

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, OCTOBER 8, 2020

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Andrea A. Hickey

Jim Monteverde

Slater W. Anderson

Jason Marshall

City Employees

Ranjit Singanayagam, Commissioner

Sisia Daglian, Assistant Building Commissioner



Precision, Speed, Reliability
617.547.5690

transcripts@ctran.com

I N D E X

<u>CASE</u>	<u>PAGE</u>
BZA-91575-2020 - 6 MANASSAS AVENUE	5
BZA-017321-2020 -- 25 SPINELLI PLACE	24
BZA-OI 7323-2020 -- 49 WHIITEMORE AVENUE	35
BZA-90382 -- 20 UNION STREET	71
BZA-017322-2Q20 -- 17-19 CUSHING STREET	117
BZA-017325-2020 -- 25 EIGHTH STREET	127
BZA-017308-2020 -- 119 REED STREET	184
BZA-90053 -- 135 WESTERN AVENUE	190
CONTINUED CASES	
BZA-017283-2020	58
Original Hearing Date: 08/27/20	
BZA-017267-2020	77
Original Hearing Date: 04/30/20, Re-Advertised for 7/23/20	
CASE: BZA-017259-2020	81
Original Hearing Date: 04/30/20, Re-Advertised for 7/23/20	
BZA-017274-2020	85
Original Hearing Date: 04/30/20, Re-Advertised for 07/23/20	

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

2 * * * * *

3 (6:01 p.m.)

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

8 CONSTANTINE ALEXANDER: Good evening.

9 Welcome to the October 8 meeting of the Cambridge Board of
10 Zoning Appeals. My name is Constantine Alexander, and I am
11 the Chair.

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

21 This meeting is being video and audio recorded,
22 and is broadcast on cable television Channel 22, within

1 Cambridge. There will also be a transcript of the
2 proceedings in due course.

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

10 Generally -- and not really generally;
11 specifically -- you will have up to three minutes to speak
12 and hopefully not more, but that might change based on the
13 number of speakers. I'll start by asking the Staff to take
14 Board member attendance, and verify that all members are
15 audible.

16 SISIA DAGLIAN: Jim Monteverde?

17 JIM MONTEVERDE: Yes, I'm here. Thank you.

18 SISIA DAGLIAN: Andrea Hickey?

19 ANDREA HICKEY: Present.

20 SISIA DAGLIAN: Jason?

21 JASON MARSHALL: I'm here.

22 SISIA DAGLIAN: Jason Marshall? Okay. And

1 Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan, present.

3 SISIA DAGLIAN: And --

4 CONSTANTINE ALEXANDER: Jim's here as well. Okay.

5 We're going to start with our regular agenda, but then at
6 7:00 or thereabouts, we will recess the regular meeting, and
7 turn to continued cases. These are cases that have started
8 at an earlier date, and for one reason or another have been
9 continued.

10 There was a scheduling program, which has the
11 continued cases starting at 7:00 and the regular agenda at
12 6:00, so that's the reason for the interruption.

13 So with that in mind, the first case I'm going to
14 call is Case Number 91575 -- 6 Manassas Avenue. Anyone here
15 wishing to speak on this matter?

16 JAMES RAFFERTY: Good evening Mr. Chair. James
17 Rafferty, on behalf of the applicant.

18 CONSTANTINE ALEXANDER: Good evening.

19 JAMES RAFFERTY: Present this evening with me are
20 Reverend Leonard O'Malley, Pastor of St. Peter's Parish; and
21 Edward Hoth. Mr. Hoth is a member of the Finance Council of
22 St. Peter's Parish. There are also representatives from

1 Buckingham Browne & Nichols School attending, including Tara
2 Goldman.

3 I'm happy to proceed if I can be heard and would
4 be appropriate?

5 CONSTANTINE ALEXANDER: Yes.

6 JAMES RAFFERTY: Okay, thank you. So this is an
7 application seeking a special permit to allow for an
8 elementary school, or what the ordinance refers to as a
9 primary school at a building on the St. Peter's Parish
10 grounds on Concord Avenue and Manassas Ave in West
11 Cambridge.

12 The building itself was constructed in the mid-
13 1950s and has served as a convent for the religious order of
14 the School Sisters of Notre Dame that staff both the
15 elementary school and the high school that operated in the
16 parish for many years.

17 The School Sisters of Notre Dame have not lived on
18 the campus for many years. The building has had a series of
19 other religious orders living in them. It has been vacant
20 as of late, and it is adjacent to the Buckingham Browne &
21 Nichols School.

22 I don't know if Ms. Daglian would be able to put

1 up the Assessor's plot just for a second, if I could just
2 orient the Board for a moment to the parish facility. This
3 is the building in question. It's one of several buildings
4 on the parish campus.

5 The parish consists of the church, of course; the
6 rectory, which is the building to the left here; the
7 elementary school -- the current elementary school -- which
8 is now on Concord Avenue; that used to be the former high
9 school; the former elementary school itself is now an office
10 building occupied by the Smithsonian Observatory, affiliated
11 with Harvard University.

12 So this building has been in institutional use
13 since its inception, and therefore under the Institutional
14 Use Regulations in the ordinance it qualifies -- its lot
15 status is determined to be Lot Status 3. As a result, a
16 special permit permits a primary school in this location,
17 based upon -- subject to the issuance of a special permit by
18 the Board.

19 The property in question, as I noted, is adjacent
20 to the Buckingham Browne & Nichols Middle School, which has
21 frontage on Sparks Street. In this case, Buckingham Browne
22 & Nichols had approached the parish about using the school,

1 renting the school to not necessarily expand its program,
2 but to expand space opportunities, particularly now with the
3 challenges associated with in-person learning during the
4 COVID pandemic.

5 So it represents an opportunity for both the
6 parish and the existing school to realize some laudable
7 objectives.

8 The image that's up now is one that we prepared to
9 show what is one of the principle elements of this use that
10 we wish to draw the Board's attention. And that is the
11 school will be accessed from a path that's going to be
12 installed from the BB&N campus to a door onto this former
13 convent building.

14 There are many elementary schools, primary schools
15 located in residential districts throughout Cambridge,
16 particularly in West Cambridge. Not far from this location:
17 The Cambridge Montessori School, the Cambridge Friends
18 School, the former Fairweather School... all of these --
19 Shady Hill School -- all of these institutions exist within
20 residential districts, particularly in this section of
21 Cambridge.

22 I know from personal experience that one of the

1 biggest challenges in balancing compatibility between these
2 types of residential uses and residential neighbors is the
3 dropping off and picking up of students, and the vehicular
4 traffic that is generated.

5 This particular orientation and use of the
6 building will not involve any dropping off or picking up of
7 students. All of that activity occurs on BB&N campus from
8 the Sparks side of the campus. So the traffic impacts
9 associated with this are negligible.

10 St. Peter's operates its own elementary school on
11 its campus, and it doesn't wish to create any conflict with
12 the successful operation of that program. So there's been
13 careful attention paid to the fact that this will serve for
14 surplus space for an existing student body that adjoins the
15 St. Peter's campus.

16 It's been an unoccupied building for a period of
17 time now, and this represents an active use of the building,
18 a continuation of its institutional use, and a use that's
19 compatible, frankly, with its neighbors. Its principal two
20 neighbors are both elementary schools.

21 Father O'Malley, with the Board's permission,
22 would just like to give a bit of an overview of the existing

1 school and what's anticipated with the operation of this
2 school by attempt.

3 CONSTANTINE ALEXANDER: That's fine. Go ahead,
4 Mr. O'Malley.

5 LEONARD O'MALLEY: Yes, thank you. We see it as a
6 great opportunity for both the schools and the neighborhood
7 as well. We certainly don't want to see a building sitting
8 there unoccupied. And the fact that it would be for a
9 school is especially valuable to us, because our own school,
10 St. Peter's, exists on the campus.

11 We have, as you know, all sorts of regulations
12 with regard to child safety and many things that we need to
13 comply with. Those are also restrictions on BB&N. So
14 there's no difficulty with any of that on our own property.

15 So it's very much in line with our own usage, and
16 the safety of our students. It has been -- as Jim mentioned
17 -- it's been carefully planned that there will be no new
18 traffic on Manassas Ave, no new drop-off or pickup in our
19 neighborhood at all.

20 The access to the property is far enough on the
21 end of the property that there is easy access for BB&N to
22 get to the building with the least disruption. And we've

1 always had a very good relationship with our neighbors. And
2 so, we've worked hard to make sure that this doesn't produce
3 -- as far as we can tell, it doesn't produce any dire
4 effects or any real change in what's happening in the
5 neighborhood.

6 CONSTANTINE ALEXANDER: Thank you. I mean, the
7 point you make and Mr. Rafferty made earlier about no pickup
8 or drop-offs to me is the only issue that -- in my opinion -
9 - that could have arisen with regard to the petitioner. And
10 therefore, with that out of the way, I don't see -- I
11 personally -- I don't see any problems with the relief
12 you're seeking. But that's preliminary and that's just my
13 view.

14 I'll open up the matter to other members of the
15 Board, if they have any questions they wish to ask.

16 [Pause]

17 Apparently not. There's no -- we have no -- I'll
18 open it up to public testimony. Any members of the public
19 who wish to speak should now click the icon at the bottom of
20 your Zoom screen 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. So I'll wait a second or two

1 to see if anyone wishes to speak.

2 The Kaydens, would you like to speak?

3 JAROLD KAYDEN: Yes, we would like to speak, and
4 let me just put our video on, please.

5 CONSTANTINE ALEXANDER: Go ahead.

6 JAROLD KAYDEN: And I think that you can't share
7 the screen if we're on video, if you want to see us. We're
8 ready to speak, if that's correct.

9 CONSTANTINE ALEXANDER: We can hear you on this
10 end and see you, so go ahead.

11 JACOB KAYDEN: Great, great, thank you. So I'm
12 Jarold Kayden, and this is --

13 STEPHANIE KAYDEN: I'm Stephanie Kayden.

14 JAROLD KAYDEN: -- and we live in our home on a
15 lot that borders the old convent building, that is being
16 proposed for this change in use. We have been in our home
17 for 25 years, and we've been absolutely delighted to have
18 St. Peter's and BB&N as our neighbors. We view them as
19 friends, as wonderful neighbors, and we're thrilled to have
20 them that way.

21 And in addition, we are very supportive of the
22 proposed change in use. We can see how it does benefit, as

1 the father has said, and as BB&N has mentioned as well, to
2 us separately how good this will be for everybody. So we're
3 fully supportive of the proposal broadly speaking in terms
4 of the use as a primary school.

5 We do have concerns related to use of the building
6 at night and on weekends in terms of noise that might occur
7 at night and on weekends. Our lot actually is roughly nine
8 feet from the building itself at the closest point.

9 And so, we're not quite clear about what the use
10 might be at night or on the weekends, but we had a very nice
11 conversation with BB&N and with Jim Rafferty, who has been
12 terrific in representing [I know] St Peter's, and I'm
13 delighted to talk with him about it.

14 And we've been talking about language that might
15 be helpful in giving us some degree of assurance that the
16 use during the evenings or weekends would only be occasional
17 use.

18 So there had been language that had been presented
19 to us, not as a necessarily "the offer" and if we accept
20 that it's binding on anybody, but we discussed it, and we're
21 satisfied given the good faith of everybody that that
22 language could offer us the kind of assurance to know that

1 in the evenings and on weekends, there would not be kind
2 of noise or light -- particularly noise -- that might
3 interrupt us, given the proximity of our house and yard to
4 the building.

5 CONSTANTINE ALEXANDER: Thank you. We're not in
6 possession -- or the Board is not in possession of that
7 letter you're referring to. So that's a private matter
8 between you and the Archdiocese. So any issues -- and I
9 don't think there will be -- any issues should arise you'll
10 have to work it out directly with the Archdiocese.

11 Anyone else wish to speak?

12 JAROLD KAYDEN: May I respond, please, to that?

13 CONSTANTINE ALEXANDER: Go ahead.

14 JAROLD KAYDEN: Sure. You know, my understanding
15 is that this is a special permit action, in which you will
16 need to find that there are fewer adverse impacts by the
17 proposed use than the existing use.

18 And again, I can't express enough how totally
19 supportive we are of the use of this building -- you know,
20 as a primary school. Completely enthusiastic, and we've
21 lived happily with all the uses for 25 years
22 enthusiastically.

1 But it does seem to me that it's within the
2 authority of the Board to attach a condition to the issuance
3 of the special permit here, and indeed language has been
4 proposed -- I'm not saying anybody has agreed to it finally,
5 but there was a proposal for language that might relate to
6 the special permit as a condition on its issuance.

7 So I appreciate very, very much your suggestion of
8 going and talking to -- as we have -- to both BB&N and St.
9 Peter's through the wise counsel of Jim Rafferty. But this
10 is something that could be, it seems to us, attached as a
11 condition to the special permit.

12 CONSTANTINE ALEXANDER: What am I going to -- what
13 are we going to attach? We're not in possession of
14 anything.

15 JAROLD KAYDEN: Well, we could actually suggest
16 the language now. This has been a little bit rushed -- you
17 know, for a variety of reasons. We've all been sort of
18 working. It's been difficult to arrange it, but I have the
19 proposed language in front of me, one sentence. And I know
20 that Jim has it as well.

21 JAMES RAFFERTY: Right. Mr. Chair, I could
22 provide the Board with the language, frankly, and Mr. Kayden

1 has been nothing but cooperative. We did have an exchange
2 of language. I think we did not have a consensus on some
3 specific elements, but the language I shared with Mr. Kayden
4 is the Board felt that assurances were needed beyond the
5 fact that these are Elementary Schools; by their very
6 nature, there is very limited evening and weekend use.

7 But I did put together a sentence that if -- and
8 offered it to Mr. Kayden, but it was my understanding that
9 he -- that he didn't find it adequate. But if he does, I'm
10 prepared to offer it to the Board for your consideration.

11 JAROLD KAYDEN: I'm sorry, is that addressed to
12 me, Jim, or to the Board? I'm sorry --

13 JAMES RAFFERTY: No, I'll -- just to the Chair.

14 CONSTANTINE ALEXANDER: Well --

15 JAMES RAFFERTY: I'm asking the Chair if he wants
16 me to share the language, the sentence that we have
17 discussed if the Board thinks such conditions would be
18 necessary?

19 CONSTANTINE ALEXANDER: Well, I -- speaking only
20 for myself and members of the Board, I don't know whether
21 the conditions are necessary to propose, because I don't
22 know what the condition is, or what the circumstances are

1 surrounding the need for the condition.

2 Again, I would have assumed this is something that
3 if the problem had arisen in the future, assuming we grant
4 relief tonight, it would be worked out by Mr. K or the
5 neighbors and schools.

6 You've done that -- all of -- everybody's worked
7 cooperatively so far, but if you want, if it's required or
8 requested, I should say, that we have a specific condition
9 to the relief we grant, assuming we do grant the relief, we
10 have to have that condition. I don't have it.

11 JAMES RAFFERTY: Well, Mr. Chair, if it's
12 appropriate, I'm happy to provide the sentence that I shared
13 to Mr. Kayden that the Board may deem appropriate. It is
14 language that the parish could live with. I think it's
15 merely a case of stating the obvious, but if I may be
16 permitted, I would recite what that language is.

17 CONSTANTINE ALEXANDER: Well --

18 JAMES RAFFERTY: The condition would be that the
19 school operate in the traditional manner of an elementary
20 school, with the majority of activity occurring during
21 weekday hours, with limited evening and weekend use.

22 CONSTANTINE ALEXANDER: I have to say I'm troubled

1 by that. I mean, I'm not troubled for myself personally,
2 I'm troubled for the Inspectional Services Department.

3 JAMES RAFFERTY: I understand, I had the same
4 reservations, I expressed them to Mr. Kayden, that these
5 conditions live with the special permit, and they become
6 problematic for building inspectors in terms of -- you know,
7 so we all knew the shortcoming of the language; it's more of
8 an aspirational statement.

9 But as the Chair noted, this is a 25-year
10 harmonious relationship between these neighbors and both
11 institutions, and I would think that this is a statement
12 that I know the parish can live with.

13 I don't think they're happy to put that in and
14 memorialize that in a letter to Mr. Kayden, but I leave it
15 to the wisdom of the Board as to whether it's necessary or
16 appropriate to find itself as a condition in the special
17 permit relief.

18 CONSTANTINE ALEXANDER: I believe that --excuse me
19 -- I believe, speaking for myself -- and other Board Members
20 please weigh in -- I believe it's not appropriate, this
21 language, to put as a specific condition, "to the relief
22 that's being sought." This is a -- if there are problems in

1 the future, they're private problems, and they'll have to be
2 solved privately.

3 But to drag the Inspectional Services Department
4 in with this -- in my mind -- vague standard -- is not a
5 good idea. Other members of the Board have any comments on
6 this?

7 JASON MARSHALL: Mr. Chair?

8 CONSTANTINE ALEXANDER: Yes, yes Jim.

9 JASON MARSHALL: Jason Marshall.

10 CONSTANTINE ALEXANDER: Oh, Jason.

11 JASON MARSHALL: My only -- I -- it seems to me
12 that the use being allowed here inherently reflects the
13 language that Mr. Rafferty read doesn't seem necessary to
14 impose that as a condition, and I agree with the remarks
15 that the Chair made as well.

16 SLATER ANDERSON: Gus, Slater here.

17 CONSTANTINE ALEXANDER: Yeah. Yes, Slater?

18 SLATER ANDERSON: I offer that the primary
19 institution, BB&N, that is going to be using this space from
20 the parish, they have plenty of facilities that they would
21 probably use for any after school or weekend activities;
22 that this structure is not really well-suited for activities

1 that may occur in the evening or on the weekends.

2 So I don't see that it's necessary to be a
3 condition of approval.

4 CONSTANTINE ALEXANDER: Thank you, Slater. Jim?
5 Jim Monteverde, do you have any thoughts or comments?

6 JIM MONTEVERDE: This is Jim. I would agree with
7 what you said previously.

8 CONSTANTINE ALEXANDER: All right, I'm going to --
9 we have another letter I'm going to read into the record in
10 a second, with regard to the case. But I am of the view --
11 and when I make my motion to grant the relief, I am not
12 going to include this letter as a condition. This is
13 something that should be left in a private manner and being
14 resolved -- if issues arise, be resolved privately.

15 So I did mention that we do have a letter in our
16 files as well from Maureen Whitley, W-h-i-t-l-e-y and Jeff
17 Singer, S-i-n-g-e-r.

18 "My husband and I live at 29 Buckingham Street,
19 sandwiched between St Peter's and BB&N Middle School on two
20 sides. So we are most impacted by this proposed decision.
21 We bought the house in 2006 with those two amazing
22 institutions in our mind.

1 "Our son was a student at BB&N and we go to St
2 Peter's parish. Both of these schools have been amazing
3 neighbors. They both have been very respectful to our land,
4 trees and property. We understand that BB&N is going to
5 rent the former convent. We think it is a grand idea.

6 "During COVID and with the colder weather, BB&N
7 students and teachers need the added space; it is a safety
8 issue, and we need to be good neighbors now more than ever.

9 "We also appreciate that it will be used
10 predominantly during weekday school hours, and only
11 occasionally during the school months. BB&N will need the
12 convent for a small amount of activities during early
13 evening hours and the occasional weekend -- again, it being
14 a good neighbor, and we absolutely feel secure with the
15 activities.

16 "We support the proposal."

17 And I note -- and that's the end of the letter.
18 And I note there was no request for a condition relating to
19 the non-school uses and non-school hours. So with that,
20 I'll close public testimony. And discussion? Or are
21 members ready for a vote, so I'll make a motion?

22 COLLECTIVE: Ready for a vote.

1 CONSTANTINE ALEXANDER: Okay. The Chair moves
2 that we make the following findings with regard to the
3 relief being sought for the special permit:

4 That the requirements of the ordinance cannot be
5 met unless we grant the relief that's being sought tonight.

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

10 That the continued operation of or development of
11 adjacent uses, as permitted in the ordinance, will not be
12 adversely affected by the nature of the proposed use. This
13 connection I would note that the non-school educational use
14 of the building will be limited to a small amount of time,
15 and at least one set of neighbors is not concerned enough to
16 require any conditions and the like, and the other -- the
17 Kaydens, who are in support generally of what is being
18 sought, aren't concerned enough that they would like some
19 sort of condition.

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

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

5 So based on these findings, the Chair moves that
6 we grant the special permit being sought. We'll take a vote
7 now. Jim? I'll let you -- I'll -- Jim?

8 JIM MONTEVERDE: Yeah. Jim Monteverde, I vote
9 yes.

10 CONSTANTINE ALEXANDER: Jason?

11 JASON MARSHALL: Jason Marshall, yes.

12 CONSTANTINE ALEXANDER: Slater?

13 SLATER ANDERSON: Slater Anderson, yes.

14 CONSTANTINE ALEXANDER: Andrea?

15 ANDREA HICKEY: Andrea Hickey, I vote yes.

16 CONSTANTINE ALEXANDER: And the Chair votes yes as
17 well. So the motion is carried, special permit granted.
18 Thank you.

19

20

21

22

1 * * * * *

2 (6:27 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017321-25 Spinelli Place. Anyone wishing to be
8 heard on this matter?

9 JAMES RAFFERTY: Good evening, Mr. Chair. James
10 Rafferty, again, on behalf of the petitioner, BIV Spinelli,
11 LLC. That is an entity controlled and owned by The Davis
12 Companies.

13 On the call with us this evening is Gretchen
14 McGill, M-c-G-i-l-l. Ms. McGill is with The Davis
15 Companies, and our Project Architect is also on the call.

16 This is an application for both a special permit
17 and a variance. The property is located in the Alewife
18 Overlay District on Spinelli Way. It doesn't -- it's down
19 the street from the Fairweather School, if Board members are
20 familiar with that.

21 The issue arose when the applicants began going
22 through a zoning review and a building permit. It was

1 discovered that the building setbacks are increased in this
2 location because in the Alewife Overlay District if you abut
3 a park, the setbacks increase.

4 And while it's not readily apparent, behind the
5 building is a park owned by the City of Cambridge -- it
6 happens to be called, "Rafferty Park" named after my brother
7 -- but the park slopes down at this location, so it's not
8 an, this is almost a -- while it's owned by the city,
9 there's no active use in the park.

10 The park has a fence and this kind of drops off
11 and this is the ledge. But nonetheless, it does trigger the
12 expanded setback requirements.

13 So we're seeking a special permit because the wall
14 abutting the park or facing the park becomes a nonconforming
15 wall as a result of the creation of the Alewife Overlay
16 District in this added setback requirement to buildings
17 adjacent to or abutting a public park. So we can take you
18 through the elevations to show where those windows are.

19 The other thing that's occurring in the building
20 is there are two stairways being located that will provide
21 necessary code-compliant egress out of the building.

22 The building was principally a warehouse-style

1 structure. It will now be occupied and used as a technology
2 type, and it will have staff. So code requires that there
3 be two stairways. Both stairways are external to the
4 building, but they are located in the setback area.

5 So for that reason, we're seeking relief to allow
6 for the egress stairways to be located within the setback.
7 Ms. McGill can take you through both of those stairways, as
8 well as answer any questions about the operation of the
9 building.

10 CONSTANTINE ALEXANDER: Anyone wish to hear from
11 -- take up Mr. Rafferty's offer, among members of the Board?

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

14 JIM MONTEVERDE: Jim Monteverde, I don't have any
15 questions.

16 ANDREA HICKEY: Andrea Hickey, I have no
17 questions.

18 JASON MARSHALL: Jason Marshall, same here.

19 CONSTANTINE ALEXANDER: Okay. I will now open the
20 matter up to public testimony, if I can find my
21 instructions. Here we are. Any members of the --

22 GRETCHEN MCGILL: I'm sorry, my Internet

1 connection stopped --

2 CONSTANTINE ALEXANDER: I'm sorry?

3 GRETCHEN MCGILL: My Internet connection stopped
4 while Jim was asking if he wanted me to present slides? Was
5 the answer they chose not to? Okay.

