with the vote
6 for the variance.

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

9 That a literal enforcement of the provisions of
10 the ordinance would involve a substantial hardship, that
11 hardship being that there's a need for a guardrail for
12 safety purposes on the side of the house, where there's a
13 need for zoning relief.

14 That the hardship is owing to the fact that this
15 is already -- this structure is an older structure, and has
16 been in use, in existence for many years, and therefore
17 there's nothing you can do about -- you're going to have a
18 guardrail, and you're going to have basement windows, you're
19 going to need a guardrail, and the guardrail is where it is
20 going to be.

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

1 derogating from the intent or purpose of this ordinance.

2 So on the basis of these findings, the Chair moves
3 that we grant the variance requested on the ground -- on the
4 condition, sorry -- on the condition that the work proceed
5 in accordance with plans submitted and prepared by ACVP
6 Design, the first page of which, the date is August 3, 2020,
7 and the first page of which has been initialed by the Chair.

8 All those in favor?

9 BRENDAN SULLIVAN: Brendan Sullivan yes to grant
10 the relief.

11 ANDREA HICKEY: Andrea Hickey yes to grant the
12 relief.

13 MATINA WILLIAMS: Matina Williams to grant the
14 relief, yes.

15 JIM MONTEVERDE: And Jim Monteverde, yes.

16 CONSTANTINE ALEXANDER: The Chair votes yes as
17 well.

18 [All vote YES]

19 CONSTANTINE ALEXANDER: The variance is granted.
20 Now, let's turn to the special permit, where we have to make
21 a number of other findings to grant the relief.

22 That the requirements of the ordinance cannot be

1 met unless we grant the special permit to relocate -- to
2 install windows in the setback.

3 That traffic generated or patterns of access or
4 egress resulting from this will not cause congestion,
5 hazard, or substantial change in established neighborhood
6 character. As the petitioner's architect has indicated, the
7 changes to the structure are very minimal in nature.

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

11 The relocation of the windows will not
12 substantially invade the privacy of the abutter most
13 directly affected by this.

14 That no nuisance or hazard will be created to the
15 detriment of the health, safety and/or welfare of the
16 occupant of the proposed use, or the citizens of the city,
17 and that generally, what is being proposed with regard to
18 relocation of windows will not impair the integrity of the
19 district or adjoining district, or otherwise derogate from
20 the intent and purpose of this ordinance.

21 So on the basis of these findings, the Chair moves
22 that we grant the special permit requested -- again, on the

1 condition that the work proceed in accordance with plans
2 referred to when we granted the variance. Vote? Brendan?

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

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

7 MATINA WILLIAMS: Matina Williams yes to grant the
8 relief.

9 JIM MONTEVERDE: And Jim Monteverde yes.

10 CONSTANTINE ALEXANDER: The Chair votes yes as
11 well.

12 [All vote YES]

13 CONSTANTINE ALEXANDER: Relief unanimously
14 granted. Thank you.

15 ALEX VAN PRAAGH: Thank you

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2 (6:37 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay, moving on, the Chair
7 will now call Case Number 017315 -- 11 Lopez Street. Anyone
8 here wishing to be heard on this matter?

9 SARAH RHATIGAN: Yes, good evening. This is Sarah
10 Rhatigan from Trilogy Law, LLC. I'm the attorney
11 representing the petitioner, Maciej Gadamski. Maciej is on
12 the line with us, as is his mother, Daniela Gadamski. Are
13 you both there? Just checking our sound. Yes, we can -- I
14 can see them.

15 Thank you for hearing this case this evening.
16 This is a request for a variance. And the property is
17 located in Cambridgeport at 11 Lopez Street. I would ask if
18 Ms. Daglian could post the presentation? Thank you very
19 much. This is just the cover sheet.

20 So this is a variance request seeking relief --
21 dimensional relief -- for the addition renovations to this
22 home. And I just wanted to give you a little background to

1 the [audio unclear] and what their hope is for the property.

2 So this is a two-family home. They have owned, or
3 -- yes, collectively they have owned the property since
4 1992, so have lived here in the upstairs unit for about 28
5 years. Ms. Gadamski has actually lived elsewhere on and off
6 for the past eight years she's been living independently in
7 Newton.

8 Ms. Gadamski is getting up there in age a bit, and
9 her son, Mr. Gadamski, is trying to find a way to bring her
10 back to live with him, and she may need some daily care as
11 well.

12 So these are the -- sort of the family's driving
13 needs to make some improvements to the home.

14 The home is also in pretty significant disrepair
15 inside. It hasn't been updated. It's got the old, you
16 know, nice 1900 lack of insulation.

17 So if you see, the front door is sort of in a --
18 like a protruded section of the house right there, with
19 absolutely no insulation. When you open that front door,
20 the full first floor of the house is immediately chilled in
21 the winter, which is when I first visited the family.

22 Could you advance the slide, Sisia?

1 This is just another view of the house. What I'm
2 showing you here is just the short -- you know, the house is
3 relatively short in comparison to all of the neighboring
4 houses.

5 This picture you can just barely see both
6 structures on both sides of it are quite a bit higher.
7 We're at about 25 feet, I believe, and all the other homes
8 on the street are at least 35 feet or more.

9 Next slide, please?

10 This is a view from the back of the house. When
11 we look at the area plan, you'll see it's an interesting
12 area of Cambridgeport where there's a private way that comes
13 up to this point at the back of the yard called, "Rollins
14 Court." And so, when you drive out to this privacy way,
15 this is how you access the back of the house for the
16 parking. I think that car parked there is the fam's car.

17 Another good view where you can see the neighbors'
18 structure, which is quite a bit bigger. The structure on
19 the right is the Rollins Court -- is part of the Rollins
20 Court condominium. The house that you see to the left on
21 the small house is on Lopez Street. It's -- I believe it's
22 9, 7 and 9 Lopez Street.

1 Next slide, please?

2 So with the area map, just to see a sense of what
3 we have. So this is an undersized lot. I think we're just
4 over 2500 square feet. And the large buildings that
5 encircle our lot to the left -- and both of the buildings
6 behind -- are all part of the Rollins Court condominium.
7 These are larger townhouse structures.

8 And then bordering to the right, as I mentioned,
9 is 7 to 9 Lopez Street, which has just undergone a
10 renovation, and is substantially larger.

11 The gist is that this is a neighborhood that has a
12 lot of structures that are right up to the street line, and
13 most of them with some pretty high densities. I actually
14 was just running numbers today, and in terms of FAR
15 calculations, all of the lots that you see on this piece of
16 paper here that I was able to calculate were all at least
17 0.75 -- 0.75. I think there were three homes that were
18 under 0.9.

19 And then all of the others were 1.0, 1.6, 1.2,
20 1.4. So I mean you get the gist, and I know you all know
21 this neighborhood pretty well. There's a lot of much higher
22 density than what this -- this little lot and this little

1 house has had.

2 Next slide, please?

3 CONSTANTINE ALEXANDER: Before we move to the next
4 slide --

5 SARAH RHATIGAN: Yes.

6 CONSTANTINE ALEXANDER: -- I'm not sure which way
7 your point cuts, in this very dense neighborhood. Should we
8 increase the density of the neighborhood, that's what you're
9 asking this Board?

10 SARAH RHATIGAN: Yeah. Well, I think what you'll
11 see is that what I'm trying to do is to give a little
12 context for the request.

13 We realize, of course, that we're asking for an
14 increase in density, an increase in FAR. And this is -- you
15 know, this is the Board's, you know, prerogative to decide
16 whether or not you agree that we have a hardship.

17 And in this case, I'm just trying to give you the
18 context in which, you know, which this house sits. It is
19 unique in its small dimensions. It's very shallow, so I
20 think it's 22 feet from the front to the back with the
21 insulation issues and the -- what we'll see --

22 CONSTANTINE ALEXANDER: Before you move on, your

1 point is fair.

2 SARAH RHATIGAN: They have gone to great effort to
3 try to -- oh, what's that?

4 CONSTANTINE ALEXANDER: No, I was going to say
5 before we move on to another slide, I want to get it in the
6 record so that it's clear.

7 Right now, your client's property complies with
8 the FAR requirements. It's at 0.57 in a neighborhood where
9 the rule is 0.6 or less. And if we grant the relief you're
10 seeking, you will go to 0.96, which is almost 50 percent
11 more than our ordinance allows.

12 Now, that doesn't mean I'm going to vote against
13 it, or other members of the Board should vote against it.
14 The record should be clear as to what it is you're seeking
15 specifically, not the generalities.

16 SARAH RHATIGAN: Yep. Yes, yep. Absolutely. And
17 we'll get to that when -- I'm sorry for the long lead in,
18 but we will certainly get to the elevations and the
19 specifics of the dimensional relief.

20 CONSTANTINE ALEXANDER: Good, thank you.

21 SARAH RHATIGAN: Next slide, please?

22 This is a plot plan. So I apologize. I realize

1 seeing on the screen it's a lot of detail here. But
2 essentially the addition, which we'll see better in the
3 elevations, the addition at the front, what it's doing is
4 it's essentially squaring off the front of the house. So
5 it's bringing the front two sides of the house forward.

6 And then there's a very, very -- I think it's two
7 feet addition to the deck in the back, extending the --
8 there's a low deck on the first-floor level that gets
9 extended in the back. Thanks, Sisia, for that help.

10 And then another important improvement -- I
11 mentioned this is a two-family home. The second unit is a
12 basement level or garden-level apartment, which right now is
13 quite dark with, you know, a dark, non-code-compliant entry
14 at the front.

15 So they're proposing stairs down to a more proper
16 entry to the basement apartment, on what is on the right
17 side of the structure.

18 And then on the left side in the front is just
19 some -- a better open window for egress and for the bedroom
20 on the front left side of the basement apartment.

21 Next slide, please?

22 This slide has both the front elevation and the

1 back elevation shown in terms of existing. I talked about
2 the height of the house, it's 25 feet.

3 Next slide, please?

4 The addition extends this to a full third story.
5 And it also is squaring off the front of the house. So, as
6 I mentioned before. So you can see the front walls move
7 forward a bit. And then this also shows you how there's an
8 improved basement window on the left, and then the stairs
9 going down to the basement entry at the front.

10 Next slide, please?

11 Just repeating the slide we just looked at the,
12 this is existing rear elevation.

13 Next slide, please?

14 And then just to show you what's happening at the
15 house: Again, we're extending up to a third story. At the
16 third level, this is just a cross-section to show you what's
17 done here -- they, in an effort to sort of bring the height
18 down in the rear, which is where sort of shadows would be
19 more, you know, cast back behind into the garden areas, you
20 can see the slope of the roof comes down.

21 And then there's a small dormer, I don't know what
22 you call that -- a doghouse dormer, I guess.

1 But otherwise, the back -- the back sort of façade
2 of the house stays the same. It has sort of a suite, with
3 double bays, et cetera.

4 And the intent here, again, was to really try to
5 keep what is very unique to have any yard in Cambridge in
6 this area, to keep the little yard the way it is. So trying
7 not to invade that yard with the plans.

8 Next slide, please?

9 This is the existing side elevation as seen on the
10 right. So the street -- Lopez Street is on the left-hand
11 side of this plan.

12 Next slide?

13 And then this is with the third story added.

14 Next slide? Unless -- if any of the Board members
15 want me to slow down, please let me know.

16 This is the exhibiting left elevation.

17 And next slide?

18 And this is the look with the addition. I have
19 floor plans, we can go through them if people have concerns,
20 but, you know, this is an effort to be able to maintain two-
21 family house and to allow a family to, you know, continue to
22 live and stay in Cambridge.

1 You know, the hardship's in terms of the structure and its
2 small lot size, and the structure itself being antique and
3 quite narrow in depth, with no insulation.

4 All of these factors lead to a situation where
5 their FAR request is, you know, necessary to essentially
6 allow the property to be improved -- you know, to make it
7 financially feasible to do so as well.

8 The other options, which the petitioner does not
9 want to have to do or have happen, would be to remove the
10 rental unit, or essentially to have his Mom come move in to
11 the basement apartment, which, you know, if there's no way
12 to kind of fit on this property, that might be another
13 option.

14 The -- I'm just looking to see -- could you just
15 advance the slide? Nope, I think I covered what I was
16 hoping to cover. Again, if you do want to talk through any
17 of the floor plan, I'm happy to do that. And also happy to,
18 you know, hear any questions that you have.

19 CONSTANTINE ALEXANDER: Any Board member want to
20 hear about -- talk about the floor plans?

21 BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.
22 I don't know where to start. This is a huge ask. And I

1 think the impact of pushing this really right up to the
2 sidewalk.

3 And I know you're trying to compare it to the
4 other properties on the street, and those -- the way they
5 were built way back when -- is probably why we have the
6 ordinance that we have today, because they decided that was
7 not a very good idea, the urban planning or streetscape, and
8 we need to push things back and to give more distance
9 between structures and not overload this site.

10 I'll be interested as more input, but to me this
11 is a very big ask.

12 CONSTANTINE ALEXANDER: Okay, Brendan. Anyone
13 else -- any other Board members?

14 JIM MONTEVERDE: This is Jim Monteverde. I share
15 Brendan's concern -- and first about, just about the
16 extension toward the street and really hugging right up
17 against the street.

18 And then just the size of the expansion and what
19 they're left with in terms of FAR just seems -- it, as
20 Brendan said, it's a big ask, and I don't know that I would
21 necessarily support it.

22 I do appreciate the concern about, you know, having

1 to insulate in an older structure, but still it's a lot of
2 work that's envisioned here. It may just be too much for
3 this particular lot.

4 CONSTANTINE ALEXANDER: Sarah, could you just --
5 before I ask other members of the Board if they have any
6 comments, would you go over the dimensional -- specifically,
7 the dimensional relief you're seeking?

8 We know already that you want a significant
9 variation from FAR. We're going to -- you know, 0.6
10 district they're going to want to go to 0.97. What about
11 setbacks?

12 SARAH RHATIGAN: In terms of setbacks, the change
13 is really -- it's an extension of existing setback
14 encroachments.

15 So, you know, obviously the structure is getting
16 higher. So to the extent that we are -- we are, you know,
17 with the stairs, the cement stair structure, we're at zero
18 lot line as it is.

