

November 19, 2020

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, NOVEMBER 19, 2020

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Jim Monteverde

Laura Wernick

Slater W. Anderson

Martina Williams

City Employees

Ranjit Singanayagam

Sisia Daglian



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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Laura Wernick, Matina
Williams and Slater W. Anderson

CONSTANTINE ALEXANDER: Welcome to the November
19, 2020 meeting of the Cambridge Board of Zoning Appeals.
My name is Gus Alexander, and I am the Chair.

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

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

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

8 Generally, you will have up to three minutes, but
9 that might change based on the number of the speakers.
10 I'll start by asking the Staff to take Board member
11 attendance, and verify that all members are audible.

12 BRENDAN SULLIVAN: Brendan Sullivan, present.

13 JANET GREEN: Janet Green, present.

14 LAURA WERNICK: Laura Wernick, present.

15 SLATER ANDERSON: Slater Anderson, present.

16 MATINA WILLIAMS: Matina Williams, present.

17 CONSTANTINE ALEXANDER: All here.

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2 (6:03 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Laura Wernick, Matina
5 Williams and Slater W. Anderson

6 The cases -- no, I'm going to call the first case
7 on our regular agenda, Case Number --

8 JANET GREEN: Did Myrtle Street withdraw?

9 CONSTANTINE ALEXANDER: No. The Myrtle Street is
10 not until 7:00.

11 JANET GREEN: Oh, okay. Oh, I see. Thanks.

12 CONSTANTINE ALEXANDER: Okay.

13 So the first case I'm going to call is Case Number
14 -- let me see, Case Number 93637 -- 2400 Massachusetts
15 Avenue. Anyone here wishing to be heard on this matter?

16 JILL HOURIHAN: Oh. Jill Hourihan is here.

17 CONSTANTINE ALEXANDER: All right. The floor is
18 yours.

19 JILL HOURIHAN: I am the owner of The Pet
20 Republic, who wishes to move our location from 2322A Mass
21 Ave to 2400 Massachusetts Avenue.

22 CONSTANTINE ALEXANDER: Okay. Are you -- is this

1 operation a successor to an operation that was down the
2 street on Massachusetts Avenue we approved a couple years
3 ago?

4 JILL HOURIHAN: That's right! A couple -- in 2013,
5 we were before the Board to go into the -- to get the
6 special permit to be in the location we're in now.

7 At the time, I was in operation with another
8 business, who has since left us, and we have been having
9 wonderful success with the community in Cambridge, and it's
10 time for us to move to a new location.

11 CONSTANTINE ALEXANDER: Okay. Have you spoken to
12 your abutters? I know your building is in the corner,
13 which is good. But given the nature of the business, it's
14 on the corner and it's only -- and the direct abutters are
15 businesses not homes -- residential homes?

16 JILL HOURIHAN: Absolutely.

17 CONSTANTINE ALEXANDER: I happen to think it's a
18 positive, because --

19 JILL HOURIHAN: It is.

20 CONSTANTINE ALEXANDER: -- it avoids the risks,
21 problems associated with barking and noise and odors and the
22 like.

1 JILL HOURIHAN: Well, absolutely, and we are --
2 you know, not only does that avoid potential nuisances, but
3 the building is also a former bank.

4 So it is built quite firmly, and we do all of our
5 work entirely inside the space, to make sure that we avoid
6 all of those things and, you know, continue to be an asset
7 to the company.

8 CONSTANTINE ALEXANDER: Do you exercise the
9 animals -- presumably mostly dogs?

10 JILL HOURIHAN: Yep.

11 CONSTANTINE ALEXANDER: Do you take them out for
12 walks, or do you put them in the hard?

13 JILL HOURIHAN: No, not at all. We are class
14 spaced, which means that we are with our clients for an hour
15 at a time. So there is no need for additional exercise or
16 yard time. That's more in a day care model or a boarding
17 model, and those are not things that we participate in.

18 CONSTANTINE ALEXANDER: What is your model? What
19 do you all do in the premises, should we give you --

20 JILL HOURIHAN: Oh!

21 CONSTANTINE ALEXANDER: -- the special permit
22 you're seeking?

1 JILL HOURIHAN: We perform private dog training
2 for everything from puppies to specialty work, including
3 advanced behavior as well, so to make sure that dogs can be
4 good members of the community, and we also do group training
5 classes -- basic manners, advanced manners, canine good
6 citizen, agility, nose work -- we do a variety of different
7 classes.

8 CONSTANTINE ALEXANDER: Do you take on humans as
9 well?

10 JILL HOURIHAN: Absolutely, absolutely. Humans --
11 it is a big part of training that we make our clients our
12 junior trainers so that they can be doing the work at home
13 with their dogs.

14 CONSTANTINE ALEXANDER: I have no further
15 questions. I take it have you received -- what has been the
16 reaction of your business abutters -- people who, you know,
17 are right next door or across the street?

18 Across the street is residential housing I
19 realize, but any -- has anybody expressed any opposition,
20 questions, problems to you?

21 JILL HOURIHAN: No, and we made ourselves
22 available to make sure people knew. Of course, we've been

1 in the neighborhood for a long time -- a long time, a blink
2 of an eye as far as Cambridge is concerned -- but we have
3 had an incredibly positive relationship with the
4 neighborhood and our neighbors, our current neighbors, as
5 well as -- you know, we've trained many, many dogs inside
6 the neighborhood.

7 So everything's been wonderful. We've never had a
8 single complaint to ourselves or, you know, to the town as
9 well.

10 But I think part of that is because we keep things
11 inside the facility. So all of the things that would --
12 we're here to enhance the community. So all of the things
13 that would -- we're here to enhance the community, so all
14 the things that might disrupt it, that's not part of our
15 model. And that's by design.

16 CONSTANTINE ALEXANDER: Thank you. I have no
17 further questions or comments to make.

18 BRIAN SKROVIG: Brendan Sullivan, no questions.

19 CONSTANTINE ALEXANDER: Slater?

20 SLATER ANDERSON: I have a curious question and
21 it's not so much about the permit, but I've heard that, you
22 know, there's been this significant surge in adoption of

1 pets during COVID. Have you seen the effect of that in
2 business?

3 JILL HOURIHAN: Yes, absolutely. The percentage
4 of pet ownership and new pet ownership has increased
5 significantly, which is wonderful, because of course we
6 believe all families should have a dog. But there are some
7 unique challenges to that as well.

8 We're finding a lot of not only new pet owners,
9 but first time pet owners, who have either not had a dog
10 since they were children or never had a dog at all. So
11 we've really had to adjust the level of expected knowledge
12 of our students down, so that we can really help them have
13 successful and happy homes.

14 Part of another unique challenge at this time has
15 been part of being in lockdown and quarantine and having so
16 many people work from home, it's important with our new
17 puppies that they practice self-soothing and separation
18 isolation behaviors early when they're still in their prime
19 cognitive development phases, pre 20 weeks.

20 We have more puppies than ever that have never
21 been alone for a single minute of a single day by that
22 they're over 20 weeks than we've ever experienced in the

1 entirety of my training career. And so, that's something
2 that's very unique to our times.

3 SLATER ANDERSON: Thank you.

4 CONSTANTINE ALEXANDER: If I may, before I ask the
5 other members, interject with a personal comment? My
6 daughter is a veterinarian.

7 JILL HOURIHAN: Oh, wonderful!

8 CONSTANTINE ALEXANDER: And she has -- what she
9 has said confirms exactly what you said; big upswing in
10 people adopting pets, or taking on pets. And business is
11 booming.

12 JILL HOURIHAN: That's right.

13 CONSTANTINE ALEXANDER: Anyway, Laura?

14 LAURA WERNICK: Well, I just have a question about
15 what percentage of your clients come by car, and what
16 percentage walk?

17 JILL HOURIHAN: Because we're entirely in the
18 facility, I would really have to guess. And this location
19 does actually have -- one of the wonderful luxuries of it is
20 it has an enormous parking lot. So -- but we get a lot of
21 walking clients -- probably at least 50 percent, but don't
22 hold me to those numbers.

1 LAURA WERNICK: I have no further questions.

2 CONSTANTINE ALEXANDER: Matina, do you have any
3 questions? Comments?

4 MATINA WILLIAMS: I don't have any questions.

5 CONSTANTINE ALEXANDER: Okay.

6 MATINA WILLIAMS: I don't think so. Thanks.

7 CONSTANTINE ALEXANDER: I will then open the
8 matter up to public testimony. If -- any member of the
9 public who wishes to speak should now click the icon at the
10 bottom of your Zoom screen that says, "Raise hand." If you
11 are calling in by phone, you can raise your hand by pressing
12 *9 and unmute or mute by pressing *6. I'll wait a few
13 minutes to see if anybody wishes to comment.

14 SEAN O'GRADY: I'm seeing no speakers.

15 CONSTANTINE ALEXANDER: Okay, thank you, Sean.
16 With that, I will report there are no written comments -- no
17 letters of support or opposition in our files, so I can
18 close public testimony. Discussion among the Board, or do
19 we want to move right to a vote?

20 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
21 vote.

22 SLATER ANDERSON: Vote, please.

1 CONSTANTINE ALEXANDER: Okay. The Chair moves
2 that we make the following findings:

3 That the requirements of the ordinance cannot be
4 met without the special permit that's being sought.

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

8 In this regard, I would note that obviously the
9 facility is on Massachusetts Avenue, where there is
10 substantial parking and traffic, but orderly traffic, and
11 the amount of the additional traffic that would come from
12 the operation of the business before us according to the
13 testimony received, will not be significant.

14 That the continued operation of or development of
15 adjacent uses, as permitted in the zoning ordinance, will
16 not be adversely affected by the nature of the proposed use.
17 Again, the business abutters and neighbors have expressed no
18 opposition.

19 And in fact an operation, what is being proposed
20 tonight it's a successor to an operation that was not that
21 far away in a residential neighborhood, actually, and there
22 were no problems.

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

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

8 So on the basis of these findings, the Chair moves
9 that we grant the petitioner the special permit she is
10 seeking. Brendan?

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

13 CONSTANTINE ALEXANDER: Slater?

14 SLATER ANDERSON: Slater Anderson, yes to granting
15 the special permit.

16 CONSTANTINE ALEXANDER: Laura?

17 LAURA WERNICK: Laura Wernick, yes to the special
18 permit.

19 CONSTANTINE ALEXANDER: And Matina?

20 MATINA WILLIAMS: Matina Williams, yes to granting
21 the special permit.

22 CONSTANTINE ALEXANDER: Okay. And the Chair votes

1 for the special permit as well, so it's unanimous. Special
2 permit is granted. Good luck.

3 [All vote YES]

4 JILL HOURIHAN: Wonderful. Thank you so much.

5 CONSTANTINE ALEXANDER: Just wait a minute. The
6 next case is scheduled for 7:15 -- I mean 6:15, and
7 according to my watch, it's -- oh, it's now 6:15. So I will
8 call the case.

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(6:15 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Laura Wernick, Matina
Williams and Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will call Case
Number 93791 -- 96 Alpine Street. Anyone here wishing to be
heard on this matter?

CHRISTOPHER ALPHEN: Thank you, Mr. Chairman.
Attorney Christopher Alphen for the petitioners. My law
firm is Blatman, Bobrowski & Haverty. My law firm is --

CONSTANTINE ALEXANDER: Excuse me, excuse me, sir
-- wait, time. Time out. Could you repeat your name and
maybe spell it for the stenographer, please?