6 JAMES RAFFERTY: They declined that, yes.

7 GRETCHEN MCGILL: Okay, thank you.

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

14 SEAN O'GRADY: Doesn't look like you have any
15 takers, Gus.

16 CONSTANTINE ALEXANDER: Say it again? Speak up,
17 No, no one wants to speak.

18 CONSTANTINE ALEXANDER: Okay, no one wants to --
19 thank you. And I don't think we have -- let me just check,
20 I don't believe we have any written communications in our
21 files from citizens or other public bodies. So I will close
22 public testimony.

1 Discussion, or member of the Board on this, or are
2 we ready for a vote?

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

5 ANDREA HICKEY: Andrea Hickey, I'm ready.

6 JIM MONTEVERDE: Jim Monteverde, I'm ready for a
7 vote.

8 JASON MARSHALL: Jason Marshall, ready.

9 CONSTANTINE ALEXANDER: Jason?

10 JASON MARSHALL: I am ready. Jason Marshall's
11 ready.

12 CONSTANTINE ALEXANDER: Oh, I'm sorry. Okay, we
13 have two votes to be taken, so I'll start with the variance.
14 With regard to the variance being sought, the Chair makes
15 the following findings:

16 That a literal enforcement of the provisions of
17 this ordinance would involve a substantial hardship, such
18 hardship being as that there's a need to modify the front
19 stairs of the exterior egress stairs, and they need zoning
20 relief to do that.

21 That the hardship is owing to basically the shape
22 and topography of the lot, which causes because of your

1 unusual circumstances -- creates the zoning problem that's
2 now before us.

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

6 And in that regard, the relief being sought has no
7 impact, even on the neighborhood in which it sits, and it is
8 necessary to improve the usability of the structure itself.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the variance being sought on the
11 condition that the work proceed in accordance with the set
12 of plans and information submitted by the petitioner dated
13 October 8, 2020, the first page of which has been initialed
14 by the Chair.

15 Brendan?

16 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
17 the relief.

18 CONSTANTINE ALEXANDER: Jim?

19 ANDREA HICKEY: Andrea Hickey, yes to grant the
20 relief.

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: Jim Monteverde, yes.

1 CONSTANTINE ALEXANDER: Jason?

2 JASON MARSHALL: Jason Marshall, yes.

3 CONSTANTINE ALEXANDER: And the Chair says yes as
4 well, so the variance is granted.

5 [All vote YES]

6 Let's turn to the special permit. Let's -- I
7 think you've got to spend a few minutes, Mr. Rafferty, just
8 going over the whys and wherefores of the special permit
9 that's being sought.

10 JAMES RAFFERTY: Okay. So I think the policy
11 intent behind the special permit requirement for openings on
12 nonconforming walls is principally related to issues of
13 privacy and the impacts on abutters. As I noted, in this
14 particular district, that base requirement is extended; it's
15 doubled to 20 feet, out of deference to impacts on public
16 parks.

17 As I stated, the condition of this portion of this
18 park is not an active use of the park, it is a cliff that
19 doesn't involve any -- there's some photos here -- any park
20 use or active use.

21 So I think the relief is appropriate, given the
22 fact that the setback condition is more a case of land owned

1 by the city, but it is not, frankly, a part of the park
2 operation or the park experience.

3 This is the top of the park. Beyond those trees,
4 there's a cliff that drops down to Spinelli, and it's
5 alongside that -- and just beyond the cliff is the building.
6 So as you can see, those windows aren't going to have any
7 effect on anyone's enjoyment of the park.

8 So I think the Board could reasonably find that
9 the special permit conditions exist such that this will not
10 have an adverse impact on anyone's use or enjoyment of the
11 park, and thus allowing for operable and larger windows to
12 facilitate the conversion of warehouse space to occupiable
13 office/lab space is appropriate.

14 CONSTANTINE ALEXANDER: Thank you. Questions from
15 members of the Board on the special permit? Brendan?

16 BRENDAN SULLIVAN: No, no questions.

17 JIM MONTEVERDE: Jim Monteverde, no questions.

18 ANDREA HICKEY: Andrea --

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: I'm sorry, go ahead.

21 CONSTANTINE ALEXANDER: And Jason?

22 JASON MARSHALL: No questions, Mr. Chair.

1 CONSTANTINE ALEXANDER: Okay. I have no questions
2 either. So we have no correspondence of the like with
3 regard to this special permit request as well. So I'm going
4 to proceed to a motion, with regard to the granting of the
5 special permit being sought.

6 That the requirements of this ordinance cannot be
7 met unless we grant the special permit and to do the work
8 that is proposed, with the granting of the special permit.

9 That traffic generated or patterns of access or
10 egress resulting from the special permit will not cause
11 congestion, hazard, or substantial change in established
12 neighborhood character.

13 And Mr. Rafferty's addressed that point in his
14 comments, and has dealt with them to and can that this
15 requirement will be satisfied as well.

16 That the continued operation of or development of
17 adjacent uses, as permitted in the zoning ordinance, will
18 not be adversely affected by the nature of what is being
19 proposed. And again, I refer back to the information
20 supplied to us by Mr. Rafferty orally and in his
21 application.

22 No nuisance or hazard will be created to the

1 detriment of the health, safety and/or welfare of the
2 occupant of the proposed use, or the citizens of the city.
3 And again, what we've addressed earlier with regard to the
4 relief applies here as well.

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

9 So on the basis of all of these findings, the
10 Chair moves that we grant the special permit requested,
11 subject again to compliance with the plans referred to in
12 the variance we just granted.

13 Mr. Sullivan?

14 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
15 the special permit.

16 CONSTANTINE ALEXANDER: Jim?

17 JIM MONTEVERDE: Jim Monteverde, yes for the
18 special permit.

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: Andrea Hickey, yes in favor of the
21 special permit.

22 CONSTANTINE ALEXANDER: Jason?

1 JASON MARSHALL: Jason Marshall, yes in favor of
2 the special permit.

3 CONSTANTINE ALEXANDER: And before I take my vote,
4 Jason let me just point out I'm not taking you last because
5 you're the new member on the Board, just it comes to my
6 head. No sleight intended.

7 JASON MARSHALL: Fair enough.

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

10 [All vote YES]

11 Special permit granted, case over. Thank you.

12 JAMES RAFFERTY: Thank you.

13 GRETCHEN MCGILL: Thank you.

14 CONSTANTINE ALEXANDER: I hope you haven't gone
15 anywhere, Mr. Rafferty, because we need you again.

16

17

18

19

20

21

22

1 * * * * *

2 (6:40 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will call Case
7 Number -- where is it -- 017323 -- 49 Whittemore Avenue.
8 Anyone here wishing to be heard on this matter?

9 JAMES RAFFERTY: Thank you, Mr. Chair. For the
10 record, again, James Rafferty on behalf of the applicant,
11 Eric Wu, W-u, and Mr. Wu is on the call.

12 I wonder if I it might be possible to get the
13 photograph that accompanied the application, so I could
14 describe the existing conditions to the Board?

15 CONSTANTINE ALEXANDER: Sisia?

16 SISIA DAGLIAN: Yeah.

17 CONSTANTINE ALEXANDER: It's being pulled up.

18 JAMES RAFFERTY: Okay. Yeah, so the photograph
19 kind of illustrates that this house is a candidate in need
20 of renovation and rehabilitation. It has an unusual style
21 of dormers and it's had a series of enclosures. What was a
22 front porch is now enclosed. It doesn't organize well, and

1 those spaces on the third floor are really almost -- one has
2 to bend over to get up there.

3 So the proposal involves removing the roof and
4 installing a new roof. You'll see from the drawings the
5 roof will contain a dormer. And the relief being sought is
6 related to the fact that the structure as proposed will
7 exceed the allowable GFA by 182 square feet.

8 Now, this rare photo really shows how the
9 hodgepodge nature of these additions on the second floor.
10 The second floor is a maze of low-ceilinged and cramped
11 spaces. The design here will allow for full utilization of
12 that second floor.

13 The hardship is related to the size of the lot.
14 It's a small lot. It's approximately 4000 square feet, and
15 most lots in this district are at 5000 square feet minimum
16 requirement.

17 So once you organize the second floor and make it
18 more functional, the plan that has been devised by the
19 applicant and his architect represents an additional 182
20 square feet.

21 And we would suggest to the Board that the
22 conditions present in the home that require this approach

1 warrant the relief being sought here; that the scale and
2 context of the house is appropriate for its surroundings.
3 It has a history as a two-family house.

4 This will allow the second-floor apartment to
5 really function far more efficiently. It will also provide
6 opportunities for code-compliant egress in that space, as
7 well as headroom and air and ventilation.

8 CONSTANTINE ALEXANDER: Excuse me, is it not now
9 code-compliant, in matters of egress?

10 JAMES RAFFERTY: Well, I would certainly suspect
11 it was code-compliant when it was constructed.
12 Unfortunately, the architect couldn't be here. But I know
13 at least one or two of the stairways from my observation
14 seem excessively narrow.

15 And so the -- if you look at the floor plan,
16 you'll see because of the nature of the construction, the
17 current building code requirement -- the house itself is
18 more than 60 years old, so it was obviously constructed when
19 code requirements were not as stringent as they are now.

20 So I think it is the case that at least in terms
21 of the stairways and the headroom, I would venture to guess
22 that the headroom and the stairway now does not meet code,

1 since the way the stairway turns, you cannot extend to the
2 second floor without having to stoop down as you go up the
3 stairway.

4 CONSTANTINE ALEXANDER: That's your personal
5 observation, just for the record: It's not a matter of the
6 architect has opined that this is not code-compliant, is
7 that correct?

8 JAMES RAFFERTY: Yeah, that's true. I'm trying to
9 see if the existing condition plans are a dimension that
10 would show what the widths of those stairways are.

11 JIM MONTEVERDE: Yeah. This is Jim Monteverde --
12 when I looked at the electronic files a couple days ago, I
13 didn't find existing plans or existing elevations. So maybe
14 I missed them. And Sisia, if you have them there, that may
15 be helpful.

16 SISIA DAGLIAN: No, I don't think they're in the
17 file.

18 JAMES RAFFERTY: Right.

19 CONSTANTINE ALEXANDER: I have the plans -- my
20 observation is the plans that we have are meager -- not to
21 detail that; we're used to seeing, and we'd like to see, to
22 be frank -- but it is what it is. Unless we appeal that we

1 need more plans before we make a final decision, I suggest
2 we go forward with what we got.

3 JAMES RAFFERTY: Yeah. I think if you look at the
4 plans really carefully and zoom in, I think the dotted lines
5 or everything that's existing is to be removed, and the
6 solid line is the new work.

7 So if you can kind of figure out where the
8 existing is, so it looks like the staircases, or the new
9 staircase toward the back of that plan, that's the narrow
10 one that Mr. Rafferty is mentioning, and then the one in the
11 front, the slightly wider one -- I can't read that
12 dimension, it looks like three foot four or three foot six,
13 that looks like the new stairs. So I think that's what
14 you're discussing, Mr. Rafferty?

15 JAMES RAFFERTY: Yes. So I -- it also comes about
16 when -- I mean, given the disorganized nature of the second
17 floor, a series of rear dormers, front dormers, a gable and
18 a gap between them, the second floor gets reorganized, and
19 the result is a dormer that complies with the guidelines,
20 but we do have an exceedance on the GFA of -- as I noted --
21 182 square feet.

22 CONSTANTINE ALEXANDER: Jim, do you have any

1 further comments?

2 JIM MONTEVERDE: One question: Yeah, Sisia, if
3 you could go back to the -- I think the building elevation,
4 or the building section?

5 And Mr. Rafferty, if you could just explain for me
6 -- so the building now is too -- well, again, this is the
7 new construction, correct?

8 JAMES RAFFERTY: That's right, yeah.

9 JIM MONTEVERDE: So that's three stories. So --
10 and there's a section that kind of shows -- I think that
11 one. So I am assuming the dark tone on the building section
12 is the new work?

13 JAMES RAFFERTY: That's correct.

14 JIM MONTEVERDE: Right? So it's the -- and the
15 third floor is actually -- is that new -- so what exists now
16 is the first floor and the second floor? Is the third floor
17 all new, is that correct?

18 JAMES RAFFERTY: No, I think there's what would be
19 considered attic space.

20 JIM MONTEVERDE: Yeah, okay.

21 JAMES RAFFERTY: Mr. Wu is on the call. He
22 obviously has greater familiarity. So perhaps he could give

1 a firsthand description. But my understanding is that
2 currently serves as attic space. The new second floor will
3 have access to space above it.

4 ERIC WU: Yeah, I'm here if you have a question.
5 Maybe I can answer.

6 JIM MONTEVERDE: Yeah, so in this building
7 section, if I could just restate my question, is what's
8 shaded dark? Is that all new construction, or is it simply
9 this dormer element or reshaping of this roof that's the new
10 footprint for the third floor?

11 ERIC WU: The -- if -- Jim, is it okay if I answer
12 it?

13 JIM MONTEVERDE: Yes, please Eric.

14 JAMES RAFFERTY: Yeah.

15 JIM MONTEVERDE: Please.

16 ERIC WU: Yeah. Okay. I just want to make sure.
17 Yeah, and right now the roof is new, yes. Actual, it's not
18 -- the roof is new, because what happened right now is, Jim
19 if you can open this number 7, you can see what -- picture
20 number 7 on the left-hand side? Number 7, number 7, yeah,
21 okay, this is fine. Okay -- yeah.

22 They basically have the first floor, and the

1 second floor is their living space and also, their room.
2 And they are basically -- they never took care of this house
3 for -- like -- whatever year they lived there. So
4 unfortunately, it's very messy in the inside.

5 And they have two rooms. They live upstairs in a
6 space that is livable. But anyway, so the second floor they
7 use it as kids, the children's bedrooms, but it's really too
8 small. And so, the architect thinks that's only way to make
9 it a fully functional second floor, and then put the roof on
10 top of it.

11 JIM MONTEVERDE: So are you basically adding the
12 third floor? Or is that -- as Jim, as Mr. Rafferty
13 described it it's under the roof rafters now? I'm not
14 following.

15 JAMES RAFFERTY: Well, I think the pitch and
16 height of the roof does increase, Mr. Monteverde, so I think
17 that's -- it's going from a 30-foot high structure to a 35-
18 foot high structure.

19 JIM MONTEVERDE: Okay.

20 JAMES RAFFERTY: So I -- you'll see in the
21 elevation as you compare it to the photograph, that that's
22 where you're getting added volume from the height, and there

1 is --

2 JIM MONTEVERDE: Okay.

3 JAMES RAFFERTY: -- space on the third floor,
4 you're correct.

5 JIM MONTEVERDE: Yep, thank you.

6 CONSTANTINE ALEXANDER: Anything else you want to
7 ask at this point?

8 JIM MONTEVERDE: No, thank you.

9 CONSTANTINE ALEXANDER: Mr. Rafferty, you've
10 mentioned a couple times now that the amount of additional
11 space is being added by what is being proposed -- as I
12 recall, somewhere in the neighborhood of 140 feet or
13 something? I don't remember exactly.

14 JAMES RAFFERTY: 182 by line mass. No, no, no --

15 CONSTANTINE ALEXANDER: What's?

16 JAMES RAFFERTY: -- no, that's the exceedance.

17 No, the current house is 1793. When we're done it's 2372.

18 That represents 182 square feet above the FAR permitted of
19 2190.

20 CONSTANTINE ALEXANDER: Yeah, but you're adding
21 over 579 feet to the house, and that's what throws you over
22 with regard to FAR. You're now --

1 JAMES RAFFERTY: Well, the last 182 square feet
2 does, yes.

3 CONSTANTINE ALEXANDER: Okay.

4 JAMES RAFFERTY: So it's -- I agree, it is an
5 addition of 590 in that range, and 182 of that is above the
6 allowed FAR.

7 CONSTANTINE ALEXANDER: Okay, fine. Now I
8 understand what you were saying. Thank you.

9 JAMES RAFFERTY: Okay.

10 CONSTANTINE ALEXANDER: Continue on. Andrea, do
11 you have any questions you want to ask at this point?

12 ANDREA HICKEY: Andrea?

13 CONSTANTINE ALEXANDER: Well move on to Jason.
14 Jason, do you have anything you want to ask?

15 JASON MARSHALL: Yeah. Maybe similar to Jim, I
16 had some trouble in reviewing the record comparing the plans
17 to the current pictures and understanding the impact of the
18 additions, particularly with respect to whether there would
19 be any impact on adjacent properties.

20 It looks like there's a parking lot on one side,
21 is that right, Mr. Rafferty?

22 JAMES RAFFERTY: Yes, there's a parking lot I

1 believe across the street and to the left. But Eric, could
2 you confirm that?

3 ERIC WU: Actually I was talking with the mute on,
4 I'm so sorry.

5 JAMES RAFFERTY: All right.

6 ERIC WU: But that's a parking lot right next --
7 on the right-hand side, and also, the parking lot across the
8 street.

9 JAMES RAFFERTY: Right.

10 ERIC WU: This house has also a drive to --

11 JAMES RAFFERTY: This stretch of Whittemore Ave is
12 dominated on the opposite side by large surface parking lot
13 that provides accessory parking for the W.R. Grace property.

14 So to Mr. Marshall's point, the context here is
15 it's a transitional street, frankly, in terms of it doesn't
16 -- it's not a conventional Res B street in terms of the
17 surrounding inspection for the uses.

18 JASON MARSHALL: So is there a house -- and
19 there's a house to the other side, and a house in the back?
20 Is that the current layout?

21 ERIC WU: Yes, yes.

22 JASON MARSHALL: And could you speak to whether or

1 not any of the additions will have any impact with respect
2 to views or new shadows or anything like that? I didn't see
3 anything in the record speaking to it.

4 ERIC WU: No, because we are facing a different
5 way. The house on the left-hand side faces the same way.
6 And so, we are not stopping. We're not -- you know, and
7 we're not creating any blocks for them.

8 And the house in the back is really far. And they
9 are facing the other way, so -- which is the totally 90
10 degrees different way. So it's not -- and in the right-hand
11 side of the house is a big parking space. So there's no
12 people live there.

13 JAMES RAFFERTY: The setback on that side, Mr.
14 Marshall, is compliant. In fact, the minimum in that Res B
15 district is 7 and a half feet. So -- which is obviously a
16 relevant metric when assessing the impact of this structure.
17 So it doesn't -- it certainly doesn't crowd it.

18 By contrast, the abutting house is close to the
19 property line. But I don't believe we've heard any
20 objection from that property owner. But Eric, have you had
21 any contact with that property owner?

22 ERIC WU: Yes. We have been friends with that

1 property owner next door. They are a really nice family,
2 and we go there almost every day, and because it's a really
3 nice neighborhood, going way back.

4 And yeah, I know the neighborhood pretty well.
5 They are looking for us. Every time I go there, they ask
6 me, "Why you are not done hall?" I said, "all City Hall is
7 shut down, so we can't do anything about it." So we are
8 joking around.

9 But anyway, they are very nice people, and right
10 next door they are -- when the previous owner was around
11 there, because they never -- they had relatives, but they
12 never took care of cleaning that. So this neighbor actually
13 came to clean up for them every few months, and they are
14 really kind of tired of this.

15 So, okay, I'm sorry. I speak too much.

16 CONSTANTINE ALEXANDER: Okay, thank you. Andrea,
17 are you back on there? Do you have any questions you want
18 to ask?

19 [Pause]

20 I seem to have lost Andrea.

21 JIM MONTEVERDE: Andrea, you have to unmute.

22 ANDREA HICKEY: I'm sorry about that.

1 JIM MONTEVERDE: There you go.

2 ANDREA HICKEY: Yes. I was on previously; I
3 couldn't find my unmute. My apologies.

4 CONSTANTINE ALEXANDER: No problem.

5 ANDREA HICKEY: I don't have any questions at the
6 moment.

7 CONSTANTINE ALEXANDER: Okay, thank you. Mr.
8 Rafferty, you want to address the dormer guidelines briefly?

9 JAMES RAFFERTY: All right. Well, there is -- if
10 we could go to the elevations, if that's possible? The --
11 this dormer on the house meets those guidelines.

12 CONSTANTINE ALEXANDER: And the old dormers, the
13 dormers that are being replaced -- did not, or do not?

14 JAMES RAFFERTY: At least two of them do not.
15 There are -- there's -- the one on the back I'm not sure
16 qualifies as a dormer. There's one on the front, the shed,
17 the -- we used to call them, "doghouse dormers" but I think
18 that's a pejorative term in architecture, so --

19 CONSTANTINE ALEXANDER: [Laughter]

20 JAMES RAFFERTY: -- it's a single gable dormer.
21 That one complies. The other one appears to be longer than
22 15 feet. So that's a -- that's of relevance. I appreciate

1 that you're mentioned it, that this in some aspects will
2 represent greater conformity with the Design Guidelines.

3 But as Mr. Wu noted, the house is in significant
4 decline, and this will represent an opportunity to really
5 benefit the whole streetscape of the neighborhood.

6 CONSTANTINE ALEXANDER: Okay, thank you. I will
7 close -- I will open the -- I'm sorry, I'll open the matter
8 up to public testimony.

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

14 Take a few moments to see if anybody wishes to
15 speak on this matter.

16 SEAN O'GRADY: You have no takers, Gus.

17 CONSTANTINE ALEXANDER: I'm sorry?

18 SEAN O'GRADY: No one wants to speak.

19 CONSTANTINE ALEXANDER: No one wants to speak.

20 Thank you. And we have nothing in our files, no written
21 communications. So I think we can close public testimony.

22 Discussion, or are we ready for a vote?

1 BRENDAN SULLIVAN: Ready for a vote.

2 CONSTANTINE ALEXANDER: I'm ready for a vote. How
3 about others?

4 JIM MONTEVERDE: Ready for a vote. This is Jim
5 Monteverde.

6 CONSTANTINE ALEXANDER: Jason?

7 JASON MARSHALL: Marshall, ready for a vote.

8 CONSTANTINE ALEXANDER: Andrea, if you can find
9 your unmute?

10 ANDREA HICKEY: I'm ready. Yep, I'm ready.

11 CONSTANTINE ALEXANDER: Okay, all right. The
12 Chair moves that we make the following findings with regard
13 to the relief being sought:

14 That -- let me get my -- that a literal
15 enforcement of the provisions of the ordinance would involve
16 a substantial hardship, such hardship being as this is an
17 older structure with unusual architectural features, and
18 it's -- to the extent that the house needs to be maintained
19 as a two-family -- a suitable two-family dwelling, that
20 architectural relief is required.

21 That the hardship is owing to the fact that this,
22 again, is an odd-shaped building with potentially

1 nonconforming stairs with regard to state building code
2 requirements.

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

6 In this regard, the relief will improve the housing stock of
7 the city.

8 It will bring a structure that is not dormer
9 compliant into dormer compliance, or at least more in dormer
10 compliance than the structure before the proposed work.

11 So on the basis of all of these findings, the
12 Chair moves that we grant the variance requested on the
13 condition that the work proceeds in accordance with plans
14 submitted by the petitioner, each page of which has been
15 initialed by the Chair.

16 Brendan?

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

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde, yes.

21 CONSTANTINE ALEXANDER: Andrea?

22 ANDREA HICKEY: Andrea Hickey, yes.

1 CONSTANTINE ALEXANDER: And Jason?

2 JASON MARSHALL: Jason Marshall, yes.

3 CONSTANTINE ALEXANDER: And the Chair votes yes as
4 well.

5 [All vote YES]

6 So the variance is granted. Now we're going to
7 turn to the special permit. This is not an unusual request.
8 Windows are nonconforming.