19 So the -- you know, the change is essentially, you
20 know, pushing the front walls on both sides of what's now
21 sort of the bump out portion, pushing those walls forward
22 and extending up, and then keeping the stairs in the same

1 place.

2 The structure itself, if we go back to the -- I'm
3 sorry, to the site plan up at the top -- sorry, Sisia, thank
4 you for this. And if you could just expand that a bit.

5 So the structure itself will be 4 feet, 4.3 feet,
6 4.1 feet from the lot line. And then the stair -- you know,
7 the cement stair structure. And then there will be a
8 railing at the -- to guard the basement stairs going down,
9 which is the reason that, you know, we still are reporting a
10 zero lot line in the front.

11 On the sides -- again, this is just extending --
12 not increasing any nonconformity, but obviously on the left
13 and the right we're relatively close to the lot lines there,
14 3.8 feet on one side, 3.2 and 2.6 on the other.

15 CONSTANTINE ALEXANDER: So basically with regard
16 to setbacks, you're not reducing the setback further, you're
17 just increasing the amount of structure?

18 SARAH RHATIGAN: Correct.

19 CONSTANTINE ALEXANDER: That's today's assessment?

20 SARAH RHATIGAN: Yep, yep, correct.

21 CONSTANTINE ALEXANDER: And in regards to height,
22 to be sure you're going to increase the height of the

1 structure from 25.8 feet to 32.8, which is --

2 SARAH RHATIGAN: Correct.

3 CONSTANTINE ALEXANDER: But our ordinance allows
4 you to go as high as 35 feet.

5 SARAH RHATIGAN: That's correct.

6 CONSTANTINE ALEXANDER: So you're not violating in
7 any sense the ordinance with regard to height. I want to
8 make that clear as well.

9 SARAH RHATIGAN: Yes, that's true. There's one
10 other thing I just wanted to point out, just in response to
11 the comments being concerned about moving the house towards
12 the front, in the front portion. This was not the first
13 option.

14 And the first design, or probably not the first,
15 maybe the third set of design revisions that the family went
16 through over a few years ago had less of a change in the
17 front -- actually Maciej., you can remind me if there was
18 any change.

19 I think at the beginning there was going to be a
20 change to the entryway, but not actually a change in the
21 front portion of the house. But there was going to be more
22 of an increase at the back of the house, with the higher

1 pitch roof.

2 And essentially the room I was talking about, the
3 back of the house where there were those little bays, the
4 plan had been to extend out the wall by I think maybe two
5 feet in the rear, and to square off the back of the house.

6 And Maciej had, you know, been communicating with
7 neighbors to gain support for his family and family's
8 project, and there were comments from the folks in the back,
9 who all -- you know, kind of benefit from this little garden
10 area and the air and such.

11 And they were not pleased with the changes at the
12 back of the house, which is what led to kind of a
13 reevaluation of both the pitch of the roof, and also, where
14 the addition would be. So instead of adding more at the
15 back, they moved towards the front.

16 The front changes also had added benefit of
17 dealing with the issues with insulation. You know, they're
18 going to need a significant amount of -- I don't know maybe
19 Jim you probably know better than I do, but would maybe a
20 half foot of space just to deal with insulation in and of
21 itself, without even getting any benefit of square footage.

22 So, you know, and having the sort of jutting

1 portion of the house at the front doesn't serve any
2 functional -- you know, purpose. It becomes sort of an
3 entry that, you know, that doesn't -- you know, there's no -
4 - it's not helpful to the people who live there in terms of
5 kitchen space or living room space.

6 So, again, I -- you know, we realize that, you
7 know, but for trying to communicate with, you know, the
8 neighbors and address their concerns, it could be that, you
9 know, we would have this sited, you know, a little
10 differently.

11 CONSTANTINE ALEXANDER: In due course, I will read
12 a letter from your neighbors who are --

13 SARAH RHATIGAN: Thank you, yeah.

14 CONSTANTINE ALEXANDER: -- in support.

15 SARAH RHATIGAN: And I think that there are some
16 other folks in the community who maybe here. I know there
17 will be a time for public comment, but I just mention that.

18 BRENDAN SULLIVAN: This is Brendan Sullivan.
19 Sisia, could you pull up the front of the house again? The
20 photo, yeah, if you would, I think.

21 I mean, it's that -- just squaring that off, and
22 then, you know, that stairway down, that stairway just seems

1 so inappropriate, especially where you're asking to encroach
2 in the front yard. You're obviously gaining somewhat of the
3 benefit of that front entryway and, you know, the appendage
4 which sticks out, because then you're sort of just going off
5 from that.

6 If you didn't have that and you were asking to
7 come all the way out and square that wall, it may just be
8 sort of a blank wall -- I mean, it would sort of look like a
9 three-family, a typical three-family.

10 But I think that --

11 SARAH RHATIGAN: There was one --

12 BRENDAN SULLIVAN: Okay.

13 SARAH RHATIGAN: -- yeah, there was one --

14 BRENDAN SULLIVAN: That stairway, why do you need
15 two entrances into the basement?

16 SARAH RHATIGAN: We just have one entrance into
17 the basement.

18 BRENDAN SULLIVAN: From the front? Isn't there a
19 stairway in the back?

20 SARAH RHATIGAN: Uh -- you know what, that's a
21 good question. I don't recall. Maciej, is there an exit
22 from the back?

1 MACIEJ GADAMSKI: Yes, but that's a separate unit.

2 SARAH RHATIGAN: He means is there a basement --
3 does the basement apartment get out through the front and
4 the back?

5 MACIEJ GADAMSKI: Correct, correct, it does.

6 SARAH RHATIGAN: Yeah. I mean I think there's --

7 MACIEJ GADAMSKI: Yeah, I think --

8 SARAH RHATIGAN: -- nowhere to walk around the
9 house. I don't know -- been such a --

10 BRENDAN SULLIVAN: That whole front wall.

11 SARAH RHATIGAN: I think they wouldn't [1:18:39
12 audio] I'm sorry. I don't want to speak over you.

13 BRENDAN SULLIVAN: Well, that's my comment, that's
14 my concern.

15 CONSTANTINE ALEXANDER: Anything else?

16 BRENDAN SULLIVAN: I'm done.

17 CONSTANTINE ALEXANDER: Anyone else want to --
18 have any questions they want to ask, or comments they want
19 to make at this point? Any of the Board members? I gather
20 not. I'm sorry, Andrea?

21 ANDREA HICKEY: It's Andrea Hickey here. So is
22 there any way in the front to sort of decrease the ask

1 without changing what you're proposing for the back? The
2 front troubles me a bit, sort of the massing of it. I don't
3 know whether any of my colleagues share my concern.

4 CONSTANTINE ALEXANDER: I think you heard --

5 JIM MONTEVERDE: It was part of my original
6 comment. I think that's -- you know, at the moment, I
7 wouldn't be in favor, both for the amount of square footage
8 to be added, and particularly the addition in the front. And
9 if anyone else feels the same way, just the arithmetic says
10 you should consider not going forward.

11 ANDREA HICKEY: Yeah. I think I am aligned with
12 Mr. Monteverde. I'd like to see some sort of a scale back
13 of this proposal, with respect to the front and with respect
14 to the overall additional square footage. That's all.

15 CONSTANTINE ALEXANDER: Our comment at this point
16 is given the comments from Jim and you Andrea, at the least,
17 if we proceeded to a vote, the request for relief will be
18 denied.

19 Because under our ordinance you need a super
20 majority -- four out of five, and you've heard -- we're
21 assuming right now at least, two may be voting against.

22 If we vote, we go that far and vote against it,

1 you'll not be able to come back before our Board for two
2 years, unless there are substantial revisions to the plans
3 and we have a whole procedure to determine substantial
4 revisions.

5 The other alternative is to continue this case
6 now, and we -- and you can, the petitioner and his architect
7 can go back to the drawing boards and see if they can come
8 up with something that would address -- that satisfies them
9 or their needs, and would address the concerns you're
10 hearing about the front of the property and the plans that
11 are now proposed.

12 If we do that, and if the petitioner is called, we
13 have to reconvene, set a time tonight, but it has to be at a
14 time that all five members are on this case and present, not
15 any five who are around, who have started the hearing of
16 this case.

17 So with that, Counsel, what's you're -- what do
18 you want to do? Do you want to continue to proceed with the
19 case, or do you want to call a halt and we can order with
20 your client and architect?

21 SARAH RHATIGAN: We would like to continue the
22 case, to have a chance to reevaluate plans. And we hear

1 your comments. And I know that this is -- you know, this
2 has been a tricky process to work out.

3 But what I'm hearing, and I think -- you know,
4 we'll discuss this and look over the transcript is that the
5 -- probably some of the most troubling portions of this for
6 the Board members who've spoken has been the additions at
7 the front of the house, actually, squaring it off in the
8 front.

9 CONSTANTINE ALEXANDER: Okay.

10 SARAH RHATIGAN: And the overall -- and as you
11 said, the overall square footage.

12 ANDREA HICKEY: Right. I wouldn't want to see the
13 front scaled down, only to have the back blow up.

14 SARAH RHATIGAN: Sure. Yep.

15 ANDREA HICKEY: Those are my comments.

16 SARAH RHATIGAN: Okay.

17 BRENDAN SULLIVAN: This is Brendan Sullivan. You
18 know, again, Sarah, it's -- this is a wish and desire that,
19 you know, they need more room, more family members. They
20 have a rental unit there. So they want more room, and they
21 also want to maintain.

22 So, you know, there's a lot of wants and desires

1 here, but they are -- really to me it's too much of a want.

2 And it's not a perfect world, and to me I think
3 that the front needs to be really softened quite a bit and
4 how you relocate that additional space that you need, you
5 have to go back to the drawing board on that. But -- and
6 there's going to have to be some give and take on the
7 client's part.

8 CONSTANTINE ALEXANDER: Sarah, how much time do
9 you and your clients need to come up -- to consider what to
10 do, and to come back with a new set of plans? And then
11 we'll see if -- we have to get all five of the people who
12 are sitting tonight, if they're available that night.

13 So let's start with you. How much time do you
14 think you need?

15 SARAH RHATIGAN: I mean, I would say we probably
16 need at least two weeks to three weeks.

17 CONSTANTINE ALEXANDER: So if we did it -- I'm
18 going to assume for a second we continued the case until the
19 second week in -- the second meeting in October, which is
20 about a month from now -- from your perspective, does that
21 work?

22 SARAH RHATIGAN: I think that does. Yep.

1 CONSTANTINE ALEXANDER: Okay, and Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan -- I'll be
3 available, yes.

4 CONSTANTINE ALEXANDER: He's available. Jim?

5 JIM MONTEVERDE: Jim Monteverde, I'm available.

6 SARAH RHATIGAN: What date is that?

7 JIM MONTEVERDE: October 22.

8 SARAH RHATIGAN: October 22.

9 BRENDAN SULLIVAN: October 22, Matina.

10 CONSTANTINE ALEXANDER: Yeah, twenty-second of
11 October.

12 MATINA WILLIAMS: I'll be available for that.

13 CONSTANTINE ALEXANDER: Okay.

14 ANDREA HICKEY: Yes, this is Andrea. I'll be
15 available. I have another continued case that night, so
16 I'll be there.

17 CONSTANTINE ALEXANDER: You'll be here anyway.

18 JIM MONTEVERDE: Right, exactly.

19 CONSTANTINE ALEXANDER: Okay. The Chair will now
20 make a motion that we continue this case until 7:00 p.m. on
21 October 22, subject to the following conditions: And these
22 are familiar to you Sarah, but I've got to get them on the

1 record.

2 The first condition is that the petitioner sign a
3 waiver of time for decision. If that waiver is not signed
4 within seven days from tonight, the case will be
5 automatically dismissed. But, again, as Sarah knows, it's a
6 very standard and innocuous extension of time to allow us
7 not to run afoul of state law. That's the first condition.

8 The second condition is that a new posting sign,
9 reflecting the new date, October 22 and the new time, 7:00
10 p.m., that be posted and maintained for the 14 days required
11 by our ordinance.

12 And lastly, to the extent that there are new or
13 revised plans, dimensional forms and the like, they must --
14 and presumably they will be if you're going to come back
15 with a revised proposal -- that those must be in our files
16 no later than 5:00 p.m. on the Monday before October 22,
17 immediately before the twenty-second.

18 That's to allow for the benefit of the petitioner,
19 that's to allow members of this Board and the members of the
20 public to review those plans, and to make comments if they
21 so wish.

22 All those in favor of continuing the case on this

1 basis?

2 BRENDAN SULLIVAN: Brendan Sullivan, yes to

3 continuing.

4 ANDREA HICKEY: Andrea Hickey, yes to continuing.

5 MATINA WILLIAMS: Continuing; yes to continuing.

6 JIM MONTEVERDE: And Jim Monteverde, yes.

7 CONSTANTINE ALEXANDER: And the Chair votes yes as

8 well.

9 [All vote YES]

10 CONSTANTINE ALEXANDER: So the case will be

11 continued until 7:00 p.m. on October 22. Thank you.

12 COLLECTIVE: Thank you.

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2 (7:09 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: I'm going to now before we
7 resume our discussion of our regular agenda, I'm going to
8 deal with the two continued cases that we were advertised as
9 7:00 p.m., and that's why we couldn't hear them before now.

10 The first case I'm going to call is Case Number
11 017236 -- 97 Sixth Street. Anyone here wishing to be heard
12 on this matter? Apparently not.

13 We are in possession of an e-mail from Natercia --
14 N-a-t-e-r-c-i-a and Robert Amaya, A-m-a-o-i; A-m-a-y-a,
15 saying, "We would like to postpone our meeting on September
16 24. Can we have an extension until December? We need more
17 time."