CHRISTOPHER ALPHEN: Yeah. Attorney Christopher
Alphen, A-l-p-h-e-n.

CONSTANTINE ALEXANDER: Um-- [laughter].

CHRISTOPHER ALPHEN: Am I not being heard
correctly?

CONSTANTINE ALEXANDER: Technical difficulties
here. We're being told they're having trouble hearing you.
I can hear you. I think --

1 BRENDAN SULLIVAN: I can hear, yes.

2 CONSTANTINE ALEXANDER: Maybe the problem is on
3 the other end.

4 BRENDAN SULLIVAN: There's some feedback
5 someplace, but --

6 CHRISTOPHER ALPHEN: Am I being heard now?

7 CONSTANTINE ALEXANDER: We'll do the best we can.
8 I'm sorry to interrupt you. Why don't you proceed?

9 CHRISTOPHER ALPHEN: Just one more time for the
10 record. Attorney Christopher Alphen with Blatman, Bobrowski
11 & Haverty. I'm here on behalf of the petitioners Patricia
12 and Steve Ng.

13 We're here because we have proposal to do
14 renovations to their existing two-family structure. The
15 renovations are an increase in the existing, nonconforming
16 FAR from 0.73 to 0.86. Therefore, the petitioners are in
17 need of a variance.

18 The renovations also include the moving and the
19 adjacent of several windows. The structure is a legal,
20 preexisting nonconforming structure; therefore we require a
21 special permit.

22 I also have on the call Stan and Steve from KAR,

1 who are going to present the project and go over it in
2 detail.

3 But I can tell you that the purpose of these
4 renovations is to improve the petitioner's interior
5 structure and the exterior structure to make a better
6 improvement in the town and make a better improvement in the
7 town and make a better living area and work area.

8 But probably most importantly, this application is
9 to make a better living area for their son, Thomas, who has
10 special needs.

11 The petitioners recently moved to Cambridge to
12 move closer for their son, Thomas, to live in the area and
13 be closer to his job in Boston. And they want to provide
14 him with an independent living area, while being able to be
15 close by so that they can accommodate him when need be.

16 The petitioners have actually sent the plans to
17 neighbors letting them know about the project and what the
18 plans are going to look like. They haven't heard any
19 opposition from the neighbors. In fact, they've received
20 five letters in support, which the Board I believe received
21 copies of.

22 And with that, I will hand it over to the

1 petitioner's architect from KAR. Thank you.

2 STEVE HOHEB: Thank you, Steve. Just for
3 clarification, it's Steve from SKA. I think that was just a
4 misspeak.

5 CHRISTOPHER ALPHEN: Apologies for that.

6 STEVEN HOHEB: Okay, no problem. Sisia, could we
7 get our -- oh, thank you.

8 THE REPORTER: Could you state your name for the
9 record, please?

10 STEVEN HOHEB: Yes, I'm Steve from SKA, and I'm
11 here with Sam Kachmar and Anya Pajevic.

12 THE REPORTER: Could you spell that for me,
13 please?

14 STEVEN HOHEB: Yes. It's P-a-j-e-v-i-c. Give me
15 a minute.

16 Sisia, could we scroll down over to the cover
17 letter, please? Thank you.

18 So on the front page here, you'll see 94-96
19 Alpine, which is a two-family home, where both units are
20 occupied by the owners and their son.

21 On the left, you'll see the existing perspective
22 of the house. The previous owner neglected maintenance on

1 the home, with the front deck sloping and the asbestos
2 shingles still cladding the house.

3 On the right, you'll see the proposed perspective,
4 which expands and squares off the front of the house and
5 raises the roof to allow for a third-floor space to be
6 added.

7 Next slide, please?

8 On the bottom left, you'll see in red the location
9 of the house within the property line. On the right, you'll
10 see the plot plan, which is available as reference at the
11 end of the presentation.

12 Next slide, please?

13 This slide shows the area calculations for the
14 home. On the bottom right in red, you'll see the area of
15 the house that sits inside the side yard setback, and the
16 expansion of the front deck. On the top right, you'll see
17 that the FAR will be going from 0.73 to 0.86, and the open
18 space ratio from 0.61 to 0.59.

19 Next slide, please?

20 This slide shows the existing and proposed
21 axonometric of the house. On the right, you'll see this to
22 the house has been squared off, the roof has been raised,

1 and the two dormers have been added to the roof.

2 The side dormer is smaller and required for
3 structural support for the existing bump out on the south
4 side elevation

5 Next slide, please?

6 This slide shows the existing and proposed shadow
7 studies for the home during the winter and summer solstices.

8 Next slide, please?

9 On the top, you'll see the existing perspective of
10 the house. On the bottom you'll see the proposed
11 perspective, where we expanded, where we've expanded and
12 adjusted the front porch for the home.

13 Next slide, please?

14 This is a second perspective of the house based on
15 the left side. This perspective shows the raised roof. Do
16 note that the tree in the perspective on the bottom is just
17 a residual effect; otherwise it would block any visual sight
18 of the house.

19 Next slide, please?

20 This slide shows the basement level. On the
21 bottom right in red you'll see the expansion of the front of
22 the house at the foundation level.

1 Next slide, please? This is the first-floor
2 level. On the bottom right, you'll see in red where we're
3 seeking relief at the front of the house. The house is
4 being squared off at the front at the corners.

5 At the rear of the house, we're seeking a special
6 permit, which we're relocating windows along the existing
7 wall.

8 Next slide, please?

9 On the second level, you'll see in red on the
10 bottom right again that the front of the house is where
11 we're seeking relief, as we're expanding the front to square
12 it off. And at the rear we're relocating some windows along
13 the existing wall.

14 Next slide, please?

15 On the bottom right, you'll see the third floor
16 plan, which shows the expansion of the front to accommodate
17 a stairwell, and the first thing we're also expanding the
18 rear deck and require a roof to cover it.

19 Next slide, please? This is the roof plan.

20 You'll see that the north and south side dormers on the
21 south side dormer, you'll see that it's smaller, but it
22 resides over the bump out that currently exists at the side

1 elevation.

2 Next slide, please?

3 On the bottom right, you'll see the front
4 elevation. In red you'll see the area which we're
5 requesting relief, as well as the infill that is within the
6 side yard setback.

7 Next slide, please?

8 This is the right side elevation. In red you'll
9 see the new roof and the dormer that sits on top of the bump
10 out.

11 Next slide, please?

12 This slide shows the rear elevation and shows a
13 raised roof along with the area which sits along the side
14 yard setback.

15 Next slide, please? This slide shows the left
16 side elevation, which sits on the side yard setback. At the
17 bottom right in red you'll see windows which are being
18 relocated at the rear of the house. The larger red squares
19 -- I'm sorry, the larger red boxes show the new roof as well
20 as the infill from the new windows being proposed.

21 Next slide, please?

22 This is the end of the presentation. The QR code

1 can be scanned for an exterior video -- I'm sorry, an
2 exterior render of the video. We can also find existing
3 images of the house, as well as a plot plan after this sheet
4 for reference. I believe there are also five letters of
5 support, as Chris has said. Thanks for your time.

6 Questions?

7 [Pause]

8 Mr. Chairman, I think you're on mute.

9 [Pause]

10 CONSTANTINE ALEXANDER: Can you hear me now?

11 STEVEN HOHEB: Yep.

12 CONSTANTINE ALEXANDER: Okay. The light was on,
13 but -- all right. My question relates to the deck -- a
14 rather large deck on the front of the house. It seems not
15 necessary for the reason why you're doing the work -- create
16 more office space, facilities or if you will for a child in
17 the house, and it's on the front street -- front of the
18 house, which means it's on the front street.

19 And it has the potential -- maybe not for you, but
20 for successor owners of the property to create privacy
21 issues. Can you speak to me why you need that deck?
22 Especially a deck of that size?

1 STEVEN HOHEB: Yes. So it -- having a deck on the
2 east side of the house allows for more natural light, as
3 well as having -- you know, an area to kind of sit outside
4 the office. It lets -- oh, sorry, I think there's a little
5 bit of a gap -- it lets a little bit -- it lets more freedom
6 of use for that area.

7 You know, the -- currently the FAR is restricted,
8 and there isn't a lot of back space existing. And so, with
9 this plan, it allows the front to be used with a little bit
10 more accessibility.

11 CONSTANTINE ALEXANDER: Are there decks of this
12 size on other houses in the neighborhood? In the front of
13 the house on the street, overlooking the street?

14 STEVEN HOHEB: No, on Saville Street there are,
15 but on this street many of the houses haven't been renovated
16 in some time.

17 CONSTANTINE ALEXANDER: Okay. Well, I -- I'll
18 move on. But I have -- this is a sticking point for me, the
19 deck. I don't understand the need for it, and in terms of
20 what you -- your client wants to achieve, and it would be
21 better -- from my point of view, it would be better if that
22 deck were at least if not eliminated, much greatly

1 restricted -- reduced in size.

2 But I'll move on. Anything else you want in your
3 presentation before I ask the Board members if they want to
4 have any questions of you?

5 STEVEN HOHEB: No, I have no other questions. I
6 have no other points to discuss. Brendan? Any comments?

7 BRENDAN SULLIVAN: This is Brendan Sullivan.
8 Sisia, could you pull up page 19, which would be the rear
9 east elevation?

10 SISIA DAGLIAN: This one here?

11 BRENDAN SULLIVAN: Well, I downloaded another one
12 which was different from that. It shows the rear of the
13 house -- maybe I have the page wrong, but it was the rear
14 east.

15 SISIA DAGLIAN: Do you have the architectural page
16 number on the lower right? This is P104. Right.

17 BRENDAN SULLIVAN: Yeah.

18 STEVEN HOHEB: Sisia, I believe it's page 23 with
19 the PDF that you have.

20 SISIA DAGLIAN: This one?

21 BRENDAN SULLIVAN: Okay, yeah. My question is,
22 and it may be just a computer entry or different

1 perspective, but the perspective on the left: It shows
2 where that spiral is actually extending beyond the outside
3 wall of the house.

4 On the -- in the plan the elevation, it shows that
5 it is basically tucked in. It's a little bit different
6 perspective. You see the difference between the picture
7 perspective and the elevation?

8 STEVEN HOHEB: Yes.

9 BRENDAN SULLIVAN: And the relation of that
10 spiral?

11 STEVEN HOHEB: Yeah, so Sisia, if you can see the
12 floor plan? To your question, that railing is tucked in,
13 and it's within the edge of the house. It doesn't sit off
14 of that rear wall.

15 BRENDAN SULLIVAN: Okay.

16 STEVEN HOHEB: Yeah, it -- I'm sorry, this
17 distorts the -- like, the viewing angle where that stairwell
18 is.

19 BRENDAN SULLIVAN: Okay.

20 SISIA DAGLIAN: I think this is the plan here.

21 BRENDAN SULLIVAN: Yeah. The plan, it's cut
22 inside and does not extend beyond the wall of the house, the

1 side of the house, okay. All right. That's the only
2 question I had at this point.

3 CONSTANTINE ALEXANDER: Slater? Any questions or
4 comments?

5 SLATER ANDERSON: Not yet.

6 CONSTANTINE ALEXANDER: [Laughter] Okay. We'll
7 wait with baited breath when you want to comment. Laura?

8 LAURA WERNICK: I think -- I'm only responding to
9 you -- I would understand, I don't have any problem with
10 having the deck on the front of the house, except perhaps
11 the size and the capacity that it's perhaps so large that
12 you can have a large group and large number of people out
13 there and have impact on the public, a very public space.