9 Mr. Rafferty, is there any discussion with -- are
10 we reaching out to the abutter, who will be affected by the
11 relocation of the windows?

12 JAMES RAFFERTY: Well, that abutter operates a
13 parking lot. So we didn't reach out to them. The wall
14 facing the neighbor is a conforming wall.

15 CONSTANTINE ALEXANDER: Okay.

16 JAMES RAFFERTY: The nonconforming wall is -- the
17 abutter is a surface parking lot. I believe it's owned by
18 W.R. Grace, but no, we didn't --

19 CONSTANTINE ALEXANDER: Okay, thank you.

20 JAMES RAFFERTY: Yep.

21 CONSTANTINE ALEXANDER: Yeah, no, okay, there's no
22 privacy issues there. This is going to be used as a parking

1 lot. All right. So the Chair will make the following
2 findings -- moves that we make the following findings with
3 regard to the special permit being sought:

4 That the requirements of the ordinance cannot be
5 met without relief that's being proposed.

6 That traffic generated or patterns of access or
7 egress resulting from what is being proposed will not cause
8 congestion, hazard, or substantial change in established
9 neighborhood character.

10 That the continued operation of or development of
11 adjacent uses, as permitted in the ordinance, will not be
12 adversely affected by the nature of what is being proposed.
13 Again, the impact is on a parking lot and not on an abutting
14 or neighboring residential structure.

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

18 And generally, what is being proposed will not
19 impair the integrity of the district or adjoining district,
20 or otherwise derogate from the intent and purpose of this
21 ordinance.

22 So on the basis of all of these findings, the

1 Chair moves that we grant the special permit being
2 requested, again on the condition that the work proceed in
3 accordance with plans referred to with regard to the
4 variance we just granted.

5 BRENDAN SULLIVAN: Brendan Sullivan, yes to
6 granting the special permit.

7 JIM MONTEVERDE: And Jim Monteverde, yes for the
8 special permit.

9 ANDREA HICKEY: Andrea Hickey, yes to the special
10 permit.

11 JASON MARSHALL: Jason Marshall, yes to granting
12 the special permit.

13 CONSTANTINE ALEXANDER: And the Chair makes it
14 unanimous.

15 [All vote YES]

16 Special permit granted. Case over.

17 JAMES RAFFERTY: Thank you. Goodnight. I hate to
18 leave, things are going so well, but I'm sure you have other
19 cases.

20 CONSTANTINE ALEXANDER: [Laughter]

21 JAMES RAFFERTY: Have a good evening.

22 CONSTANTINE ALEXANDER: Thank you.

1 JAMES RAFFERTY: Nice to see you all.

2 CONSTANTINE ALEXANDER: Thank you.

3 ERIC WU: Thank you all. Thank you very much.

4 Bye.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 * * * * *

2 (7:03 p.m.)

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

6 CONSTANTINE ALEXANDER: We're now going to turn to
7 our continued case agenda, it being 7:00, and we have four
8 continued cases, although as we will see, not all four are
9 going to be held tonight. So let's just take a roll call of
10 who's participating in these cases.

11 In the first case, 20 Union Street. And this is a
12 continued 20 Union Street, not the one that's on our agenda,
13 our regular agenda. I'm not going to be sitting on this
14 case. I didn't sit on the original case. Brendan, were you
15 the Chair on that case?

16 BRENDAN SULLIVAN: Yeah, Brendan Sullivan. The
17 members sitting on 20 Union Street continuing is myself,
18 Brendan Sullivan; Janet Green, Andrea Hickey, Slater
19 Anderson, and Jim Monteverde.

20 CONSTANTINE ALEXANDER: Okay.

21 BRENDAN SULLIVAN: Let me call that case to order.
22 BZA.

1 CONSTANTINE ALEXANDER: Janet, is she on the call?

2 BRENDAN SULLIVAN: Janet Green, yes.

3 CONSTANTINE ALEXANDER: Yeah, but is she on?

4 BRENDAN SULLIVAN: Yes. Janet, are you signed in?

5 JIM MONTEVERDE: You're muted. You need to

6 unmute.

7 SEAN O'GRADY: She is here. I see.

8 JIM MONTEVERDE: Yeah, she's there. She's just

9 talking to her computer.

10 SEAN O'GRADY: There she is. Oh, you had it,

11 Janet.

12 JIM MONTEVERDE: Unmute it.

13 BRENDAN SULLIVAN: Yes?

14 JIM MONTEVERDE: No, on mute.

15 BRENDAN SULLIVAN: Can you hear us? No, we don't

16 hear you.

17 JIM MONTEVERDE: I don't think so.

18 JANET GREEN: Okay.

19 SEAN O'GRADY: There she is. Are you there?

20 JIM MONTEVERDE: Yep. There you go. Janet,

21 you're there.

22 JANET GREEN: How's that?

1 BRENDAN SULLIVAN: There you go.

2 JIM MONTEVERDE: Perfect.

3 BRENDAN SULLIVAN: You're in the green room.

4 JANET GREEN: Okay, thanks.

5 BRENDAN SULLIVAN: Okay.

6 JANET GREEN: I'm not used to muting.

7 BRENDAN SULLIVAN: Let me call the case to order,

8 BZA #017274 -- 2020, I'm sorry 017283 -- 2020, (sic) 20

9 Union Street. Edrick?

10 EDRICK VAN BEUZEKOM: Yes, thank you. I'm Edrick
11 Van Beuzekom. I'm the architect on the project. My company
12 is EVB Design, and my -- the owners of the property are
13 Dorian Thompson and Shane McMahon (all names phonetic) are
14 also on the call here. And I believe Sean Hope is also with
15 us.

16 BRENDAN SULLIVAN: When last we met, you went way,
17 and you were to reconsider the design -- the project. Also,
18 you were to provide solar studies, which are in the record.
19 And if you could sort of briefly tell us how you have scaled
20 back the project a bit?

21 EDRICK VAN BEUZEKOM: Sure. Basically, if we
22 could scroll down to the drawings -- oops, scroll up a

1 little bit to the -- I think it's the fifth page with the --
2 yeah, that one.

3 Okay. So here's -- this shows our FAR
4 calculations, which basically we've been able to scale it
5 back to bring the total FAR down from what was originally
6 proposed as a 0.98 to a 0.91.

7 The changes that we've made in order to do this
8 were to first of all eliminate the front mudroom entry that
9 we had proposed, which the Board seemed to feel was not in
10 character with the neighborhood. So we decided to just
11 forego that altogether and stick with the existing front
12 stoop there.

13 The other changes we made were basically to scale
14 back the length of the addition. The drawing -- or the plan
15 on the right in this view is the first-floor plan. All of
16 that shaded area is existing footprint.

17 The only new part there is in the rear we have a
18 bulkhead to get down into the basement, and then a deck,
19 which we have scaled back quite a bit from -- previously the
20 new deck was going to extend all the way to the rear lot
21 line, and now we've pulled it back seven and a half feet
22 roughly from the rear lot line.

1 The other changes we made were at the second and
2 third floor, where we pulled the rear wall in approximately
3 three feet one inch basically from what was originally
4 proposed.

5 So we basically squeezed everything down --
6 squeezed the bathroom down, squeezed the bedrooms down in
7 dimension, and, you know, made everything a little bit
8 smaller and basically got it down as far as the owners felt
9 comfortable with in terms of the room sizes that they feel
10 they need for their use of the house. So this, you know,
11 reduced both the second floor and the third floor FAR.

12 The bulk of the new FAR that we're proposing is at
13 the third floor, as we discussed previously. It's basically
14 because what we are doing is taking off the existing roof,
15 reframing it at a steeper pitch in order to get useable head
16 room there, and adding two dormers as well, that are within
17 the guidelines of the -- the dormer guidelines.

18 If you -- Sisia, if you could go back to page 5
19 there with the FAR.

20 Here you can see on the third floor GFA the dark-
21 shaded area down the center of the plan there is what -- is
22 the only part of the added space, that previously you had

1 five feet of head room. So as you can see, that was pretty
2 much an unusable space up there.

3 So we're basically keeping the evening line at the
4 same location that it was, but bringing -- you know, with
5 the steeper pitch on the roof we're gaining a considerable
6 amount of useable space up there in order to have two
7 bedrooms and a bathroom.

8 The other thing I wanted to just point out in the
9 floor plans if we go to the basement plan on the next page,
10 we just wanted to point out that both of the owners work
11 from home, and their offices are in the basement. So, you
12 know, the house gets pretty intense use throughout the day,
13 since they're there all day.

14 So these are the changes we've made to the plans.
15 In addition, then, we produced some shadow studies.

16 So Sisia, if you could go to that -- so drawings,
17 here we go.

18 So basically, these views show on the left is the
19 existing condition, on the right is the proposed. And you
20 can see the difference with the roof of the house, which is
21 the first one in from the corner, where you see the raised
22 roof and the two added dormers.

1 The only house that's really impacted by the new
2 shadows is the house to the left.

3 And if we can scroll down, basically what we did
4 is we shot representative shadow studies at different times
5 of the year, sort of show how much it changed -- you know,
6 at the equinox where, you know, there's sort of a midline,
7 and also, at the solstices where you see it at the lowest
8 point and at the highest point of the solar shadows.

9 So what you can see in this view here is the
10 portion of the shadow that's rendered in purple is basically
11 the added shadow that's cast on the adjacent property.

12 So we can scroll down through these and see the
13 differences here.

14 And so the -- Dorian and Shane took these around
15 to the owners and spoke to them. And I believe the
16 residents in the house to the left have basically -- I
17 believe they've sent in a letter in support, and they are in
18 support of the petition here. So they don't have a problem
19 with the change in the shadows.

20 So maybe what I should do now is turn this over to
21 Dorian and Shane and they can speak to you about their
22 outreach to the neighbors.

1 DORIAN THOMPSON: Hi, can you hear us?

2 BRENDAN SULLIVAN: Yes.

3 CONSTANTINE ALEXANDER: Yes.

4 BRENDAN SULLIVAN: If you would just introduce
5 yourself again for the record.

6 DORIAN THOMPSON: Sure, hi. It's Dorian Thompson.

7 SHANE MCMAHON: And Shane McMahon (phonetic).

8 DORIAN THOMPSON: And I think first we wanted to
9 thank you all for having us back. You know, since the start
10 of this we have been very concerned with the impact of the
11 renovation on our neighbors.

12 And so, we had originally gone out and spoken with
13 our surrounding neighbors about the project that we were
14 planning, and incorporated their feedback. But now with the
15 shadow study impacting 22 Union and a little bit 99
16 Hampshire, we did want to make sure we went back and shared
17 the study with Alice and Andy next to us. Obviously, it has
18 the greatest impact to them; and then Emily and Eric behind
19 us as well.

20 And they were comfortable with the studies, and we
21 do continue to have their support. I believe Alice had sent
22 an e-mail in as well as Edrick had mentioned.

1 BRENDAN SULLIVAN: Okay. Thank you.

2 DORIAN THOMPSON: Thanks.

3 BRENDAN SULLIVAN: Edrick, anything else to add?

4 EDRICK VAN BEUZEKOM: Yes. I think Sean just
5 wanted to --

6 SEAN HOPE: Yes, Mr. Chair. And I'll be brief.
7 Sean Hope, Hope Legal Law Offices in Cambridge. I would
8 just like to express to the Board after the last hearing,
9 the petitioners really wanted to make sure that they were
10 making the right adjustments in light of what the Board has
11 approved in the past, but also in terms of the context of
12 the neighborhood.

13 We did go through all the different elements and
14 changes, and although they may not amount to a significant
15 decrease in the FAR, they were significant to the
16 petitioners, and they really thought long and hard about how
17 they were going to realize the house.

18 I do think in my experience before the Board and
19 as well as in Cambridge, you know, a 2000 square foot house
20 I do not believe is excessive. I do understand from the
21 Board, though, given the small lot size in this neighborhood
22 and the FAR, the Board has to balance the different factors.

1 So I do think that they have still achieved their
2 goals. I think it's important that the neighbors have
3 supported this petition, and I just really want to emphasize
4 the care that they've taken by retaining an additional
5 consultant to try to make this something that is keeping in
6 the spirit of what is appropriate for the neighborhood and
7 also, is responsive to the Board's comments. Thank you.

8 BRENDAN SULLIVAN: Thank you. Edrick, anything
9 else at this point?

10 EDRICK VAN BEUZEKOM: No. I'm open for questions.

11 BRENDAN SULLIVAN: Any questions by members of the
12 Board? Janet, any questions?

13 JANET GREEN: I have no questions.

14 BRENDAN SULLIVAN: Andrea?

15 ANDREA HICKEY: No questions, Brendan.

16 BRENDAN SULLIVAN: Slater, any questions?

17 SLATER ANDERSON: No questions.

18 BRENDAN SULLIVAN: Jim?

19 JIM MONTEVERDE: Jim Monteverde, no questions.

20 BRENDAN SULLIVAN: Okay. Let me open it to public
21 comment. Any member of the public who wish to speak should
22 now click the button that says, "Participants" and then

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

4 Alice Flaherty, did you want to speak?

5 ALICE FLAHERTY: Yeah, I'm the neighbor at 22
6 Union Street, and I just wanted to reiterate my support.

7 BRENDAN SULLIVAN: Thank you. We have your letter
8 in the file, and also, your previous affirmation of support
9 for the project. Thank you for calling in. Is there
10 anybody else on the line that would like to speak regarding
11 the matter?

12 SEAN O'GRADY: No, nobody else.

13 BRENDAN SULLIVAN: I will close public comment.
14 Again, I would acknowledge Ms. Flaherty's correspondence and
15 also, the previous six or seven people from the neighborhood
16 who have voiced their support. Anything else, Edrick, at
17 this time?

18 EDRICK VAN BEUZEKOM: I don't think so.

19 BRENDAN SULLIVAN: Any questions from any members
20 of the Board?

21 JIM MONTEVERDE: Jim Monteverde, no questions.

22 JANET GREEN: Janet Green, no questions.

1 ANDREA HICKEY: Andrea Hickey, no questions.

2 BRENDAN SULLIVAN: Okay. Are we ready for a vote,
3 then?

4 CONSTANTINE ALEXANDER: Jason?

5 JASON MARSHALL: Yes.

6 BRENDAN SULLIVAN: Okay, Slater, you're all set.

7 Let me make a motion, then, to grant the relief requested.

8 The Board finds that a literal enforcement of the provisions
9 of the ordinance would involve a substantial hardship to the
10 petitioner, because it would preclude the petitioner from
11 making the necessary changes to the structure, to capture
12 what is now unusable and barely accessible floor area in the
13 attic area, and a realignment and expansion of some interior
14 space, and a suitable and better useable outside area.

15 The Board finds that the hardship is owing to the
16 fact that the structure, which was built in 1873, predates
17 the existing zoning ordinance for the C1 zone, and as such,
18 the size and shape of the lot and the size and placement of
19 the structure is encumbered by the existing ordinance.

20 And as such, any reworking and badly needed
21 renovation of the structure is quite restrictive and
22 unfeasible for a growing family to remain in the same.

1 The Board finds that desirable relief may be
2 granted without substantial detriment to the public good,
3 because the proposed renovations would add greatly to the
4 streetscape, preserve and enhance the current and future
5 value of their structure and those of surrounding
6 properties, and allow a family which was established in the
7 community to remain in the existing home, allow the
8 homeowners -- occupants -- to work from home given the
9 current situation, and allow for a compliant and safe access
10 to the rooms in the third floor.

11 And the addition of additional bathroom facilities
12 -- attributes which are encouraged by Article 1.30 of the
13 enabling ordinance.

14 The Board further finds that the relief requested
15 is a fair and reasonable request, and as such the Board
16 grants the variance on the grounds that the work is in
17 compliance with the applicable resubmittal and the enclosed
18 documents, and drawings prepared by EVB Design entitled,
19 "McMahon-Thompson residence" dated 2000, 06/20 and the
20 revised plan and submittals that are dated 10/05/2020 and
21 initialed by the Chair.

22 Let me take the roll call. Janet Green on the

1 motion to grant the variance?

2 JANET GREEN: Yes to grant the variance.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Andrea Hickey, yes to grant the
5 variance.

6 BRENDAN SULLIVAN: Slater Anderson?

7 SLATER ANDERSON: Slater Anderson, yes on the
8 variance.

9 BRENDAN SULLIVAN: Jim Monteverde?

10 JIM MONTEVERDE: Jim Monteverde, yes to grant the
11 variance.

12 BRENDAN SULLIVAN: And Brendan Sullivan yes to
13 grant the variance.

14 [All vote YES]

15 BRENDAN SULLIVAN: Now regarding the special
16 permit, if you could just go through the relocation of the
17 windows, Edrick?

18 EDRICK VAN BEUZEKOM: Sure. And thank you for the
19 vote there.

20 Sisia, if you can bring up the proposed elevations
21 in the drawings? These are the existing. And here we go.
22 Okay. So basically, new windows -- on these two facades,

1 the rear façade --

2 BRENDAN SULLIVAN: Eric, let me just back up there
3 for a minute.

4 EDRICK VAN BEUZEKOM: Sure.

5 BRENDAN SULLIVAN: Because the special permit is
6 on a separate case.

7 JIM MONTEVERDE: A new case, right? Yeah.

8 EDRICK VAN BEUZEKOM: Okay.

9 BRENDAN SULLIVAN: Yeah, so it's a new case. So
10 let me for the record call that.

11 EDRICK VAN BEUZEKOM: Okay.

12 BRENDAN SULLIVAN: Do you have that case there,
13 Sisia, the one I have?

14 SISIA DAGLIAN: I do not see it.

15 BRENDAN SULLIVAN: Right on top there.

16 JIM MONTEVERDE: Yeah, it's 90382.

17 EDRICK VAN BEUZEKOM: Sorry?

18 BRENDAN SULLIVAN: We want to make sure that we're
19 doing it right. So I will call.

20

21

22

1 * * * * *

2 (7:19 p.m.)

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

6 BRENDAN SULLIVAN: Let me call -- the Board will
7 hear Case Number 90382 -- 2020 20 Union Street. Special
8 permit to relocate net window openings on all four façades
9 of the existing structure. Edrick, proceed.

10 EDRICK VAN BEUZEKOM: Okay, thank you. So in this
11 view here you see on the left is the rear elevation and on
12 the right is the front elevation. The only change to the
13 front elevation is the windows that are added up at the
14 attic level, since now we will have useable space up there.

15 On the rear, those are all new openings reworked
16 completely since that's a new wall essentially built for the
17 expansion of the house coming back. And that façade faces
18 the -- you know, larger open space in the block to the rear.

19 And then we can scroll up to the next drawing.

20 So this is the left hand side of the house, and
21 you can see the hatched rectangle there is where there's an
22 existing window, which we are replacing with two new

1 windows, which are in the kitchen pantry area.

2 And then we can scroll up to the next one.

3 Here you can see the -- again, the hatched
4 rectangles, which indicate where existing windows are, and
5 where we've shifted windows. I mentioned in the previous
6 hearing that one of the neighbors to the right had requested
7 we eliminate one window that faced their unit, which we did.

8 The -- which was toward the rear, the window on
9 the second floor to the far right was -- had a second window
10 next to that to the left of that, and we eliminated that one
11 at their request.

12 So there are some new windows. The new windows
13 have tags on them, so you can see their label, but it also
14 includes the skylights in the roof, and then there's really
15 only one existing window that's remaining, which is on the
16 second floor toward the front.

17 So those are the changes we're making. I think
18 it's -- you know, the idea is to bring in a lot more light
19 into the house, make it a much more vibrant and cheerful
20 living space. So.

21 BRENDAN SULLIVAN: Okay. Any members -- any
22 questions by members of the Board?

1 JIM MONTEVERDE: This is Jim Monteverde, no
2 questions.

3 ANDREA HICKEY: Andrea Hickey --

4 BRENDAN SULLIVAN: Slater? Okay, let me open it
5 up to public comment regarding the special permit and the
6 windows. Any member of the public who wish to speak now can
7 click the button that says, "Participants" and then click
8 the button that says, "Raise hand." If you're calling in by
9 phone, you can raise your hand by pressing *9 and unmute or
10 mute by pressing *6.

11 SEAN O'GRADY: Nobody to speak.

12 BRENDAN SULLIVAN: Let me close public comment.
13 There is no correspondence in the letter. I will refer back
14 to letters of support for the original plan and the
15 subsequent plan, which are part of the record. Edrick,
16 anything else to add?

17 EDRICK VAN BEUZEKOM: No, I don't think so.

18 BRENDAN SULLIVAN: Okay. Members of the Board,
19 questions or ready for a vote?

20 JIM MONTEVERDE: This is Jim Monteverde, ready for
21 a vote.

22 BRENDAN SULLIVAN: Okay.

1 ANDREA HICKEY: Andrea Hickey, ready for a vote.

2 JANET GREEN: Janet Green, ready for a vote.

3 CONSTANTINE ALEXANDER: Constantine Alexander,
4 ready for a vote.

5 SEAN O'GRADY: Let's vote.

6 BRENDAN SULLIVAN: Okay. Let me make your motion,
7 then, to grant the special permit to relocate the windows.
8 The Board finds that -- it appears that the requirements of
9 the ordinance can be met with the granting of the special
10 permit.

11 Traffic generated or patterns of access or egress
12 would not cause congestion, hazard, or substantial change in
13 established neighborhood character.

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

20 And the Board further finds that the relocation
21 and the addition of windows are sensitive to neighborhood
22 concerns; also that the addition of the windows better

1 aligns with the interior layout of the building, the uses of
2 the residents, and allow for better fenestration and air
3 coming in -- air and light coming in to the building.

4 The Board finds that the proposed use would not
5 impair the integrity of the district or adjoining districts,
6 or otherwise derogate from the intent and purpose of the
7 ordinance.

8 All those in favor of granting the special permit,
9 by name? Andrea Hickey?

10 ANDREA HICKEY: Yes, I'm in favor of granting the
11 special permit.

12 BRENDAN SULLIVAN: Jim Monteverde?

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

14 BRENDAN SULLIVAN: Gus Alexander?

15 CONSTANTINE ALEXANDER: I'm in favor.

16 BRENDAN SULLIVAN: Who have we left off?

17 SLATER ANDERSON: Slater Anderson is in favor.

18 BRENDAN SULLIVAN: Slater! Correct. Yes, Slater
19 in favor and Brendan Sullivan in favor of granting the
20 special permit.

21 [All vote YES]

22 Thank you. Good luck.

1 SHANE MCMAHON: Great. Thank you very much. We
2 really appreciate it.

3 BRENDAN SULLIVAN: All right, good luck.

4 COLLECTIVE: Thank you.

5 [All vote YES]

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 * * * * *

2 (7:26 p.m.)

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

6 CONSTANTINE ALEXANDER: Moving on, the next -- I'm
7 going to call two quick continued cases now, because they're
8 going to be continued further. The first I'm going to call
9 is 32 Highland Street, 017267. Anyone here wishing to be
10 heard on this matter? I guess not. I didn't know if
11 Counsel would be present.

12 SARAH RHATIGAN: Was that -- I'm sorry, I --

13 CONSTANTINE ALEXANDER: Yes, Sarah?

14 SARAH RHATIGAN: Sorry. My system blinked out
15 just as you said the address. Thank you. Sarah Rhatigan.
16 I'm here from Trilogy Law representing the owners of Amos
17 Third Corner, LLC. Thank you, Mr. Chairman, for hearing the
18 continuance request.

19 I just wanted to give you a little update, which
20 is that the owners have been working with their
21 architectural team on a scaled back revision of plans for
22 the renovation, and the expectation at this time, or the

1 hope, is that they will be able to minimize any zoning
2 relief or potentially avoid requiring zoning relief. But
3 because of the -- you know, the timing of our revisions and
4 our evaluation of that, we're not quite ready to be heard.