18 Sisia, I assume we have a time?

19 SISIA DAGLIAN: Yeah. I think they're going to be
20 on the call? Yeah, here they are.

21 CONSTANTINE ALEXANDER: They're there? Okay. You
22 wish to speak?

1 NATERCIA AMAYA: Yes. Hi, my name is Natercia
2 Amaya. Yes, and I would like to continue.

3 CONSTANTINE ALEXANDER: Okay. Thank you. What is
4 the first hearing date in December?

5 SARAH RHATIGAN: The tenth.

6 CONSTANTINE ALEXANDER: 10.

7 SARAH RHATIGAN: December 10.

8 CONSTANTINE ALEXANDER: And you have room on the
9 calendar?

10 SARAH RHATIGAN: Yes, there's no other case.

11 CONSTANTINE ALEXANDER: Okay.

12 NATERECIA AMAYA: Okay.

13 BRENDAN SULLIVAN: Is this a case heard?

14 CONSTANTINE ALEXANDER: No, it's not a case heard.

15 BRENDAN SULLIVAN: Oh, sorry.

16 CONSTANTINE ALEXANDER: I will just -- before I
17 make a motion, I think we will continue the case to December
18 10.

19 NATERECIA AMAYA: Uh-huh.

20 CONSTANTINE ALEXANDER: This is the second
21 continuance.

22 NATERECIA AMAYA: Yes.

1 CONSTANTINE ALEXANDER: We don't -- you know, we
2 have to reach -- we have to put this case to bed one way or
3 another. So this is a note of warning, if you will, to the
4 petitioner, is that it will be very unlikely we'll give
5 further continuances. So you've got to be ready --

6 NATERECIA AMAYA: Yep.

7 CONSTANTINE ALEXANDER: -- one way or another, on
8 December 10. You understand that?

9 NATERECIA AMAYA: Yes, I do. Thank you very much.

10 CONSTANTINE ALEXANDER: Okay, okay. Okay the
11 Chair moves that this case can be continued until 7:00 p.m.
12 on December 10, subject to the following conditions:

13 One, that the petitioner sign a waiver of time for
14 decision, and she has done that, they have done that in
15 connection with the hearing tonight. So that's taken care
16 of.

17 Second, you have to get a new posting sign
18 reflecting the new date, December 10, and the new time, 7:00
19 p.m. And that sign must be maintained for the 14 days prior
20 to December 10, as required by our ordinance.

21 And lastly, to the extent there will be new plans
22 -- and there will be -- specifications and modifications to

1 the dimensional forms, those all must be in our files no
2 later than 5:00 p.m. on the Monday before December 10.

3 NATERECIA AMAYA: Okay.

4 All those in favor of continuing the case on this
5 basis?

6 BRENDAN SULLIVAN: Brendan Sullivan in favor of
7 continuing.

8 ANDREA HICKEY: Andrea Hickey yes in favor of the
9 continuance.

10 MATINA WILLIAMS: Matina Williams, yes in favor of
11 the continuance.

12 JIM MONTEVERDE: And Jim Monteverde, yes.

13 CONSTANTINE ALEXANDER: And the Chair votes yes as
14 well.

15 [All vote YES]

16 CONSTANTINE ALEXANDER: Case continued, see you on
17 December 10.

18 NATERECIA AMAYA: Thank you.

19 CONSTANTINE ALEXANDER: Thank you.

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2 (7:13 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams last 2 cases?

6 CONSTANTINE ALEXANDER: And we have one other
7 continued case, Case Number 017244 -- 272 Walden Street.
8 Anyone here wishing to be heard on this matter? Apparently
9 not. We are in receipt of an e-mail from the petitioner, or
10 a representative of the petitioner; Megan Kemp, K-e-m-p.

11 "After taking -- after talking more with some of
12 the neighbors and try to come up with additional mitigation
13 methods, my clients have decided that now is not the best
14 time to add the doggie day care to this location. They will
15 just be continuing the prior pet supply retail use at this
16 time.

17 "I spoke with Sean O'Brady (phonetic) and he
18 confirmed that they would be covered by the prior variance
19 and would not need additional relief. As a result, we'd
20 like to withdraw the application. Please let me know if you
21 need anything more."

22 CONSTANTINE ALEXANDER: The Chair moves that we

1 accept the requested withdrawal.

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

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: Jim Monteverde yes.

6 MATINA WILLIAMS: Matina Williams yes.

7 ANDREA HICKEY: Andrea Hickey yes.

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

10 [All vote YES]

11 CONSTANTINE ALEXANDER: This case is withdrawn,
12 and it's over.

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2 (7:13 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay, that -- Oh, 25
7 Standish Street, thank you. the Chair will now call Case
8 Number 017301 -- 25 Standish Street. Is there anyone here
9 wishing to be heard on this matter? Apparently not. We are
10 in receipt of an e-mail from Amy Munsat -- M-u-n-s-a-t. She
11 is the architect or the designer for the project.

12 And she says, "Please remove our project from any
13 request for special permit at this time. So it's a request
14 for withdrawal."

15 I trust that the petitioner, or representative
16 knows that the case is withdrawn, it cannot be brought back
17 again for two years, unless under modified -- seeking
18 substantially different relief.

19 All those in favor of accepting the requested
20 withdrawal? Brendan?

21 BRENDAN SULLIVAN: Brendan Sullivan yes to
22 accepting the withdrawal.

1 ANDREA HICKEY: Andrea Hickey yes, I accept the
2 withdrawal.

3 MATINA WILLIAMS: Matina Williams accepting the
4 withdrawal.

5 JIM MONTEVERDE: And Jim Monteverde, yes.

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

8 [All vote YES]

9 CONSTANTINE ALEXANDER: So this case is withdrawn.
10 Thank you. The Chair will now call Case Number --

11 JIM MONTEVERDE: Gus?

12 CONSTANTINE ALEXANDER: Wait.

13 JIM MONTEVERDE: No.

14 CONSTANTINE ALEXANDER: It's not 7:30.

15 JIM MONTEVERDE: We've got a break. We've got a -
16 -

17 CONSTANTINE ALEXANDER: Yeah.

18 JIM MONTEVERDE: -- 15-minute break.

19 CONSTANTINE ALEXANDER: Yeah, 7:15. Let's take a
20 15-minute break, because the next case is not scheduled
21 until 7:30. Everybody back here at 7:30.

22 [BREAK until 7:30]

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(7:30 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Matina Williams

CONSTANTINE ALEXANDER: Okay. It
is now 7:30. So the Chair will reconvene our Zoning Board of
Appeals meeting. And the next case I'm going to call is
Case Number 017318 -- 11 Magnolia Avenue. Anyone here
wishing to be heard on this matter?

ARCH HORST: Yes, Mr. Chairman. This is Arch
Horst. Can you hear me?

CONSTANTINE ALEXANDER: Yes, I can. I didn't
catch the name, though.

ARCH HORST: Arch Horst --

CONSTANTINE ALEXANDER: Oh, okay.

ARCH HORST: -- H-o-r-s-t.

CONSTANTINE ALEXANDER: Okay, Arch. I'm sorry.

ARCH HORST: That's alright. I'm here as the
architect representing the owner and her partner let's say.

CONSTANTINE ALEXANDER: Let's -- at the outset,
before we get anywheres (sic) --

1 ARCH HORST: Yeah.

2 CONSTANTINE ALEXANDER: -- else in this case --
3 you of course are aware we have dormer guidelines in this
4 city?

5 ARCH HORST: Yes.

6 CONSTANTINE ALEXANDER: And the dormer guidelines
7 which we pay -- although they are technically glasses -- are
8 something this Board pays strict attention to, or close
9 attention is a better word.

10 And one of the things that we got on several
11 requirements are recommendations. And the one that's the
12 most significant, that the dormer should be no more than 15
13 feet in length.

14 You're proposing two dormers, each of which will
15 be 23 feet 6 inches in length. I've got to tell you we've
16 never in my years on this Board, ever approved a project
17 with dormers that big.

18 ARCH HORST: Um--.

19 CONSTANTINE ALEXANDER: And I think if you go to a
20 vote tonight, you're not going to get it. Because you're
21 going to get my -- you're not going to get my vote; you've
22 got to get a unanimous vote of the other four members and I

1 think -- we haven't talked about it, needless to say -- but
2 I think they will share my sympathy, my concerns.

3 What I'm trying to say, sir, is I think you better
4 continue this case, and come back with new plans that pay
5 much closer attention to the dormer guidelines than what you
6 submitted tonight.

7 ARCH HORST: I didn't see anywhere that the dormer
8 guidelines limited the dormer to 15 feet. The code -- the
9 zoning ordinance does by -- to get on the above third floor
10 and below you can do a 15-foot dormer by right. The rest of
11 the -- the dormer guidelines have dimensions to the edge of
12 the roof, to the ridge of the roof and to --

13 CONSTANTINE ALEXANDER: They have that. They do
14 that, but they also have a -- I'm trying to put out the
15 guidelines and find the provision. If you look on the very
16 first page, about shed dormers, "Under certain conditions,
17 the City of Cambridge allows dormers as-of-right up to 15
18 feet in length. Additions that must -- that extend beyond
19 15 feet must be approved by the BZA."

20 ARCH HORST: Right.

21 CONSTANTINE ALEXANDER: "In general, dormers
22 should not exceed 15 feet, or one-half of the main roof

1 length, whichever is shorter."

2 So again, you're at substantial departure from
3 these guidelines. I just don't see how we can -- again, you
4 can proceed, but I think your chances of getting relief are
5 not great. I'm being frank, as in it's only my personal
6 opinion.

7 ARCH HORST: Okay.

8 CONSTANTINE ALEXANDER: I've not talked about this
9 case with anybody else on the Board.

10 ARCH HORST: Yeah. I appreciate your honesty,
11 thank you.

12 CONSTANTINE ALEXANDER: My point is that if you do
13 proceed and I am right, my prediction is correct, you're not
14 going to get the relief you're seeking, you're going to be -
15 - you and your client are going to be precluded for two
16 years before coming back before this Board for another
17 proposal, unless the new proposal is substantially
18 different.

19 The better course of action -- I think, it's your
20 call -- is to continue this case, go back to the drawing
21 boards and come back with a proposal -- you can speak with
22 ISD, Inspectional Services Department personnel, and come

1 back with a proposal that more closely resembles a dormer --
2 complies with, I should say -- the dormer guidelines.

3 Not to say -- we've in the past, we've accepted
4 minor -- I'm going to say minor departures from the dormer
5 guidelines and not -- and that includes the length, but not
6 often, and never as much as you're asking for tonight.

7 ARCH HORST: Can I ask you?

8 JIM MONTEVERDE: Yep.

9 ARCH HORST: Can I request, rather, to talk to my
10 client offline and come back to you in about 10-minute, is
11 that acceptable?

12 CONSTANTINE ALEXANDER: Sure, we'll -- that's
13 fine. We're going to -- we'll go on to our next case, our
14 cases --

15 ANDREA HICKEY: Yeah.

16 CONSTANTINE ALEXANDER: And we'll dial back to you
17 when you want to talk to this Board again.

18 ARCH HORST: Well how do I indicate to you, Mr.
19 Chairman, that I want to speak to you again?

20 CONSTANTINE ALEXANDER: Say it again?

21 JIM MONTEVERDE: Get back --

22 ARCH HORST: How do I get back in touch with you.

1 I don't want to interrupt if you're --

2 CONSTANTINE ALEXANDER: Good question. I'll have
3 to ask our resident expert. Sisia?

4 ANDREA HICKEY: I think there's the, "Raise hand"
5 feature.

6 ARCH HORST: Okay, yeah.

7 ANDREA HICKEY: Then you could raise your hand and
8 --

9 ARCH HORST: All right.

10 SISIA DAGLIAN: -- wait to be recognized.

11 ARCH HORST: Okay, thank you. That's what I'll
12 do. Thank you very much for your thoughts.

13 SISIA DAGLIAN: We have to wait until 7:45.

14 CONSTANTINE ALEXANDER: Okay. All right, we'll
15 take the next case is -- by the way it's 7:45.

16 JIM MONTEVERDE: No, no, got to wait for it.

17 CONSTANTINE ALEXANDER: It's now 7:35. So you got
18 10 minutes at the very least. You want to check back with
19 us in 10 minutes, before we take the next case or not? Or
20 you can do it after you take the next case, whatever you
21 wish.

22 JIM MONTEVERDE: He's gone.

1 BRENDAN SULLIVAN: He's gone, yeah.

2 CONSTANTINE ALEXANDER: Okay. All right, well
3 then, take a brief recess because we have to abide by our
4 schedule, and our schedule says the next case is to be heard
5 at 7:45.

6 COLLECTIVE: Thanks.

7 [BREAK]

8 SPEAKER UNIDENTIFIED: All right, Arch, go ahead.

9 ARCH HORST: Oh, thank you. Mr. Chairman --

10 CONSTANTINE ALEXANDER: Excuse me Arch, can you
11 just -- we've recessed.

12 ARCH HORST: Yep.

13 CONSTANTINE ALEXANDER: So I'm not sure if
14 everybody's on the phone. Can you just wait until 7:45, and
15 then --

16 ARCH HORST: Sure.

17 CONSTANTINE ALEXANDER: -- let's do it then, okay?

18 ARCH HORST: Absolutely.

19 CONSTANTINE ALEXANDER: Everybody should be back
20 on.

21 ARCH HORST: Yeah.

22 CONSTANTINE ALEXANDER: Thank you.

1 ARCH HORST: No problem.

2 [BREAK]

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2 (7:46 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay. It is now 7:45.
7 The Chair will reconvene our meeting of the Zoning Board of
8 Appeals, and we'll start by resuming the case on Magnolia
9 Avenue. Mr. Horst?

10 ARCH HORST: Yes.

11 CONSTANTINE ALEXANDER: You wanted to speak with
12 us further about that?

13 ARCH HORST: Yes, please. Thank you, Mr.
14 Chairman. First off, we would request a continuance, given
15 your suggestion. Is it possible to meet in what would be
16 about two weeks, whenever your first hearing is in?

17 CONSTANTINE ALEXANDER: No, the first opening we
18 have is November 5. Our -- we're just fully booked between
19 now and then. So should we proceed with the November 5
20 date?

21 ARCH HORST: Yeah, I'm out of town.

22 CONSTANTINE ALEXANDER: I'm sorry, you're out of

1 town?

2 ARCH HORST: It's on Zoom, right?

3 CONSTANTINE ALEXANDER: Oh yeah, I fully expect it
4 will be on Zoom.

5 ARCH HORST: It'll be on Zoom?

6 CONSTANTINE ALEXANDER: Yeah.

7 ARCH HORST: Okay, well then, I guess that's what
8 we have to do.

9 CONSTANTINE ALEXANDER: I think that you should do
10 it. I mean, I think you're not -- you're asking for trouble
11 if you don't.