14 So I would be sympathetic to the notion of
15 reducing the size. Certainly I can see having the deck
16 there being a nice amenity, however the house is ultimately
17 used.

18 CONSTANTINE ALEXANDER: Okay. I don't know if
19 this is a response from the petitioner or their architects
20 as to reducing the size of the deck. Maybe we should --

21 SAM KACHMAR: If I could speak for a second, one
22 of the reasons that we tend to run those decks there is that

1 they are -- they're only about five feet wide, so you really
2 only fit one or two chairs out on each side.

3 THE REPORTER: I'm sorry, could you introduce
4 yourself please for the record?

5 SAM KACHMAR: Yes, of course. Sam Kachmar from
6 SKA. And so, one of the -- we've done decks like this on a
7 project on Clay Street last year and a project on Saville
8 Street a few years back.

9 And what we find is that it actually kind of
10 engages the street a little bit; it allows the occupants of
11 the house, if they're going to have coffee out there or
12 whatever -- sometimes they see their neighbors, say hello.

13 And we do see a fair amount of those second-floor
14 decks on the old sleeping porches from those houses that
15 were built in the twenties. And a lot of times they get
16 filled in on the second floor, but this sort of provides a
17 similar effect up on the third floor.

18 CONSTANTINE ALEXANDER: Laura, do you have
19 anything further you want to say on this? Or --

20 LAURA WERNICK: I think you can say if it's
21 intended for a couple of people to sit out and have coffee,
22 that's fine. It seems long enough that you could get a good

1 little crowd out there.

2 CONSTANTINE ALEXANDER: That's -- again -- my
3 comment as well. I don't necessarily have an objection to a
4 deck in the entirety, I just object to a deck of this size
5 and the potential for abuse of that deck, in terms of the
6 impact on the neighborhood.

7 But moving on. Matina, any questions you want to
8 ask?

9 MARY JANE WALLNER: No how many chairs did you say
10 you'd sit out there?

11 STEVEN HOHEB: We could fit four comfortably
12 flanking either side of the doors and windows. You know, so
13 two to each side.

14 MATINA WILLIAMS: Mm-hm.

15 STEVEN HOHEB: So you could fit four people out
16 there sitting comfortably. I mean, certainly you could try
17 to cram more, but you've got to be able to open the door to
18 get out there.

19 And so, more so than anything, instead of having
20 the house be really tall facing the street, it kind of steps
21 it back to reduce the scale of the façade, and that kind of
22 makes it feel less of an imposing house.

1 MATINA WILLIAMS: No one's questioning the
2 setback. Maybe we should look at the third floor plan and
3 just see the deck and plan? That might be helpful for all
4 of us?

5 SAM KACHMAR: Sisia, I believe it's page 19 on
6 your page.

7 MATINA WILLIAMS: Yeah. I still feel like you
8 could fit quite a few people out there, and I don't see any
9 challenge to reducing the length of it so that it
10 encompasses -- maybe it's reduced so that it just laps over
11 the door and windows appropriately. Yeah.

12 BRENDAN SULLIVAN: This is Brendan Sullivan.
13 Sisia, could you just slide that possibly to the right a
14 little bit? I just want to see the -- I'm sorry, that's to
15 the left to the other way, sorry. Yeah, right there --
16 okay.

17 SISIA DAGLIAN: And does that --

18 BRENDAN SULLIVAN: And I guess my only -- no,
19 that's it. My only comment, just to follow up on Laura's
20 maybe what she's thinking -- is that it's one thing if it's
21 off a bedroom, because you have less of a tendency to have
22 people going through your bedroom out to a deck. You,

1 another occupant of the house, may enjoy a deck off your
2 bedroom, stuff like that in a quiet moment; this is off a
3 gym, or supposedly a recreation room.

4 There's an office next to it, so it's more a
5 common room and not necessarily a private room that you're
6 accessing this deck off of, which would -- again, depending
7 on the number of people that are there, and not that the
8 neighbors are going to have wild parties, but that the
9 successor people may.

10 And there have been some instances this past
11 summer in my own neighborhood where seven or eight people
12 have congregated out on the deck, even though they were
13 supposed to be social distancing.

14 And I've actually had to call the police at 1:30
15 in the morning to have them come and tell them to pipe down.
16 And that's happened twice during the summer in my own
17 neighborhood.

18 So I think that even though aesthetically it may
19 have a certain attribute, I think in practicality it also
20 possibly could lend itself to some inconvenience and some
21 abuse.

22 CONSTANTINE ALEXANDER: Okay. So far, I haven't

1 seen any great reception -- any acceptance of the comments
2 that we've been making regarding the deck.

3 Again, it's not to do away with the deck, it's to
4 basically scale it back and make it less amenable to abuse
5 by -- the abuse being -- impinging upon the privacy of
6 neighbors.

7 SAM KACHMAR: Mr. Chairman, we're hearing the
8 concerns, and -- you know, I understand the points that the
9 Board is making.

10 I think that, you know, the petitioners thought
11 that the size made sense for the neighborhood, and they
12 wanted an opportunity to have somewhere to sit outside and
13 become friendly with their neighbors.

14 But I think -- and I'll ask the architect if it's
15 possible to make the deck smaller is what I'm hearing. I
16 think that's something we can absolutely do. Yeah, I mean
17 certainly we can reduce the size and tailor it in. Is there
18 a specific size we're looking to get to?

19 CONSTANTINE ALEXANDER: I'm sorry, could you
20 repeat that? I didn't quite catch what you said.

21 SAM KACHMAR: Is there a specific reduction in
22 size we're looking to get to, just so that we can be -- you

1 know, take the Board's recommendations clearly and make sure
2 we're responding appropriately?

3 CONSTANTINE ALEXANDER: Well, I would be amenable
4 to allowing a deck that -- sitting room or for no more than
5 two persons. In other words, someone sits and has a cup of
6 coffee, have a little table in between.

7 BRENDAN SULLIVAN: This is Brendan Sullivan. Sam,
8 in the mechanical room, how deep is that?

9 SAM KACHMAR: The mechanical room is --

10 STEVEN HOHEB: It's approximately four and a half
11 feet.

12 BRENDAN SULLIVAN: Deep. So that if you were to
13 pull the railing lining up -- and again, I'm just pulling
14 this out of a hat for the discussion -- if you were to pull
15 the railing to line up with the inside wall of that
16 mechanical room, and then pull it in a corresponding amount
17 on the other side?

18 SAM KACHMAR: Yeah, okay.

19 BRENDAN SULLIVAN: So you're basically pulling it
20 in four and a half feet from either end, reducing it by
21 eight feet, just for something of discussion.

22 SAM KACHMAR: Perfect.

1 LAURA WERNICK: I think that gives you a general
2 size, it doesn't have to be precisely four and a half. I
3 think what Brendan is suggesting is approximately a
4 comfortable space.

5 SAM KACHMAR: Yeah. On the outside we might look
6 at it to try to line up the balusters with the interior or
7 the eave return or something like that and that might slide
8 it in approximately --

9 BRENDAN SULLIVAN: Well that's the other --
10 Brendan Sullivan again -- that's the other point. We're
11 looking at that if it lines up with the return there. That
12 might make more sense.

13 CHRISTOPHER ALPHEN: I guess one-to-one I would
14 have would be if we -- if our clients were in agreeance to
15 reduce the size of the deck, would it be something that we
16 could do and then submit to the Board administratively, if
17 that's the only element to be changed, or do we need to do a
18 continuance and come back for another hearing?

19 CONSTANTINE ALEXANDER: I don't think you can do
20 it that way. I would approach it -- not being an architect
21 or a builder -- on the basis that you can have a deck, but a
22 deck that would only be useable by no more than two persons.

1 LAURA WERNICK: Brendan -- and I'm sorry, Gus?

2 CONSTANTINE ALEXANDER: Yes.

3 LAURA WERNICK: Can't we -- because we -- I think
4 we're all going in the same general direction, can -- would
5 it be satisfactory to mark up this plan with an approximate
6 -- some approximate dimensions and have --

7 CONSTANTINE ALEXANDER: That would be ideal.

8 LAURA WERNICK: -- the Board just approve that
9 with the understanding it might shift six or eight inches
10 one way or the other?

11 CHRISTOPHER ALPHEN: Well, the Board can certainly
12 approve the application contingent upon a reduction to the
13 deck, and it will be later approved in the written decision
14 by this Board. So it could approve tonight and condition on
15 reviewing the new plans with the reduced deck.

16 SAM KACHMAR: Reduce it by four feet on each side,
17 approximately.

18 CHRISTOPHER ALPHEN: Sure. And this is --

19 CONSTANTINE ALEXANDER: What was the purpose of
20 that? If we approved the plan subject to a further approval
21 down the road for a deck, and we don't like the deck, then
22 what happens to the project that we've approved? Shouldn't

1 we see the whole thing? The reduced deck, together with
2 everything else and vote yay or nay?

3 LAURA WERNICK: But Brendan -- but Gus, if we said
4 something like, "the railing needs to be moved in no less
5 than four feet, and -- "

6 BRENDAN SULLIVAN: Yeah, Laura, I think you're
7 correct. This is Brendan Sullivan. I think we need to give
8 a number, rather than some sort of abstract. So right now,
9 Sam what are -- is the deck 23 foot 6 inches?

10 SAM KACHMAR: I believe that's -- it's a little
11 less than that. I believe it's, like 22 foot 10. I think
12 those dimensions go to the outside wall, but certainly we
13 can reduce the width of the deck by eight feet and still
14 make it work.

15 BRENDAN SULLIVAN: So if we gave an outside
16 dimension of 14 feet, that brings it in 4 feet, 4 feet,
17 that's 8 from 22 or 14? Again, I'm just throwing out a
18 number here, at 14 foot.

19 LAURA WERNICK: I think can we say no more than 14
20 and just give them a little bit final flexibility to align
21 with windows or roof edges or whatever it has to be? But no
22 more than 14 feet long?

1 CONSTANTINE ALEXANDER: I have no problems with
2 that. We'll get there when we get to a motion. Matina?
3 I'm sorry, I don't think I -- you've had a -- have you had a
4 chance to ask any questions at this point?

5 MATINA WILLIAMS: Yes, I have.

6 CONSTANTINE ALEXANDER: Okay. All right.

7 SEAN O'GRADY: Gus.

8 CONSTANTINE ALEXANDER: The Chair will close
9 public testimony --

10 SEAN O'GRADY: Hey, Gus?

11 CONSTANTINE ALEXANDER: -- and open -- I'm sorry,
12 will open this matter up to public testimony, public comment
13 I should say, and the instructions are any members of the
14 public -- excuse me -- who wish to speak should now click
15 the icon at the bottom of your Zoom screen that says, "Raise
16 hand." If you're calling in by phone, you can raise your
17 hand by pressing *9 and unmute or mute by pressing *6. I
18 will --

19 SEAN O'GRADY: You have no requests for speakers.

20 CONSTANTINE ALEXANDER: Someone just pulled me
21 aside, I didn't catch -- Sean, you said no comment?

22 SEAN O'GRADY: Yes, no comments, I'm sorry.

1 CONSTANTINE ALEXANDER: Okay. Mr. Kachmar, did
2 you want to say something?

3 SAM KACHMAR: No, other than I think we'd be
4 comfortable sliding the deck in. If you guys have a
5 recommendation on the exact number, we're more than happy to
6 accept that.