5 I wasn't sure about scheduling. I thought it
6 would be helpful if I was here to, you know, discuss when
7 the same panel of hearing members would be available for a
8 continuance.

9 CONSTANTINE ALEXANDER: What date would you like
10 to continue to? First, let's start there.

11 SARAH RHATIGAN: I think that we could use at
12 least two weeks and perhaps a month.

13 CONSTANTINE ALEXANDER: I would suggest, because
14 since you got to put new notices up, and that's -- have to
15 go up tomorrow virtually through the two weeks, so.

16 SARAH RHATIGAN: So a month -- yep, a month seems
17 reasonable, yeah.

18 CONSTANTINE ALEXANDER: Sisia, do we have --

19 SISIA DAGLIAN: We have November 19 or the fifth?

20 CONSTANTINE ALEXANDER: The nineteenth?

21 SISIA DAGLIAN: The fifth we already have three
22 cases.

1 CONSTANTINE ALEXANDER: We have two. That's not
2 that many.

3 SISIA DAGLIAN: Okay.

4 CONSTANTINE ALEXANDER: November 19 work for you,
5 Sarah?

6 SARAH RHATIGAN: November 19 would work, yes.

7 CONSTANTINE ALEXANDER: Okay. The Chair moves
8 that we continue this case as a case heard until 7:00 p.m.
9 on November 19, subject to the following conditions, and
10 it's the same ones that we had for this one.

11 First is -- and the petitioner has already done
12 that -- sign a waiver of time for decision. That's been
13 taken care of.

14 Second, that a new posting sign reflecting the new
15 date, November 19 and the new time, 7:00 p.m., be obtained
16 and posted for the 14 days required by our ordinance.

17 And lastly, that to the extent -- and I guess it
18 will be -- there will be new or revised plans, specs,
19 dimensional forms -- all of those -- all of the above must
20 be in our files no later than 7:00 p.m. -- I'm sorry, 5:00
21 p.m. -- on the Monday before November 19.

22 All those in favor of continuing the case on this

1 basis?

2 BRENDAN SULLIVAN: Brendan Sullivan, yes to
3 continuing the matter.

4 ANDREA HICKEY: Andrea Hickey, yes to the
5 continuance.

6 JANET GREEN: Janet Green, yes to the continuance.

7 JIM MONTEVERDE: And Jim Monteverde, yes to the
8 continuance.

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

11 [All vote YES]

12 But let me make a comment, Sarah. This will be
13 the second continuance for this case. Our policy is
14 basically not to continue cases more than twice, absent very
15 special circumstances. So I would hope and/or expect that
16 this case will be decided one way or another on November 19.

17 SARAH RHATIGAN: Thank you.

18 CONSTANTINE ALEXANDER: Moving on, did we take the
19 vote?

20 COLLECTIVE: Yes.

21 CONSTANTINE ALEXANDER: Yeah, we did take the
22 vote. Okay.

1 * * * * *

2 (7:27 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey, Jim Monteverde

5 CONSTANTINE ALEXANDER: The Chair will now call
6 Case Number 017259 -- 23 Myrtle Avenue. Anyone here wishing
7 to be heard on this matter? No one wishes to be heard; we
8 are in receipt of a letter, if I can find it, from the
9 architect or designer.

10 "We would like to request an extension of the
11 subject property -- BZA Review Continuance -- until an early
12 November 2020 date. The project -- "

13 Okay, the rest is tonight. We already have booked
14 up, I think, the nineteenth of November with three cases.

15 SISIA DAGLIAN: Well, we're -- no, we only have
16 two now.

17 CONSTANTINE ALEXANDER: We only have two?

18 SISIA DAGLIAN: Yeah, with 32 Highland, we only
19 have two.

20 CONSTANTINE ALEXANDER: Okay, then we can -- does
21 November 19 work?

22 SISIA DAGLIAN: Yep.

1 CONSTANTINE ALEXANDER: Okay. The Chair moves
2 that we continue this case -- I don't think we've ever heard
3 this case, have we? I don't recall ever sitting on this
4 case.

5 SISIA DAGLIAN: Same.

6 CONSTANTINE ALEXANDER: So it's not a case heard.
7 Okay, the Chair moves that we continue this case until 7:00
8 p.m. on November 19, subject to the following conditions:

9 That the petitioner sign a waiver of notice for
10 time of decision -- and that's already been done in
11 connection with the current continued case --

12 Two, that a new posting sign be posted and
13 maintained reflecting the new date, November 19, and the new
14 time, 7:00 p.m. And that any new, revised plans, specs,
15 dimensional forms, must be in our files no later than 5:00
16 p.m. on the Monday before November 19.

17 All those in favor of continuing the case on this
18 basis?

19 JANET GREEN: Gus, this is Janet Green. I have a
20 question.

21 CONSTANTINE ALEXANDER: Yes.

22 JANET GREEN: I'm not sure if I'm on this case to

1 be continued, or if these are the --

2 CONSTANTINE ALEXANDER: Ah --

3 JANET GREEN: I just want to be sure.

4 SISIA DAGLIAN: Well, if it's not heard?

5 CONSTANTINE ALEXANDER: Your name is on here as
6 being --

7 JANET GREEN: Okay.

8 CONSTANTINE ALEXANDER: -- for tonight. And if
9 it's been a case heard --

10 JANET GREEN: Okay.

11 CONSTANTINE ALEXANDER: -- if it's not been a case
12 heard, you don't have to sit on the continued case. And I'm
13 not clear to me yet whether this is a case heard or not.

14 JANET GREEN: I can do it, but I just wanted to
15 make sure whether I should be doing it.

16 CONSTANTINE ALEXANDER: Well, there's no,
17 'should.'" If you can do it --

18 JANET GREEN: Well no, I can do it.

19 CONSTANTINE ALEXANDER: -- and you want to do it,
20 that's fine.

21 JANET GREEN: Sure.

22 BRENDAN SULLIVAN: Is that it?

1 JANET GREEN: Yep.

2 BRENDAN SULLIVAN: Is that the case?

3 CONSTANTINE ALEXANDER: All those in favor on the
4 basis --

5 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
6 continuance.

7 CONSTANTINE ALEXANDER: Jim? (sic)

8 ANDREA HICKEY: Andrea Hickey, yes to the
9 continuance.

10 JANET GREEN: Janet Green, yes to the continuance.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde, yes to the
13 continuance.

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

16 [All vote YES]

17 This case is continued as well until November 19.

18 We'll just take a brief break. Mr. Sullivan's
19 checking the file for something. We're just taking a brief
20 recess while Brendan's reviewing the transcript from the
21 prior case.

22 [BREAK]

1 * * * * *

2 (7:32 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea Hickey, Jim Monteverde

5 CONSTANTINE ALEXANDER: Okay. The Chair will
6 now call Case Number 017274 -- 66 Hurley Street. Anyone
7 here wishing to be heard on this matter?

8 LAUREN HARDER: Hi. This is Lauren Harder. I'm

9 --

10 CONSTANTINE ALEXANDER: Good evening.

11 LAUREN HARDER: -- the owner of 66 Hurley. As you
12 recall, it's a three-family in East Cambridge on the corner
13 of Hurley and Lopez with the two-car garage. On the advice
14 of the Board, we've removed the relief requested for a
15 variance of both height and GFA for a roof deck on the third
16 floor.

17 So we're here today to review plans for a garage
18 deck on the second-floor level and finish basement space, so
19 relief for exemption of the basement GFA.

20 In the last month or so since the case, we've also
21 worked with the neighbors on appropriate privacy screening
22 for the deck, and Steve Hiserodt is here today from the

1 architect's office to review those changes.

2 CONSTANTINE ALEXANDER: Can I ask a preliminary
3 question? The advertisement for this case seeks a special
4 permit to exempt basement-floor level, as you've already
5 mentioned. And that's it for special permit.

6 But as I reviewed the plans, I saw on the plan it
7 was stated that a number of other special permits need to be
8 obtained.

9 And my only point is, should we, if that's true,
10 and shouldn't we grant the relief you're seeking tonight?
11 You're still going to have to come back for this -- the
12 additional special permits that have not been advertised?

13 LAUREN HARDER: The placard on the house was
14 advertised -- the same three items that were advertised at
15 the beginning.

16 CONSTANTINE ALEXANDER: I'm sorry, I didn't catch
17 that. Can you repeat --

18 LAUREN HARDER: The house placard does advertise
19 for both the special permit to exempt basement GFA and the
20 second-floor garage deck.

21 CONSTANTINE ALEXANDER: Not the special -- not the
22 advertisement I have.

1 STEPHEN HISERODT: The garage deck -- this is
2 Steve Hiserodt -- the garage deck doesn't actually require
3 special permits. It requires variances, which are --

4 LAUREN HARDER: -- no.

5 STEPHEN HISERODT: -- and it was just an error on
6 our notion.

7 CONSTANTINE ALEXANDER: All I'm -- I'm not saying
8 it does require a special permit, I just noted when I looked
9 at the plans, your plans, that it talked about on the plans
10 need a special permit for windows, you need a special permit
11 for the new deck and open space above the garage, and you
12 need a special permit for setback relief for your new deck.

13 LAUREN HARDER: I don't believe we --

14 CONSTANTINE ALEXANDER: Now, I don't know if
15 that's a deck on the roof or the deck on the garage. So,
16 again, I'm not saying we cause, unless -- it's up to you, we
17 can proceed with case -- but I'm not sure yet.

18 LAUREN HARDER: So, so the special permit --

19 CONSTANTINE ALEXANDER: -- you know, whether you -
20 - I'm sorry, go ahead.

21 LAUREN HARDER: -- the special permit is for the
22 exemption of basement GFA?

1 CONSTANTINE ALEXANDER: Yes. That is clear.

2 LAUREN HARDER: Okay.

3 CONSTANTINE ALEXANDER: And that we can take up
4 tonight. But the other special permits that are noted on
5 your plans are not being -- we're not going to act on those
6 tonight, because they haven't been advertised.

7 LAUREN HARDER: Okay. I think what Steve is
8 saying: There are no other special permits that -- and it
9 was just an incorrect notion.

10 CONSTANTINE ALEXANDER: All right. Well,
11 ultimately, it will be the decision of the Inspectional
12 Services Department. You may find, should we grant relief
13 tonight and you proceed, that they're going to say you need
14 more special permits, in which case you're going to have to
15 come back, that's my only point.

16 LAUREN HARDER: That's fine.

17 CONSTANTINE ALEXANDER: All right. With that
18 preliminary comment, why don't you proceed with the case
19 itself.

20 ANDREA HICKEY: Excuse me, Gus, if I could just
21 interrupt for a second. Could you ask -- or Sisia, if
22 you're hearing this, could you put the case up on the

1 screen? I wanted to see the application and the issue that
2 Gus described. Did I understand you correctly that in the
3 application there is a request for additional special
4 permits, but that was requested in error?

5 CONSTANTINE ALEXANDER: You asked the question of
6 Ms. Harder?

7 ANDREA HICKEY: Of -- I suppose, yes.

8 CONSTANTINE ALEXANDER: I mean, I'm looking --

9 SISIA DAGLIAN: Andrea, I only have the drawings
10 available to me.

11 CONSTANTINE ALEXANDER: Oh dear, they're not
12 available? I can tell you that -- I'll just read from the
13 plans because I have the hard copy in front of me.

14 See if there's anything here -- I remember reading
15 the plans. There's the deck off the -- over the garage,
16 really. It says on the plans, "new deck, special permit
17 required for setbacks." Another page says -- if I can find
18 it --

19 LAUREN HARDER: I have the application here, if
20 you'd like me to read it?

21 CONSTANTINE ALEXANDER: Okay. I know I saw it
22 here. On a plan A 204, "New deck open space above -- " this

1 is the garage -- " -- variance --" that's, you're seeking a
2 variance, that's okay. Anyway, I don't mean to delay this.
3 It's just going to be a matter of up to the Inspectional
4 Services Department as to whether they think you need
5 additional relief from what you're seeking.

6 LAUREN HARDER: That's fine.

7 ANDREA HICKEY: Gus, my concern is that if we were
8 to grant the special permit for the request of the basement
9 GFA, and we approve the plans for that request, I don't want
10 those notions with respect to other special permits to ever
11 be interpreted as approved or reviewed by us.

12 LAUREN HARDER: Sisia, can you share the plans?

13 SLATER ANDERSON: Gus?

14 CONSTANTINE ALEXANDER: Yes.

15 SLATER ANDERSON: Slater here.

16 CONSTANTINE ALEXANDER: Yes.

17 SLATER ANDERSON: Can you please clarify for me
18 who's sitting on this case?

19 CONSTANTINE ALEXANDER: Surely. Myself, Brendan,
20 Jim Monteverde, Janet, and yourself.

21 ANDREA HICKEY: Oh, then I'm off the case. I'm
22 back off. Excuse me.

1 CONSTANTINE ALEXANDER: Okay. Well, you can speak
2 as a citizen of the city. You know, you can speak as a
3 member of the Board. All right.

4 Why don't we move ahead with the case, if the
5 petitioner wishes to move ahead, and I think we've noted a
6 potential problem going forward for the petitioner with
7 regard to getting a building permit -- ultimately getting a
8 building permit, assuming we grant the relief being sought
9 tonight, and we'll see what happens.

10 It's up to the Inspectional Services Department
11 when they review the plans to take a close look at these
12 plans, to see if all the relief that they need has been
13 obtained.

14 LAUREN HARDER: That's fine.

15 CONSTANTINE ALEXANDER: Anything? Well, anything
16 else you wish to say?

17 LAUREN HARDER: Yeah, no. I wish -- I do wish to
18 proceed. I think the mistake was in my presentation to
19 characterize the relief requested for the garage deck as a
20 special permit. There's no relief requested here for
21 windows, there never were, and the basement exemption for
22 basement GFA, we're here on a continued special permit.

1 I wasn't realizing that you break up the two;
2 special permit first and then variance second. And I also
3 made that mistake.

4 So, you know, Steve, if you just want to show --
5 walk the Board through the basement changes so they can see.

6 STEPHEN HISERODT: Okay. We can start with the
7 special permit for basement GFA, and then proceed to the
8 variance for the garage deck?

9 LAUREN HARDER: Yes.

10 STEPHEN HISERODT: Okay. The additional square
11 footage that we've requested in the basement -- I think A104
12 is probably the best place to look at that. There have been
13 minor interior changes to that space. Oh, I'm sorry A10 --

14 JIM MONTEVERDE: No, it's A103. There you go.

15 STEPHEN HISERODT: -- as far as exterior changes,
16 there's been a reduction in openings in the rear side, but
17 it really doesn't have any impact on the neighbors. I think
18 the issue at hand is that this is, according to the
19 definition of Gross floor areas, in keeping, and consistent
20 with other uses in the neighborhood.

21 There are several buildings -- residential
22 buildings in close proximity that are also using the

1 basement as living space. It has little impact on the
2 adjacent properties. There are no new openings facing the
3 adjacent properties. And that's really the extent of the
4 request.

5 CONSTANTINE ALEXANDER: Slater, was your question
6 answered? I think it was Slater. Okay, moving on, I have a
7 question.

8 SLATER ANDERSON: I didn't have a question.

9 CONSTANTINE ALEXANDER: You didn't have a
10 question? [Laughter] Moving on, a different question -- on
11 the dimensional form, it shows that there are three --
12 existing -- three dwelling units.

13 The plans that we have show only two dwelling
14 units, existing. Is this an error, or is there a dwelling
15 unit that shouldn't be there? In other words, an illegal
16 dwelling unit?

17 STEPHEN HISERODT: There are three units shown on
18 the plans. One unit on the first and second floors, or the
19 basement and first floors is a second unit. The second
20 floor is another unit, and third floor is another unit.

21 CONSTANTINE ALEXANDER: Okay. Thank you.

22 Questions from members of the Board?

1 JIM MONTEVERDE: This is Jim Monteverde, no
2 questions.

3 BRENDAN SULLIVAN: Brendan Sullivan. The only --
4 sorry, the only question that I have is what was the nature
5 of the discussion with the neighbor regarding the deck on
6 top of the garage?

7 And did you sort of come to a resolution of that
8 with the neighbor? We were going to discuss the garage deck
9 after we reviewed the special permit request for additional
10 GFA, or exemption of GFA.

11 BRENDAN SULLIVAN: I still sort of have a problem
12 with the deck on top of that garage. I just find it out of
13 character. I also find that it is going to have an adverse
14 impact on the adjoining property with all the -- you know,
15 to your right of that property is open space -- obviously
16 street and everything. But I still have a problem with that
17 deck.

18 CONSTANTINE ALEXANDER: Well, now that you mention
19 it, you may not be aware, there is a letter in our files
20 that came in recently in opposition to granting relief
21 because of decks. I'm not clear from the letter whether the
22 person thought the deck was on the rooftop or on the garage,

1 but the neighbor was complaining about excessive noise and
2 disruption to their peaceful enjoyment of their premises.

3 So your concern I think is well-taken.

4 BRENDAN SULLIVAN: Well, it just extends what --
5 you know, maybe -- if there was room there obviously --
6 well, I mean you just take the garage down you have an
7 outdoor, you know, you have a yard. And obviously I think
8 that your intent for the garage is to park cars there, is
9 that correct?

10 LAUREN HARDER: Yes.

11 BRENDAN SULLIVAN: So that if you were to take the
12 garage down and use it as yard space for the occupants, then
13 you give up off-street parking, then they wind up having to
14 park on the street. These are units going to be sold for
15 condos?

16 LAUREN HARDER: Yes.

17 BRENDAN SULLIVAN: Yes. Okay. So the amenity of
18 having an off-street parking space enhances the value
19 greatly, but -- so, okay, the decision is to leave the
20 garage intact, have it as a parking space, but then the deck
21 above then to me is an extension of outdoor activity at a
22 higher level that I think impacts the adjoining properties.

1 STEPHEN HISERODT: Lauren, do you want to speak to
2 discussions you've had with the neighbors?

3 LAUREN HARDER: Yeah, I guess I'm confused,
4 because I thought we were separating out the special permit
5 from the variance. So the discussion I believe is valid,
6 but I thought was to be deferred until that portion of the
7 case was to be heard. And I'm happy to do that, I just want
8 to understand the order of events.

9 BRENDAN SULLIVAN: No, that's all right. I'm
10 okay. Yeah.

11 CONSTANTINE ALEXANDER: Jim, do you have any
12 questions or comments you want to make at this point?

13 JIM MONTEVERDE: No. If we're talking about the
14 special permit request for the exemption for the basement, I
15 don't have any questions.

16 CONSTANTINE ALEXANDER: Okay. Janet?

17 JANET GREEN: I have no questions.

18 CONSTANTINE ALEXANDER: Slater?

19 SLATER ANDERSON: No questions.

20 CONSTANTINE ALEXANDER: And the Chair at this
21 point has no questions. I'll open the matter up now to
22 public testimony. Any member of the public who wishes to

1 speak should now click the icon at the bottom of your Zoom
2 screen that says, "Raise hand." If you're calling in by
3 phone, you can raise your hand by pressing *9 and unmute or
4 mute by pressing *6.

5 SEAN O'GRADY: No one to speak.

6 CONSTANTINE ALEXANDER: Go ahead.

7 SEAN O'GRADY: Yep. There's nobody to speak
8 there, Gus.

9 CONSTANTINE ALEXANDER: Nobody to speak? Okay.
10 Thank you, Sean.

11 SEAN O'GRADY: You're welcome.

12 CONSTANTINE ALEXANDER: Okay. As I mentioned
13 earlier, we are in receipt of a recent letter. There were
14 letters before when the case first came before us, and the
15 project has changed, obviously. Let me just find that
16 letter. Yes, it's a letter dated October 4 -- excuse me --
17 from Roberta Goto, G-o-t-o.

18 "After having to listen to my drunken young
19 neighbors, whose loud voices carried throughout the block
20 late Saturday night early Sunday morning, as they were
21 having a grand time in the back yard and on the larger than
22 normal second-floor fire escape landing of their Third

1 Street apartment until the police arrived, I was reminded to
2 write this letter to request that you please not grant a
3 variance for the roof decks at 66 Hurley Street,
4 particularly the third-floor roof deck.

5 "As you know, our neighborhood is very dense, and
6 in most cases, homes abut one another. Noise, even at
7 normal conversational levels, travels very well in our
8 neighborhood, especially at night.

9 "A roof deck on a flat-top and a flat roof top
10 with no mature trees for shade will generally not be used
11 during the day, as it would be too hot. This leaves to use
12 of the roof deck predominantly to evening hours. More
13 noise, more frustration, more calls to the police are
14 wasting everyone's resources.

15 "There is a very nice park and community garden
16 that abuts this property. If the occupants of this property
17 want fresh air, then go out in the front or back door and
18 sit in the park, where they will find benches, grass, trees,
19 sun and shade.

20 "In this case, I do not believe that there is a
21 substantial hardship -- financial or otherwise -- to this
22 petitioner that outweighs the substantial detriment to the

1 public good, including neighbors' privacy concerns that I
2 will not address in this letter.

3 I respectfully request that you not grant this
4 variance."

5 This variance I think is -- I mean, the letter is
6 addressed, if I read it right, to the roof decks, which is
7 no longer a part of this project. I wonder, though,
8 however, the decks are going to be over the garage, should
9 we grant relief there? Or is it going to raise the same
10 issues? Or privacy and disruption of the neighborhood? I
11 just don't know.

12 And I don't think there's -- apparently no one's
13 here -- the person who wrote the letter is not on the line,
14 so we can't ask.

15 SISIA DAGLIAN: Someone's raising their hand.

16 CONSTANTINE ALEXANDER: But I want to bring this
17 to everyone's attention.

18 LAUREN HARDER: I believe there's one other letter
19 in the file.

20 CONSTANTINE ALEXANDER: I'm sorry?

21 LAUREN HARDER: I believe there's another letter
22 in the file.

1 BRENDAN SULLIVAN: Another letter.

2 CONSTANTINE ALEXANDER: Another letter? I think
3 that letter is an old letter. But let me see.

4 LAUREN HARDER: No, it's not.

5 CONSTANTINE ALEXANDER: Oh, I'm sorry, it's not.
6 It's a letter dated October 7 from Marjolein -- M-a-r-j-o-l-
7 e-i-n Brugman, B-r-u-g-m-a-n.

8 "I'm writing in support of the relief requested
9 for the project at 66 Hurley Street, East Cambridge. I live
10 next door, and so enjoy our beautiful neighborhood across
11 from the park and next to the Community Garden. The
12 renovation 20 years ago of my existing, nonconforming home
13 also required relief for the use of the basement, for which
14 I have been very grateful.

15 "A renovated and much improved 66 Hurley is so
16 welcome by all of us who live in the neighborhood, and I
17 urge you to grant the relief requested."

18 CONSTANTINE ALEXANDER: Again, since I'm not sure
19 -- well, anyways, it's a letter in support.

20 LAUREN HARDER: I would just point out that the --

21 CONSTANTINE ALEXANDER: Say it again, please?

22 LAUREN HARDER: -- I would just point out that

1 that's the neighbor that's immediately impacted by the decks
2 and the work on this house, whereas the other neighbor is
3 not an immediate abutter.

4 CONSTANTINE ALEXANDER: Okay.

5 SEAN O'GRADY: Gus?

6 CONSTANTINE ALEXANDER: Yes.

7 SEAN O'GRADY: It's Sean. I believe you have
8 somebody who wants to speak.

9 TIEN ONG: Tien Ong.

10 CONSTANTINE ALEXANDER: Yes?

11 TIEN ONG: Um--

12 CONSTANTINE ALEXANDER: Please give your name and
13 address, please.

14 SEAN O'GRADY: All right. Well, they've raised
15 their hand --

16 TIEN ONG: Hi.

17 SEAN O'GRADY: -- but they're not talking. Oh,
18 there you go.

19 TIEN ONG: Hi, I didn't realize I was muted. I'm
20 Tien Ong. I'm a neighbor at 64 Hurley Street, so the
21 building that's just next to 66.