12 ARCH HORST: Okay, now I have --

13 CONSTANTINE ALEXANDER: All right.

14 ARCH HORST: -- Mr. Chairman, I have a question
15 for you.

16 CONSTANTINE ALEXANDER: Surely.

17 ARCH HORST: I did find that 15-foot limitation.
18 I had not seen it, because it's sort of buried in the side
19 wall section. Is that 15 feet per side? It doesn't say.

20 CONSTANTINE ALEXANDER: I think if I understand
21 your question correctly -- and other members of the Board
22 can correct me -- it just simply says, "However many dormers

1 you put up there, none of them better be longer than 15
2 feet."

3 ARCH HORST: Oh, I see, okay.

4 BRENDAN SULLIVAN: Brendan Sullivan -- yes, Arch,
5 it would be 15 feet max on either side.

6 ARCH HORST: So if you put two dormers, one on
7 each side, but they would be limited to 15 feet?

8 BRENDAN SULLIVAN: You could go seven and a half
9 and seven and a half, correct. Or any combination up to 15
10 feet on one side and the same on the other side.

11 ARCH HORST: Okay, thank you.

12 CONSTANTINE ALEXANDER: Okay.

13 ARCH HORST: Because that will help us work closer
14 to what the Chairman is suggesting we should do.

15 CONSTANTINE ALEXANDER: Good. As I said, we're
16 not hard bound as we've got to comply exactly to the letter.

17 ARCH HORST: Yeah.

18 CONSTANTINE ALEXANDER: -- with the dormer
19 guidelines. We're open and listen to reasons why you can't
20 meet it. But length is not one that we usually -- except
21 for a few inches here or there --

22 ARCH HORST: Yeah, yeah.

1 CONSTANTINE ALEXANDER: -- we usually give relief
2 to. But we may.

3 ARCH HORST: Okay, let's -- we meet all the other
4 guidelines, so we'll work on meeting that one too.

5 CONSTANTINE ALEXANDER: All right. The Chair
6 moves that we continue this case as a case not heard,
7 subject to -- to 7:00 p.m. on November 5, subject to the
8 following conditions: That the petitioner sign a waiver of
9 time for decision, and you're -- Mr. Horst, you're familiar
10 with that?

11 ARCH HORST: Yes.

12 CONSTANTINE ALEXANDER: If that's not done within
13 seven days from now, we will dismiss the case. We have to,
14 because otherwise the relief would be automatically granted,
15 and that's not what we want.

16 So the first requirement is -- and for your
17 client, or you on behalf of your client, to get to ISD and
18 sign a waiver of time for decision.

19 ARCH HORST: Is that -- do we ask for -- Maria
20 Pacheco, is she here?

21 CONSTANTINE ALEXANDER: Oh, yeah, Maria or -- yes,
22 she's the person you want to get ahold of.

1 ARCH HORST: Okay.

2 CONSTANTINE ALEXANDER: Second, that a new posting
3 sign, which Maria will provide, reflecting the new date and
4 the new time must be maintained for the 14 days prior to the
5 November 5 continued hearing.

6 And then lastly that the -- any, and there will be
7 -- any new plans, specs, dimensional requirements, much
8 better filed with the ISD no later than 5:00 p.m. on the
9 Monday before November 5.

10 This is to allow the Board members and citizens of
11 the city who have an interest to inspect them and to offer,
12 if they wish, comments, and for us on the Board, to make
13 hopefully the informed decision.

14 So on the basis of all these, the Chair moves that
15 we continue the case. Brendan?

16 BRENDAN SULLIVAN: Brendan Sullivan yes to
17 continuing.

18 ANDREA HICKEY: Andrea Hickey yes to the
19 continuance.

20 MATINA WILLIAMS: Matina Williams yes to the
21 continuance.

22 JIM MONTEVERDE: And Jim Monteverde yes.

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

3 [All vote YES]

4 CONSTANTINE ALEXANDER: Case continued. See you
5 or hear you on November 5.

6 ARCH HORST: Okay, thank you.

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2 (7:49 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017307 -- 362 Broadway. Anyone here wish to be
8 heard on this matter?

9 DUNCAN MACARTHUR: Yes, Duncan MacArthur.

10 CONSTANTINE ALEXANDER: The floor is yours, sir.

11 DUNCAN MACARTHUR: So we came up to -- this is
12 regarding 362 Broadway in Cambridge, a house that we're
13 building for our client. And we requested a variance
14 because we tore down the house and rebuilt it primarily like
15 it was, when we came before you and got a variance in the
16 spring of 19.

17 And we commenced to build a house, and in building
18 it there's a couple things we discovered. And if I just
19 read what we put in there, is that we need to move a
20 recessed dormer that we had towards the east elevation out
21 to align with the outside wall to accommodate the stairs.

22 During construction, we discovered a head height

1 issue on the stairs, as previously designed. Without moving
2 the dormer out, we cannot achieve the required head height
3 to meet code.

4 The reason we kept the dormer in to begin with is
5 because we wanted to have windows in the dormer to allow
6 light into the building.

7 We also discovered while we were building that we
8 could have windows on that side, which doesn't meet side
9 yard setback or code for fire code, as long as we put dry
10 head sprinklers in.

11 So that's new information. So given that, we
12 would like to bring the dormer out. We wanted to
13 accommodate -- and I think we need the variance for this --
14 to accommodate the stairs.

15 And then secondly, we would like to add the
16 windows that we had in the dormer, making them slightly
17 larger, and supplying those with dry head sprinklers.

18 Also in the original building, there were a couple
19 of windows on that same elevation side. And because we
20 didn't have any setback -- or we had the setback issues
21 there, we didn't include any windows on that side. But now
22 that we can do the dry head sprinklers, we would like to

1 sort of replace those windows that were in the original
2 structure that we took down.

3 So we're seeking relief -- I think it's a special
4 permit -- to add windows in that elevation, windows in the
5 dormer that we need a variance to bring out to the sideline.
6 So yeah, that's great. Thank you, Sisia. And you can see,
7 the dormer there.

8 So the original building had a dormer, but it was
9 just recessed back three feet, you know, from the edge of
10 the property line so that we could have windows there. So
11 on this east elevation, we're asking for those four windows.
12 And then we're also asking on the south elevation, the rear
13 elevation, to add two windows also.

14 So before we had just doors centered on the
15 building, but we would like to shift the doors over to the
16 right and add those two windows.

17 CONSTANTINE ALEXANDER: Have your plans -- the use
18 of the building changed since the last time you saw us?

19 DUNCAN MACARTHUR: So same ownership coming into
20 it, but they did change the interior a little bit, just to
21 meet their needs. But for the same use.

22 CONSTANTINE ALEXANDER: Well, what's the building

1 going to be used for? The old building, or --

2 DUNCAN MACARTHUR: It's going to be used as -- I
3 guess you could call it a spiritual center, but it's a
4 nondenominational spiritual center. And it's going to be
5 run by a couple Sri Lankan monks, and that's primarily what
6 it's used for, to have meetings and to house incoming
7 visitors.

8 CONSTANTINE ALEXANDER: Okay.

9 DUNCAN MACARTHUR: But there will be two monks
10 primarily living there and running it. It's for a
11 foundation called, the "ONCE HERE FOUNDATION."

12 And they're trying to model it after -- there's a
13 chapel in, at Colgate University. And they're sort of
14 trying to model how it's run, similar to that operation,
15 which is a nondenominational spiritual center.

16 CONSTANTINE ALEXANDER: And they'll be using the
17 entire structure?

18 DUNCAN MACARTHUR: They will. You know, they'll
19 be using the lower level more for public space, and then the
20 upper two levels for living space.

21 CONSTANTINE ALEXANDER: All right. Questions from
22 members of the Board, or comments?

1 BRENDAN SULLIVAN: No questions, Brendan Sullivan.

2 JIM MONTEVERDE: Jim Monteverde, no questions.

3 ANDREA HICKEY: Andrea Hickey -- I just had a
4 question regarding these visiting folks that they would be
5 hosting, are they charging them rent for use of part of the
6 building, is that the plan?

7 DUNCAN MACARTHUR: No. No charge. I mean, this
8 is all -- no. Nope.

9 CONSTANTINE ALEXANDER: Do you have any questions?

10 DUNCAN MACARTHUR: Not a rental situation in any
11 way.

12 ANDREA HICKEY: Thank you.

13 CONSTANTINE ALEXANDER: All right. I will now
14 close -- I'll open the matter up to public testimony, I'm
15 sorry. And as I've said before, any member of the public
16 who wishes to speak on this matter should now click the icon
17 at the bottom of your Zoom screen that says, "Raise hand."

18 If you are calling in by phone, you can raise your
19 hand by pressing *9 and unmute or mute by pressing *6. I'll
20 wait a second to see if anyone has -- wants to speak.

21 DUNCAN MACARTHUR: You've got a Mike With that.

22 CONSTANTINE ALEXANDER: I'm sorry?

1 MIKE WITT: Hello.

2 DUNCAN MACARTHUR: Mike -- go ahead.

3 MIKE WITT: This is Mike Witt; can you hear me?

4 CONSTANTINE ALEXANDER: Yes. Now I can, yes, sir.

5 MIKE WITT: So I had submitted some photos and a
6 letter, not knowing the protocol for the virtual meeting.
7 And I'm wondering if you have access to those images.

8 CONSTANTINE ALEXANDER: Let's see. I have the --
9 yes, we do.

10 MIKE WITT: Okay.

11 CONSTANTINE ALEXANDER: Our file continues. It
12 includes your e-mail to Maria Pacheco with the attached
13 photos.

14 MIKE WITT: Okay. So I will continue, and then we
15 can go from there. I'm submitting the photos because I
16 believe that there were no windows original to the 362
17 structure.

18 As an abutter, I own the property at 360. When
19 the building came before the Zoning Board in the first
20 hearing, I stated my opinion that I was against any windows,
21 and specifically the only thing that was being proposed at
22 the time was the newly added dormer.

1 And the dormer proposed at that time was set back
2 with windows.

3 And the reason I was opposing it was because I
4 planned to build a home on this lot. I am against moving
5 the newly added recessed dormer if it contains windows.

6 I'm also against granting a special permit to
7 allow windows. The lot that I am looking to build on has
8 quite a few constraints. The addition of windows where
9 there were none previously will significantly constrain my
10 ability to build.

11 I point out to what I believe is an applicable
12 zoning ordinance, and I've noted that. I believe the new
13 owners also could raise the issue of privacy if windows are
14 allowed.

15 I've had several conversations with Duncan
16 MacArthur prior to and after the original zoning hearing
17 relaying that we were planning on building a home at 360 and
18 would not support the addition of windows.

19 And the particular -- I'm sorry, I don't have the
20 particular number of the zoning, but it says, "A district --
21 if a building is hereafter erected on a lot adjacent to a
22 building having a blank wall directly on the side lot line,

1 the new building may be so designed and erected that it will
2 be flush with the portion of the blank wall of the former
3 building, which extends along the lot line." And then it
4 goes on.

5 And I have provided two photos. One is a survey
6 photo from the Cambridge Historic Commission of both 360 and
7 362, and I believe the entry was for 1965. And then I have
8 submitted my photos of the lot from two different viewpoints
9 from both behind the building and from Broadway, which shows
10 the side with no windows.

11 The house that was at -- there was a house there,
12 and you will see in the survey photos -- it burned in 2008.

13 CONSTANTINE ALEXANDER: Thank you. Would it make
14 a difference to you if any new windows on the side that will
15 face your place at 360 Broadway, if we were to require that
16 they not be transparent but marbled or something so that
17 there's privacy if maintained? People can't look into your
18 -- look through the window, the new windows, into your new
19 structure? Would that help?

20 MIKE WITT: But then isn't that possible that the
21 new owners could raise that as an issue against providing a
22 variance?

1 CONSTANTINE ALEXANDER: What I'm trying to suggest
2 -- and I haven't made a decision -- is that we would grant
3 the variance subject to the condition that the windows not
4 be transparent in order to maintain the privacy of whoever
5 lives at 360 Broadway?

6 MIKE WITT: But they could be opened?

7 CONSTANTINE ALEXANDER: Yeah. But it's middle of
8 the winter. I don't think they'd be open very much.

9 MIKE WITT: But it's the issue would not be
10 winter, but would be summer -- autumn, spring, whenever
11 someone wants to open a window.

12 CONSTANTINE ALEXANDER: Well.

13 MIKE WITT: It's a very narrow -- the lot's very -
14 -

15 CONSTANTINE ALEXANDER: Another possibility --
16 another possibility is we can require, I don't know if the
17 petitioner would be amenable to this, require that the
18 windows not be open. Can't be open. There are just --
19 there's glass to let the light in. But it's not to let the
20 air in, or to look through a transparent glass and look into
21 your property. What about that?

22 MIKE WITT: So, okay, I would probably be amenable

1 to that. My concern is that how it limits my capacity for
2 building to the lot line.

3 CONSTANTINE ALEXANDER: You might -- I'm talking
4 off the top of my head now, and other members of the Board
5 can add in, you might need to get a variance when you go to
6 build your new home.

7 MIKE WITT: Right, I understand.

8 CONSTANTINE ALEXANDER: Just like -- and there's
9 no guarantee you'll get it, but you know --

10 MIKE WITT: I understand that. What I'm trying to
11 prevent is any further obstacles that I can put and that I
12 can remove. And I feel like this is adding a significant
13 obstacle to my trying to build on the lot line like he has
14 done and I was willing to go along with, based on the fact
15 that there were going to be no windows put on this
16 elevation.

17 CONSTANTINE ALEXANDER: Any other members of the
18 Board want to speak to this? We hear your objection, sir,
19 and we'll take it up in any event when we make -- we vote on
20 the case.

21 JIM MONTEVERDE: This is Jim Monteverde. I was
22 just going to suggest if Sisia could just scroll through the

1 plans, and if Duncan, if you could just explain -- you know,
2 what's the function behind that window in plan? Just so we
3 understand.

4 DUNCAN MACARTHUR: Well, I don't -- Sisia, do you
5 have the pictures of the existing house? Because there were
6 -- there were windows on the existing.

7 JIM MONTEVERDE: Well, besides that, if you just
8 stick to the plan as proposed, where will those windows,
9 what are the rooms behind those windows?