7 CONSTANTINE ALEXANDER: I'm going to make a motion
8 in due course, and I will try to do my best to describe the
9 size of the -- the reduced size of the deck. And we can
10 then talk about that -- Board members as well as you, if you
11 would like.

12 STEVE NG: Chair Alexander? This is Steve Ng, the
13 petitioner for the application and owner of 94-96 Alpine.

14 CONSTANTINE ALEXANDER: Yes.

15 STEVE NG: We are totally supportive -- and not,
16 we don't take any exception to that conversation, so -- you
17 know, we understand the concerns by the Board.

18 CONSTANTINE ALEXANDER: Well, thank you. Thank
19 you for taking -- for making the comment.

20 STEVE NG: Sure.

21 CONSTANTINE ALEXANDER: All right. I will report
22 we have -- in terms of written comments, as Mr. Kachmar or a

1 member of his team said, we have five letters, all in
2 support, and they're all in our file. So with that, I'm
3 going to close public testimony.

4 Discussion? I think we're ready -- I think, but
5 Board members tell me if I'm wrong -- we're ready to take a
6 vote on the affirmative, and I'll try my hand at the
7 condition with respect to the size of the deck.

8 SLATER ANDERSON: Gus? Hey, Slater here. Can I
9 ask a question?

10 CONSTANTINE ALEXANDER: Yes, Slater.

11 SLATER ANDERSON: I mean, I'm looking at this and,
12 you know, maybe I missed something, but I mean I'm seeing a
13 48 percent increase in GFA on this thing, from a 0.7 to 0.88
14 -- you know, from 2200 square feet up to 33 or something
15 like that.

16 STEVEN HOHEB: So that's been updated in our
17 dimensional table and the latest plans. The -- let me find,
18 I'm looking for the dimensional tables, and we updated one.

19 SLATER ANDERSON: Which -- can you tell me what
20 page it's on? I have the --

21 STEVEN HOHEB: The dimensional table should be, I
22 don't have the dimensional table but, in our plans, it

1 should be on page P-003.

2 SLATER ANDERSON: P-001, 2--

3 CHRISTOPHER ALPHEN: Sam, the dimensional table is
4 on the plans, correct?

5 SAM KACHMAR: Correct.

6 CHRISTOPHER ALPHEN: All right, well the P-003 I'm
7 looking at is just an aerial shot before and after, or a
8 rendering.

9 SAM KACHMAR: Could we scroll up?

10 STEVEN HOHEB: Yeah, Sisia, can we get scrolled up
11 to P-004 or P-002?

12 SISIA DAGLIAN: Is this the page you wanted?

13 STEVEN HOHEB: Oh no, I'm sorry, Sisia, P-002.

14 SISIA DAGLIAN: That's all right.

15 STEVEN HOHEB: That's it. Thank you.

16 SLATER ANDERSON: All right. Here we go. So it's
17 2790?

18 STEVEN HOHEB: Correct. Hold on.

19 SLATER ANDERSON: -- 85. My question, so why is
20 the -- you're showing on the existing FAR a proposed level
21 3? Why is that proposed and not just in the existing table
22 at the top?

1 STEVEN HOHEB: That is likely just -- oh, I'm
2 sorry, could you repeat that question? I think I may have --

3 SLATER ANDERSON: Okay, if you look at -- Sisia,
4 can you zoom in on the dimensional form at this top middle
5 there?

6 SISIA DAGLIAN: This one there?

7 SLATER ANDERSON: Yeah. Scroll over, now scroll -
8 - the spreadsheet looking one. Yeah, zoom in on that. So
9 at the bottom of that table, where it says, "existing FAR"
10 you have, "Proposed level 3" in the top.

11 STEVEN HOHEB: Correct. With the existing FAR,
12 that proposal has been mislabeled. It is the existing level
13 3, which is the added 500, which is the 528 feet.

14 SLATER ANDERSON: Okay. So that's the difference
15 between -- and it's a little confusing in the online,
16 because it's -- we've got two sets of plans online in the
17 filing, so I was reading the first one.

18 So how did you go -- is there an elevation, sorry
19 to do this, but I'm looking for now the elevation, the
20 existing third floor elevation.

21 STEVEN HOHEB: That would be on our --

22 SAM KACHMAR: It's third floor.

1 STEVEN HOHEB: -- existing, yeah, existing third-
2 floor plan. If you're looking for the elevation, that will
3 be on our --

4 SLATER ANDERSON: Well, I'm only looking actually
5 for the section. I mean, I see P-200, the exterior
6 elevation. Is there a section of the third floor?

7 STEVEN HOHEB: No, we did not submit a section for
8 the third floor. But there is a floor plan.

9 SLATER ANDERSON: The existing -- you're
10 representing that the existing third floor has 500 plus
11 square feet of --

12 STEVEN HOHEB: Correct.

13 SLATER ANDERSON: -- qualified living area?

14 STEVEN HOHEB: Correct.

15 SAM KACHMAR: Above five feet.

16 STEVEN HOHEB: And it's above the five feet, and
17 that's up to -- and that's, at five feet from which is
18 permitted.

19 SLATER ANDERSON: Okay.

20 STEVEN HOHEB: So if you look on the top left here
21 in the plan, that should be -- that's representative of our
22 area plans.

1 SLATER ANDERSON: All right. That's --

2 CONSTANTINE ALEXANDER: Are you okay, Slater?

3 SLATER ANDERSON: -- all for now, thanks.

4 CONSTANTINE ALEXANDER: Okay. So I will close
5 public testimony. We've had some discussion already.

6 SISIA DAGLIAN: Gus, sorry. There's somebody that
7 did want to speak. Allison --

8 CONSTANTINE ALEXANDER: I'm sorry?

9 SISIA DAGLIAN: There is somebody that did want to
10 speak -- Allison Crump.

11 CONSTANTINE ALEXANDER: Oh, I'm sorry. I wasn't
12 aware of it. I apologize.

13 ALLISON CRUMP: No, actually -- this is Allison --
14 I don't know what happened, but I do not wish to speak.
15 Thank you for the opportunity.

16 SISIA DAGLIAN: Oh, okay. Sorry about that.
17 Okay. She had her hand raised, but anyway.

18 CONSTANTINE ALEXANDER: So where we were at was, I
19 don't know if we need further discussion, or we go right to
20 a motion, but what's the pleasure of the Board?

21 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
22 vote.

1 LAURA WERNICK: Laura Wernick, I'm ready for a
2 vote.

3 MATINA WILLIAMS: Matina Williams, ready for a
4 vote.

5 SLATER ANDERSON: Slater, ready for a vote.

6 CONSTANTINE ALEXANDER: Now, this is a vote on the
7 variance. There's also going to be a separate vote, and it
8 needed a little discussion on the special permit. We should
9 just remind people of that.

10 Anyway, with regard to the variance, the Chair
11 moves that we make the following findings:

12 That a literal enforcement of the provisions of
13 the ordinance would involve a substantial hardship, such
14 hardship being that this is an older structure that's in
15 need of some modifications, and not only for the current
16 petitioner, but the future owners of the property as well.

17 That the hardship is owing to the fact that this
18 is already a nonconforming structure, and that any further
19 modifications of the structure requires a variance.

20 And that relief may be granted without substantial
21 detriment to the public good, or nullifying or substantially
22 derogating from the intent or purpose of the ordinance. In

1 this regard, the Chair would note that we have five letters
2 of support for the project and no opposition.

3 And again, this would be -- this project would
4 improve the quality of the housing stock of the city of
5 Cambridge, should it be completed in accordance with the
6 plans that have been presented.

7 So on the basis of all these findings, the Chair
8 moves that we grant the variance on the condition that the
9 work proceed in accordance with plans prepared by Sam
10 Kachmar Architects. The date is November 13, 2020 -- the
11 first page of which, or the cover page of which has been
12 initialed by the Chair.

13 But further, that with regard to these plans and
14 the construction, that the deck that's shown on the front of
15 the house shall be no wider than 14 feet. Does that do it
16 for members of the Board?

17 BRENDAN SULLIVAN: For length.

18 CONSTANTINE ALEXANDER: 14 feet --

19 LAURA WERNICK: Length.

20 BRENDAN SULLIVAN: 14 feet long.

21 LAURA WERNICK: Length.

22 CONSTANTINE ALEXANDER: The more -- yeah, the

1 length of the deck.

2 BRENDAN SULLIVAN: The length.

3 CONSTANTINE ALEXANDER: It should be no more than
4 -- thank you -- no more than 14 feet. All those in favor
5 of approving the variance on this basis, please say, "Aye."

6 BRENDAN SULLIVAN: Brendan Sullivan yes to
7 granting of the variance.

8 LAURA WERNICK: Laura Wernick, yes to the
9 variance.

10 MATINA WILLIAMS: Matina Williams --

11 SLATER ANDERSON: Slater Anderson, yes.

12 MATINA WILLIAMS: Matina Williams, yes to granting
13 the variance.

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

16 [All vote YES]

17 So the variance is granted. Let's move on to the
18 special permit. Presentation by the petitioner?

19 CHRISTOPHER ALPHEN: I just would like to repeat
20 our comments. Again, we are in need of a special permit
21 because we are making some changes to some of the exterior
22 windows and addition to windows.

1 And as you know, this is a legal, preexisting
2 nonconforming structure, and therefore a special permit is
3 needed. I would repeat that this is an upgrade to the
4 neighborhood and there's no opposition to these upgrades,
5 and we believe that there's a detriment if we aren't able to
6 make these sorts of changes.

7 CONSTANTINE ALEXANDER: Have you reached out to
8 those neighbors who would be affected by the window changes
9 in terms of privacy in particular?

10 CHRISTOPHER ALPHEN: Yes, of course. We sent out
11 plans with the window changes to the neighbors, and of
12 course the neighbors next door on both sides and across the
13 street.

14 CONSTANTINE ALEXANDER: And they expressed no
15 opposition to what you're proposing to do?

16 CHRISTOPHER ALPHEN: No opposition, and I'm not
17 sure if one of the letters in support was from an adjacent
18 neighbor or an abutting neighbor, but my clients who were on
19 the call might be able to answer that.

20 CONSTANTINE ALEXANDER: Okay, thank you. The
21 Chair will make a motion with regard to the special permit.
22 The Chair -- I propose we make the following findings: That

1 the requirements of the ordinance cannot be met with regard
2 to the window changes without relief from this Board for a
3 special permit.

4 That traffic generated or patterns of access or
5 egress resulting from the window changes will not cause
6 congestion, hazard, or substantial change in established
7 neighborhood character. The window changes are modest in
8 nature, and again no one has expressed any opposition to
9 them.

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

13 [1:05:29 simultaneous conversation about Fulkerson
14 Street]

15 Okay and let me finish the findings we need to
16 make for the special permit:

17 That no nuisance or [1:06:04 audio unclear] - city
18 with regard to the window changes, will not impair the
19 integrity of the district or adjoining district or otherwise
20 derogate from the intent and purpose of this ordinance.

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

1 condition that the work proceed in accordance with plans
2 that were approved in accordance with the variance we just
3 granted.

4 Brendan?

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

7 LAURA WERNICK: Laura Wernick, yes to granting the
8 special permit.

9 MATINA WILLIAMS: Matina Williams, yes to granting
10 the special permit.

11 SLATER ANDERSON: Slater Anderson, yes to the
12 special permit.

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

15 [All vote YES]

16 It has also been granted.

17 COLLECTIVE: Thank you very much.

18 CONSTANTINE ALEXANDER: At this point, it's five
19 of seven. At 7:00, we're scheduled to hear continued cases,
20 so I think we'll take a five-minute recess and start again
21 at 7:00. And then the regular -- for those of you who are
22 on the regular agenda afterward, we resume at 7:30 or if

1 we're still going with the special permits, as soon as the
2 special permit cases are done. So we'll take a break right
3 now of at least five minutes. Thank you!