22 So while I was initially not keen on having

1 another deck that, like, is on the garage -- on top of the
2 garage, adding to those that were already surrounding our
3 building's back yard, Lauren and I have gone through several
4 discussions about, like my concerns on noise, like, view
5 obstruction and privacy due to the close proximity of the
6 buildings.

7 And I know that, like, she's incorporated my
8 feedback into the new design, which I appreciate with, like,
9 adding this privacy and noise screen with an open ladder
10 structure that will still -- like -- allow for sunlight to
11 come through, as well as to implement a greenery -- like, a
12 green screen so with, like, plants. That will be maintained
13 by the condo association so that it, like, is a better view
14 rather than just -- like -- a fence.

15 And then I think their design now also offsets the
16 deck by seven and a half feet from the property line between
17 our buildings.

18 So, like, I do understand the benefit and appeal
19 for having this outdoor deck space. And if there is to be a
20 deck there, the proposed design seems reasonable to me. So
21 I just wanted to share that.

22 CONSTANTINE ALEXANDER: Okay. Anything else you

1 wish to add?

2 TIEN ONG: No, I think that's it for now.

3 CONSTANTINE ALEXANDER: Anyone wishes to speak on
4 this matter?

5 SEAN O'GRADY: Yes. You have one more. I'm
6 bringing them through right now. JAIN Ren.

7 CONSTANTINE ALEXANDER: Okay.

8 SEAN O'GRADY: JAIN, go ahead.

9 CONSTANTINE ALEXANDER: Go ahead.

10 JAIN REN: Hello, hi. Can everyone hear me well?

11 JANET GREEN: Yes.

12 JAIN REN: Okay, so actually I'm not sure --
13 actually I -- you know, we are new in this game, because we
14 are buying --

15 THE REPORTER: Can you say your name for the
16 record, please?

17 JAIN REN: Oh this is JAIN Ren. We are the
18 incoming owner of 64 Hurley, Unit 2.

19 CONSTANTINE ALEXANDER: Can you spell your name
20 for the transcriptionist, please? That takes care of the
21 problem.

22 JAIN REN: Sure. First name J-a-i-n. Last name

1 R-e-n.

2 CONSTANTINE ALEXANDER: Okay.

3 JAIN REN: So --

4 CONSTANTINE ALEXANDER: And you were giving us
5 your address. I'm sorry, I interrupted you. What is your
6 address again, please?

7 JAIN REN: 64 Hurley Street, Unit 2 -- second
8 floor. So I think for the fact that we are the direct --
9 you know, impact us most I think in that sense, and one
10 thing I do want to mention, we're not owners yet. The sale
11 will be closed next week.

12 So we will be the future owner of this. I really
13 am really thankful for my kind neighbor came, who just spoke
14 just now to bring us to this -- you know, bring this issue
15 to our attention. We were not aware of it.

16 And when we actually made the offer to purchase
17 this property, then we realized there's this thing going on,
18 and we start to looking at that.

19 I also really appreciate the Board give this
20 opportunity to hear the voice, if our voice can be heard for
21 this particular case. But I guess the new design about the
22 roof deck sounds better than before. But I guess from the

1 second-floor point of view, you know, I see -- I still have
2 a concern if those screens up there will block the park
3 view, for sure. That's my understanding.

4 And this is a really -- I think it's a win-win
5 situation. If there's a private -- you know, if you take
6 down that you have run into privacy issues, the privacy is
7 not only for us, but also for the new owner of the 66. And
8 eventually I don't think -- you know, they are literally
9 working or sitting next to each other. That's my concern
10 right now.

11 CONSTANTINE ALEXANDER: Thank you. So I --

12 LAUREN HARDER: I can speak to that concern,
13 because this is not a proposed deck which would be a common
14 area for all of the occupants; this would only be
15 exclusively used by the second-floor unit.

16 JAIN REN: Thank you for that. You know, I'm
17 living in Cambridge as well. We have an exclusive yard with
18 our neighbors, and they have a fence. But I -- for my own
19 feeling, if both parties or both families are sitting on the
20 yard simultaneously, your feeling is totally different, no
21 matter what.

22 And the thing is right now, these two buildings

1 unfortunately are so close, literally you can pass a cup of
2 coffee to your neighbors. So that's really concerning. And
3 also, you lose your park view as well.

4 LAUREN HARDER: Well, I think the concern with the
5 views has been alleviated by the fact that the privacy --
6 the screen is actually open. There's eight-inch squares if
7 you see them on the elevations.

8 So that you can see right through it, and that
9 it's also -- if you're passing a cup of coffee, you'd have
10 to reach more than seven and a half feet, because it's
11 pushed back. If you see the line on page A104 that's on the
12 screen right now, the --

13 JAIN REN: Yeah, but this is the thing is you're
14 just one foot beyond the physical distance thing.

15 LAUREN HARDER: Excuse me?

16 JAIN REN: The COVID limitation is six feet?
17 Correct?

18 LAUREN HARDER: Correct. We're beyond the
19 limitation.

20 CONSTANTINE ALEXANDER: So JAIN Ren, bottom line
21 are you in favor of this relief being sought, or are you
22 against it?

1 JAIN REN: Well, I'm not convinced for the current
2 design yet.

3 CONSTANTINE ALEXANDER: I'm sorry, say it again,
4 please?

5 JAIN REN: I'm not really convinced that the
6 current design will actually do a good job for both
7 properties.

8 LAUREN HARDER: What would convince you?

9 JAIN REN: I don't see, you know, the -- if you
10 can see through, then you have no privacy. If you cannot
11 see, then you lose -- then you lose the view. That's my
12 point of view. This is not going to be good both at
13 simultaneously.

14 LAUREN HARDER: Sisia, could you go back to the
15 screen that -- the elevation shows the screen?

16 JIM MONTEVERDE: Excuse me, Mr. Chair?

17 CONSTANTINE ALEXANDER: Yes.

18 JIM MONTEVERDE: I think if the proponent and the
19 neighbor need to have a discussion, that -- I mean, were we
20 in, not in virtual mode, we'd invite them to go step in the
21 conference room outside of the meeting room --

22 CONSTANTINE ALEXANDER: Right.

1 JIM MONTEVERDE: -- and chat --

2 CONSTANTINE ALEXANDER: Correct.

3 JIM MONTEVERDE: -- and come back later. Is there
4 a way to basically not have this conversation in front of us
5 and the rest of the agenda now, but let it be a sidebar and
6 come back? Is there some way to do that in our virtual
7 meetings?

8 CONSTANTINE ALEXANDER: Sean, is there a way of
9 doing that? In other words, we recess this case, go onto
10 our other cases, and let these -- Ms. Harder and Mr. Ren --
11 talk further, and then come back with whatever their -- Mr.
12 Ren's conclusions are or whatever they decide?

13 SEAN O'GRADY: I'm unaware of any ability for them
14 to sidebar, unless they want to call each other.

15 JIM MONTEVERDE: Yeah, okay.

16 LAUREN HARDER: I became aware of the new neighbor
17 moving in this week and left a message earlier this week as
18 well with him.

19 CONSTANTINE ALEXANDER: All right. See, if I ask
20 others, any other members have -- we've gone through for
21 comments, read the letters in the file with Sean's help. I
22 think a discussion. I'll close public testimony.

1 Discussion among members of the Board, or do you want to go
2 to a vote?

3 JIM MONTEVERDE: This is Jim Monteverde, just a
4 comment. So about the roof deck, I've got the electronic
5 file open, and I looked at the previous scheme around the
6 roof deck.

7 I recall the conversation that the first person
8 who spoke -- a young woman who talked about privacy, and now
9 I see the privacy screen on the drawing.

10 So I think the proponent has definitely addressed
11 the comments that were made at the previous hearing. So
12 congratulations there. And taking the roof deck off, I think
13 that's definitely a positive, that's good.

14 I think the other future neighbors, or soon-to-be
15 neighbors' comments now, you know, it's just timing. It's
16 unfortunate. Everything -- you were doing everything you
17 were asked to do in good faith. I see that the drawings
18 that show the privacy screen.

19 I understand your point about the larger openings
20 that you can actually see through. I really don't have an
21 objection with what you're proposing to do here.

22 CONSTANTINE ALEXANDER: Great. Thank you, Jim.

1 SLATER ANDERSON: I concur with Jim Monteverde.

2 JANET GREEN: I certainly concur with Jim
3 Monteverde.

4 BRENDAN SULLIVAN: No, I would be opposed. I
5 think that by adding even if it is privacy screening on top
6 of the garage, that it does add a barrier to sight,
7 potential air, but mostly sight not only to the person who
8 lives next door who has the outside porch but around the
9 corner as you face the house to the left.

10 And right now it's sort of open to the sky, open
11 to the park and what have you. And yet, as nice as it may
12 be, it's still going to be a barrier there. And I think
13 that people are going to occupy it, whether they sit there
14 and read a book or they do something else, we don't know.

15 But I am not in favor of extending that at that
16 level. Because I think even more so that voices carry at a
17 higher level than at ground level. Ground-level is sort of
18 normal, because it is expected. But on top of a garage to
19 me I think is going to have an adverse effect. So I would
20 be opposed to a granting of relief.

21 CONSTANTINE ALEXANDER: Okay. It was up to me, I
22 suppose. Two votes -- if I were to vote against, it would

1 be a result in denial of relief, since four votes are
2 necessary.

3 It's a troublesome case for me. I'm not sure -- I
4 think Ms. Harder has made every attempt to -- from her
5 original proposal, which was not as good as it should have
6 been, but she's made a good faith effort to meet the
7 objections and the comments.

8 But I'm really troubled by in a tight neighborhood
9 allowing a project to go forward that has opposition of
10 neighbors. And the opposition involves what they believe to
11 be an invasion of their privacy.

12 And at the end of the day, as I see it -- and
13 maybe I'm wrong -- this deck on the top of the garage is not
14 essential to the use of the building, it's just an added
15 feature which adds to the value of the structure, which is
16 what Ms. Harder's doing. It's a development project. It's
17 not that she's living there, it's to make some money, which
18 is fine, it's the American way.

19 So with all of that, I am going to vote against.
20 I just don't want to -- in the face of the neighbors who I
21 think are making good faith -- maybe misguided, but good
22 faith objections to the relief.

1 So I vote against. And as a result, the variance
2 that's being requested is denied.

3 BRENDAN SULLIVAN: You could take it to a vote, if
4 you're going to make a motion.

5 CONSTANTINE ALEXANDER: Oh, I'm sorry.

6 BRENDAN SULLIVAN: Are you going to make a motion
7 to grant?

8 CONSTANTINE ALEXANDER: Oh, I thought the
9 discussion made it.

10 BRENDAN SULLIVAN: No, it's just --

11 SEAN O'GRADY: No.

12 BRENDAN SULLIVAN: Yeah.

13 CONSTANTINE ALEXANDER: The Chair moves that we
14 grant the variance requested on the condition that the work
15 proceeds in accordance with plans submitted by the
16 petitioner, and the first page of which has been initialed
17 by the Chair. All those in favor?

18 JANET GREEN: Janet Green, I vote yes.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde, I vote yes.

21 CONSTANTINE ALEXANDER: Slater?

22 SLATER ANDERSON: Slater votes yes.

1 BRENDAN SULLIVAN: Brendan Sullivan no.

2 CONSTANTINE ALEXANDER: And the Chair votes no.

3 So relief is denied -- a variance relief is denied.

4 BRENDAN SULLIVAN: Should we move to the --

5 CONSTANTINE ALEXANDER: We have to move on to the
6 special permit.

7 BRENDAN SULLIVAN: Okay.

8 CONSTANTINE ALEXANDER: Okay. The Chair will now
9 turn to the special permit to exempt basement-level floor
10 area and the calculation of the GFA. And this is pursuant
11 to Section -- the definition of floor, let me get the right
12 page, the definition of Gross floor area.

13 Section -- subsection 16 says that it will be
14 exempt, provided that the Permit Granting Authority --
15 that's us -- finds that the uses occupying such exempted GFA
16 support the character of the neighbor or district in which
17 the applicable lot is located.

18 I think the testimony we've had tonight says that
19 that requirement is being met, it does support the character
20 of the neighborhood. So I think I move that we find we have
21 to make other votes with regard to the special permit. But
22 I move that we find that subsection 16 does apply, and that

1 the special permit is warranted under that section.

2 And that further, the general requirements for
3 special permits, the requirements of the ordinance cannot be
4 met unless we grant that special permit.

5 That traffic generated or patterns of access or
6 egress will not cause congestion, hazard, or substantial
7 change in established neighborhood character. In fact, we
8 have now a three-family use of the structure, and that will
9 be continued. So I still have problems with plans saying
10 that there's now legally three dwelling units. But I'll
11 accept the comment from the architect for the petitioner.

12 That the continued operation of or development of
13 adjacent uses, as permitted in the ordinance, will not be
14 adversely affected. And in this case, I think it's in
15 contrast to -- at least the view of Mr. Sullivan and myself
16 -- that the variance requested would adversely affect the
17 adjacent uses, but not this proposal.

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

21 And generally what is being proposed will not
22 impair the integrity of the district or adjoining district,

1 or otherwise derogate the intent or purpose of this
2 ordinance.

3 So on the basis of all these findings, the Chair
4 moves that we grant the special permit being requested on
5 the condition that the work proceed in accordance with plans
6 prepared by Boyes-Watson Architects dated 10/05/20, the
7 first page of which has been initialed by the Chair.

8 All --

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

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

13 JIM MONTEVERDE: Jim Monteverde, yes for the
14 special permit.

15 SLATER ANDERSON: Slater Anderson, yes for the
16 special permit.

17 CONSTANTINE ALEXANDER: And the Chair votes yes as
18 well.

19 [All vote YES]

20 Special permit granted. Thank you. We can now
21 return to our regular agenda.

22 SLATER ANDERSON: All right Gus, I think I'm done

1 for the evening, okay?

2 CONSTANTINE ALEXANDER: Say it again? Okay, yes.

3 I think you are. And I guess Andrea returns?

4 SLATER ANDERSON: Correct.

5 ANDREA HICKEY: Yes, I'm here.

6 CONSTANTINE ALEXANDER: Okay, good.

7 SLATER ANDERSON: Thank you.

8 CONSTANTINE ALEXANDER: Thank you, Slater,
9 appreciate it.

10 SLATER ANDERSON: Yep.

11

12

13

14

15

16

17

18

19

20

21

22

1 * * * * *

2 (8:12 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea Hickey, Slater Anderson,
5 Jim Monteverde and Jason Marshall

6 CONSTANTINE ALEXANDER: Okay, the next case on our
7 agenda is 20 Union Street, but we've already decided that
8 case under the capable stewardship of Mr. Sullivan. The one
9 after that is Case Number 017322 -- 17-19 Cushing Street.
10 And the Chair will advise the Board that we're going to have
11 to continue this case.

12 SISIA DAGLIAN: I think Michael Higgins wanted to
13 speak.

14 CONSTANTINE ALEXANDER: Say it again?

15 SISIA DAGLIAN: I think Michael Higgins had said
16 he wanted to speak. Michael Higgins, a lawyer, is on the --

17 CONSTANTINE ALEXANDER: Oh yeah, he wants to
18 speak? Okay, I -- Mr. Higgins, [2:36:06 Chair and Sisia say
19 Higgins, Notes say Wiggins, speaker doesn't say his name.]
20 you're on. You can speak if you like. We have your letter
21 in the file, but feel free to add to it or whatever you wish
22 to say.

1 MICHAEL WIGGINS: Thank you, Mr. Chairman. Yes --
2 as I mentioned in my letter to you, we -- unfortunately my
3 client's manager, who's managing the property, didn't follow
4 through the instructions he was given, and so the sign panel
5 was not put up more than 14 days before tonight's hearing.

6 So we would respectfully request, and I also want
7 to apologize for wasting some time here. But we'd request
8 that this case be continued to a convenient date that the
9 Board wants to set. We want -- we would deal with whatever
10 date you find appropriate.

11 CONSTANTINE ALEXANDER: Okay. I should advise
12 other Board members that to follow up on Mr. Wiggins's
13 comments, a sign was posted on the structure.
14 Unfortunately, the sign advertised a hearing for last July.

15 This case was originally going to be continued
16 until a date in July, and then with COVID there were no
17 hearings in July. And so, the case was rescheduled, and I
18 guess the old file -- the old sign was hanging around, and
19 your manager put that up rather than the sign that he should
20 have put up.

21 Anyway, with that -- Sisia, what's the next date?

22 SISIA DAGLIAN: Well, November both dates have

1 three continued cases already.

2 CONSTANTINE ALEXANDER: I think the first one of
3 December.

4 SISIA DAGLIAN: December 10, yeah.

5 CONSTANTINE ALEXANDER: What's the date?

6 SISIA DAGLIAN: December 10.

7 CONSTANTINE ALEXANDER: December 10. December 10
8 work for you, Mr. Wiggins?

9 MICHAEL WIGGINS: Well, it's my birthday, but I'll
10 be happy to be here.

11 CONSTANTINE ALEXANDER: [Laughter] Well, wea

12 MATINA WILLIAMS: Well, I have to give you special
13 consideration because it's your birthday. [Laughter] Okay.
14 The Chair moves this is a case heard actually, so can
15 everybody make December 10? Brendan is nodding yes; how
16 about the other members of the Board?

17 JANET GREEN: Yes.

18 CONSTANTINE ALEXANDER: Janet says yes. Jim?

19 JIM MONTEVERDE: Yes.

20 CONSTANTINE ALEXANDER: Did we lose Jim?

21 JIM MONTEVERDE: No, I'm here. I'm available.

22 CONSTANTINE ALEXANDER: It's okay with you?

1 JIM MONTEVERDE: Yes.

2 CONSTANTINE ALEXANDER: Okay. And who is the
3 fifth number?

4 SISIA DAGLIAN: Jason.

5 CONSTANTINE ALEXANDER: Hm?

6 SISIA DAGLIAN: Is it Jason?

7 CONSTANTINE ALEXANDER: Who?

8 BRENDAN SULLIVAN: I don't think this is a case
9 heard, is it?

10 CONSTANTINE ALEXANDER: This is a case heard. We
11 spent a lot of time on it. Originally, we heard the
12 original case.

13 MICHAEL WIGGINS: Mr. Chairman?

14 CONSTANTINE ALEXANDER: Yes.

15 MICHAEL WIGGINS: Yeah, just to clarify, yeah, the
16 original case, it has a different case number, because --

17 CONSTANTINE ALEXANDER: Oh, that's right. I'm
18 sorry, you're right.

19 JIM MONTEVERDE: This is --

20 CONSTANTINE ALEXANDER: You're right.

21 JIM MONTEVERDE: -- this is new.

22 MICHAEL WIGGINS: That was 01746, and then when we

1 came that was scheduled for July, and then we came in and at
2 that point we said we're going to -- we need a special
3 permit, so we filed the new case.

4 And at that time, we asked that you continue the
5 old case, in case we needed to fall back on the variance.
6 And we asked -- and that was continued to October 22, I
7 believe.

8 We would want -- and I don't know if this is
9 premature, but we would want as a backup for that case to be
10 continued to two weeks beyond the December 10.

11 CONSTANTINE ALEXANDER: Okay. And you're right,
12 I'm sorry, this is a new case. I was thinking of the old
13 case, but right. So let's -- so the case will be continued.
14 I'm going to move the case be continued until December 10 as
15 a case not heard. So we don't need any -- the same people.

16 The Chair moves that we continue this case, the
17 case that we have before us tonight, until 7:00 p.m. on
18 December 10, subject to the following conditions:

19 First, that the petitioner sign a waiver of time
20 for decision, as he has done in connection with your old
21 case. That must be done within seven days from today. If
22 it's not done, the case will be automatically dismissed. So

1 you have to make sure your client or you on behalf of your
2 client signs a waiver of time for decision.

3 Second, that a new posting sign reflecting the new
4 date, December 10, and the new time, 7:00 p.m. be posted and
5 maintained -- this one wasn't -- for the 14 days prior to
6 that hearing date.

7 And lastly to the extent that there are new plans
8 /specs/dimensional forms, they must be in our files no later
9 than 5:00 p.m. on the Monday before December 10.

10 All those in favor? Brendan?

11 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
12 continuance.

13 JIM MONTEVERDE: Jim Monteverde, yes to the
14 continuance.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Yes to the continuance.

17 BRENDAN SULLIVAN: I think Jason is on this as
18 well.

19 CONSTANTINE ALEXANDER: Yeah, there's a fifth one.

20 BRENDAN SULLIVAN: Yeah, Jason?

21 JASON MARSHALL: I think it is me.

22 CONSTANTINE ALEXANDER: Yeah, it is. Yeah.

1 You're on this case.

2 JASON MARSHALL: Jason Marshall, yes.

3 CONSTANTINE ALEXANDER: You can be available;
4 fine. Thank you.

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

7 [All vote YES]

8 So this case has been continued until December 10.
9 And you want to continue the case, the old case, Mr.
10 Counsel?

11 MICHAEL WIGGINS: Yes, yes.

12 CONSTANTINE ALEXANDER: What date?

13 MICHAEL WIGGINS: I would. Yeah. That case -- we
14 had it continued to two weeks after this, so I would like to
15 have it be in early January for good.

16 CONSTANTINE ALEXANDER: The first -- it would be
17 the first hearing in January, because we're not going to
18 have -- we're not going to hear a case on Christmas Eve.

19 SISIA DAGLIAN: That would be January 14.

20 CONSTANTINE ALEXANDER: January 14. Now this is a
21 case heard, this one, so we need to all five --

22 SEAN O'GRADY: That was the 01746 case.

1 CONSTANTINE ALEXANDER: Yeah. The original case
2 that was misadvertised, that was continued until July and
3 never heard. So that case is the one we're going to
4 continue, you want to be continued. Am I right?

5 MICHAEL WIGGINS: Yes.

6 CONSTANTINE ALEXANDER: Okay.

7 SEAN O'GRADY: Is that on the agenda tonight, Gus?
8 So we'll have to take the --

9 CONSTANTINE ALEXANDER: No, it's not in the agenda
10 --

11 COLLECTIVE: No.

12 SEAN O'GRADY: Well, I'm not sure you can do
13 anything with it until it comes --

14 CONSTANTINE ALEXANDER: Yeah, you're right. We
15 don't have it. So I'm thinking we're not going to be able
16 to continue this case, the old case, not the one we're --
17 the new one.

18 BRENDAN SULLIVAN: This is Brendan Sullivan. So
19 Michael, I think what you'd have to do is this is to be
20 heard in two weeks is you don't have to show up. But if you
21 just send in a letter requesting a continuance of that --
22 the old case -- to the January 14, 2021 date, that would

1 probably suffice.

2 CONSTANTINE ALEXANDER: And then at our next
3 meeting -- our next regular meeting, we will take an action
4 based on your request.

5 MICHAEL WIGGINS: Thank you very much, I
6 appreciate it. And Mr. Chairman, just to make a note here,
7 I think I already have signed a waiver for this case
8 tonight. Maria sent it to me, and I --

9 CONSTANTINE ALEXANDER: Oh, she has? Fine. If
10 you signed it, we're all set. I just want to be sure that
11 you do do it, that's all.

12 MICHAEL WIGGINS: Very well.

13 CONSTANTINE ALEXANDER: Maria didn't advise me
14 that she received it, but I take your word for it. But the
15 vote still stands if she hasn't received it. You might want
16 to check with her tomorrow and make sure that she has it.
17 Because otherwise you're going to bump up against the seven
18 days and the case gets dismissed. Okay?