10 DUNCAN MACARTHUR: The windows and the dormer are
11 to light up a stairwell.

12 JIM MONTEVERDE: No, I get that. And then the one
13 to the right?

14 DUNCAN MACARTHUR: One is I think -- I'd have to
15 look at it -- one is in a hallway.

16 MIKE WITT: Hallway, yeah.

17 DUNCAN MACARTHUR: And the other one is in a
18 bathroom.

19 JIM MONTEVERDE: Is in a bedroom that has a
20 bathroom?

21 DUNCAN MACARTHUR: Bathroom. All the way back,
22 and really all hallway.

1 JIM MONTEVERDE: Right.

2 DUNCAN MACARTHUR: Come over the stairways, yeah,
3 there's a hallway.

4 JIM MONTEVERDE: Oh, I see it. Yeah, the second-
5 floor plan. Mm-hm.

6 DUNCAN MACARTHUR: Right.

7 JIM MONTEVERDE: So is it possible that the
8 bathroom window be an obscure glass?

9 DUNCAN MACARTHUR: It is. I mean, they all could
10 be. I mean, I know that they're going to put some stained-
11 glass panels inside some of the other windows, so I don't
12 think they would --

13 JIM MONTEVERDE: Right. But I mean starting out
14 as an obscure glass.

15 DUNCAN MACARTHUR: Yep, no.

16 JIM MONTEVERDE: -- for both. Both the hall, both
17 the bathroom -- at least allow the light in. I'm assuming
18 the staircase light window is higher, correct?

19 DUNCAN MACARTHUR: It is.

20 JIM MONTEVERDE: So from the second floor, are you
21 actually looking out through it, or is it higher? Is it
22 above your head?

1 DUNCAN MACARTHUR: The stairwells are going to be
2 above your head. I mean, you might be able to see --

3 MIKE WITT: Yeah.

4 DUNCAN MACARTHUR: -- yeah, you know, especially
5 as you're going up the stairs, correct.

6 JIM MONTEVERDE: Right. But again, if there was
7 an objection there, would you consider opaque glass on all
8 four of those windows on that particular opening?

9 DUNCAN MACARTHUR: I think that would be fine.
10 The idea is to get light into these areas.

11 JIM MONTEVERDE: Right. Okay.

12 BRENDAN SULLIVAN: This is Brendan Sullivan. I
13 think one of the issues is privacy, but the real issue is
14 that once you have a window or fenestration on that wall,
15 then it clouds what Mr. -- or it's a hindrance as to what
16 Mr. Witt can do with his structure.

17 Is that correct, Mr. Witt?

18 MIKE WITT: That is my biggest concern, and that
19 is one concern that I expressed before Mr. McArthur went
20 before the Board and at the original zoning hearing I was
21 willing for him to be able to build all the way onto the lot
22 line, and I'm asking for the same consideration.

1 And the fenestration is a huge obstacle in doing
2 that.

3 CONSTANTINE ALEXANDER: And we can't give you any
4 assurance with regard to that, because we don't have a case
5 before us. We can do what we can to restrict the impact of
6 what Mr. MacArthur wants to do, but I -- that's all the best
7 we can do.

8 We have -- whoever's on the Board at that time
9 will have the benefit of this hearing, and the discussion
10 we've had, but that Board will help to make the decision if
11 you need zoning relief.

12 MIKE WITT: And I understand what you're saying,
13 and I appreciate that. So that's why I am trying to
14 mitigate obstacles in advance of when I go before the --

15 CONSTANTINE ALEXANDER: Understood.

16 MIKE WITT: -- Board.

17 CONSTANTINE ALEXANDER: Understood. We get it.

18 BRENDAN SULLIVAN: We're talking -- Brendan
19 Sullivan, we're talking less than a foot between two
20 structures. Is that correct?

21 MIKE WITT: Yeah.

22 DUNCAN MACARTHUR: Yes.

1 MIKE WITT: Roughly, yes. And if you see the --
2 if you can look at the original -- unfortunately I don't
3 have photos here with me, but I submitted the photos you
4 will see that the houses were extremely close -- the
5 original structures in the survey photo.

6 BRENDAN SULLIVAN: I can't see the -- this is
7 Brendan Sullivan -- I can't see the benefit of any windows
8 on either one of those walls. It's their negligible. Well,
9 somewhat.

10 I don't know where the benefit is, other than the
11 fact that by putting windows on Duncan's building there,
12 then it hampers your ability to build out to the lot line.

13 CONSTANTINE ALEXANDER: What's being suggested is
14 that we would grant the variance to move the dormer closer
15 to the lot line, but to deny the special permit for
16 additional windows? Is that the sentiment so far of the
17 Board?

18 DUNCAN MACARTHUR: You know, you -- can I speak,
19 or am I out of turn?

20 CONSTANTINE ALEXANDER: Who was that?

21 DUNCAN MACARTHUR: This is Duncan MacArthur again.
22 Yeah, a photograph would just show you two windows. You

1 know, granted they were smaller, but there were windows, and
2 there's another one that was framed up that were within the
3 original structure.

4 So I understand what Mr. Witt did, and he's
5 correct that we had these conversations, but I also
6 explained to him at the time that, you know, I'm building
7 this for someone else, and by the time he gets around to
8 granting his variance, I'm not going to be in control of
9 this anymore.

10 So, you know, and his building lot is a
11 nonconforming lot, that's going to take a lot of variance
12 issues. It may or may not be granted. So, you know, and at
13 that point, you know, they could be dealt with.

14 But if these windows are not operable, you know, I
15 don't think that the owners of this building are going to
16 allow him to attach to the building. I don't think they
17 ever were, and that was never discussed. So there's going
18 to have to be some distance between the buildings.

19 I think when they go for their variance, you know,
20 the people that own the building I would imagine are going
21 to say, you know, "I don't want you right on top of our
22 building." And I don't believe we're right on the lot line.

1 But, you know, there's going to have to be some
2 relief there.

3 ANDREA HICKEY: Could I ask Mr. MacArthur, do you
4 know when on the original building the windows that you show
5 in this picture on the screen, when were those windows
6 installed? Do you have any idea? I'm looking at --

7 DUNCAN MACARTHUR: I don't have any idea, but
8 there was another larger window opening that you can't see.
9 -- we should have brought the picture -- that is hidden
10 behind the plywood that we only noticed when we gutted the
11 interior of the building.

12 ANDREA HICKEY: Where roughly was that window?

13 DUNCAN MACARTHUR: Do you see the higher window?

14 ANDREA HICKEY: Yes.

15 DUNCAN MACARTHUR: It was down below that window.

16 ANDREA HICKEY: And it was a full-sized window?

17 DUNCAN MACARTHUR: Yeah. Maybe not quite as large
18 as the ones that we're proposing, but it was a bigger
19 window.

20 ANDREA HICKEY: All right.

21 DUNCAN MACARTHUR: Yeah.

22 JIM MONTEVERDE: This is Jim Monteverde. Can I

1 ask a question, Mr. Chair?

2 ANDREA HICKEY: Jim, speak up a little bit; you're
3 hard to hear.

4 JIM MONTEVERDE: Oh, sorry.

5 ANDREA HICKEY: Yeah.

6 JIM MONTEVERDE: Mr. Chair, can I ask a question

7 CONSTANTINE ALEXANDER: Yes, you may.

8 JIM MONTEVERDE: Thank you. So Duncan?

9 DUNCAN MACARTHUR: Yes.

10 JIM MONTEVERDE: If those windows beside the --
11 the two windows beside the ones above the stair, the one in
12 the hall, the one in the bathroom --

13 DUNCAN MACARTHUR: Mm-hm.

14 JIM MONTEVERDE: Those are on the second floor,
15 correct?

16 DUNCAN MACARTHUR: That's correct.

17 JIM MONTEVERDE: And this is three-story, or two-
18 story plus an attic?

19 DUNCAN MACARTHUR: Correct.

20 JIM MONTEVERDE: So you couldn't do a skylight; a
21 roof skylight wouldn't give you light to that second floor
22 area, would it?

1 DUNCAN MACARTHUR: Not to those areas. In
2 theoretically, we could do it on the dormer, but --

3 JIM MONTEVERDE: Right.

4 DUNCAN MACARTHUR: Right. You know, just for the
5 record, we're not -- we didn't build right to the lot line.
6 We're 10 inches -- not that it's a lot, but we're 10 inches
7 off the lot line, our building.

8 MIKE WITT: I would like to see the survey on
9 that. I'm not -- this is Mike With -- I'm not convinced
10 that it's not right on the lot line. Unfortunately the
11 survey markers that were there have been covered. So it's
12 hard to discern.

13 DUNCAN MACARTHUR: We could provide an as-built.
14 I guess we don't have that here, but we could get an as-
15 built before we can continue with the foundation. But it
16 was always proposed to be 10 inches off.

17 And we went through -- Sisia, we went through a
18 lot of work to actually -- because of the overhangs and
19 everything and -- to make it conform and fit onto the lot,
20 but we're definitely not on the lot line.

21 JIM MONTEVERDE: Yes. If I read that drawing
22 that's on the screen as the survey, it's basically showing

1 the lot line. And it shows that you're -- at least the
2 southern portion, the bottom portion -- is that 0.9 inches
3 or the -- you know, 11 inches + or - away. And that --

4 DUNCAN MACARTHUR: Right.

5 JIM MONTEVERDE: -- appears a step further away
6 from the property line up above, if that's the true -- if
7 that's the existing condition.

8 DUNCAN MACARTHUR: That is not. That was the
9 existing condition of the building.

10 JIM MONTEVERDE: Oh, okay.

11 DUNCAN MACARTHUR: No, we made that. If you look
12 across the pictures now, there's no bump out there. The
13 bump out, where it's a smaller dimension, that was the brick
14 wall. We took that down, so it's just flush all the way
15 down. And we're --

16 JIM MONTEVERDE: Right, okay.

17 DUNCAN MACARTHUR: -- we're 10 inches, we're 10
18 inches from the foundation from the face of the wall, and
19 the eaves and gutter on that side come out a little bit
20 further to the lot line.

21 In fact, it's the eave and the gutter that we
22 weren't allowed to sort of go beyond that. So that's what

1 sets the lot line. And then we have to be back 10 inches
2 from the lot line, so that we're not going over the lot line
3 with our eave and gutter.

4 SILVANA SAWAYA: Could I speak? [Silvana Sawaya,
5 the architect.] I'm just wondering if Sisia does have the
6 as-builts, or if I can provide it, put it on my screen and
7 share? Because we have -- we have as-built as well as a
8 simple drawing showing all the utilities as-built.

9 SISIA DAGLIAN: We haven't been doing screen
10 sharing, Silvana, but if you want to e-mail it to me, I can
11 bring it up.

12 SILVANA SAWAYA: Okay, okay.

13 BRENDAN SULLIVAN: This is Brendan Sullivan. Let
14 me just sort of chime in. I'm not sure how this is going to
15 get resolved. Because say we were to grant the relief
16 requested, we'd have presumed standing -- could possibly
17 contest our grant, and then that would tie the whole thing
18 up.

19 And, which would be unfortunate because I think
20 what you've done, you know, Duncan, is a wonderful thing for
21 the dilapidated building, and I think going down the road,
22 the future use of this is very admirable.

1 So trying to avert that scenario, is it at all
2 possible that the two of you could come to some
3 accommodation, rather than having us come to a vote tonight,
4 which then could possibly kick this into another venue?

5 So I offer to both of you if you think that you
6 really can sit down and come to some accommodation outside
7 of tonight? Duncan, and to Mr. Witt?

8 DUNCAN MACARTHUR: It sounds like the
9 accommodation would be to eliminate the windows, if I listen
10 to Mike.

11 MIKE WITT: Well, I am willing to talk, but I want
12 to have -- I need to have a further understanding of what
13 any windows mean for me. And again, I'm not asking for you
14 to say whether or not I can build, but the onus should be on
15 him as a hardship to someone who is looking to build on
16 their own property.

17 And so what I would like to understand is if, for
18 instance, windows are allowed and they are opaque, and they
19 are not operable, that could be one scenario. But I need to
20 understand what the ramifications are for me and building on
21 that lot.

22 BRENDAN SULLIVAN: So -- Brendan Sullivan again --

1 so I think that even reinforces my thoughts of possibly
2 kicking this over to another night so that you can
3 investigate that possibility and that scenario, and then
4 also you had a question I thought about exactly what the
5 location of that building is, vis-à-vis the lot line, if
6 that's even an issue.

7 But to answer your last question, it's not going
8 to be answered tonight, and so would you want to give it a
9 little bit more time, Duncan, and also, Mr. Witt, to get the
10 answers to those questions and then come back another night
11 before us?

12 CONSTANTINE ALEXANDER: I think I would just
13 concur with Brendan's suggestion. This is not -- this case
14 is not ready for a decision tonight, given what we've heard
15 -- what I heard, certainly so far.

16 One thing I want to be clear, though, we can't
17 make any commitments with regard to 360 Broadway, as a
18 result of whatever relief you grant tonight. Every case
19 we'll have to decide it separately.

20 You could get the -- as part of a deal you make
21 now, you could get an agreement from the -- Mr. MacArthur,
22 that they will support your request for a variance, should

1 you want to build your new house. That helps. Doesn't mean
2 that the then Board -- it could be five new people who were
3 not here tonight -- will grant the relief.

4 But that does, at least while this Board operates,
5 that would go a long way to getting you the relief you may
6 need, come the future.

7 CONSTANTINE ALEXANDER: But I think there's need
8 for further dialogue. There's need for further
9 investigation. We need more facts. We need -- we got this
10 information from you, sir, Mr. Witt, within the last 24-
11 hour. That was enough for us to just digest, as you can
12 tell from the questions we have.

13 MIKE WITT: Yes, sir.

14 CONSTANTINE ALEXANDER: But we have an opening on
15 November 5. All five members that have been on the call
16 tonight are going to be available to that, because they
17 continued another case until that night. And I think I
18 would strongly urge -- or, I think we should continue this
19 case.

20 DUNCAN MACARTHUR: Can I say one thing? You know,
21 I don't have an issue with that, other than we -- you know,
22 haven't been finishing this building, strictly because of

1 these reasons.