4 [BREAK]

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2 (7:00 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde and Slater W.
5 Anderson

6 CONSTANTINE ALEXANDER: Okay. It is now 7:00, so
7 the Chair will call the meeting back to order, and we'll
8 resume our hearing by hearing continued cases. And the
9 first case I'm going to call is Case Number 017259 -- 2020,
10 23 Myrtle Avenue.

11 Anyone here wishing to be heard on this matter?

12 ANNE FULLERTON: Yes, good evening. My name is
13 Anne Fullerton. I -- are you getting feedback?

14 CONSTANTINE ALEXANDER: I can hear you.

15 ANNE FULLERTON: Okay, you can hear me -- good.
16 So I wanted to introduce --

17 SLATER ANDERSON: I'm getting feedback.

18 ANNE FULLERTON: You're getting feedback?

19 JANET GREEN: Yes. Do I get two votes?

20 CONSTANTINE ALEXANDER: No, you're fine.

21 JANET GREEN: No, I see I'm up there on two
22 pictures, aren't I?

1 ANNE FULLERTON: Can you hear me clearer now?

2 JANET GREEN: There.

3 ANNE FULLERTON: Okay. So again, my name is Anne
4 Fullerton. I'm the architect representing this case, and
5 along with me this evening is Martin and Michelle Wartak,
6 who are the homeowners of 23 Myrtle Ave.

7 And we presented this case initially in July, and
8 some of you may remember the presentation included a small
9 amount of additional square footage we were requesting a
10 variance for to create some new living area for the home,
11 the family at the home of 23 Myrtle Ave.

12 To gain that square footage, we were proposing
13 modifying the existing roof line to not extend outside of
14 the existing footprint.

15 The feedback we heard fairly clearly was that the
16 Board members, amongst others, felt like that the context
17 was not appropriately recognized, and we have updated our
18 proposal, in hopefully a way the Board and we know the
19 neighbors' support.

20 And that includes maintaining the existing gabled
21 roofline and it does add some additional square footage,
22 because we're proposing creating a small addition on the

1 rear of the house.

2 And Sisia, if you wouldn't mind pulling up the
3 presentation, that would be helpful.

4 [Pause]

5 And if we could go down to, I think page 6 is a
6 good place to start, which is the survey, you can see the
7 existing footprint with the new proposed footprints laid out
8 in red.

9 The existing front footprint is the same footprint
10 we were proposing in our initial proposal, which is
11 essentially splitting the existing porch footprint in half,
12 creating part of it as interior space, maintaining part of
13 it as covered porch, and then adding a small addition on top
14 of it in exactly the same outline, just on the second floor.

15 The new part of the proposal is to maintain the
16 roof line of the third floor, which is a steep one and 12/12
17 pitch. We would then create a small, enlarged addition.

18 There already is an addition in the rear of the
19 building -- a two-story addition, but we would create a
20 small, enlarged addition which would be the red footprint
21 within the back yard setback, maintaining the existing,
22 nonconforming right-hand setback.

1 And within that addition, we are triggered to
2 rebuild the existing apartment staircase, which is
3 incredibly nonconforming. So part of the square footage
4 requirement now is to create a code-compliant staircase, in
5 addition to creating the square footage the family would
6 like.

7 If we could skip to the next slide?

8 So we're looking at the existing house, and again
9 the steep pitch of the roof. That roof line -- if you skip
10 to the next slide, Sisia, you'll see that roof line is
11 maintained on the front of the right hand neighbor's house.
12 The house to the left is actually a hip roof. But the
13 houses across the street are in part also a steep, gabled
14 roof condition.

15 The house on the right-hand side has a fairly
16 large addition on the back as well and you can sort of see
17 that in between our yellow house and their greenhouse -- how
18 there's a green part sort of back up in the tree line.

19 And then if we skip to the next slide, you'll see
20 a tree view.

21 Our site is heavily treed. It's actually -- it
22 was formerly owned by a landscape architect who planted

1 quite a few trees, plus there are a lot of street trees.

2 The intent is to maintain all of that tree line. And this
3 is with the existing tree coverage.

4 And then the next view, Sisia, is without that
5 tree coverage.

6 And these are the views we've been sharing with
7 the neighbors, showing them basically -- again, that we're
8 trying to keep the massing appropriate to the context, still
9 acknowledging the client's more modern aesthetic.

10 If we could skip to the next slide, please?

11 And from the opposite view looking back, and then
12 the next slide without trees. And you can see that it's --
13 the darker part in the back is the modified addition, which
14 is instead of two floors it's three floors, and it's about
15 three foot 10 inches deeper than the existing addition.

16 And if we skip to the next slide, please?

17 So this slide -- what we're trying to get out with
18 this slide is a comparison of the GFA ratio -- GFA to lot
19 ratio on the street. And the existing average, you can see
20 sort of midway down the page, the existing average on the
21 street is 1.42. And what our current proposal is requesting
22 is 1.36.

1 And below that, you just see the breakdown of
2 where I'm getting that gross square footage number from.
3 But it's essentially an addition of 552 square feet to the
4 existing GFA for the building.

5 And at this point, I'd like to open it up to
6 Michelle and Martin to make any comments they wish, and any
7 questions from the Board. Michelle?

8 MICHELLE WARTAK: Hello, how are you?

9 ANNE FULLERTON: Hi, guys.

10 MICHELLE WARTAK: Hi. So the last time we spoke
11 with you we, you know, had a very different design, and we
12 hope that, you know, we listened to a lot of -- you know,
13 the comments that you had.

14 We also have done a lot of work with -- you know,
15 we had already reached out and really had conversations with
16 our neighbors, but we did that to an extent of really
17 including them -- especially our neighbor to the side, the
18 blue house, because of her concerns of the modified roof
19 study.

20 So we have really engaged with them. I think she;
21 I think -- her name is Debra -- I think she sent in a
22 letter, you know, reflecting that.

1 I think the other thing that we'd like to say is
2 actually last time we met; we were five days before we had a
3 baby. And so, since then we've added another person to our
4 household. And so, that has changed. Our son's day care
5 also closed, or he was not -- you know, there's nobody in
6 his class to come back to. So we've all been in our house.

7 And my job has gone from being in person to
8 remote. And so, some of these changes, you know, have
9 happened since we came to the Board in July -- actually all
10 of those. And so, that also reflects why we've changed our
11 proposal a little bit.

12 One of the big things also was consideration of
13 materiality on the house. And so, we've taken all of that
14 into consideration.

15 So we hope that -- you know, we've lived here for
16 18 years -- that you can see that we still want to live
17 here, and that we've -- you know, really taken to heart a
18 lot of your comments and, you know, changed the house and
19 the design of what we were thinking that we came to
20 beforehand.

21 MARTIN WARTAK: Yeah, I think -- I think -- so
22 it's nice to see everyone again. And I think last time the

1 main things we heard were about the roof line, and so, we
2 tried to add the extra space instead of by raising the roof
3 on the third floor to have it coming from the back of the
4 house, where hopefully it didn't impact the kind of visual
5 look of the front of the house.

6 And then we had I think some -- we've gotten
7 agreement from now everyone on the street I think that
8 hopefully everyone around us has been supportive of this.

9 We have, I think Brian next door in the greenhouse
10 to the left as you face us wrote a letter of support, as did
11 Ory (phonetic) across the street.

12 And then Debra also know -- we've been, we've had
13 several conversations with her across the fence in our
14 shared back yards, holding up either plans or a tablet or
15 something like that.

16 So we've been trying to engage over the past few
17 months on this, and in some ways it's a little -- kind of
18 close to collaborative effort in terms of trying to think
19 about this. But she I think wrote a letter of support as
20 well, so --

21 And then there's a petition of signatures from
22 neighbors basically two houses out in every direction on

1 Myrtle Ave. And we showed them all of these updated plans,
2 and I think the neighborhood has been fairly supportive of
3 this.

4 And we love the neighborhood, it's great. We love
5 our street; we love our neighbors and we're looking forward
6 to hopefully staying here in this house for a long time to
7 come.

8 I think that's all we have. Thanks.

9 JIM MONTEVERDE: Gus I think you're on mute. Mr.
10 Chair?

11 [Pause]

12 MARTIN WARTAK: We're not hearing anything.

13 MICHELLE WARTAK: Yeah, we can't hear.

14 JIM MONTEVERDE: I think, Mr. Chair, you're on
15 mute.

16 CONSTANTINE ALEXANDER: Oh!

17 JIM MONTEVERDE: There you are, now you're back.

18 CONSTANTINE ALEXANDER: How about now?

19 MICHELLE WARTAK: Yeah.

20 MARTIN WARTAK: Perfect.

21 CONSTANTINE ALEXANDER: Okay. Anyway, I was
22 asking if members of the Board have any questions at this

1 point?

2 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

3 SLATER ANDERSON: Slater Anderson, no questions.

4 JIM MONTEVERDE: [Jim Monteverde.] I have one
5 question. If I read the file correctly from the previous
6 presentation, there was a letter from the Historic -- was
7 there not a letter from the Historic Commission, an
8 advisory?

9 ANNE FULLERTON: Yes. So we did go through --
10 this is a mid-Cambridge zone --

11 JIM MONTEVERDE: Yep.

12 ANNE FULLERTON: -- and we did go through Historic
13 review and the Conservation Commission review with the
14 previous scheme. And they were really disappointed that the
15 Victorian character of the house wasn't the long-term intent
16 for the house. And we did not resubmit this design to them.

17 It's -- basically we fall under a nonbinding
18 restriction for the amount of square footage we're adding,
19 and because of the district.

20 But we also continue to work towards a design that
21 compromises between the modern aesthetic of the client and
22 the massing relationship with the neighborhood.

1 JIM MONTEVERDE: I think if I recall some of the
2 comments from the Historic Commission letter, I'm not sure I
3 can concur that what your current moves -- I understand your
4 move about the roof, and maintaining the existing roof line.

5 I think their comments were a bit more general
6 than that in terms of how the house presented itself on its
7 public face to the street.

8 And in your initial presentation where you said
9 you had taken all the comments and synthesized those in the
10 design, my personal opinion is I don't see it, at least not
11 to that.

12 I see the comments from the neighbors, I
13 understand that, but I don't see much of an attempt to use
14 the concerns that the Historic Commission mentioned, and I
15 would take those seriously.

16 ANNE FULLERTON: I disagree that we didn't take it
17 seriously. I think that they had concerns about the
18 materiality in the last proposal, and we worked really hard
19 to come up with a materiality that felt more contextual in
20 that it is -- we had noted this, actually, in the letter to
21 the Board in our package, but that we were looking at 20
22 Madison Street as our benchmark for materiality, which had a

1 mix of -- I think it's red cedar and metal panel.

2 But it's really red cedar facing, and we've done
3 something very similar, in that we've made a softer
4 material, public facing.

5 One of the other comments that we had gotten from
6 the Conservation Commission was that they would have
7 preferred that the additional square footage be in the back
8 of the house, which is what we propose.

9 JIM MONTEVERDE: Yep, understood.

10 ANNE FULLERTON: And they've also --

11 JIM MONTEVERDE: I think also a big part of their
12 comments was about trying to maintain -- in your discussion
13 about the materiality, relating it to some other project in
14 Cambridge, I don't think was their -- I didn't read that as
15 their point.