19 MICHAEL WIGGINS: I certainly will.

20 CONSTANTINE ALEXANDER: All right. With that, we
21 can move on to the next case in our agenda.

22 JIM MONTEVERDE: Mr. Chair, can I request a five-

1 minute break?

2 CONSTANTINE ALEXANDER: Sure. Let's -- I'll give
3 you more, five more; a 10-minute break.

4 JIM MONTEVERDE: Thank you.

5 CONSTANTINE ALEXANDER: Say 20; we'll start again
6 at 8:30.

7 [BREAK]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 * * * * *

2 (8:30 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Jim Monteverde and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: Okay, it's 8:30 so I'm
7 going to reconvene our meeting. And the next case I'm
8 going to call is Case Number 017325 -- 25 Eighth Street.
9 Anyone here wishing to be heard on this matter?

10 MAURA BARRY-GARLAND: Yes, hi. Hi, my name is
11 Maura Barry-Garland, and I'm the Project Manager for Truman
12 Apartments for Cambridge Housing Authority.

13 And my fellow panelists tonight are Clara Fraden,
14 who is Deputy Director of Planning at Cambridge Housing
15 Authority; as well as Hannah Kilson, who's a partner at
16 Nolan Sheehan Patton; and Steve Baker, who is Senior
17 Principal at BWA Architecture. And we're here to seek an
18 amendment to an existing comprehensive permit for Truman
19 Apartments.

20 CONSTANTINE ALEXANDER: Okay. Well, I should
21 point out, this is not a variance case or a special permit
22 case, it's a comprehensive permit case, which we hear every

1 once in a while, and the rules are different for
2 comprehensive permit cases. Frankly, they are set by the
3 state, and they are somewhat skewed in favor of granting the
4 special comprehensive permit.

5 But with that, I think I'd like to know at the
6 outset, or as part of your presentation -- you don't have to
7 tell me right now or tell the Board right now -- just
8 exactly the items you want to do that do not comply with our
9 variance and would have required zoning relief as part of
10 the comprehensive permit.

11 I know you're putting in an addition to the
12 building, and that's one thing that requires -- would have
13 required a variance, and that's part of the comprehensive
14 permit. Are there any other things that you're proposing to
15 do that are not in compliance with our zoning variance, and
16 need to be picked up by the comprehensive permit?

17 MAURA BARRY-GARLAND: Yeah. So we are also
18 restriping the parking lot in order to create a van-
19 accessible handicap parking space. And that's reduces the
20 number of parking spaces from 19 to 18.

21 CONSTANTINE ALEXANDER: Okay. So parking you're
22 reducing, and what's -- okay, 19 was approved when you built

1 the building originally, is that the idea? Where does the
2 19 come from? 19 -- 18?

3 MAURA BARRY-GARLAND: The 19 is existing, and we
4 actually were approved previously to have 18 spaces as well.
5 But since we are building an addition, we do need to seek
6 approval again for the 18.

7 CONSTANTINE ALEXANDER: Okay. So parking and the
8 building -- a reduction in parking and the addition of the
9 building, the community center, whatever it's going to be
10 used for. Anything else. Just so the record's clear and we
11 understand what we're voting on. Anything else?

12 MAURA BARRY-GARLAND: So we are also seeking to
13 ratify two existing, nonconforming front yard setbacks --
14 one on Thorndike and one on Eighth. But the other areas of
15 relief do all stem from the addition.

16 CLARA FRADEN: And Sisia, is it possible to pull
17 up the plan? I believe it's slide 2? [Pause] Yes, that
18 second slide.

19 MAURA BARRY-GARLAND: Great, yeah. Yes, this
20 summarizes. So the three areas that are stemming from the
21 addition, our floor area ratio, side yard setback and then
22 the distance between the primary building --

1 CONSTANTINE ALEXANDER: Got it. Correct.

2 MAURA BARRY-GARLAND: -- and the second building.

3 CONSTANTINE ALEXANDER: Thank you. That's what I
4 wanted to know so I know exactly what we're dealing with.
5 Okay. I'm sorry to interrupt you. You can go ahead with
6 your presentation.

7 MAURA BARRY-GARLAND: Absolutely. No problem,
8 thank you. So Truman Apartments is a 59-unit apartment
9 building for seniors and people with disabilities.
10 Currently residents at the building have an average income
11 of under 40 percent area median income.

12 We are proposing to renovate Truman beginning in
13 early 2021, with the goal of replacing failing building
14 systems, of expanding community spaces for residents, and
15 preserving these 59 deeply affordable units.

16 And Sisia, you can move to the second slide,
17 again. Thank you.

18 Great. So currently there is no designated social
19 worker's office at Truman. So the social worker has to
20 share an office with the property manager. In addition, the
21 community room space you've heard from many residents is not
22 sufficient for the size of the community at Truman. And the

1 laundry room is also undersized.

2 So we are proposing a 1759 square foot addition,
3 primarily into that side yard in the back, which is 1559
4 square feet of additions. But then also 200 square feet to
5 expand the front vestibule.

6 Yeah, and we can go on to the third slide. So the
7 third slide is just correcting a previous mistake that we
8 made. In speaking to the Planning Board, we had said that
9 we weren't removing any trees.

10 In fact, while we aren't removing any significant
11 trees, so nothing that would trigger the tree ordinance, we
12 are removing one ornamental tree. So that is the dogwood
13 tree that is right next to that front vestibule.

14 So when we enlarge the vestibule, we'll be
15 removing that tree, which is six point seven inch caliper.
16 It's not considered a significant tree, and we will be
17 replacing it with two additional ornamental trees in the
18 front.

19 And we will be also planting four new shade trees
20 along Otis to enhance pedestrian experience walking along
21 our parking lot.

22 And the other red dot is actually not a tree, but

1 a shrub. But we marked it as well, since it is a large
2 shrub. So we will be removing one large shrub and one
3 ornamental tree, while adding four new shade trees and two
4 new ornamental trees.

5 And we can move onto the last slide. Thanks.

6 Yes, this just summarizes the relief that we're
7 requesting. And actually, Hannah, if you don't mind just
8 saying a little bit about our language regarding transfer of
9 the decision as well?

10 HANNAH KILSON: Well, so this is an amendment of
11 the existing comprehensive permit. Oh, yes, sorry. Hannah
12 Kilson, outside Counsel to CHA from the Law Firm of Nolan
13 Sheehan Patten.

14 So this is an amendment of the comprehensive
15 permit issued in 2002 for the purposes of addressing this
16 new addition that is being built. The project is being
17 sponsored by the CHA and using low-income housing tax
18 credits.

19 A CHA-controlled entity -- Truman Apartments -- is
20 going to own, I guess own, they will have a ground lease --
21 a 99-year ground lease on the property. And so, there will
22 be a transfer of the existing comprehensive permit and this

1 amendment to that entity at the time of the closing in the
2 end of December.

3 I think in the past we've asked the Planning
4 Board, the Zoning Board to grant the transfer. But when I
5 actually look at the regulations, I think that we can do the
6 transfer without a direct approval, as long as we're
7 transferring to a limited dividend organization, which the
8 Truman Apartments entity will be.

9 CONSTANTINE ALEXANDER: So who will be the
10 applicant or the owner? Is it still the Cambridge?

11 HANNAH KILSON: Yeah. Cambridge Housing Authority
12 will continue to be the owner of the land, but they will
13 ground lease it to Truman Apartments, LLC.

14 CONSTANTINE ALEXANDER: To who?

15 HANNAH KILSON: And that will be the ground
16 tenant.

17 CONSTANTINE ALEXANDER: Who was Truman's partners
18 LLC, who were the principals of it?

19 HANNAH KILSON: The principals will be the
20 managing member will be an affiliate of Cambridge Housing,
21 Authority, as well as a low-income housing tax credit
22 investor member.

1 CONSTANTINE ALEXANDER: So it's still within the
2 Cambridge Housing Authority family --

3 HANNAH KILSON: Yes.

4 CONSTANTINE ALEXANDER: -- so to speak. It's not
5 to an unrelated third party or --

6 HANNAH KILSON: Right.

7 CONSTANTINE ALEXANDER: Okay, thank you.

8 MAURA BARRY-GARLAND: Thanks, Hannah. Yeah, so
9 this final slide just summarizes the five areas in which
10 we're seeking relief.

11 One more note on number 4 actually, so we were
12 speaking about decreasing the number of parking spaces to 18
13 to allow for a van-accessible handicap space. There are
14 currently only eight residents at Truman who have their
15 vehicles registered to park in that lot, and the lot has
16 been more than sufficient, and will be more than sufficient
17 with the 18 spaces.

18 CONSTANTINE ALEXANDER: Okay. Should we move on
19 with the slides?

20 MAURA BARRY-GARLAND: Yeah. So that's it for the
21 slides. Did you have any questions so far?

22 CONSTANTINE ALEXANDER: I don't at this point.

1 BRENDAN SULLIVAN: Yeah, Brendan Sullivan, no
2 questions, no.

3 CONSTANTINE ALEXANDER: No, the Chairman has no
4 questions. Any other members?

5 ANDREA HICKEY: Andrea Hickey, I have no questions
6 at the moment.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde, no questions.

9 CONSTANTINE ALEXANDER: Jason?

10 JASON MARSHALL: Jason Marshall. I'm good, thank
11 you.

12 CONSTANTINE ALEXANDER: Okay. Back to the
13 presentation.

14 MAURA BARRY-GARLAND: Sure. Yeah. So that was
15 all that we had prepared for the presentation.

16 CONSTANTINE ALEXANDER: All right. Now, you have,
17 you know, to get the benefit of Chapter 40B I guess it is
18 for comprehensive permits, you have to meet certain
19 jurisdictional requirements.

20 MAURA BARRY-GARLAND: Yes.

21 CONSTANTINE ALEXANDER: And we need to turn to
22 those right now. I assume -- this should be obvious, but is

1 Cambridge Housing Authority a 501©(3) non-profit?

2 HANNAH KILSON: So if I could speak, so this is an
3 amendment to the 2002 comprehensive permit. And so, all of
4 the eligibility which actually continues was established in
5 the 2002 comprehensive permit. It was applied for by
6 Cambridge Housing Authority, which was a public entity,
7 which is -- was at the time an eligible 40B entity and
8 continues to be.

9 There was a subsidy being provided at the time
10 through the federal public housing program. Again, this
11 property will be subject to Section 8 project-based
12 vouchers, so there isn't a continuing subsidy. But this is
13 really an amendment to the existing permit, not a new 40B
14 comprehensive permit application.

15 CONSTANTINE ALEXANDER: Have you received any
16 communications or what have you indicating that you will get
17 the financing for this? The --

18 HANNAH KILSON: Yeah, so -- so yeah, so the
19 presentation has been -- so there's two, two, two financing
20 pieces. One is that the project is going to receive a hat
21 contract through Cambridge Health Authority for project-
22 based Section 8 vouchers. The project has also -- will be

1 entitled to 4 percent tax-exempt bond financing through
2 Massachusetts Development Finance Agency, which it's been
3 approved for, and which will enable it to take advantage of
4 4 percent low-income housing tax credits.

5 Those have been approved and we're in the process,
6 frankly, of starting our closing calls with Massachusetts
7 Development Finance Agency and the investors to the project.

8 CONSTANTINE ALEXANDER: So it's your
9 representation -- or not you but your client -- that this
10 program, this project before us tonight is eligible for a
11 comprehensive permit as a fundable project under the code of
12 Massachusetts regulations?

13 HANNAH KILSON: Yeah. I mean, our position is
14 that we're actually amending our existing comprehensive
15 permit. So we're actually making a substantial change to
16 the approval that was granted in 2002, and under that basis
17 of an amendment to the comprehensive permit are coming
18 before you.

19 The project could do a separate application under
20 40B because it is receiving low-income housing tax credits
21 from a subsidizing agency -- Massachusetts Development
22 Finance Agency -- as well as it's received project-based

1 vouchers from Cambridge Housing Authority. But we've
2 advanced this as an amendment to an existing comprehensive
3 permit.

4 CONSTANTINE ALEXANDER: Thank you. Anything else
5 you wish as part of your initial presentation, before I open
6 the matter up to questions from members of the Board?

7 HANNAH KILSON: No.

8 CONSTANTINE ALEXANDER: Okay, questions?

9 BRENDAN SULLIVAN: Brendan Sullivan, I have no
10 questions.

11 JIM MONTEVERDE: Jim Monteverde, I have no
12 questions.

13 ANDREA HICKEY: Andrea Hickey, no questions.

14 JASON MARSHALL: Jason Marshall, no questions.

15 CONSTANTINE ALEXANDER: And I have no questions
16 beyond those that have been asked already. So with that, I
17 will open the matter up to public testimony.

18 And again, any members of the public who wish to
19 speak should now click the icon at the bottom of your Zoom
20 screen that says, "Raise hand." If you're calling in by
21 phone, you can raise your hand by pressing *9 and unmute or
22 mute by pressing *6.

1 SEAN O'GRADY: Glenna, go ahead.

2 CONSTANTINE ALEXANDER: I'm sorry, Sean, what did
3 you say?

4 SEAN O'GRADY: Glenna Wyman's going to speak.

5 CONSTANTINE ALEXANDER: Okay.

6 SEAN O'GRADY: Glenna, are you there?

7 GLENNA WYMAN: Yeah, can you hear me?

8 SEAN O'GRADY: Yes, we can.

9 CONSTANTINE ALEXANDER: I can hear you.

10 SEAN O'GRADY: Yes.

11 GLENNA WYMAN: I submitted --

12 THE REPORTER: Can you spell your name and
13 address, please?

14 GLENNA WYMAN: Sure, absolutely. My name is
15 Glenna Wyman, and I am a tenant at Truman Apartments, so
16 that's 25 A Street, the property in question.

17 CONSTANTINE ALEXANDER: Okay. Ms. Wyman, your
18 comments?

19 GLENNA WYMAN: Yes. I submitted -- I don't know
20 whether you had a chance to look at it, it was right before
21 5:00 by the time I submitted it -- proposed conditions to
22 the --

1 CONSTANTINE ALEXANDER: I'm trying to locate it,
2 but as I recall the conditions all related to trees?

3 GLENN A WYMAN: Yeah, they are. There's a lot more
4 trees than are signified on any of these plans. There's --
5 I counted eight trees in the back that are not shown or
6 depicted in any of the plans.

7 They're right along the edge of that, there's a
8 black metal fence all the way around this -- you know,
9 actually starting at the front, near the front entrance
10 going to the side along Thorndike Street, all along the back
11 line.

12 And there's about a foot beyond that -- perhaps a
13 little more -- beyond that fence. And there are trees way
14 back there that are not depicted in any of the plans. I
15 went and did an inventory over the last few days, and
16 there's two maples, there's an oak, there's perhaps four
17 that look like they're maybe in the same family as a London
18 plane, a sycamore; and some that I hadn't -- you know, I
19 grabbed leaves, but I hadn't fully identified.

20 And they're tall, they contribute to the canopy,
21 they provide additional screen. And then there's a number
22 of kind of shrub trees back there. And some of them are

1 right inside the fence line. Some are on the other side of
2 the fence line. But clearly, the Truman property, because
3 the property of Truman is at most places much higher grade
4 than the abutters whose back yards but up against the Truman
5 property.

6 And then there are some greens that are actually -
7 - you know, growing on both sides. You know, they very
8 creatively -- these trees have grown on both sides of the
9 fence. But they provide a lot of foliage and all the other
10 benefits that we get from trees. And Cambridge, or
11 especially East Cambridge is starved for canopy.

12 And then there is -- I counted 40 bushes that
13 aren't depicted in any of the plans throughout the property.
14 And about that tree in the front, the dogwood, you know, I
15 believe City Councilor Quentin Zondervan has submitted some
16 comments in favor of my concerns.

17 And he suggests -- and I agree -- that where they
18 have built the vestibule so that it takes up the space where
19 the dogwood is, and it's a very pretty flowering, ornamental
20 tree of about two feet height -- I mean, excuse me, a two-
21 story height that it could be moved to another place on the
22 property rather than removed and destroyed.

1 And if you see my comment, what I also did was
2 attach proposed conditions with regard to all that
3 vegetation, which is the ten existing trees behind the
4 building, the eight additional ones not depicted on the
5 plan, and also adding that the, you know, CHA would protect
6 all the existing city trees adjacent to the property on
7 three sides and approximately 40 existing shrubs and bushes
8 not currently depicted on any of the plans.

9 I didn't count the ones where the plans showed
10 that they did have an intent -- the architectural plans --
11 an intent to have shrubs. But we have, like, a hedge in the
12 back on the Thorndike Street side running from the back
13 border. I described all of this in this one-page list of
14 conditions.

15 CONSTANTINE ALEXANDER: I'm sorry, I can't find
16 that listed in the file. I don't know where it is, but I --

17 GLENNNA WYMAN: Well, it was sent to Anne Pacheco.

18 CONSTANTINE ALEXANDER: Well, I don't see it. But
19 it's a very thick file, and so, maybe it's buried somewhere.

20 GLENNNA WYMAN: But why --

21 CONSTANTINE ALEXANDER: But let me stop there.

22 CONSTANTINE ALEXANDER: Do you understand what a

1 comprehensive permit case is all about? This is to provide
2 housing. And --

3 GLENNA WYMAN: I understand, I live there.

4 CONSTANTINE ALEXANDER: I know that. The fact of
5 the matter is --

6 GLENNA WYMAN: But I'm going to be living there
7 after they're done with this, and --

8 CONSTANTINE ALEXANDER: Do you want to hold --

9 GLENNA WYMAN: -- we have an interest in the trees
10 and the bushes, and it seems to me that you guys have
11 capacity to impose conditions. I've been involved in
12 Planning Board actions in Boston and they certainly did
13 impose conditions with regard to addition of trees. I'm
14 just asking to preserve what we have.

15 CLARA FRADEN: Sisia, are you able to go to the
16 slide that shows the trees? Glenna, I'm thinking that maybe
17 we can go through this, go through the plans and perhaps
18 even bring up the existing --

19 GLENNA WYMAN: So you're showing the trees?

20 STEVE BAKER: If I -- this is Steve Baker, BWA
21 Architects for place of business Boston, Massachusetts. Can
22 I respond to Glenna?

1 CONSTANTINE ALEXANDER: Go right ahead.

2 STEVE BAKER: Glenna, first it's good to hear from
3 you. It's been a while.

4 GLENNNA WYMAN: Right. I mean, that's a concern.
5 We haven't heard from you since March, and that's another
6 part of my request to the Board, which the Board can't seem
7 to find, which was to continue this so that you could circle
8 back as you promised to do back in March, so that we could
9 have input on all of this.

10 STEVE BAKER: Yes. I do apologize for that
11 Glenna. But as you know, a little issue came up in the way.
12 And the --

13 GLENNNA WYMAN: Right. Please don't patronize me.
14 There is a little technology called "Zoo," (sic) which you
15 could have utilized or mailings with -- or, you could have -
16 - someone could have notified the tenants about the Planning
17 Board presentation and the Historical Commission
18 presentation, where you were happily answering questions to
19 the public that you had never answered to us! And we weren't
20 invited to those or notified about them.

21 MAURA BARRY-GARLAND: We have done --

22 CONSTANTINE ALEXANDER: Can I --

1 MAURA BARRY-GARLAND: -- three mailings since
2 March, and we did go through and call everybody in the
3 building during COVID. Yeah, I apologize for not having put
4 together, like, a resident meeting where all the residents
5 could --

6 GLENNA WYMAN: Anything!

7 MAURA BARRY-GARLAND: -- yeah, in the same place,
8 but we have done newsletters, we have been calling
9 residents.

10 GLENNA WYMAN: Right. But those letters were not
11 addressing the things. Those letters were about us. And
12 meetings are now moved out in December instead of May 31,
13 and one paragraph summarizing the perks that were coming.
14 And that's not circling back about the design plans inside
15 and out.

16 And, you know, just as a way of an example, the
17 community room, which -- you know, we're losing a big part
18 of our back yard for isn't -- you know, because you decided
19 there was a decision to put a corridor in there, the
20 community room isn't -- it's not clear to me that community
21 room is even going to be big enough to accommodate all of us
22 because there's this big corridor inside.

1 It'll have to be handicapped accessible, when it
2 could have been a pass-through, which is the way it is now,
3 with -- you know, so that when we have events like the ones
4 that we had to go over these plans in March, we might have a
5 chance to all fit in the same room, or it's a holiday party.

6 All of these things that, you know, even the
7 siding we weren't told about the switch to the fiber cement
8 siding --

9 CONSTANTINE ALEXANDER: That's from summer.

10 GLENN A WYMAN: -- and the reasons that apply. You
11 know, we have lots of questions.

12 ANDREA HICKEY: Excuse me, this is Andrea Hickey.
13 I'd like to ask the petitioners to tell us specifically what
14 outreach was done to the current residents and occupants of
15 this building?

16 GLENN A WYMAN: Since March, because in March it
17 was all all up in the air.

18 ANDREA HICKEY: All right. So I'm asking the
19 petitioners, please.

20 MAURA BARRY-GARLAND: Sure. Yeah, so we did -- so
21 leading up to March, we did have -- like, it was two Intro
22 meetings, three Design meetings and three Relocation

1 meetings. After March, we had call-in hours, which were we
2 were trying to do our lobby hours, which are our lock-in
3 hours, right.

4 ANDREA HICKEY: And how did you inform the
5 residents and occupants of these meetings?

6 MAURA BARRY-GARLAND: So by notices that were
7 mailed. So we had call-in hours, and then we sent three
8 newsletters. And I also went through and called every
9 resident individually during COVID. Yeah, but we didn't
10 have a meeting post COVID.

11 CLARA FRADEN: And so, for those dates it's on
12 April 13 is when we did the by-phone resident check-ins. On
13 May 27, we mailed a resident newsletter with updates on
14 August 7, and then again on September 23. And on September
15 23 is when we announced the BZA hearing.

16 We were scheduled for the Planning Board after we
17 put those -- no, sorry, a day before I think we put those
18 notices in the mail. But we heard from the Planning Board
19 on a -- sorry, we heard from CDD on Thursday that they
20 wanted us to come to the Tuesday meeting.

21 So we weren't able to get something in the mail
22 before the Planning Board. But we absolutely got something

1 in the mail about today's hearing.

2 ANDREA HICKEY: All right. And Ms. Wyman, did you
3 receive any of those notices?

4 GLENNA WYMAN: The notices we got, the one in
5 April had nothing to do with anything having to do with
6 plans. That was -- am I mistaken about that, Clara or
7 Maura?

8 CLARA FRADEN: No, the April --

9 GLENNA WYMAN: I'm not mistaken. Okay. And then
10 the August 24 we got two, so now we're down to two notices.
11 August 24, "Update on Truman Relocation and Construction
12 Schedule." And all that was about was that we had to move
13 out and we're reneging on our written agreement signed by
14 tenants, and that did not say anything about the plans.

15 And then September 23, "Designer Renovation
16 Update" -- one paragraph describing --

17 CLARA FRADEN: Mm-hm.

18 GLENNA WYMAN: -- you know, I'll read it, it's one
19 paragraph. "We are excited to announce that the renovations
20 officially include the installation of central AC, new
21 windows, new building façade to address systemically,
22 addition to the building to expand common spaces for

1 residents!

2 "The addition will include a larger community
3 room, laundry room, common kitchen, TV lounge, conference
4 room, computer room, indoor recycling area, fitness areas --
5 -- " I've yet to see where that is on the plans --

6 CLARA FRADEN: Mm-hm.

7 GLENNNA WYMAN: "-- and a social worker's office.
8 These additional spaces are made possible by a planned \$1700
9 -- 1700 square-foot addition -- " [in parentheses, "How much
10 is in the back yard?"]