2 And is there any way you can vote on the rear
3 window, so we can at least continue with the back of that
4 building? It's basically been held up with this. And I
5 don't know if the owners, quite frankly, are going to --

6 CONSTANTINE ALEXANDER: I don't --

7 DUNCAN MACARTHUR: Go ahead.

8 CONSTANTINE ALEXANDER: -- I'll defer to my other
9 Board members, but I don't like taking these cases up
10 piecemeal. I think I'd want to see the whole thing done or
11 approved. We have everything exactly where it's going to go
12 and how it's going to be, and not have a little bit now and
13 a little bit later.

14 DUNCAN MACARTHUR: Okay. But we may just be
15 coming back to you, to be clear, on the back of the building
16 now.

17 CONSTANTINE ALEXANDER: Any other Board members
18 feel differently? I would not vote on the back -- the
19 windows on the back of the building tonight.

20 BRENDAN SULLIVAN: Brendan Sullivan. No, I
21 concur. It has to be a one-time vote for all of it. Sisia,
22 could I ask a question? Is if the second meeting in October

1 is possible for the -- to squeeze this in?

2 SISIA DAGLIAN: We already have four people, and I
3 don't know if you want to add another one.

4 BRENDAN SULLIVAN: Okay.

5 SISIA DAGLIAN: We have eight regular cases and
6 four continuances.

7 BRENDAN SULLIVAN: Okay. Okay. All right. I
8 tried.

9 CONSTANTINE ALEXANDER: All right. The Chair will
10 make a motion, unless Board members feel otherwise or want
11 to have further discussion.

12 ANDREA HICKEY: Well, hi. It's Andrea Hickey
13 here. I think we need to hear from Mr. MacArthur with the
14 certainty that he doesn't want to withdraw his request for
15 the windows on the side and proceed with the back. That's
16 an option for us to vote now.

17 So Mr. MacArthur?

18 DUNCAN MACARTHUR: Yes, it is maybe one of the
19 things I'm saying. You know? Because I just -- I don't
20 want to hang this up for that much longer, because I know
21 they're anxious to get going.

22 So, you know, we originally didn't have the

1 windows in that side. That came about when we discovered
2 there were windows there. So whatever dwellings were there
3 before, side by side, obviously had windows open to that
4 area.

5 I know for a fact that the owners are going to
6 want -- you know, whatever Mr. Witt does, they're probably
7 not going to deny him building there, but they're not going
8 to let him build up to the building when we have a 10 inch -
9 - and they're going to have to have at least 10 inches if
10 not more they're going to require.

11 So, but, you know, I don't want to delay this any
12 more for them. It's a foundation that -- you know, money is
13 an issue. So I want to -- if we could just maybe withdraw
14 it and just go up the back if it's going to be an issue with
15 Mr. Witt.

16 I don't see how we're going to come to a
17 resolution not knowing what he's going to do. And he's been
18 sitting on -- you know, we gave him these plans a long time
19 ago, and we could have had a conversation about this. We
20 reached out to him several times and never heard from him.

21 So --

22 MIKE WITT: That's not true.

1 DUNCAN MACARTHUR: Yeah, well we --

2 MIKE WITT: This is Mike Witt, that's not true.

3 DUNCAN MACARTHUR: We submitted the plans, we sent
4 you e-mails and we -- you know, I mean, you could have just
5 said, you know, we could have had this discussion, quite
6 frankly, you know, two weeks ago and come to a resolution
7 so.

8 You know, we sent you the plans, we sent you
9 everything we're doing, we sent you a couple e-mails, and
10 you didn't respond. All you said is yes, you received it.
11 You acknowledge that you received it. So --

12 MIKE WITT: And we were -- this is Mike Witt.

13 DUNCAN MACARTHUR: So be that as it may --

14 MIKE WITT: -- I believe we were very clear.

15 DUNCAN MACARTHUR: -- not to interrupt you --

16 MIKE WITT: I believe we were very clear.

17 JIM MONTEVERDE: Not to interrupt you going back
18 and forth.

19 DUNCAN MACARTHUR: Right.

20 JIM MONTEVERDE: But in order to move forward
21 tonight and settle -- allow the Board to settle this, or at
22 least vote or -- again, we're asking you Duncan how you'd

1 like to proceed?

2 ANDREA HICKEY: Right.

3 DUNCAN MACARTHUR: Let's continue, and then we can
4 withdraw if we want. But, you know, it's just -- you know,
5 and I'll go back to the owners to see if they really want to
6 delay the progress of the building that long.

7 ANDREA HICKEY: Right. But if you continue,
8 you're still not going to get before us for the back until -
9 - what's the next available date? November?

10 SISIA DAGLIAN: November 5.

11 CONSTANTINE ALEXANDER: November 5.

12 ANDREA HICKEY: Right. So you're delaying your
13 project without any other options that we have, until at
14 least November.

15 DUNCAN MACARTHUR: Unless I just decide --
16 correct. But at that point, can I decide for the back -- if
17 I decide to sort of give up the right to do anything on the
18 east side, I can go ahead and just close that up? And then
19 I --

20 ANDREA HICKEY: On the east side yes, but you'd
21 have to come back to us in November for the back.

22 DUNCAN MACARTHUR: That's correct. But I'm going

1 to -- it sounds like I'm going to have to do that
2 regardless.

3 But I guess what you're suggesting if I give up
4 the east side, you're willing to vote on the back side. But
5 I sort of understood that the rest of the Board didn't
6 really want to break it up like that.

7 ANDREA HICKEY: Well, they didn't. We're not
8 breaking it up if you're taking the first part of the case
9 off the table. If you're taking the side windows off the
10 table, then we're not breaking it up, we're only going to
11 decide the rear. That's all you're asking us to decide.

12 Would anyone else like to be perhaps more
13 articulate than I am?

14 DUNCAN MACARTHUR: And it's okay that they're
15 under the same special permit? You can modify that
16 midstream like this?

17 BRENDAN SULLIVAN: No, you're -- Brendan Sullivan
18 -- you can't break it up. You can't approve part of it and
19 then -- and then pull that out of the file and out of that
20 case number and all that other stuff.

21 You can't break it up like this and then approve
22 part of it and let you go forward with that while this other

1 thing is still hanging there. It's different if it were --

2 ANDREA HICKEY: That wasn't -- the suggestion was
3 to withdraw the portion of the request that relates to the
4 windows on the side and to proceed then, only with the
5 portion on the back.

6 BRENDAN SULLIVAN: All right.

7 CONSTANTINE ALEXANDER: If he wants to do that, I
8 don't know what the abutter wants to do, what his views
9 would be. I'm not -- we could proceed that way.

10 ANDREA HICKEY: Right. I think he has the right
11 to sort of withdraw permanently a portion of his petition
12 and proceed with the remaining portion. It doesn't give him
13 the right to come back on the side. Once that's withdrawn,
14 it's over for two years.

15 CONSTANTINE ALEXANDER: That's exactly right.

16 DUNCAN MACARTHUR: I don't know -- I appreciate
17 your suggestion, Andrea, but I'd have to go back to the
18 building at 4:00. So I don't really feel like I have the
19 authority to answer that. So I think we have to continue
20 it. But I appreciate your --

21 ANDREA HICKEY: I wasn't -- I just wanted to make
22 sure that that option was understood as on the table.

1 DUNCAN MACARTHUR: Yeah. No, I get it. And
2 that's makes sense. But I can't pull the trigger on that by
3 myself. I appreciate the suggestion.

4 ANDREA HICKEY: All right. Then it seems as if
5 we're at a place where a continuance, then, if what you're
6 requesting? Is that --

7 DUNCAN MACARTHUR: Yep. That is correct.

8 ANDREA HICKEY: All right.

9 CONSTANTINE ALEXANDER: We will just -- the upshot
10 of all of this is that we will continue the case in its
11 entirety until November 5. And that will give everyone a
12 chance to speak further, have some discussions, and then be
13 prepared for us to make a decision -- presumably -- on
14 November 5.

15 DUNCAN MACARTHUR: Correct.

16 CONSTANTINE ALEXANDER: Okay. The Chair now will
17 make a motion. The Chair moves that this case be continued
18 as a case heard, until 7:00 p.m. on November 5, subject to
19 the following conditions:

20 First, that the petitioner sign a waiver of time
21 for decision and unless this waiver has not been signed, and
22 delivered to the Inspectional Services Department by one

1 week from today, the case will be automatically dismissed,
2 and the relief sought rejected.

3 And you've signed -- and I guess you haven't
4 continued the case with this property before. It's a very
5 simple, straightforward form that all people who continue
6 cases are required to sign and do sign.

7 Second, that a new posting sign reflecting the new
8 date, November 5, and the new time, 7:00 p.m., be maintained
9 for the 14 days prior to November 5, just as you maintained
10 signs for tonight's hearing and earlier hearings.

11 And lastly, and maybe very importantly, any
12 modified or new plans specifications -- dimensional
13 information.

14 All of that must be in our file no later than 5:00
15 p.m. on the Monday before -- our files or the ISD files --
16 no later than 5:00 p.m. on the Monday before November 5.
17 That's to allow us and the public to -- and Mr. Witt -- to
18 get a look at them and see whether they have comments or
19 approvals or negative reaction.

20 So that's the basis, that's the motion. So we
21 continue subject to these three conditions. Brendan?

22 BRENDAN SULLIVAN: Brendan Sullivan yes to the

1 continuance.

2 ANDREA HICKEY: Andrea Hickey yes to the

3 continuance.

4 MATINA WILLIAMS: Matina Williams yes to the

5 continuance.

6 JIM MONTEVERDE: And Jim Monteverde yes to the

7 continuance.

8 CONSTANTINE ALEXANDER: And the Chair votes to

9 continue as well.

10 [All vote YES]

11 CONSTANTINE ALEXANDER: Case continued for you

12 folks -- hear you folks, on November 5.

13 DUNCAN MACARTHUR: All right, thank you.

14 COLLECTIVE: Thank you.

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2 (8:19 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Alison Hammer, and Matina
5 Williams

6 CONSTANTINE ALEXANDER: Okay, we have two more
7 cases on our agenda. I am not going to be sitting on either
8 of those cases. So Mr. Sullivan, the Vice Chair, will run
9 both -- will be in charge of those cases. And we have a --
10 and one of our regular members should be joining us.

11 SISIA DAGLIAN: She's on, yeah.

12 CONSTANTINE ALEXANDER: Is she on?

13 SISIA DAGLIAN: Yes. Yes. Allison, can you
14 speak, so we can tell if you are audible?

15 ALISON HAMMER: Yeah, hi, this is Allison Hammer.

16 SISIA DAGLIAN: Hi.

17 CONSTANTINE ALEXANDER: Okay?

18 BRENDAN SULLIVAN: Yep.

19 CONSTANTINE ALEXANDER: I'm not going to go
20 anywhere. Do you want to sit here?

21 BRENDAN SULLIVAN: No, no, I'm fine. The Board
22 will hear Case Number 017316 -- 466 Putnam Avenue. Mr.

1 Anderson?

2 DAN ANDERSON: Hi. Good evening Chair and Board.
3 I'm here to present 466 Putnam on behalf of B&B homes. The
4 project is midblock between Pearl and Magazine, and we have
5 an existing two-family structure that we are proposing to
6 increase in GFA greater than 10 percent, but less than 25
7 percent, no greater than 25 percent.

8 Reconfiguring the roof to the conforming increase
9 in height, and increase in GFA conforming with FAR, and are
10 looking to make changes in openings to the left side yard --
11 but also proposing an overall reduction in the side yard
12 nonconformity.

13 We are also proposing an addition of a 15-foot
14 dormer on the third floor, conforming with the dormer
15 guidelines, and there's finished basement space, but of
16 course that's excluded as a two-family home from the GFA.

17 So what will be the pleasure of the Board? Do I
18 need to describe in more detail the construction? I'm happy
19 to go through the drawings, if that is the pleasure of the
20 Board.

21 BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.
22 If I could just ask you on the right side, the driveway

1 side, if you could, Sisia, pull that up, and the Board could
2 just get a visual on that?

3 MALCOLM PITTMAN: The right side elevation?

4 BRENDAN SULLIVAN: Yeah. If you could just walk
5 us through that, Mr. Anderson, what's happening there?

6 DAN ANDERSON: The existing conditions, and the
7 proposed conditions.

8 BRENDAN SULLIVAN: Yeah.

9 DAN ANDERSON: Yeah. So along the driveway side
10 there is a pergola (sic) - covered entry. I guess moving
11 from left to right in the driveway in, you see some
12 guardrail, which is to a lower level basement access window.

13 There's steps up to a pergola-covered entry. And
14 then you're seeing a gable face facing to you, which is set
15 back from the street face. And that has a cross gable that
16 cuts into it.

17 There's a bit of trim there, but essentially the
18 gable face and the extended edge of the building along that
19 side are flush, and then there's a -- also a window well all
20 the way to the right, and beyond that is an open deck with
21 steps down to the open space at the rear.

22 BRENDAN SULLIVAN: Okay. And then the dormer, if

1 we could just take a visual of that?

2 DAN ANDERSON: Yes. You see it there in the front
3 elevation? It's to the side yard. And there's a 15-foot
4 dormer along that side yard opposite the driveway.

5 BRENDAN SULLIVAN: Okay. Any questions by members
6 of the Board? I hear none.

7 JIM MONTEVERDE: This is Jim Monteverde. Sisia,
8 can you just scroll back to the dimensional form, please?

9 SISIA DAGLIAN: It's not part of the presentation,
10 Jim.

11 JIM MONTEVERDE: Oh, okay. Can the proponent then
12 just walk me through the -- what's existing, what's
13 proposed? What's the ordinance? I don't recall the numbers
14 myself walking in.

15 DAN ANDERSON: Absolutely. Let me see if I can
16 get ahold of --

17 JIM MONTEVERDE: Or Mr. Chair, if you have that in
18 the file.

19 SISIA DAGLIAN: Some of it's on this page, Jim.

20 JIM MONTEVERDE: Yeah, okay, the area calculation,
21 the --

22 SISIA DAGLIAN: Yeah.

1 JIM MONTEVERDE: Mm-hm, and FAR.

2 BRENDAN SULLIVAN: It's Brendan Sullivan. Jim,
3 they're going from a 0.48 to a 0.56, and it's a 0.6 zone.
4 So they are --

5 JIM MONTEVERDE: Okay.

6 BRENDAN SULLIVAN: -- below the FAR.

7 JIM MONTEVERDE: Yep. Thank you.

8 DAN ANDERSON: Thank you for that clarification.
9 Yep. And just to point out that it's an existing two-
10 family; the lot area of the dwelling unit would allow three
11 dwelling units. But the petitioners -- the owners of this
12 property are really strictly looking for two units.