16 The point was to try and maintain the -- I'll call
17 it--quote, unquote-- not "historic," but the authentic
18 materiality of what's there and potentially maintain that
19 front and do your renovation work not only with the
20 additional square foot, but any change in materiality on the
21 other faces.

22 So I just don't see them represented in what you

1 presented. And I have a concern about that. So that's my
2 comment, thanks.

3 CONSTANTINE ALEXANDER: Thank you. Thank you,
4 Jim. Laura, any comment?

5 [Pause]

6 Laura, any comment?

7 LAURA WERNICK: I'm not -- Mr. Chairman, I'm not
8 sitting on this continuing case.

9 CONSTANTINE ALEXANDER: Oh, I'm sorry. Janet?
10 I'm sorry.

11 JANET GREEN: That's all right. I don't have any
12 other comments. I didn't -- I did not have that same
13 concern about the materials used.

14 BRENDAN SULLIVAN: This is Brendan Sullivan. The
15 -- I guess the only comment that I would have, and I would
16 wrestle with this, I take very seriously the abutter on the
17 right, Mr. --

18 CONSTANTINE ALEXANDER: 27, you mean?

19 BRENDAN SULLIVAN: -- 27.

20 CONSTANTINE ALEXANDER: I don't know if that's the
21 right or left, but --

22 BRENDAN SULLIVAN: Yeah, but -- sorry. Number --

1 CONSTANTINE ALEXANDER: Was it 30?

2 BRENDAN SULLIVAN: -- number 30.

3 CONSTANTINE ALEXANDER: 30.

4 BRENDAN SULLIVAN: 30 Magnolia. I was just
5 wondering if you'd reached out to him at all? If he had
6 commented on the new design?

7 CONSTANTINE ALEXANDER: I believe he -- I think
8 it's a he -- signed the petition in support of the plan. I
9 think correction --

10 BRENDAN SULLIVAN: Anne, do you know the --

11 ANNE FULLERTON: I'm actually not sure. I would
12 defer to Martin to know if number 30 signed.

13 BRENDAN SULLIVAN: [1:26:21 simultaneous speech/
14 indiscernible]

15 MICHELLE WARTAK: Number 30 Myrtle Avenue, or is -
16 - I'm sorry --

17 ANNE FULLERTON: Number 30 Myrtle Ave did sign.

18 BRENDAN SULLIVAN: They did?

19 ANNE FULLERTON: Yes.

20 BRENDAN SULLIVAN: Okay, yeah. I guess one of the
21 -- and follow up on Jim Monteverde's comments -- and I've
22 wrestled with this and gone by it numerous times is that you

1 obviously want to create a distinctive design in your own
2 taste, and unfortunately, I think that the houses being so
3 close together, this will be unique -- this will stand out.

4 Now, that's not to say that what I like you should
5 like and what -- you know, everybody has their own taste.

6 So I think that that's one of the challenges is to create
7 something that is to yours, or you decide something to
8 satisfy the client. The houses being so close together
9 makes this very distinctive, and we are not necessarily a
10 Design Review Board, as far as that is concerned.

11 We do take into consideration what the
12 Conversation Commission has opined on, and what they're
13 feeling is how they would like to nudge you in a certain
14 direction.

15 That being said, I think that the way this design
16 has been softened somewhat, even though it will, as you
17 drive up and down the street -- will be very distinctive and
18 will be very noticeable. And again, whether that's a plus
19 or minus, I'm not sure just yet.

20 So all that being said, I'm not sure I really came
21 to any conclusion at this point.

22 CONSTANTINE ALEXANDER: I'll now open the matter

1 up to public testimony. Any members of the public who wish
2 to speak should now click the icon at the bottom of your
3 Zoom screen that says, "Raise hand." If you're calling in
4 by phone, you can raise your hand by pressing *9 and unmute
5 or mute by pressing *6. We'll take a few moments to see if
6 anyone wishes to comment.

7 Sean?

8 SEAN O'GRADY: No takers, Gus. No speakers.

9 CONSTANTINE ALEXANDER: I'm sorry?

10 SEAN O'GRADY: No speakers.

11 CONSTANTINE ALEXANDER: No speakers. Okay. Then
12 I will report that we have in our files written approval --
13 I'm sorry, written support for the relief being sought,
14 including 27 Magnolia Avenue, and someone who identifies
15 himself as from 30 Magnolia.

16 But that person and the person who wrote the
17 letter of opposition the first time are different names. I
18 don't understand.

19 But there are no new letters of opposition, and
20 fewer letters of opposition, because some of the people have
21 come over to the other side.

22 With that, I will close public testimony.

1 Discussion? Or are you ready for a vote?

2 BRENDAN SULLIVAN: Unless Miss Fullerton has any
3 comments to make?

4 CONSTANTINE ALEXANDER: Okay. Anybody wish to
5 make any further comments, or should I frame a motion and
6 we'll take the vote?

7 JIM MONTEVERDE: Take the vote.

8 CONSTANTINE ALEXANDER: Okay. Take the vote.
9 Okay. The Chair moves that we make the following findings
10 with regard to the variance being sought:

11 1) That a literal enforcement of the provisions of
12 the ordinance would involve a substantial hardship, such
13 hardship being that this is an older structure, not -- quite
14 -- very large, and therefore it is a building or a structure
15 that's in need of additional living space, be it for the
16 current petitioners or future occupants of the building.

17 The hardship is owing to the fact that this is
18 already a nonconforming structure, and therefore any
19 modification requires zoning relief.

20 And that desirable relief may be granted without
21 substantial detriment to the public good, or nullify or
22 substantially derogate from the intent or purpose of this

1 ordinance. In this regard, the Chair would note that unlike
2 the earlier petition, there is no opposition from the
3 neighborhood. There appears to be -- at least in terms of
4 people who are willing to sign a piece of paper, there
5 appears to be unanimous neighborhood support.

6 So on the basis of all of these findings, the
7 Chair moves that we grant the variance requested on the
8 condition that the work proceed in accordance with plans,
9 the first page of which has been initialed by the Chair,
10 prepared by Honeycomb Design and Build dated November 16,
11 2020, the first page of which, the cover page of which, has
12 been initialed by the Chair.

13 Brendan, how do you vote?

14 BRENDAN SULLIVAN: I will support the variance.

15 CONSTANTINE ALEXANDER: So you're in favor.

16 Slater?

17 SLATER ANDERSON: Slater Anderson is in favor of
18 the variance.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde, I am not in favor
21 of the variance.

22 CONSTANTINE ALEXANDER: Okay. Janet? Janet

1 Green?

2 JIM MONTEVERDE: You have to unmute yourself,
3 Janet.

4 JANET GREEN: Yep. I am in favor of the variance.

5 CONSTANTINE ALEXANDER: And the Chair also is in
6 favor of granting the variance.

7 [FOUR VOTES YES]

8 So four votes in favor; the variance is granted.

9 ANNE FULLERTON: Thank you, everybody. Thank you
10 very, very much.

11 MARTIN WARTAK: We're very grateful, thank you.

12 BRENDAN SULLIVAN: Good luck and --

13 CONSTANTINE ALEXANDER: Good luck!

14 BRENDAN SULLIVAN: Congratulations.

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2 (7:23 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde, and Slater W.
5 Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017267 -- 32 Highland Street. Anyone here
8 wishing to be heard on this matter? I thought maybe Sarah
9 would be here.

10 SARAH RHATIGAN: Ah.

11 CONSTANTINE ALEXANDER: Sorry?

12 SARAH RHATIGAN: Mr. Chairman?

13 CONSTANTINE ALEXANDER: Yes!

14 SARAH RHATIGAN: Mr. Chairman? Yes, hi. This is
15 Sarah Rhatigan. That piece actually was withdrawn. There
16 was a letter submitted to the Board --

17 CONSTANTINE ALEXANDER: Yes, we have it.

18 SARAH RHATIGAN: -- on Monday afternoon.

19 CONSTANTINE ALEXANDER: Yes, I have it. I was
20 going to report that we have that letter, but I wanted to
21 give you the opportunity to speak, should you wish to.

22 SARAH RHATIGAN: Oh, thank you. I happen to be

1 listening because I have another case this evening. Thank
2 you, though.

3 CONSTANTINE ALEXANDER: Okay. Okay, as I
4 reported, the Chair -- there is a request to withdraw the
5 petition for relief. So the Chair moves that we approve the
6 requested withdrawal of this case. Brendan?

7 BRENDAN SULLIVAN: Yes to granting the withdrawal.

8 CONSTANTINE ALEXANDER: Slater?

9 SLATER ANDERSON: Agreed.

10 JIM MONTEVERDE: Jim Monteverde, yes for the
11 withdrawal.

12 CONSTANTINE ALEXANDER: Who's the fifth member?

13 JANET GREEN: Janet, yes for withdrawal.

14 CONSTANTINE ALEXANDER: Okay. And the Chair votes
15 to accept the requested withdrawal.

16 [All vote YES]

17 This case is withdrawn. Thank you.

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(7:25 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will
now call The Chair will now call Case Number 017266 -- 4-6
Kinnaird Street. Anyone here wishes to be heard on this
matter?

JAMES RAFFERTY: Mr. Chair, James Rafferty. We
have filed a letter to withdraw the case.

CONSTANTINE ALEXANDER: Yes, you did. And I have
that in our files. Anything further you wish to say?

JAMES RAFFERTY: No, other than I look forward to
seeing you later in the evening.

CONSTANTINE ALEXANDER: The Chair moves that we
accept the requested withdrawal of this case. Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes to
accepting the withdrawal.

CONSTANTINE ALEXANDER: Slater?

SLATER ANDERSON: Slater yes on the withdrawal.

CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde, yes for the
2 withdrawal.

3 CONSTANTINE ALEXANDER: Okay.

4 JANET GREEN: Janet.

5 CONSTANTINE ALEXANDER: Who was the fifth member?

6 CONSTANTINE ALEXANDER: And the Chair votes yes.

7 That's four, so that's enough to --

8 JANET GREEN: I vote yes. This is Janet --

9 CONSTANTINE ALEXANDER: I'm sorry?

10 JANET GREEN: This is Janet Green. I vote yes.

11 CONSTANTINE ALEXANDER: Oh, are you still on?

12 Okay. I thought maybe you weren't.

13 JANET GREEN: I think, yes.

14 [All vote YES]

15 CONSTANTINE ALEXANDER: Oh!

16 JANET GREEN: And this is my last case.

17 CONSTANTINE ALEXANDER: And anybody else votes yes

18 as well? Unanimous vote to accept the requested withdrawal

19 of this case.

20 JAMES RAFFERTY: Thank you.

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2 (7:26 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Jim Monteverde, and Slater W.
5 Anderson

6 CONSTANTINE ALEXANDER: Okay, and the last of the
7 continued cases on the continued agenda is Case Number
8 017186. This is a request for a six-month extension.
9 Anyone here wishing to be heard on this matter?

10 CAMPBELL ELLSWORTH: Yes, good evening. Campbell
11 Ellsworth, architect for the project. Can you all hear me?

12 CONSTANTINE ALEXANDER: I can.

13 CAMPBELL ELLSWORTH: Wonderful. Yes. I'm here
14 representing the owner, Marie Deravil, owner of Camies
15 Bakery, which is at the corner of Harvard Street and
16 Columbia Street.