11 That's it. No plans. We never saw any plans.

12 CLARA FRADEN: Sisia, are we able -- am I able to
13 share my screen with the plans? Because I'd like to talk a
14 bit and see if maybe you can go over the design meetings we
15 had?

16 GLENNNA WYMAN: That was way back then, and it was
17 all still up in the air.

18 CLARA FRADEN: No, I understand that, but want to
19 stress that the designs have not wavered much for the
20 community rooms from March. We incorporated the feedback
21 from residents about the larger community room, the larger
22 community kitchen, the larger laundry room, the desire to

1 bring the recycling inside. And all of those themes remain
2 consistent from March until now. So I can share my screen
3 with you.

4 GLENNA WYMAN: But now we have the drawings, and
5 there's plenty of questions to be had about those drawings.
6 We have many, many recycling bins in the back. That little
7 space that's supposedly for trash and recycling -- very
8 unclear how that's going to work.

9 You know, unless they're going to be like, you
10 know, removing recycling bins nonstop, because it looks like
11 there's not room for a whole lot of trash and recycling
12 there, that's just one example.

13 And I --, there was -- it was still up in the air.
14 Maybe things were going to be moved upstairs and maybe they
15 weren't. And again, that hallway that's been designed
16 through the middle of the downstairs takes away from what
17 had been part of the community room.

18 And so, the extension out does not seem to be
19 adequate to accommodate 59 households for the kinds of
20 things that it was envisioned to accommodate.

21 ANDREA HICKEY: Thank you, Ms. Wyman. Mr.
22 O'Grady, could I ask you a question, are there any other

1 residents or occupants that are in the queue that would like
2 to speak?

3 SEAN O'GRADY: Yes. Well, I'm not sure who they
4 are, but James Williamson's there --

5 CONSTANTINE ALEXANDER: [Laughter]

6 SEAN O'GRADY: -- and then there's a caller.

7 ANDREA HICKEY: All right. I'll defer to the
8 Chair. Thank you.

9 BRENDAN SULLIVAN: Well, I think the three minutes
10 are up.

11 CONSTANTINE ALEXANDER: Yeah. I --

12 SISIA DAGLIAN: Do you want them to share the
13 screen?

14 CONSTANTINE ALEXANDER: Ms. Wyman, are you
15 speaking on behalf of yourself, or do you have a group
16 behind you? I want to just know how many people are as
17 concerned about this tree issue as you are?

18 GLENNA WYMAN: On the tree issue?

19 CONSTANTINE ALEXANDER: Yeah.

20 GLENNA WYMAN: I haven't talked with other tenants
21 about that issue, but I've -- about the plants. Tenants
22 feel totally up in the air about where was that consult they

1 were going to have. I sent the plans when I found them
2 online, I sent the link to somebody no longer -- who's at
3 another site until this project is done and she was like,
4 "Wow, there goes our back yard."

5 So I don't think that people understood how much
6 of our back yard was going to be lost. And my concern is if
7 we are going to lose our back yard, that community room
8 ought to be able to accommodate 59 households, so what was
9 the point?

10 HANNAH KILSON: Clara, do you or Steve want to
11 talk about the dimensions of that community room and --

12 STEVE BAKER: Sure.

13 HANNAH KILSON: -- how it's been designed to be
14 utilized to kind of clarify that point?

15 JIM MONTEVERDE: But excuse me, Mr. Chair, does
16 this Board have any purview over how this community room is
17 used, or size?

18 CONSTANTINE ALEXANDER: No, in my view. I'm
19 struggling -- I'm sorry, Jim, I didn't mean to interrupt
20 you.

21 JIM MONTEVERDE: Yeah, that's fine.

22 CONSTANTINE ALEXANDER: Troubling me is I'm not

1 sure what the relevance is of what's been discussed for the
2 last 20 minutes. I mean, we're talking about comprehensive
3 -- affordable housing, a comprehensive permit, and the
4 issues are -- that we can turn things down do not involve
5 what's being discussed tonight.

6 GLENNA WYMAN: I'm urging that you continue this,
7 because the whole point of this is for us the residents.
8 And while we don't have property interests here, we are --
9 we do have the right to return, and we're probably in the
10 best position to be a proxy for future tenants beyond us.

11 CLARA FRADEN: Steve, are you --

12 JIM MONTEVERDE: Mr. Chair, there just appears to
13 be some discussion that either needs to happen or really is
14 not coming to some resolution between whether it's Ms. Wyman
15 representing a group or herself.

16 But again, the question is the matter that's in
17 front of the Board tonight, the specific items that we're
18 being asked to address, I'm not sure how most of the
19 conversation we've heard is relevant to it.

20 And I'm curious if we can get back to that initial
21 agenda and act on it, or if we really need to pause and let
22 the housing group and the tenants get together and solve

1 their issues and then come back.

2 GLENNA WYMAN: That would be good.

3 JIM MONTEVERDE: I understand, but I'm asking the
4 Chair for -- based on what's in front of us, what can we do?

5 CONSTANTINE ALEXANDER: Well, we can, as you know.
6 Many times when we have this kind of situation -- not on a
7 comprehensive permit case -- we adjourn the case or continue
8 it, I should say, and encourage the parties to sit down and
9 try to solve their issues, or at least narrow their issues.

10 I'm not -- one, I'm not optimistic that's going to
11 happen this time.

12 Two, I'm not -- I think we've got to go back to
13 the overwhelming issue here. This is affordable housing
14 first. And it's in need of renovations over 20 years old.
15 A lot of what's being done -- and they want to give
16 additional space to a community room. That's the real
17 issue.

18 A lot of this is just people are not happy about
19 one little thing here or one little thing there, or how much
20 communication happened. So I am -- I don't think --

21 GLENNA WYMAN: That's being very -- I feel like
22 that is being very dismissive toward the tenant perspective

1 here.

2 CONSTANTINE ALEXANDER: I'm sorry, say that again,
3 please?

4 GLENN A WYMAN: I feel like what you're saying is
5 being very dismissive to the teenage perspective.

6 CONSTANTINE ALEXANDER: It's not dismissive.

7 GLENN A WYMAN: And our pictures were broadcast all
8 over -- without permission I might add -- the literature
9 that was presented to the Planning Board at, you know, to
10 put us front and foremost, and then you're talking about
11 affordable housing. Don't we know? We live here. We need
12 this housing, yes.

13 But, you know, it's just that before they present
14 a done deal, you know, this is -- before now would have been
15 the time, but let them come back to us and go over this
16 stuff. You say it's little this a little that, but
17 there's a whole group of us that were, you know, very
18 actively involved in the meetings right up to the end of
19 March.

20 CONSTANTINE ALEXANDER: Petitioner, are you
21 interested in continuing this case, or you have these
22 conversations or these -- and these meetings with the

1 tenants or the occupants of the building?

2 CLARA FRADEN: I would like to address what I
3 hear as Glenna's three main concerns right now, because I
4 feel like we have -- that we have addressed them. The first
5 is returning to the trees.

6 We have called out on the plan that we presented
7 tonight the one ornamental tree and the one large shrub that
8 we are removing. There are no other trees that we are
9 removing. Glenna is right, there are some shrubs and some
10 smaller bushes.

11 I'm happy to share a planting plan to show how we
12 are replacing, you know, those shrubs that I'm referring to
13 as they come up to about my waist. But that is the entirety
14 of the tree removal is this one ornamental tree, and as
15 Maura already responded, we're adding four additional shade
16 trees on Otis, and two ornamental trees on H Street.

17 With regard to the location of the community room
18 and the extension into the back yard, we conducted a
19 resident survey in March, and we asked residents where we
20 should put this community room.

21 And in fact, I have to say when I was starting
22 this process, I thought we were going to do the addition

1 butting out onto Eighth Street, because I thought, "Here's
2 this back yard, and we want to preserve the back yard."

3 But we heard from the majority of residents and
4 over 70 percent of residents responded to this survey that
5 they wanted the addition to jut into the back yard, because
6 in fact the seating area that is on Eighth Street is the
7 most widely used outdoor space at Truman Apartments. And
8 so, we took that feedback and we adjusted our plan to put
9 the community room to go into the back yard.

10 Furthermore, we heard that the back yard is
11 underutilized. And so, we looked to add a bit more paving
12 area. We're going to have a pergola that will provide some
13 additional shading, some grills, some tables and chairs, and
14 then keep half of the lawn with half of the trees. So that
15 really dictated the placement of the community room
16 addition.

17 To the dimensions of the community room, Steve,
18 I'll need to rely on you for the final square footage of the
19 community room. But we are increasing the addition with the
20 size of the community room, in addition to increasing the
21 size of the laundry room so that more residents are able to
22 use these spaces. Just because the hallway is there does

1 not mean that that community room is shrinking.

2 And we put the hallway there because one of the
3 main complaints we have right now is that in order that
4 access the common kitchen or the laundry, you have to walk
5 through the community room, which can kind of be a deterrent
6 if you want to use the laundry, but somebody who you're not
7 comfortable with or you don't know so well in the building
8 is in the community room. You have to walk through it. So
9 we wanted to bring a hallway so that these spaces could all
10 be utilized.

11 GLENN A WYMAN: Right. But Clara -- Clara, the
12 laundry room is upstairs now.

13 CLARA FRADEN: Yes.

14 GLENN A WYMAN: That was the main thing. People
15 didn't want when they were going to do laundry, but now
16 laundry is upstairs. So that eliminated that need for that
17 laundry room.

18 CLARA FRADEN: Mm-hm.

19 GLENN A WYMAN: I mean for the corridor there.

20 CONSTANTINE ALEXANDER: Good enough.

21 STEVE BAKER: Glenna, we let you speak. Would you
22 please not do us the interruption?

1 GLENNNA WYMAN: Right, I know. But she's making a
2 -- you know, making an argument about a laundry room --

3 CONSTANTINE ALEXANDER: Excuse me. Excuse me.

4 GLENNNA WYMAN: -- that's no longer on the first
5 floor.

6 CONSTANTINE ALEXANDER: Excuse me. Did I hear
7 correctly that this -- that the location of the community
8 room, and I guess the details of it, or some of the details,
9 were presented to the occupants of the building and they got
10 70 percent support, is that correct?

11 GLENNNA WYMAN: No, that's a -- she's mixing apples
12 and oranges here.

13 CLARA FRADEN: We submitted a survey that
14 received 70 percent participation, and the majority of
15 residents who responded said that they wanted the community
16 room to be in the back.

17 CONSTANTINE ALEXANDER: It seems to me that the
18 petitioner has done what is appropriate in terms of trying
19 to work with the occupants of the building -- you're never
20 going to get 100 percent support for anything.

21 GLENNNA WYMAN: I'm not opposed to it being in the
22 --

1 CONSTANTINE ALEXANDER: Ms. Wyman, let me finish.

2 Don't interrupt me.

3 The point I was making is that they made an
4 attempt to survey the occupants of the building. A majority
5 is in support -- in terms of location, certainly of the
6 community room -- in support of what is being proposed
7 tonight. I don't see what is to be gained by continuing and
8 delaying this project to try to satisfy the views of what
9 apparently is a minority.

10 GLENN A WYMAN: That's not necessarily true.

11 Because once again, there has been no effort to engage us
12 since March.

13 CLARA FRADEN: Glenna, that's just not true. We
14 have sent --

15 GLENN A WYMAN: It's true, with regard to the
16 plans.

17 CLARA FRADEN: Glenna, it's true that we have not
18 sent plans around. In our experience, when you just send
19 plans without somebody there to walk through the plans, it
20 just creates confusion.

21 And so, instead what we provided is updates and
22 our phone numbers and our e-mails and specific times that we

1 are 100 percent devoted to Truman issues. And then if it's
2 not one of those times, we call residents back within 24
3 hours, and we walk through any questions people have.

4 I know Maura has been on the phone with you.

5 GLENNA WYMAN: Right. But she never brought up
6 the Planning Board, she never brought up the Historical
7 Commission reports. She never sent me any plans, even
8 though I was having conversations with her.

9 CLARA FRADEN: Glenna, the Planning Board and the
10 Historic Commission were not hearings. This is a public
11 hearing and we notified you of this public hearing.

12 ANDREA HICKEY: Mr. Chair, if --

13 CONSTANTINE ALEXANDER: I want to call --

14 ANDREA HICKEY: -- Mr. Chair --

15 CONSTANTINE ALEXANDER: -- I want to --

16 ANDREA HICKEY: -- if I could request that we move
17 on to hear other residents, occupants or folks that might
18 have comments?

19 CONSTANTINE ALEXANDER: I want to bring this
20 discussion to an end, this colloquy that is going on right
21 now. Let's stop. Let's move on to other people who wish to
22 speak on this matter. I understand from Sean that there are

1 several in the queue. Let's move on to someone else.

2 ANDREA HICKEY: Thank you.

3 CONSTANTINE ALEXANDER: Sean, are you going to
4 bring someone else on?

5 SEAN O'GRADY: I'm having a little trouble, hang
6 on.

7 CONSTANTINE ALEXANDER: Take your time.

8 SEAN O'GRADY: All right. There's James
9 Williamson. James?

10 CONSTANTINE ALEXANDER: Oh, God. [Laughter]
11 James? Where are you?

12 JAMES WILLIAMSON: Yeah, can you hear me?

13 CONSTANTINE ALEXANDER: Yes.

14 JAMES WILLIAMSON: Thank you. James Williamson,
15 1000 Jackson Place, Jefferson Park, which is a Cambridge
16 Housing Authority development in North Cambridge.

17 First, just as by way of just brief introduction
18 of my interest in this matter, Glenna -- I know Glenna
19 slightly. We have both participated in a citywide -- well,
20 a tenant organization that's officially recognized by the
21 Housing Authority, and I have come to know Glenna slightly,
22 and knew that she lived in Truman Apartments.

1 And when I learned that the Historical Commission
2 were having -- it was on the agenda of the Historical
3 Commission -- I tried to let her know through an
4 intermediary who let her know, and she did not know about it
5 until 6:00 the evening of the Historical Commission meeting.

6 My, if I may, I have two information questions.
7 Could I ask those first? And then save a comment, if there
8 is one, for later?

9 CONSTANTINE ALEXANDER: Yes, well, not too much
10 later.

11 JAMES WILLIAMSON: The two information questions -
12 - thank you, the two information questions are, is there any
13 -- I think there's been some clarification around the
14 concerns that Glenna's expressed and that others may share
15 about the trees.

16 Is there anything that can be said about Glenna's
17 concern about the city -- and I realize they are
18 jurisdiction questions, but we might as well see if we can
19 have it addressed, I think.

20 But is there anything that can be said about the
21 street trees? Is there a plan to get rid of any of the
22 street trees? That is one question.

1 The other question is, because of the colloquy the
2 Chairman has referred to, I think it would be useful to know
3 whether the question for example there may be a couple of
4 others -- the corridor issue in the community room, was the
5 corridor introduced after the meetings that were held up
6 until March?

7 In other words, is that something new that was
8 introduced that, and are there other things similar to that,
9 for example the materials that are going to be used on the
10 façade of the building? Were those things introduced after
11 the meetings that were held with the tenants?

12 CLARA FRADEN: Thanks, James. I can address those
13 questions. So the first is that we are not impacting any of
14 the city trees. There are four city trees all along Eighth
15 Street. We had highlighted them in the presentation we made
16 tonight. Those are all existing to remain.

17 JAMES WILLIAMSON: Thank you.

18 CLARA FRADEN: They are significant trees. The
19 second, with regard to the corridor, Steve, I wonder if you
20 can speak a little bit more to the corridor. We knew that
21 we always wanted to bring traffic outside of the community
22 room, but are there more details you want to share about the

1 corridor, Steve?

2 STEVE BAKER: Yes, if I might. Steve -- again,
3 Steve Baker, BWA Architecture. If the Chair is willing, I'd
4 like to share my screen and show an image of the plan that
5 was presented to the residents on February 26. Is that
6 acceptable?

7 ANDREA HICKEY: I don't think we have the ability
8 to allow you to share the screen.

9 STEVE BAKER: All right.

10 ANDREA HICKEY: Sean, do we?

11 STEVE BAKER: Then I will just describe that the
12 plan shown on February 26 has the corridor that Glenna is
13 referring to that shows the community room in virtually
14 exactly the same configuration that's being presented
15 tonight and in the plans that are being submitted for a
16 permit.

17 So it is -- the first floor planning is in that
18 regard substantially unchanged from what was presented to
19 the residents on February 26.

20 And to my recollection -- and I think the minutes
21 will bear -- that the residents received the plans very
22 positively.

1 CLARA FRADEN: And then we did from day one
2 announce that it was our intention to reclad the building,
3 due to significant systemic failures of the masonry. We did
4 not know it was fiber cement necessarily, but we knew we
5 were going to be recladding in either fiber or some other
6 metal material.

7 JAMES WILLIAMSON: Thank you. And might as well
8 just make my comment, if I may, Mr. Chair?

9 CONSTANTINE ALEXANDER: Go ahead, James.

10 JAMES WILLIAMSON: So I'm very sympathetic to
11 Glenna's concerns and her frustrations. It's -- overall I
12 think it's a great project, and of course in many respects
13 necessary. Obviously, there are choices that can be made
14 about the materials.

15 But I do think that it would be -- look, the
16 Housing Authority is a public agency. It's entirely -- you
17 know, it's public funding, although now it's moving toward
18 tax credit financing and mortgaging and things like that,
19 but a lot of that stuff is publicly private activity bonds
20 and, you know, it's publicly authorized financing.

21 And so it seems to me there's a special obligation
22 to, you know, extend the opportunity for the residents to

1 have a clear understanding of what the final plans are that
2 had been developed since those earlier meetings.

3 And so I would just -- my plea is to consider --
4 and for the Board to consider requesting that the Housing
5 Authority do something like that in a short period of time,
6 provide an opportunity explicitly explaining to the
7 residents, you know, what the changes are or what the new
8 elements are, the specifics about the design, not sending
9 everybody copies of all the plans.

10 But giving people a real -- very specific sense of
11 some of the -- what the specifics are, the cladding, and
12 give people --

13 CLARA FRADEN: But James, but James, we --

14 JAMES WILLIAMSON: -- provide an opportunity for
15 that to take place before a final agreement, even if it's
16 just seen as a courtesy to the residents. Because I think
17 the residents deserve it. I don't think Glenna is just a
18 lone individual. I think she's just maybe a little more
19 courageous and a little more --

20 CLARA FRADEN: James, we have called every
21 resident at Truman Apartments. We talked to residents --

22 JAMES WILLIAMSON: -- excuse me, I didn't

1 interrupt you I don't think, and this is my opportunity for
2 public comment.

3 CLARA FRADEN: Okay.

4 JAMES WILLIAMSON: If the Chair wants to invite
5 you to reply, I think that's fine, and I'm happy to hear
6 your reply.

7 CONSTANTINE ALEXANDER: James, let's -- I'll give
8 you another 30 seconds.

9 JAMES WILLIAMSON: No, no, and that's essentially
10 what I wanted to say. I think the Housing Authority can do
11 this. This is not a big ask, as they say, and it can
12 probably be done in a short period of time. And, you know,
13 better to have people happy than unhappy. So thank you.

14 CONSTANTINE ALEXANDER: Thank you, James. Any
15 other -- Sean, do we have anybody else in the queue?

16 SEAN O'GRADY: Yeah. We have a caller. But for
17 some reason I can't advance her. I think it might be
18 Heather Hoffman. I'm going to promote Heather and see if we
19 can get her on the computer.

20 SEAN O'GRADY: Heather, are you there?

21 HEATHER HOFFMAN: I am. Heather Hoffman, 213
22 Hurley Street. And luckily, I'm on my phone and not on the

1 Zoom that crashed.

2 Anyway, I wanted to ask -- I guess the proponent
3 to remember when they're doing these things that things that
4 flower -- you know, the two plants that they are planning on
5 removing are things that really feed the soul.

6 And they told us at the East Cambridge Planning
7 Team that they were removing nothing. So it's not just the
8 residents who were -- and the Historical Commission who were
9 told that.

10 And people living in housing like this by
11 definition don't have a lot. And one of the things that
12 they can have is beautiful stuff to look at -- beautiful
13 plants, beautiful trees -- things that really truly feed the
14 soul.

15 So I was very distressed when I heard that we had
16 not been told the truth about the plantings. I'm very glad
17 to hear that the street trees are surviving and all of that,
18 and I have been in that community room, and it is currently
19 a somewhat cramped feeling.

20 So I hope that it will end up being useful, but I
21 would point out that you do need to care about the community
22 room, because that is in fact the GFA they're adding. So if

1 they are asking for a variance to add GFA, then it ought to
2 be for a purpose that advances the mission of the housing.

3 So anyway, I think that the tenants -- residents -
4 - all of the above, are feeling really unsettled because of
5 things that are out of our hands, and also, because of
6 having to move, and apparently having to move way sooner
7 than they thought, and being very unsettled about where
8 they're going to go.

9 So I think it would have been a kindness to let
10 them know what the plans were. And I know it's hard. It's
11 really hard. But I think that too often, people are
12 patronized because, "Oh, you live in affordable housing.
13 You should just be grateful." They're just as entitled to
14 being treated well as any of us. And --

15 CONSTANTINE ALEXANDER: Heather, I have to
16 interrupt. I do object to that comment. And I'm not a
17 member of the Housing Authority. I mean, nobody's perfect.
18 They're making an attempt to improve the -- start with the
19 basics.

20 We're talking about improving the living quarters
21 in this building, a building that's 20 years old. And they
22 do their best to try to help -- to communicate, they've

1 presented plans, maybe not to the satisfaction of every,
2 it's been reported to us that they got majority support.
3 Yes, you're going to step on people's toes, you're going to
4 be not as sympathetic as you should be, that's just life.

5 My God. We shouldn't be holding up a project of
6 this importance simply because of what I -- I'm speaking for
7 myself -- what I've heard tonight.

8 GLENNA WYMAN: Oh, I wasn't suggesting that it be
9 held up.

10 CONSTANTINE ALEXANDER: I'm sorry?

11 GLENNA WYMAN: I was not suggesting that it be
12 held up.

13 CONSTANTINE ALEXANDER: Okay. All right, but
14 there is --

15 GLENNA WYMAN: What I was saying, was, "Here is
16 how people are feeling."

17 CONSTANTINE ALEXANDER: Okay.

18 GLENNA WYMAN: And some of it is in our control,
19 and some of it isn't.

20 CONSTANTINE ALEXANDER: Okay, but stop -- I'm
21 sorry, I'm going to sound rude. Stop demoralizing. We hear
22 you. I think people understand that. Let's move on. We

1 have other people who might want to speak onto merits. We
2 have other cases this Board has to hear. I just think, you
3 know, it's just -- we have to end the philosophizing, or
4 whatever the word is.

5 GLENNA WYMAN: Well!

6 CONSTANTINE ALEXANDER: Let's move on, let's move
7 on, please.

8 GLENNA WYMAN: Sure. All of this has to do with
9 the mission of the housing.

10 CLARA FRADEN: Mm-hm.

11 GLENNA WYMAN: To create a great environment, and
12 they're trying to, I understand that. I am simply pointing
13 out where people are coming from, you know?

14 CONSTANTINE ALEXANDER: Okay, thank you.

15 CLARA FRADEN: May I respond very briefly to James
16 and Heather?

17 BRENDAN SULLIVAN: No, let's hear our next caller.

18 CONSTANTINE ALEXANDER: Yeah, I'm -- who else,
19 who's going to be up next, Sean?

20 SEAN O'GRADY: No, we're all done with the
21 comments.

22 CONSTANTINE ALEXANDER: We're all done with the

1 comments. I will close public testimony. Petitioner, do
2 you have anything else you want to add at this point?