13 JIM MONTEVERDE: Okay, understood. Thank you.

14 BRENDAN SULLIVAN: Any other questions by any
15 members of the Board? No? I will open it up to public
16 comment. Where's a sheet that I'm suppose to read from? Do
17 you have the sheet?

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

1 And we would ask that you have up to three minutes
2 to speak.

3 DAN ANDERSON: You have Maria Pantos. Maria?

4 MARIA PANTOS: Hi. How close are you going to be
5 to the property next to where you're expanding out? How
6 much -- how much space is there going to be between the two
7 properties?

8 DAN ANDERSON: So we're not changing that on the
9 driveway side. We are increasing the setback. It's a
10 little bit of an unusual addition on that side.

11 We're a little farther out than the existing
12 foundation, but we are about eight or ten inches back from -
13 - there's an overhang of that existing addition, toward the
14 back of that. So we're increasing the setback from the
15 property line on the driveway side.

16 And likewise, on the opposite side, we are
17 removing a cantilevered overhand and increasing the setback.
18 I believe that it's going from 1.6 feet to 2.4 or 2.6 feet.

19 MARIA PANTOS: Thank you.

20 BRENDAN SULLIVAN: Well, we had -- that's the only
21 question?

22 SISIA DAGLIAN: Yes.

1 DAN ANDERSON: Nope, you have a Dianne Rice.

2 Dianne, go ahead.

3 DIANNE RICE: Hello? Hello?

4 BRENDAN SULLIVAN: Yes, yes.

5 DIANNE RICE: Can you hear?

6 BRENDAN SULLIVAN: Yes.

7 DIANNE RICE: Yes. I am the owner of the property
8 at 460-462 Putnam and my driveway runs alongside 466. And
9 there is very little space in between my driveway and the
10 house.

11 And I am concerned -- and I have expressed this
12 concern to Trina, one of the owners of the property -- about
13 the current vegetation that I have on that side of my
14 driveway.

15 And also, my first-floor tenant is very concerned
16 I think about the number of windows that are going to be on
17 that side of the house. There's currently only about two
18 major ones and maybe one small one.

19 And she's worried about privacy, especially if
20 those -- that vegetation is cut down when they have to
21 remove the signing on my side of the house. So -- but
22 anyway, just a concern.

1 BRENDAN SULLIVAN: Okay. Sisia, could you pull up
2 that left side? And Mr. Anderson, if you could explain the
3 relocation of the windows?

4 DAN ANDERSON: Yeah, absolutely. So Dianne very
5 graciously joined the neighborhood meeting that we had and
6 has expressed her concern about the vegetation along that
7 side, and I know has talked to Trina. So the owners are
8 looking to have options of relocating that during
9 construction. And obviously, their intention is to replant
10 these.

11 So our elevation drawings don't show those
12 plantings. But obviously with the property, we're looking
13 to be able to provide light and air into existing interior
14 spaces. So those are two living areas, and to a very small
15 degree bedroom spaces. Most of the bedrooms are located
16 facing to the other side and the rear.

17 But we're open to any kind of discussion about
18 that -- whether it mitigates privacy. Clearly, we live in a
19 tight urban area, and those kinds of privacy concerns are
20 paramount, as are light and air.

21 So we felt that it was an appropriate
22 reconfiguration of that side -- particularly if you would

1 scroll to what the existing condition's elevation is, just
2 to see it very briefly.

3 There's -- it may not show exactly, but there's a
4 significant overhang of that upper left hand portion that
5 comes out another foot or 14 inches towards that property
6 line. So it's a very, very intrusive piece that we're
7 proposing to cut back and relocate.

8 TRINA MURPHY: Good evening, everyone. This is
9 Trina. I just wanted to comment a little bit on my
10 conversations with Dianne. We have been going back and
11 forth talking about the vegetation, and we actually have an
12 in-person meeting scheduled for the fourteenth.

13 You know, as we had talked about in the
14 neighborhood meeting, and over some e-mail conversations:
15 You know, construction is, you know, unfortunately very,
16 very harsh on vegetation.

17 So one of the items -- one of the things that we
18 had proposed potentially is -- with the vegetation on this
19 side is to transplant it during the time of construction if
20 it's possible, you know, until I am there in person to
21 really look at the specific plantings that are there. We
22 need to see if they'll survive a transplant to relocate them

1 perhaps even in our own yard, and then to replace them, you
2 know, following the conclusion of construction.

3 We are just as interested in maintaining a nice,
4 lovely, you know, natural border between the two properties.
5 That's for both neighbors. So we are more than happy to try
6 and support -- you know, Diane's concerns, the neighbors'
7 concerns in that area.

8 BRENDAN SULLIVAN: Okay, thank you.

9 JIM MONTEVERDE: This is Jim Monteverde. Can I
10 ask you a question, Brendan?

11 BRENDAN SULLIVAN: Sure. Absolutely, absolutely.

12 JIM MONTEVERDE: Thank you. So are you planning -
13 - in the new, that side elevation, are you planning any type
14 of sun control? Do you control on those new windows, you
15 know, shades, blinds, draperies, is that part of the fixup
16 plan?

17 DAN ANDERSON: I defer to Trina. I'm not actually
18 responsible for the interior design of the project, so it's
19 strictly the --

20 JIM MONTEVERDE: Uh-huh.

21 DAN ANDERSON: -- the architectural component.

22 But I would imagine that it's -- you know, blinds and

1 curtains are probably part of the interior furnishings. You
2 know --

3 JIM MONTEVERDE: Is that correct, Trina?

4 TRINA MURPHY: So in terms of the interior
5 furnishings, I mean these are properties that we will sell.
6 It will ultimately be up to the new homeowners what is
7 chosen. But we don't have mechanical blinds scheduled for
8 the property. But I'm sure it's something that would be of
9 interest to the current owners, when they can get indoor
10 privacy as well.

11 JIM MONTEVERDE: Yeah. And will they be sold as
12 condos?

13 TRINA MURPHY: They will, yes.

14 JIM MONTEVERDE: So is there any opportunity in a
15 master deed to somehow speak to or require that there be
16 some type of vision, solar control on those particular
17 windows? Kind of runs -- goes with the property?

18 TRINA MURPHY: I can honestly say I don't know if
19 we can require it per se, but I can talk with our attorneys
20 and see what the options are.

21 JIM MONTEVERDE: Yeah, if that -- again, just
22 trying to mitigate the concern of the neighbors.

1 TRINA MURPHY: Of course.

2 JIM MONTEVERDE: Thank you.

3 DIANNE RICE: Alison Hammer, can I ask you a
4 question as well?

5 BRENDAN SULLIVAN: Alison, yes.

6 DIANNE RICE: Thank you. My question I guess is
7 more for the architect regarding these windows. What is
8 your plan for managing the fire separation? It looks like
9 these windows are less than three feet from the property
10 line. Are they all going to be -- have dry head sprinklers
11 or it's --

12 DAN ANDERSON: No, that's an ongoing conversation.
13 But yes, you're correct. They're less than the required
14 three feet, and state building code does require those to be
15 fire protected.

16 We haven't gotten into whether those will be dry
17 head sprinklers, or whether they would be strictly a rated
18 glass. I think it's a little bit of a cost consideration.

19 So we figured that it was best to go through the
20 approvals process and make sure that we had a special permit
21 in place for placement, and cross the Building Department
22 bridge when we got up there.

1 BRENDAN SULLIVAN: Okay. Any other -- are there
2 any other people calling in for public comment?

3 DAN ANDERSON: Yes. You have an Andrew Sanger.

4 ANDREW SANGER: Yep.

5 DAN ANDERSON: Go ahead.

6 ANDREW SANGER: Hi. It looks like an interesting
7 design. My question is around the construction, the hours,
8 the time -- sorry, the hours, the noise, just because we're
9 in a pandemic and I'll probably be working from home for
10 another nine months. So I live at 478 Putnam, which is
11 nearby.

12 BRENDAN SULLIVAN: Mr. Singer, I sympathize with
13 you, but that is really not a Zoning Board issue. There are
14 ordinances and regulations in the city through Inspectional
15 Services which regulate the time that the work can be done
16 Monday through Friday, work on Saturday after 9:00, other
17 than those hours, up until from 7:00 in the morning until
18 6:00 at night.

19 Placement of dumpsters and all that other stuff is
20 a purview of Inspectional Services with ordinances and
21 regulations in place. I don't know if that answers your
22 question, but we can't really get into that issue of that.

1 That's really between, say yourself and the owner of the
2 property, and how they plan on carrying out the
3 construction.

4 TRINA MURPHY: Andrea (sic), this is Trina. Did
5 you receive the letter that was going out to the
6 neighborhood?

7 DAN ANDERSON: Yes.

8 ANDREA HICKEY: Reach out to me online. We can
9 talk about it.

10 DAN ANDERSON: Excellent, thank you.

11 TRINA MURPHY: Thank you.

12 BRENDAN SULLIVAN: Any other questions from member
13 of the public?

14 DAN ANDERSON: No. I'm not seeing any more
15 questions, Brendan.

16 BRENDAN SULLIVAN: Okay. There are no -- let me
17 close public comment; there are no letters in the file
18 currently. Mr. Anderson, any comments that you would like
19 to make?

20 DAN ANDERSON: Not at this point, really. I
21 wanted to respond to any particular questions. They've all
22 been very pertinent. I think to Trina and the owner

1 developers, you know they've expressed both in a
2 neighborhood meeting that they were going to be complying
3 with all the regulations.

4 Obviously, a building in a congested urban area is
5 always a concern, and they I think are conscientious about -
6 - you know, particularly in the demolition phase, and I know
7 were in conversation with their abutters about access and
8 hours. So I hope that helps to address the previous
9 questions and comments.

10 Otherwise, I think, you know, this -- you know,
11 from a design perspective I think really helps improve the
12 property. It's a lot more in keeping with the project that
13 clearly has -- you know, a succession of very kind of
14 pragmatic additions over time. And hopefully this is a nice
15 contribution to the neighborhood.

16 BRENDAN SULLIVAN: Okay. Any questions from
17 members of the Board?

18 JIM MONTEVERDE: Nope.

19 BRENDAN SULLIVAN: Matina, any questions? Andrea?

20 JIM MONTEVERDE: Jim Monteverde, no.

21 BRENDAN SULLIVAN: Jim? (sic)

22 MATINA WILLIAMS: No questions, Matina Williams.

1 BRENDAN SULLIVAN: Alison, any further questions?

2 ALISON HAMMER: No, thank you.

3 BRENDAN SULLIVAN: Are we ready for a motion?

4 JIM MONTEVERDE: We are. I am.

5 BRENDAN SULLIVAN: Okay. Let me make a motion
6 then to grant the special permit for the relief requested.
7 The Board finds that the requirements of the ordinance can
8 be met.

9 The proposed project at 466 Putnam proposes a
10 conforming addition to an existing nonconforming structure.
11 And the Board finds that the proposal improves the overall
12 aesthetic quality of the structure.

13 The Board further finds that the floor area ratio
14 does not exceed the allowable FAR on the district, and that
15 two of the setback violations are somewhat improved and
16 diminished by the proposed plan.

17 The Board finds that there would not be any
18 increase in traffic access or egress, that the project
19 maintains the existing garage curb cut and proposed
20 improvements to the driveway.

21 The continued operation of or development of
22 adjacent uses, as permitted in the zoning ordinance would

1 not be adversely affected, as there is no change in the
2 existing permitted residential use of the structure. The
3 proposed project is consistent in use with the surrounding
4 neighborhood and adjacent residential uses.

5 There would not be any nuisance or hazard created
6 to the detriment of the health, safety and/or welfare of the
7 occupants of the proposed use, or to the citizens of the
8 city. There would not be any change in the existing
9 permitted residential use. The project will not create any
10 nuisance or hazard.

11 The addition of the windows will allow for a
12 better distribution of light and air coming into the
13 structure for the health and safety of the occupants.

14 The Board finds that the proposed use will not
15 impair the integrity of the district or adjoining district,
16 or otherwise derogate from the intent and purpose of this
17 ordinance, which is to continue the existing use of the
18 building as a two-family, that the renovation serves the
19 conservation and value of land and buildings in the city,
20 which is a name of the ordinance.

21 The Board finds that in granting of the special
22 permit that the work be consistent with the plans submitted,

1 and any documentation in the submittal.

2 On the motion then, to grant the special permit?

3 Matina Williams?

4 MATINA WILLIAMS: Yes, I approve.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Yes. I am in favor of approving
7 the petition.

8 BRENDAN SULLIVAN: Jim Monteverde?

9 JIM MONTEVERDE: I'm in favor.

10 BRENDAN SULLIVAN: Alison Hammer?

11 ALISON HAMMER: Yes, I'm in favor.

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

14 [All vote YES] Permit is granted on the
15 affirmative vote of five members.

16 DAN ANDERSON: Thank you very much. Have a great
17 evening.

18 BRENDAN SULLIVAN: Thank you.

19 COLLECTIVE: Thank you, everyone.

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2 (8:46 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Alison Hammer and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will hear Case Number
7 -017324 -- 1105 Massachusetts Avenue. Mr. Braillard?

8 ADAM BRAILLARD: Thank you, Mr. Sullivan and
9 members of the Board. My name is Adam Braillard. I'm with
10 Prince Lobe Tye. We're a law firm at 1 International Place,
11 here on behalf of the applicant, Starry, Inc.

12 On the call, or in the meeting tonight is Scott
13 Foley. Scott is -- he's Senior Director for Starry. Also
14 in the meeting is Joe Southerland (phonetic). Joe is a
15 radio network planning engineer for Starry. So Joe is here
16 to answer any textbook questions that the Board may have.

17 So we're here seeking a special permit for the
18 Board pursuant to Section 4.22 of the city ordinance, as
19 well as relief under the Section 409 [audio unclear] to
20 modify and enhance an existing wireless communications
21 facility located on the building located at 1105
22 Massachusetts Ave. It's located with the Residence B

1 Overlay District.

2 So for those who may not know, Starry is a
3 national proprietor of Broadband Internet services, and also
4 to citizens currently in Cambridge and in surrounding areas.