17 We have been before this Board several times for
18 basically the same -- twice, precisely -- for the same
19 project. Once was an initial request and then when we
20 realized that the project needed to be lifted up and we
21 needed to demolish the entire house, we needed to come back
22 for the complete removal of the building. The building is

1 basically the footprint and envelope that exists there on
2 that corner, and the approved two residential units above.
3 And that was the variance part.

4 There was a special permit part to reduce the
5 requirements.

6 The Board was generous in their granting these
7 before. The owner had enormous community support for this.
8 We've also had to -- because of that second one we've gone
9 to the Architectural Access Board to request a variance,
10 handicap accessibility issues, which was also granted.

11 Reasons for the request are probably obvious, but
12 COVID has put enormous strain and delay on many things.
13 Camie also experienced a fire back in mid-2018, which she's
14 still trying to rebuild from.

15 And there was a great sort of a seizing up of
16 financing from the local banks, who were hesitant to grant
17 financing under COVID conditions, and also, obviously the
18 construction stop. So we respectfully request a six-month
19 extension on these variances already granted.

20 CONSTANTINE ALEXANDER: Thank you. And I would
21 point out that -- as I said at the time, the amount of
22 community support for this project is unprecedented, and we

1 never received so many letters of support. And I see no
2 reason -- personally -- not to grant the extension, the six-
3 month extension.

4 The period would run from December 14, 2020, to
5 June 13, 2021. And as I recall, I don't think that we can
6 grant any further extension. So this is it. You'll have
7 until June 13, 2021 -- 2021 -- to do the project.

8 CAMPBELL ELLSWORTH: Yes, wonderful.

9 CONSTANTINE ALEXANDER: The Chair moves that we
10 grant the extension from December 14, 2020 to June 13, 2021.

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

13 SLATER ANDERSON: Slater, yes to granting the
14 extension.

15 JIM MONTEVERDE: Jim Monteverde, yes for granting
16 the extension.

17 CONSTANTINE ALEXANDER: Janet?

18 JANET GREEN: I'm in favor of the extension.

19 CONSTANTINE ALEXANDER: And the Chair votes for
20 the extension as well.

21 [All vote YES]

22 Extension granted. Thank you.

1 CAMPBELL ELLSWORTH: Thank you very much. Thank
2 you.

3 CONSTANTINE ALEXANDER: Okay. We can now return
4 to our regular agenda, it being 7:30.

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2 (7:30 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Slater Anderson, Jim Monteverde, Janet
5 Green

6 CONSTANTINE ALEXANDER: So the Chair will now call
7 Case Number 93767 -- 46 Pleasant Street. Anyone wishing to
8 be heard on this matter?

9 JAMES RAFFERTY: Good evening, Mr. Chair. For the
10 record, James Rafferty, appearing on behalf of the
11 applicant.

12 JANET GREEN: Jim, can I speak to the Chair just
13 for one minute before? Jim, unless you need -- I mean, Gus,
14 unless you need me on this case, I wasn't planning to sit on
15 it. But if you need me I can.

16 CONSTANTINE ALEXANDER: We have five members.

17 JANET GREEN: You have five without me?

18 CONSTANTINE ALEXANDER: Yes.

19 JANET GREEN: Okay.

20 CONSTANTINE ALEXANDER: You leave a big hole in
21 our group, but we are fine without you.

22 JANET GREEN: Okay. I'll miss you.

1 JIM MONTEVERDE: I was hoping Alex Cora's decision
2 to return to action might motivate Ms. Green to rethink her
3 retirement, but --

4 COLLECTIVE: [Laughter]

5 CONSTANTINE ALEXANDER: We'll join in that Jim.

6 JANET GREEN: Thank you.

7 CONSTANTINE ALEXANDER: Anyway, thank you, thank
8 you, Janet. And thank you for your service over the last
9 several years on this Board. And we do wish you'd come
10 back. All right, Mr. Rafferty, proceed.

11 JAMES RAFFERTY: Thank you. Again, good evening,
12 Mr. Chair and members of the Board. James Rafferty on
13 behalf of the applicant, the Women's Educational Center.

14 With me tonight on the presentation is the Project
15 Architect, Dana Cohen. In addition, Jessye Kass -- K-a-s-s
16 from the Women's Center is also signed in as a presenter in
17 the case.

18 The case involves a request for additional GFA at
19 a structure located on Pleasant Street in a Business A-3
20 Residence C zone. It's a unique use.

21 The Cambridge -- the Women's Center has been in
22 this location since 1972. Board members may be familiar

1 with its operation and the important role it plays in the
2 community, and certainly Ms. Kass can address that.

3 But the motivation behind the application here is
4 to allow for long-needed improvements in renovations to this
5 structure. This is a handsome Mansard building, but it is
6 aging and needs attention.

7 One of the critical pieces of the project involves
8 creating accessibility through the building, through the
9 introduction of an elevator.

10 The Center is fortunate that a donor has stepped
11 forward with a generous philanthropic gift that's going to
12 allow for these types of much needed improvements.

13 In the context of the renovation of the building,
14 the Center is also looking to convert what was a garage and
15 has most recently been somewhat of a garden shed into
16 programmable space.

17 The GFA increase here amounts to 290 square feet
18 additional, but 190 square feet of that is located in the
19 garage. The footprint of that garage will not change, but
20 it will provide much needed space for the program work here.

21 Ms. Cohen can walk you through the changes, but
22 they essentially are occurring in several places, including

1 an addition over the front entry, and some work on the
2 second floor in the additions to the second and third story.
3 They're all depicted in in the plans, and if the Board would
4 like, I'm sure Ms. Cohen could walk us through those plans.

5 Suffice it to say the hardship is principally and
6 almost entirely related to building code access and
7 accessibility issues. It's also the case that the setting
8 of the building serves important counseling and mentoring
9 services, and the environment in which that occurs needs to
10 be expanded frankly, because of the high demand of the
11 service here.

12 So the request to seek the variance is done so
13 with the understanding that the age of the structure and its
14 location on the lot are contributing to the hardship. A
15 more efficient building might be, if it was a generic style
16 office building.

17 But this building has a domestic quality to it
18 that is quite conducive to the type of work that goes on
19 there. So it's part of the reason that the Center has
20 succeeded as well as it has.

21 The photograph here also shows a benefit to this
22 project, which is the removal of that mechanical lift that

1 you see to the right there. And you'll see -- in this photo
2 you get to see the infill that will be occurring on the
3 second and third floor above this entry. So with that, I'm
4 happy to have Ms. Cohen walk you through the plans, however
5 the Board wishes to proceed.

6 CONSTANTINE ALEXANDER: I think it will be --
7 considering that she's taken the time to be available to the
8 meeting, I think it would be appropriate for her to give us
9 a brief summary of what is being proposed.

10 JAMES RAFFERTY: Okay, Dana, are you plugged in?

11
12 DANA COHEN: I'm here. Yep. And can you guys
13 hear me?

14 JAMES RAFFERTY: Yes.

15 DANA COHEN: Okay.

16 CONSTANTINE ALEXANDER: I can hear you.

17 DANA COHEN: Great. So I -- could I look, please,
18 at the first -- second... oh, actually the first sheet,
19 yeah.

20 So just quickly, the diagram on the left side is
21 showing the quantity of space that this -- you know, this
22 small residential structure, originally residential

1 structure, is going to be impacted by trying to bring a
2 code-compliant stair, an elevator that makes each floor
3 accessible, and also, an accessible bathroom under each
4 floor and circulation space to each. So it's quite
5 extensive, as you can see.

6 So if we go to the second, or the next page,
7 please?

8 Here you'll see that the majority of the spaces
9 we're adding are a series of small meeting rooms -- the
10 center needs a great bit of flexibility, both to have some
11 larger meeting spaces, but also smaller, personal -- more
12 interpersonal spaces.

13 And we're struggling to achieve that and also
14 accommodate all the accessibility needs that would be
15 required by -- well not just required to bring up the
16 building up to code, but also because we'd like this to be
17 more accessible to the community. The general use group
18 needs it.

19 So we are showing the smallest code-compliant
20 commercial elevator that we can accommodate that will
21 actually just squeezes in to our envelope here without
22 having to change the floor plate, although we did submit an

1 additional sheet that shows that we have a little bit of
2 overrun to contend with, because it does have to be a
3 commercial elevator.

4 Let's see. Moving on, if we could just go to the
5 next page, please?

6 We -- again, so meeting rooms on all floors, each
7 floor will be used by all of the public -- or the women who
8 use the center, but it's -- all floors are public; therefore
9 all needing accessible bathrooms and elevator access.

10 The next page?

11 On the elevations, you'll see that we're striving
12 to keep the character of the building exactly intact. The
13 infill that we're asking for would simply be filling in
14 above the little porch area, but more or less -- you know,
15 from an elevation standpoint, only the volume changes. The
16 materiality, the dormers, the slate roof, the windows, will
17 all reflect the original building.

18 There will actually still be a handicap accessible
19 lift to the right side of the house. That is still needed
20 to get to the first floor. So that -- it will be a new
21 lift, but it will -- we still will need that in place.

22 Next page, please?

1 So again, this is showing the same -- you can see
2 between the existing and the proposed that the materiality
3 is all -- the generous donors have, you know, are providing
4 enough funds to keep the slate roof and to keep all the
5 detailing work and reproducing the detailing on this -- the
6 historic detailing on the infill piece that we're proposing.

7 And even the elevator shaft in the back we would
8 try to -- we would clad and slate also to blend it with the
9 roof so that it's not too different from the character of
10 the building as much as possible.

11 And I believe -- let's see, if you go against the
12 side elevations -- could you do the last sheet, I believe?
13 One more? Yeah.

14 So this is the small garage in the back. As we
15 identify how much space in that building has to be shifted
16 over to the accessibility needs, we really found that there
17 was just a need for more meeting spaces. So this -- the
18 request is to potentially use this space as more usable
19 space for the center. So --

20 And I believe that should -- is the quick walk-
21 through.

22 CONSTANTINE ALEXANDER: Thank you.

1 DANA COHEN: You're welcome.

2 CONSTANTINE ALEXANDER: Mr. Rafferty, any further
3 comments you wish to make now? Or should I poll the Board
4 and see if they have any comments before opening it up to
5 public testimony?

6 JAMES RAFFERTY: Yeah, nothing further to add,
7 other than to acknowledge that Ms. Kass is here and
8 available, and if Board members are interested in learning a
9 little bit more about the role of the Center and its
10 importance in the community, I know you have correspondence
11 in support that describes that, so perhaps that would be
12 sufficient.

13 CONSTANTINE ALEXANDER: Okay, thank you. And we
14 do -- as you point out, we do have a substantial amount of
15 correspondence, all in fervent support of the project. No
16 letters of opposition. But with that, Brendan, any
17 questions?

18 BRENDAN SULLIVAN: Brendan Sullivan, no questions
19 at this time.

20 CONSTANTINE ALEXANDER: Slater?

21 SLATER ANDERSON: No questions.

22 CONSTANTINE ALEXANDER: Laura?

1 LAURA WERNICK: No questions.

2 CONSTANTINE ALEXANDER: Matina?

3 MATINA WILLIAMS: No questions.

4 CONSTANTINE ALEXANDER: And the Chair has no
5 questions either. With that, I'll open the matter up to
6 public testimony, and any members of the public who wish to
7 speak should now click the icon at the bottom of your Zoom
8 screen 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 I'll wait a few minutes to see if anyone wishes to
12 speak.