3 CLARA FRADEN: I just want to reiterate that we
4 absolutely misspoke at the Planning Board, and we called
5 that out tonight, and we wanted that to be front and center.
6 We are removing one ornamental tree, we are replacing it
7 with two, and then four shade trees. We are adding a lot of
8 flowering plantings as well to the site.

9 Second, we did present plans to residents. And as
10 Steve says, these plans have not substantially changed since
11 February, when we met with residents. We really take our
12 residents and our engagement very, very seriously.

13 And I think that that is shown by the fact that we
14 not only have sent numerous newsletters, but we have called
15 every single resident. Residents have our cell phone
16 numbers. In fact, when residents request plans, as Glenna
17 did two weeks ago, we send them the plans. We let them know
18 where we are in the stage of construction and we are there
19 to respond to questions.

20 Furthermore, I just want to reiterate that no
21 residents are being displaced as part of this process. And
22 so, we absolutely understand that the anxiety around

1 relocation. We work with every resident individually, and
2 we make the commitment that every resident will be allowed
3 to return to Truman after construction.

4 And so, we take our resident concerns extremely
5 seriously at the Cambridge Housing Authority.

6 CONSTANTINE ALEXANDER: Thank you. Now I will end
7 all public testimony at this point. Discussion by members
8 of the Board? Are there other -- well, discussion.
9 Brendan?

10 BRENDAN SULLIVAN: Brendan Sullivan. In the
11 comprehensive permit, our parameters are actually somewhat
12 narrow.

13 CONSTANTINE ALEXANDER: Right.

14 BRENDAN SULLIVAN: In that we judge whether or not
15 the project is beneficial to current residents, future
16 residents. Also the details of which can be filled in at a
17 later date. It is not a plan that is before us that is the
18 final plan, and the comprehensive permit -- the enabling
19 legislation allows for some flexibility in the design
20 aspect.

21 And there is correspondence in the file from
22 Historical, also from the Planning Board, which seeks to

1 tweak certain elements, certain colors, and the like.

2 The grounds, the landscaping I think is also one
3 of those works in progress, and that the -- if you could
4 pull up, Sisia, the actual relief that is being requested
5 just maybe one more time, this is a reduction of parking.
6 There is distance between a building. There is some
7 expansion of the community room. There is some taking away
8 of public space.

9 CONSTANTINE ALEXANDER: There it is.

10 BRENDAN SULLIVAN: And also, the setback relief.
11 All of those are, I think, degree minimis, I think
12 beneficial, and I think falls within the purview of our
13 granting the relief requested.

14 The details, the other details, can be left at a
15 future date, because it allows for that in a comprehensive
16 permit enabling legislation. So I would support the request
17 that is before us.

18 CONSTANTINE ALEXANDER: Good comments, Brendan. I
19 would point out that all we do tonight, should we do it, is
20 to approve what has been submitted to us. Detailed, final
21 construction plans have to be submitted to ISD and get its
22 approval. So the case is not over.

1 I mean, from the point of view of exactly all
2 that's going to be done, it's not over.

3 We're appointing -- we're approving tonight,
4 should we approve it -- overall project, the desirability of
5 the overall project. And we do it in the context of a
6 presumption that we should be approving it. That's just the
7 way a comprehensive permit Chapter 40B works.

8 We can turn projects down if we -- if there is
9 significant health, safety, environmental design open space
10 issues resulting from what is being proposed. But that's
11 usually, we have those issues on a new project, going into
12 the ground for the first time.

13 Here we're in effect tweaking a building that was
14 approved by this Board and by the city over 20 years ago,
15 and which is in need of upgrading. And that's for all the
16 Cambridge Housing Authority is trying to do.

17 And it strikes me to get worked up about a few
18 trees is not -- it's important, and I'm not going to
19 minimize it, but the fact of the matter is you've got to
20 step back and take the project for what it is.

21 And the project is to make life more livable for
22 59 residents of this structure. And these 59 residents have

1 supported -- they voted in favor of it. So why are we going
2 to delay everything?

3 I'm very sympathetic -- you can tell -- I'm very
4 sympathetic to the petitioner's request for relief. Sorry
5 to interrupt. I'll move on. Jim?

6 JIM MONTEVERDE: No, I -- sorry. Hold on one
7 second. I lost my -- oh, sorry, I didn't realize it was
8 unmuted. I don't have any questions. I'm fine.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: No questions.

11 CONSTANTINE ALEXANDER: Or comments. We're going
12 to go right to a vote. You don't have to tell us what your
13 vote is, or Jim, but after we have Jason, who's probably --
14 if he hasn't resigned from the Board right now left to ask,
15 and then I'll make a motion and we'll proceed. Jason?

16 JIM MONTEVERDE: This is Jim, yeah.

17 JASON MARSHALL: And yeah, thank you, Mr. Chair.
18 I don't have a whole lot to add to what you and Brendan have
19 already said. I do believe that the petitioner has met the
20 standard for us to update the permit, and just to follow on
21 some of your comments with respect to the trees, I
22 appreciate the discussion around the subject matter of

1 trees.

2 What I'm looking at in terms of the record is a
3 representation from the applicant that there's a net gain of
4 trees, and I accept that representation. Thank you.

5 CONSTANTINE ALEXANDER: But is the petitioner
6 willing to make that representation?

7 CLARA FRADEN: Yes, absolutely. There's a net
8 gain of five trees -- four shade and one ornamental.

9 CONSTANTINE ALEXANDER: Okay, thank you. Thank
10 you for the contribution, Jason. I think at this point I'm
11 ready to make a motion, unless people wish to speak about
12 this further -- people on the Board, I should say. Okay.

13 BRENDAN SULLIVAN: Ready for a motion.

14 CONSTANTINE ALEXANDER: All right.

15 JIM MONTEVERDE: Jim Monteverde, ready for a
16 motion.

17 CONSTANTINE ALEXANDER: I'll try. The Chair moves
18 -- it's a more detailed motion generally, because of it's a
19 comprehensive permit case -- the Chair moves that we find
20 that the petitioner had satisfied the jurisdictional
21 requirements of Chapter 40B with regard to the status of the
22 applicant, the fundability of the project and the

1 applicants' control of the site, which is moot because they
2 already own the site. It's -- I mean, it's an existing
3 building, as opposed to new construction.

4 That the applicant had submitted to the Board a
5 complete and satisfactory application for a comprehensive
6 permit, pursuant to state regulations.

7 That we find that the applicant has met all of the
8 jurisdictional requirements of 760 CMR 31.01. We don't need
9 to get into the question of continued need for affordable
10 housing, since we're not talking about increasing the
11 affordable housing in the city of Cambridge, we're talking
12 about making affordable housing more livable and brought up
13 to grade or up to more modern standards.

14 Nothing that -- we need to take a vote or include
15 in our vote -- that the Board has not identified any
16 significant health, safety, environmental design, open space
17 or no adverse impact on storm drainage, traffic or other
18 engineering and planning matters that would support denial
19 of the project.

20 I think, and further to the motion, the Board has
21 determined that the applicant has taken reasonable measures
22 to ensure the project's compatibility with abutting

1 properties and the surrounding neighborhood, including
2 neighboring commercial and residential uses.

3 And I didn't get into reading the letters from the
4 Planning Board and the like. So I'm going to -- after I
5 make the motion, I'm going to just -- before I take a vote,
6 I want to get that into the record, because some of what I'm
7 going to read supports what I'm describing in the motion
8 right now.

9 Lastly, so based upon what I've said previously,
10 the Board finds that the proposed development meets the
11 requirements for a comprehensive permit under Chapter 40B,
12 and that such a permit shall be granted to the applicant
13 subject to the following conditions:

14 One, that the final detailed construction plans
15 must be submitted to the Building Inspector to ensure that
16 the final plans are consistent with the preliminary plans
17 submitted by the applicant, the first page of which has been
18 initialed by the Chair.

19 And second that the petitioner will take steps
20 necessary with regard to the trees and the missteps with
21 regard to certain trees as identified by Mr. Gross
22 [phonetic] in his comments.

1 Any other conditions people want to add to it?

2 Okay. Let me go back now because I take that vote, just so
3 the record is clear. We have a letter from the East
4 Cambridge Business Association, which says that Truman
5 Apartments -- I'm going to sort of paraphrase it.

6 "Truman Apartments is an important housing option
7 for many longtime East Cambridge residents. The addition of
8 more community space is also a beneficial upgrade that will
9 improve the quality of life for the residents. We hope that
10 you will find favor with this application and allow the
11 much-needed upgrades to senior housing in our community to
12 move forward."

13 We have a letter from the Cambridge Historic
14 Commission. I'm going to -- I'm not going to read the early
15 parts, which summarizes what's going on. And it says, and
16 it concludes, "The Cambridge Housing Association made an
17 information presentation to the Historical Commission on
18 October 1, 2020 to describe the current proposal to reclad
19 and insulate the building, install new windows, construct a
20 small, rear addition and front vestibule addition.

21 "The Historical Commission's comments were
22 generally supportive of the project rationale, and of the

1 requested relief. They offered a design suggestion that the
2 number of colors and textures of the exterior cladding
3 materials be simplified for a more cohesive and controlled
4 appearance. They instructed staff to convey these design
5 comments in overall support for the application."

6 We have a memo from the Planning Board. It says,
7 "The Planning Board discussed the improvements to the
8 landscaping, the materials and relief being requested.
9 Members expressed support for the well-organized,
10 preservation of existing trees, creation of additional
11 outdoor space for the residents, and accessibility
12 improvements.

13 "The Planning Board voted to recommend the
14 granting of the requested comprehensive permit, and
15 suggested that the Urban Design staff from Community
16 Development and the Historical Commission staff provide
17 input in the selection of façade material colors."

18 I think those letters are important to be part of
19 the record. So with that in the record now, I will ask for
20 a vote on the motion that I made, if you haven't forgotten
21 everything I've just said.

22 BRENDAN SULLIVAN: Brendan Sullivan, yes to

1 granting the comprehensive permit.

2 ANDREA HICKEY: Andrea Hickey, yes to granting the
3 comprehensive permit.

4 JIM MONTEVERDE: Jim Monteverde yes for granting
5 the comprehensive permit.

6 JASON MARSHALL: Jason Marshall, yes for granting
7 the comprehensive permit.

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

10 [All vote YES]

11 By the way, it's a comprehensive permit with the
12 conditions that I've identified in the motion. Anyway, the
13 comprehensive permit has been approved. Motion granted.
14 Case over for now, at least. Thank you. Moving on.

15 CLARA FRADEN: Thank you very much.

16

17

18

19

20

21

22

1 * * * * *

2 (9:39 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Jim Monteverde and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017308 -- 119 Reed Street. And I have to say
8 that we're going from the ridiculous to the sublime with
9 regard to this case. It's a special permit to change and
10 slightly relocate three windows on the north side of the
11 structure.

12 Anyway, the petitioner -- anyone here wishes to
13 speak on this matter?

14 MARGARET LONG: Yes, Mr. Chair. This is Margaret
15 Long. I am -- my name is Margaret Long, and I'm a lifelong
16 resident of Cambridge and the current owner of 119 Reed
17 Street. On the call with me today is also my architect,
18 Richard Brown if there are any questions that the Board has
19 that I cannot answer, but I'm hoping that this case will be
20 really straightforward.

21 I am here today to request relief to slightly
22 relocate three windows on the north side of my house to

1 accommodate some counters.

2 As you can see from the certified plot plan on the
3 screen, like many of the workers' cottages in North
4 Cambridge, my house is a nonconforming structure and is very
5 close to my neighbors, within a few feet.

6 If you go down to slide number 2, you'll see the
7 sort of existing situation of the windows on the north face
8 of the house.

9 And you can skip -- you can go past slide 3 to
10 slide 4. This is the sort of proposed conditions of the
11 window.

12 And I also submitted on slide 5, I used my very
13 fancy graphic design degree to overlay the proposed windows
14 over the existing windows to give a better idea of the scale
15 and the modest -- to show how minimal the changes are to
16 these windows, for which I'm requesting relief.

17 This will not alter any of the zoning
18 requirements, including setbacks for area ratio, height,
19 open space, parking, number of units or number of vehicles.
20 The north side of the house is barely visible from the
21 street, so I do not believe it will affect any of the
22 neighbors, except for the ones at 121, for whom I hope the

1 impact will be minimal and increase the level of privacy
2 between the two houses.

3 Thank you very much for your consideration.

4 CONSTANTINE ALEXANDER: Thank you for a concise
5 presentation. Comments or questions from members of the
6 Board?

7 BRENDAN SULLIVAN: No questions, Brendan Sullivan.

8 ANDREA HICKEY: Nothing from me, Andrea Hickey.

9 JIM MONTEVERDE: Jim Monteverde, no questions.

10 JASON MARSHALL: Jason Marshall, no questions.

11 CONSTANTINE ALEXANDER: And the Chair has no
12 questions as well. We have -- we'll open the matter up to
13 public testimony. Any members of the public who wish to
14 speak should now click the icon at the bottom of your Zoom
15 screen that says, "Raise hand." If you're calling in by
16 phone, you can raise your hand by pressing *9 and unmute or
17 mute by pressing *6.

18 SEAN O'GRADY: Nobody's asking to speak.

19 CONSTANTINE ALEXANDER: Okay, good. And we have
20 no letters or other communications in the file. So I will
21 close public testimony. Ready for a vote?

22 BRENDAN SULLIVAN: Yes, ready for a vote.

1 ANDREA HICKEY: Andrea Hickey --

2 CONSTANTINE ALEXANDER: The Chair moves -- I'm
3 assuming everybody's ready for a vote.

4 ANDREA HICKEY: Okay.

5 CONSTANTINE ALEXANDER: The Chair moves that we
6 make the following findings with regard to the special
7 permit being sought: That the requirements of the ordinance
8 cannot be met unless we grant the special permit.

9 That traffic generated or patterns of access or
10 egress resulting from these window relocations will not
11 cause congestion, hazard, or substantial change in
12 established neighborhood character. The window changes are
13 modest in nature, and have very little impact beyond what it
14 is for the occupants of the structure.

15 The continued operation of or development of
16 adjacent uses, as permitted in the ordinance, will not be
17 adversely affected by what is being proposed -- again, for
18 the same reason as I've just cited.

19 No nuisance or hazard will be created to the
20 detriment of the health, safety and/or welfare of the
21 occupant of the proposed use, or the citizens of the city --
22 again, talking about minor window changes, three in nature.

1 And that generally, what is being proposed -- the
2 proposed use will not impair the integrity of the district
3 or adjoining district, or otherwise derogate from the intent
4 and purpose of this ordinance.

5 So on the basis of all of these findings, the
6 Chair moves that we grant the special permit requested on
7 the condition that the work proceed in accordance with plans
8 prepared by Richard Brown Architects -- and I don't see a
9 date on this, but the first page of which has been initialed
10 -- all pages of which have been initialed by the Chair.

11 All those in favor? Brendan?

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

14 ANDREA HICKEY: Andrea Hickey, yes to granting the
15 special permit.

16 JIM MONTEVERDE: And Jim Monteverde, yes.

17 JASON MARSHALL: Jason Marshall, yes to granting
18 the permit.

19 CONSTANTINE ALEXANDER: And the Chair votes yes as
20 well, unanimous.

21 [All vote YES]

22 Special permit granted. Good luck.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MARGARET LONG: Thank you very much.

1 * * * * *

2 (9:44 p.m.)

3 Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Jim Monteverde and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: The Chair will call Case
7 Number -- uh-oh, I don't have my chair, I lost it. Here it
8 is -- Case Number 90053 -- 135 Webster (sic) Avenue. Anyone
9 here wishing to be heard on this matter?

10 STEVE DAYSS: Yes. Good evening, Chairman and the
11 Board members. My name is Steve Dayss, D-a-y-s-s and I
12 represent Belt Power, LLC, who is the owner of 135 Western
13 Ave. And also, tonight with me is my architect, Evan
14 Stillman, from Khalsa Design.

15 This is a request for a special permit to enlarge
16 a nonconforming structure over 10 percent with (sic) less
17 than 25 percent, and adding two skylights in the setback.
18 The front unit of 135 Western Ave has been designated as a
19 landmark building by the Cambridge Historic Commission and
20 we have received a letter of approval from the Historical
21 Commission last August.

22 The back unit, which is in disrepair, will be

1 enlarged to modernize a nonconforming building. And now
2 I'll turn to Evan, who is going to walk through the design.

3 Evan?

4 EVAN STELLMAN: Can everybody hear me?

5 CONSTANTINE ALEXANDER: Yes.

6 EVAN STELLMAN: Okay. Are you able to see the
7 presentation that we provided to you? Oh, perfect.

8 Could you go to the next slide, please?

9 So for those of you unfamiliar with the site, if
10 there's anybody, at the top pictures here we're located
11 right in the middle -- the Greek revival building. And
12 surrounding us is a series of two and a half story and
13 three-story structures.

14 Next slide, please?

15 So this is our proposed site plan, on the plan to
16 the right. The lighter gray is the existing footprint of
17 the building, including the decks and the darker gray is
18 what we are proposing to add. And then the diagonal down
19 towards the rear of the existing building is what we're
20 proposing to remove and rebuild.

21 Overall, the left side setback is an existing,
22 nonconformity that we're going to keep. And then the rear

1 setback we're actually bringing that into compliance. It's
2 an existing 18-foot wide setback and we're bringing it to
3 the 22-foot-11.

4 Next slide, please?

5 These diagrams are basically showing the existing
6 volume of the structure in green on the left diagrams, and
7 then the proposed volume in blue. So we are proposing -- I
8 believe it's a 25 percent increase in volume to the
9 structure.

10 Next slide, please?

11 So these diagrams just walk through the areas of
12 the proposed and existing structure. The top plans we're
13 showing that the percent change in the floor plan is 21.8
14 percent, and then the bottom floor plans are showing that we
15 are within the extent to remove and rebuild the existing
16 portion of the structure.

17 Next slide, please?

18 So these are just some exterior perspectives of
19 the proposed structure. In the front we have the landmark
20 building, which the exterior is existing to remain. And the
21 scope of work is limited to the interior of the structure.
22 And then for the rear, we wanted to create a structure that

1 wouldn't overpower the existing landmark building, so we're
2 using similar cladding materials with some more contemporary
3 windows.

4 Next slide, please?

5 And this is just some perspectives of the existing
6 at the top and the proposed at the bottom.

7 Next slide? And if you would like me to walk
8 through the floor plans, I can. If not, I will leave you on
9 this proposed rendering of our proposed structure. And I'll
10 answer any questions that you have.

11 CONSTANTINE ALEXANDER: My only question is, why
12 isn't this building in Charlottesville, Virginia? The
13 architecture is so non-Cambridge to my mind, anyway. I'm
14 Cambridge-specific.

15 EVAN STELLMAN: Right.

16 CONSTANTINE ALEXANDER: Jim, maybe you can answer
17 that question.

18 JIM MONTEVERDE: It's unique. But it's a great
19 period. Can I ask a question, Mr. Chair?

20 CONSTANTINE ALEXANDER: Oh, by all means, yes.

21 JIM MONTEVERDE: So if I read your plans
22 correctly, with the reconstruction there will be two units

1 to the building, is that correct?

2 EVAN STELLMAN: Right. So it's an existing two-
3 unit structure, and we're going to keep it as a two-unit
4 structure.

5 JIM MONTEVERDE: Yep, okay.

6 EVAN STELLMAN: The only difference is there will
7 be a demising wall from the basement to the roof

8 JIM MONTEVERDE: Uh-huh, thank you.

9 EVAN STELLMAN: Certainly.

10 CONSTANTINE ALEXANDER: Anyone else have any
11 questions

12 BRENDAN SULLIVAN: No questions.

13 ANDREA HICKEY: No questions.

14 CONSTANTINE ALEXANDER: Jim? I mean Jason?

15 JASON MARSHALL: No questions. I appreciate the
16 high-quality plans. Very helpful, thank you.

17 CONSTANTINE ALEXANDER: I'll open the matter up to
18 public testimony. Any members of the public who wish to
19 speak should now click the icon at the bottom of your Zoom
20 screen that says, "Raise hand." If you're calling in by
21 phone, you can raise your hand by pressing *9 and unmute or
22 mute by pressing *6.

1 SEAN O'GRADY: No, no one asking to speak.

2 CONSTANTINE ALEXANDER: Okay. And we have no
3 letters or other communications in our files. So I will
4 close public testimony. Board members, discussion, or are
5 we ready for a vote?

6 JIM MONTEVERDE: This is Jim Monteverde, I have
7 one question.

8 CONSTANTINE ALEXANDER: Yes, go ahead.

9 JIM MONTEVERDE: Was there an outreach to the
10 neighbors, to the community?

11 STEVE DAYSS: Yes. This is Steve. We did send
12 out letters on September 11 to all the abutters, but we
13 haven't received any responses from them, so.

14 JIM MONTEVERDE: Okay.

15 CONSTANTINE ALEXANDER: You haven't contacted --
16 to follow up with Jim's question -- you haven't contacted
17 the neighborhood with regard to what you're proposing to do?
18 You're talking about telling them what you've done, assuming
19 you -- what you're going to do with the approval of the
20 Zoning Board, is that correct?

21 STEVE DAYSS: In the letter, we did -- I did
22 inform them what we tried to do.

1 CONSTANTINE ALEXANDER: So you have told the
2 neighborhood that you're seeking the zoning relief, besides
3 the public notice that is required by law, and offered to
4 share with them, whoever is interested, the plans you're
5 proposing, is that correct?

6 STEVE DAYSS: That is correct.

7 CONSTANTINE ALEXANDER: Okay, thank you. Jim,
8 anything to follow up?

9 JIM MONTEVERDE: No, thank you.

10 CONSTANTINE ALEXANDER: Anyone else? Andrea? Any
11 comment?

12 ANDREA HICKEY: Nothing, thank you.

13 CONSTANTINE ALEXANDER: And Jason?

14 JASON MARSHALL: Jason Marshall, no.

15 CONSTANTINE ALEXANDER: Then the Chair will make a
16 motion. We're talking here about a special permit. The
17 Chair moves that we make the following findings with regard
18 to the special permit that's being requested. That the
19 requirements of the ordinance cannot be met without the
20 special permit that's being sought.

21 That traffic generated or patterns of access or
22 egress will not cause congestion, hazard, or substantial

1 change in established neighborhood character. In fact, at
2 least to the street view, the structure will be much like it
3 was before.

4 That the continued operation of or development of
5 adjacent uses, as permitted in the ordinance, will not be
6 adversely affected by what is proposed. And the Chair would
7 note in this regard that as part of this project, one of the
8 elements of nonconformance in the structure in the rear will
9 be eliminated. So to some extent, the structure is being
10 brought more in compliance with the requirements of our
11 ordinance.

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

15 And generally, what is being proposed will not
16 impair the integrity of the district or adjoining district,
17 or otherwise derogate from the intent and purpose of this
18 ordinance.

19 So on the basis of all these findings, the Chair
20 moves that we grant the special permit requested on the
21 condition that the work proceed in accordance with plans
22 prepared by Khalsa -- K-h-a-l-s-a, dated 08/24/2020 and the

1 first page or cover page of which has been initialed by the
2 Chair. All those in favor?

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

5 ANDREA HICKEY: Andrea Hickey, yes to granting the
6 special permit.

7 JIM MONTEVERDE: Jim Monteverde, yes to granting
8 the comprehensive permit.

9 JASON MARSHALL: Jason Marshall, yes to granting
10 the special permit.

11 CONSTANTINE ALEXANDER: And the Chair votes yes as
12 well, so special permit has been granted.

13 [All vote YES]

14 STEVE DAYSS: Thank you so much.

15 CONSTANTINE ALEXANDER: You're welcome. And with
16 that, I think we can call it a day, or maybe I should say a
17 night. But that's the last of our cases. Thank you all.

18 COLLECTIVE: Goodnight, be well.

19 [9:55 p.m. End of Proceedings]

20

21

22

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