5 So it provides a high-speed Wi-Fi link to its
6 customers, and that requires these wireless antennas, these
7 small-scale wireless antennas from onsite broadcasting
8 facilities like this proposed one and [audio unclear] call
9 antennas so that the signal can cast back to our locations
10 and cast to the Starry routers -- that would be in these
11 individual routers. That would be in these individual
12 routers that would be in customers' residences in this
13 building.

14 So that's really -- a really high-level analysis
15 on how it works and if you're not familiar with Starry.

16 The proposal that's in front of you tonight, what
17 we're proposing to do is install four sets of small-scale
18 antennas to be mounted on the existing penthouse of the
19 building, and also install one cabinet -- one equipment
20 cabinet at the base of that penthouse, but on the rooftop of
21 the building.

22 Yeah, if you look at Tab 3 -- and I think the best

1 sheet to look at is maybe C3. That's C2 -- that gives you
2 an overview of the antenna locations. And on the second
3 page, page 4, the vertical.

4 The nice thing about this design -- well, before
5 we get there, we're also proposing to paint the -- all of
6 the antennas, all the equipment as well as the cabinet;
7 paint those to match the -- obviously the color of the
8 penthouse, so that it conforms to the existing
9 characteristics.

10 The nice thing about this installation is that the
11 penthouse is set back relatively far from the rooftop, or
12 the edge of the roof of an average. The distance is about
13 18 feet.

14 The building is tall, relatively tall, but to the
15 top of the penthouse it's 154 feet. And the antennas
16 themselves are relatively small -- smaller scale compared to
17 the traditional wireless telecommunications antennas.

18 So the combination of those things, we feel that
19 the visual impact is very minimal, it's de minimis. But the
20 benefit to the residents of the building is significant.

21 We want to conclude -- it's kind of a brief
22 presentation there, but certainly if there are questions

1 from the Board, I think we'll be able to answer those.

2 BRENDAN SULLIVAN: Yeah, are there any questions
3 from members of the Board at all?

4 JIM MONTEVERDE: This is Jim Monteverde. I just
5 have one. With the equipment being attached to the four
6 sides of the rooftop penthouses, is there a -- we've seen
7 this on some other projects -- a radiofrequency friendly
8 shroud material or otherwise that would kind of simplify the
9 overall cluster? You know what I'm talking about?

10 ADAM BRAILARD: Yeah, the -- sure, sure. I've
11 seen that over on Huron Street and Saint Patton --

12

13 JIM MONTEVERDE: Right.

14 ADAM BRAILARD: -- and a couple of other places.
15 The challenge here is that -- I mean aesthetically it's
16 going to increase the edges of the penthouse. And so, I
17 guess aesthetically that's certainly subjective.

18 From a property line standpoint, the signal is
19 much higher in bandwidth. And the concern there would be
20 that the radiofrequency penetration would be significantly
21 decreased compared to lower banded, traditional wireless
22 communications facility.

1 JIM MONTEVERDE: Okay, thank you.

2 BRENDAN SULLIVAN: Brendan Sullivan. My thought
3 when first saw this is that it's getting crowded up there.
4 And yet if you walk around the building, it's sort of high
5 and there isn't too much space around it. You know, you've
6 got the streets, you've got other buildings around.

7 And you really can't see it, the penthouse, from
8 the sidewalk, from the street, even if you go down to -- if
9 you go around to Mass Ave and you go to any of those other
10 streets. It really is sort of up there all by itself. So I
11 guess I came away less concerned about how busy it is
12 getting up there.

13 Adam, are you guys the only telecom up there on
14 the penthouse?

15 ADAM BRAILARD: That's correct.

16 BRENDAN SULLIVAN: I'm sorry, you are?

17 ADAM BRAILARD: Yes.

18 BRENDAN SULLIVAN: Yes, okay, all right. That's
19 my understanding. I mean, I don't see any of the other
20 traditional carriers out there.

21 BRENDAN SULLIVAN: Yeah, okay, all right. Any
22 other questions from members of the Board?

1 MATINA WILLIAMS: How many antennas in total do
2 you have up there?

3 ADAM BRAILARD: There are, I believe, to be 20
4 small-scale antennas in four different sectors. So there's
5 seven per sector and six I think in another sector. Strike
6 that. That's five and then six. Five or six, I'm sorry.
7 My math is off tonight.

8 BRENDAN SULLIVAN: Any other questions from
9 members of the Board? I hear none. I will open it up to
10 public comment.

11 Any member of the public who wish to speak should
12 now click the button that says, "Participants" and then
13 click the button that says, "Raise hand." If you are
14 calling in by phone, you can raise your hand by pressing *9
15 or, and unmute or mute by pressing *6.

16 Give it a few seconds.

17 DAN ANDERSON: It doesn't seem like we have any
18 new takers.

19 [Pause]

20 BRENDAN SULLIVAN: Nobody?

21 DAN ANDERSON: No.

22 BRENDAN SULLIVAN: Okay. We have correspondence

1 from Liza Paden, the Harvard Square Advisory Committee.

2 "The Committee reviewed the case and leaves the BZA without
3 comment."

4 There is correspondence from Andy Chu -C-h-u. He
5 is the owner of 1105 Mass Avenue, Unit 12E. "I'm writing in
6 support of case BZA 017324. I am the owner of 1105 Mass
7 Avenue, 12E, and strongly support the petition. This is the
8 first time I have ever contacted the Board of Zoning Appeal,
9 but I feel this is an important petition that deserves
10 approval."

11 He supports competition among the Internet
12 providers, and the installation will allow Starry Internet
13 to offer better service, not just to the building, but also
14 to the entire community.

15 He previously lived in 1105 penthouse -- C --
16 owned by another individual, and can say that the view of
17 Cambridge is amazing. He apparently likes living at 1105
18 Mass Avenue. He is in support.

19 That is the sum substance, and there was no
20 correspondence from the Planning Board.

21 I will close public comment. Adam, any other
22 parting words?

1 ADAM BRAILARD: No, sir.

2 BRENDAN SULLIVAN: All right. Any questions from
3 members of the Board? I hear none.

4 JIM MONTEVERDE: Jim Monteverde, no.

5 BRENDAN SULLIVAN: Ready for a motion?

6 ANDREA HICKEY: Ready.

7 JIM MONTEVERDE: Yes, sir.

8 MATINA WILLIAMS: Yes.

9 BRENDAN SULLIVAN: Okay. Under Section 4.32, in
10 reviewing the special permit application for mobile
11 communication facilities, the Board shall consider the
12 following and reach a determination. The scope of, or
13 limitations imposed by any license secured from any state or
14 federal agency having jurisdiction of such matters.

15 Your submission says that you have provided your
16 licensing, and that there are no restrictions with regard to
17 this particular site.

18 The Board shall consider the extent to which the
19 visual impact of the various elements of the proposed
20 facility is minimized with the use of existing mechanical
21 elements. Your proposal has a minimal visual impact on the
22 existing facility and building.

1 The proposed facility will be installed on the
2 penthouse of the building and painted to match the
3 penthouse, and as such will have no change on the existing
4 visual conditions of the building.

5 Further, the -- it is located in a Business B zone
6 so that -- the 7049 having to do with residential zones does
7 not apply to this.

8 And that the applicant must comply with the
9 Special Permit Criteria. Let me make a motion, then, to
10 grant the special permit for the installation of additional
11 facilities as per the application and the supporting
12 documents. The Board finds that the requirements of the
13 ordinance can be met.

14 That the traffic generated or patterns of access
15 or egress would not cause congestion, hazard, or substantial
16 change in the established neighborhood character.

17 The Board notes the existence of an existing
18 telecommunication facilities on the building and that the
19 addition changing modifications of existing will have no
20 material impact whatsoever.

21 Continued operation of or development of adjacent
22 uses, as permitted in the ordinance, would not be adversely

1 affected by what is being proposed use. Again, the
2 existence of existing telecommunication facility at locus
3 and the addition will have no adverse effect.

4 There will not be any nuisance or hazard created
5 to the detriment of the health, safety and/or welfare of the
6 occupants of the proposed use.

7 The operation of the proposed facility will not
8 adversely impact the health, safety and/or welfare of the
9 residents. On the contrary, the proposed use will benefit
10 the city and promote the safety and the welfare of its
11 residents, businesses and drivers by providing reliable,
12 state-of-the-art digital, wireless services.

13 The Board also references the letter in support of
14 Mr. Chu, who reiterates that same point.

15 For the proposed installation will not impair the
16 integrity of the district or adjoining district, or
17 otherwise derogate from the intent and purpose of the
18 ordinance. The proposed facility is designed to blend with
19 the existing characteristics of the property, reducing any
20 visual impacts to the surrounding area.

21 Also, there should be some additional findings.

22 And as a condition, the Board also finds that the

1 modification of its existing telecommunications facility at
2 the site proposed by the petitioner does not substantially
3 change the physical dimension of the existing wireless tower
4 or base station as such facility within the meaning of
5 Section 6409.

6 Based on the finding, the Board moves that the
7 petitioner be granted the special permit it is seeking,
8 subject to the following conditions: That the work proceed
9 in accordance with the plans submitted by the petitioner,
10 and initialed by the Chair.

11 That upon completion of the work, the physical
12 appearance and visual impact of the proposed work will be
13 consistent with the photo simulations submitted by the
14 petitioner, and initialed by the Chair.

15 That the petitioner shall at all times maintain
16 the proposed work, so that its physical appearance and
17 visual impact will remain consistent with the photo
18 simulations previously referred to.

19 That should the petitioner cease to utilize the
20 equipment approved tonight for a continuous period of six
21 months or more, it shall promptly thereafter remove such
22 equipment and restore the building on which it is located to

1 its prior condition and appearance, to the extent reasonably
2 practicable.

3 That the petitioner is in compliance with and will
4 comply -- continue to comply with all -- in all respects,
5 the conditions imposed by this Board with regard to previous
6 permits granted to the petitioner, with regard to the site
7 in question.

8 In as much as the health effects of the
9 transmission of electromagnetic energy waves is a matter of
10 ongoing societal concern and scientific study, the special
11 permit is also subject to the following conditions:

12 That the petitioner shall file with the
13 Inspectional Services Department each report it files with
14 the federal authorities regarding electromagnetic energy
15 waves emissions emitting from all of the petitioner's
16 equipment on the site.

17 Each site report shall be filed with the
18 Inspectional Services Department no later than 10 business
19 days after the report has been filed with federal
20 authorities.

21 Failure to timely file any such reports with the
22 Inspectional Services Department shall ipso facto terminate

1 the special permit granted tonight.

2 That in the event that at any time the federal
3 authorities notify the petitioner that its equipment on the
4 site, including but not limited to the special permit
5 granted tonight, fails to comply with the requirements of
6 law, or governmental regulations -- whether with regard to
7 the emissions of electromagnetic energy waves or otherwise -
8 - the petitioner within 10 business days of receipt of such
9 notification of such failure, shall file with the
10 Inspectional Services Department a report disclosing in
11 reasonable detail that such failure has occurred, and the
12 basis for such claimed failure.

13 The special permit granted shall ipso facto
14 terminate if any of the petitioner's federal licenses are
15 suspended, revoked or terminated.

16 That to the extent that a special permit has
17 terminated, pursuant to the foregoing paragraph a) and b),
18 the petitioner may apply through this Board for a new
19 special permit, provided that the special notice concerning
20 such application discloses in reasonable detail that the
21 application has been filed because of the termination of the
22 special permit pursuant to paragraph a) or b) above.

1 Any such new application shall not be deemed a
2 repetitive petition, and therefore will not be subject to
3 the two-year period during which repetitive petitions may
4 not be filed.

5 That within 10 business days after receipt of a
6 building permit for the installation of the equipment
7 subject to this petition, the petitioner shall file with the
8 Inspectional Services Department a sworn affidavit of the
9 person in charge of the installation of equipment by the
10 petitioner of the geographical area that includes Cambridge
11 stating that a) he or she has such responsibility, and
12 b) that the equipment being installed pursuant
13 to the special permit we are granting tonight will comply
14 with all federal safety rules, and will be situated and
15 maintained in locations with appropriate barricades and
16 other protections, such that individuals, including nearby
17 residents and occupants of nearby structures will be
18 sufficiently protected from excessive radiofrequency
19 radiation under federal law.

20 Would anybody like to add to that? I hear none.
21 On the motion to grant the special permit, Matina Williams?

22 MATINA WILLIAMS: Yes. Matina Williams. I'm in

1 favor.

2 BRENDAN SULLIVAN: Andrea Hickey.

3 ANDREA HICKEY: Andrea Hickey, yes. I vote in
4 favor.

5 BRENDAN SULLIVAN: Jim Monteverde?

6 JIM MONTEVERDE: Jim Monteverde, I vote in favor.

7 BRENDAN SULLIVAN: Alison Hammer?

8 ALISON HAMMER: Alison Hammer, I vote in favor.

9 BRENDAN SULLIVAN: And Brendan Sullivan yes to
10 granting of the special permit. The permit is granted.
11 Thank you.

12 ADAM BRAILARD: Thank you very much.

13 BRENDAN SULLIVAN: That concludes tonight's
14 meeting.

15 JIM MONTEVERDE: Thank you. Matina, nice to meet
16 you.

17 BRENDAN SULLIVAN: Matina, welcome.

18 MATINA WILLIAMS: Thank you. Thank you. Nice to
19 meet you all.

20 ANDREA HICKEY: Welcome aboard.

21 MATINA WILLIAMS: Thank you.

22 JIM MONTEVERDE: All right. Everybody stay well.

1 ANDREA HICKEY: Hope to meet you in person
2 someday.

3 MATINA WILLIAMS: Yes, yes, definitely.

4 ANDREA HICKEY: Thank you, everyone, good
5 neighbor.

6 JIM MONTEVERDE: Bye-bye.

7 MATINA WILLIAMS: Goodnight.

8 BRENDAN SULLIVAN: Now you're a veteran. After
9 the first case, you're a veteran.

10 MATINA WILLIAMS: I'm a veteran.

11 BRENDAN SULLIVAN: Welcome.

12 MATINA WILLIAMS: Thank you, thank you.

13 [09:01 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