13 SEAN O'GRADY: No speakers, Gus.

14 JESSYE KASS: Sorry, while we're waiting, could --
15 I just wanted to say thank you so much for hearing the
16 letters. This means so much to the Center, so I really
17 appreciate you guys taking the time to read all the letters
18 of support and this will greatly improve the over 800
19 individuals a year who utilize the Center. So thank you.

20 CONSTANTINE ALEXANDER: Thank you. Anyone else?

21 SEAN O'GRADY: No, Gus.

22 CONSTANTINE ALEXANDER: Okay, thank you, Sean. As

1 has been stated so far, we have multiple letters of support
2 -- very strong letters of support, I might add; stronger
3 than we usually get. But this is an unusual service that's
4 being offered by the petitioner.

5 So I'll close public testimony. Ready for a vote?

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

8 LAURA WERNICK: Yes.

9 CONSTANTINE ALEXANDER: Slater?

10 SLATER ANDERSON: Let's do it.

11 CONSTANTINE ALEXANDER: Laura?

12 LAURA WERNICK: Yes.

13 CONSTANTINE ALEXANDER: Matina?

14 MATINA WILLIAMS: Yes.

15 CONSTANTINE ALEXANDER: Okay. And I am ready as
16 well, so I will try to frame a motion. We have here two
17 pieces that -- we've two votes to take; one for the variance
18 and one for the special permit. I'll start with the
19 variance.

20 The Chair moves that we make the following
21 findings with regard to the variance that's being sought:

22 That a literal enforcement of the provisions of

1 the ordinance would involve a substantial hardship, such
2 hardship being that this building, which was initially
3 constructed, I would assume, as a residence, has evolved
4 into premises that provide very valuable social services to
5 the city; to the citizens of the city.

6 That the hardship is owing to the fact that this
7 building is not a building that was built for the use it is
8 now legally being put to, and that the building in fact is
9 in need of substantial upgrading, which has led to the
10 petition before us.

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

15 So on the basis of these findings, the Chair moves
16 that we grant the variance requested on the condition that
17 the work proceed in accordance with plans prepared by
18 Spacecraft Architecture, the first page of which has been
19 initialed by the Chair and those plans, they are a date of
20 August 12, 2020.

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

1 SLATER ANDERSON: Slater Anderson, yes to granting
2 the variance.

3 LAURA WERNICK: Laura Wernick, yes to granting.

4 MATINA WILLIAMS: Matina Williams, yes to granting
5 the variance.

6 CONSTANTINE ALEXANDER: The Chair makes it
7 unanimous.

8 [All vote YES]

9 The variance is granted. Moving on to the special
10 permit, Mr. Rafferty, you want to address that a little bit?

11 JAMES RAFFERTY: Sure. Sure. The petition seeks
12 to avail itself of the recent amendment to the zoning
13 ordinance that allows for exemption of basement space from
14 the GFA calculations.

15 Part of the build-out here will involve more
16 active program use in the basement. So for that reason,
17 we're seeking the special permit. It has no change on the
18 volume or massing of the building, but does allow for the
19 use of the basement as part of -- address some of the space
20 needs of the center.

21 CONSTANTINE ALEXANDER: The -- what Mr. Rafferty
22 is referring to is Section -- in the definition of our

1 zoning ordinance, the definition of gross floor area would
2 allow an exemption or not being counted for GFA, provided
3 that we find that the uses occupying such exempted GFA
4 support, the character of the neighborhood or district in
5 which the applicable lot is located.

6 And I think we've heard ample testimony so far
7 that this does support the character of not only the
8 neighborhood, but the city of Cambridge. So I think we need
9 to make as well the general findings with regard to all
10 special permits.

11 So the Chair moves that we also find that -- let
12 me get to the words -- that the requirements of the
13 ordinance cannot be met without the special permit being
14 requested.

15 That traffic generated or patterns of access or
16 egress resulting will not cause congestion, hazard, or
17 substantial change in established neighborhood character --
18 in fact, it will cause the opposite. It will reduce
19 congestion and hazard or substantial change in neighborhood
20 character by the means of the upgrade of the structure
21 itself.

22 That the continued operation of or development of

1 adjacent uses, as permitted by the ordinance, will not be
2 adversely affected. What will happen, should we grant the
3 special permit, is exactly what is happening now in terms of
4 the impact of adjacent or development of adjacent uses.

5 That no nuisance or hazard will be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city.
8 And again, what will result should we grant the special
9 permit is a reduction in nuisance or hazard by virtue of the
10 upgrading of the facility.

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

15 So on the basis of all these findings, the Chair
16 moves that we grant the special permit requested; again on
17 the condition that the work proceed in accordance with the
18 plans referred to with regard to the variance we just
19 granted.

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

22 SLATER ANDERSON: Sign language, yes to granting

1 the special permit.

2 LAURA WERNICK: Laura Wernick, yes to granting the
3 special permit.

4 MATINA WILLIAMS: Matina Williams, yes to granting
5 the special permit.

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

8 [All vote YES]

9 Special permit granted. Good luck.

10 JAMES RAFFERTY: Thank you very much. Have a good
11 evening.

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1 * * * * *

2 (7:50 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Slater Anderson, Matina Williams and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 94636 -- 43 Cottage Street. Anyone here wishing
8 to be heard on this matter?

9 SARAH RHATIGAN: Yes, Mr. Chair. This is Sarah
10 Rhatigan from Trilogy Law, LLC. Good evening.

11 CONSTANTINE ALEXANDER: Good evening.

12 SARAH RHATIGAN: I am here representing the
13 petitioners, who are also here as well on the call. Jessica
14 Lipschitz and David Johnson are on the screen as well. And
15 our architect, Charlotte Lipschitz is here as well; and our
16 General Contractor is somewhere on the call, Joe DiLazzaro,
17 just in case we need him.

18 Thank you very much for hearing this matter this
19 evening.

20 Sisia, are you able to pull up our slide deck for
21 the --

22 SISIA DAGLIAN: Yes.

1 SARAH RHATIGAN: -- presentation, thank you. And
2 just a quick clarification question, is this the original
3 set that I sent to you?

4 SISIA DAGLIAN: Yes, yes.

5 SARAH RHATIGAN: Great. Thank you. So members of
6 the Board, thank you very much for hearing this case. We
7 are applying for a special permit for renovations to the
8 right side of the structure that you're looking at here.

9 The owners just recently purchased this home this
10 summer, and they are a young family, actually with -- soon
11 to be a family of three.

12 And they purchased the right side of this home.
13 It was originally what they call a double home, constructed
14 in 1850. The right side of this blue structure is their
15 house, and it's in quite substantial need of repair.

16 And their renovation plans involve an addition at
17 the rear and a dormer on the third floor, and some window
18 changes at the back wall of the structure -- all of which
19 are coming in as a special permit, and I will discuss that
20 with you as we go along here.

21 If we could go to the next page?

22 This is just our application form. This is just a

1 side view of the house.

2 You can see it's a little overgrown here, and the
3 street was under construction, but there is a curb cut now
4 that had been approved before the owners purchased the
5 property, but it's now been installed since this picture was
6 taken.

7 Next slide, please? And Sisia, if you don't mind,
8 could you go to the right lower corner of this slide that
9 shows the FAR tables?

10 So in this section, this is showing the -- I just
11 want to give you a sense of the changes that this renovation
12 results in.

13 First, big picture: So this is a preexisting
14 nonconforming structure. It was obviously built well before
15 there were zoning requirements in terms of, you know,
16 dimensional standards. It has a zero lot line because it
17 shares its neighbor -- you know, it shares the lot with the
18 lot line -- excuse me, it has a shared wall with its
19 neighbor on the left.

20 And it's approximately 11 feet from the rear lot
21 line, so it's -- it doesn't have sufficient rear yard. And
22 the existing square footage puts it at a 0.61 FAR in a zone

1 with a 0.6 square footage. So not much over, but a little
2 bit over.

3 And so any changes that happen sort of in the
4 center of the house will -- at least at the roof line are
5 going to impact, or they're going to require some relief,
6 due to setback issues on the left side of the structure.
7 Any changes of the rear affect rear setbacks.

8 And it is a single-family structure. So this is
9 the type of renovation where most anything that you do is
10 going to require some sort of relief.

11 Sisia, if you don't mind -- I'm sorry, do you mind
12 just zoom in again on the FAR --

13 SISIA DAGLIAN: I'm sorry.

14 SARAH RHATIGAN: -- section? Thank you, that's
15 great. And thanks, by the way, for running these slides for
16 us. So what's happening in our renovations is the basement
17 which right now is a dank, dark, you know, unusable space is
18 going to be improved so that it's -- you know, dry and
19 available for storage for a bedroom that's accessible by
20 stairs, and a functioning bathroom, and for a sitting room.

21 And the hope here is that David and Jessica's
22 father and father-in-law -- recently his mother passed away.

1 He lives on the west coast, and they're very much hoping
2 that he's going to move in with them. But he is the type of
3 person who will not do so unless he has a little bit of
4 independence.

5 The Board may realize that we swapped out a
6 basement page. Earlier, there had been a page that
7 indicated that there was a kitchenette in the basement.
8 That was a mistake. It was essentially an earlier rendering
9 of this, where there had been thoughts about actually trying
10 to give him his own apartment, but those plans have been
11 essentially -- you know, put to the side. There's no
12 intention of actually creating a separate apartment in the
13 basement.

14 But this would be a living space that would be
15 suitable for their aging father to live in, but to have a
16 little -- you know, space and privacy and ability to get in
17 and out without having to go up and out throughout the main
18 living space.

19 On the first floor, so at the top level here is
20 the existing square footage. So you see there's the main
21 portion of the house and then there's sort of the rear area.
22 And what happens is with the renovations, what the

1 renovation does is it expands the wall of the middle portion
2 of the house a bit to allow for a slightly larger kitchen
3 and a more sort of useable space.

4 It's still a section that's behind the extent of
5 the front wall of the house, so that it's not sort of
6 extending out in any way that -- frankly I don't know that
7 the -- if you were walking along the street if you would
8 necessarily even notice this addition.

9 It could be that the neighbor next door will
10 notice this addition, but as you'll see from letters in the
11 file and they may even be on this call, I'm not quite sure,
12 but -- the neighbors are expressly, explicitly, you know,
13 consenting and approving of the plans to expand here.

14 On the second floor, there's also -- it's
15 essentially the expansion is -- you know, extends up that
16 one floor. So on the second floor, there's a little bit of
17 an increase as well that allows for a bathroom and a little
18 bit of a laundry area.

19 And then on the third floor, the change on the
20 third floor is the dormer allows for -- there's now space up
21 on the third floor that is essentially a big, open,
22 cavernous space with deep, you know, sloping walls. So if

1 you walk too far, you hit your head. There is some
2 unfinished plumbing up there, but there's not a proper
3 bathroom.

4 So the proposal is with the dormer in place, they
5 can actually have a proper bathroom up there, and there can
6 be a bedroom with -- you know, actually some usable space,
7 as opposed to the kind of sloping walls that exist today.

8 Altogether, with the changes that are being made
9 here, which will be a really vast improvement for this
10 family, the net increase in square footage is 250 square
11 feet.

12 Thank you for letting me go through this. I hope
13 it wasn't too lengthy, but now I'm going to just kind of
14 march us through the rest of the plans here.

15 So Sisia, next page, please? This is just another
16 view. This is a view of the site plan, with the red hatch
17 mark is just showing you the footprint change with the
18 addition. So you can see it has a pretty modest impact on
19 what the -- you know, what the outside footprint of the
20 structure is going to look like?

21 Next page, please?

22 These are just showing the existing floor plans.

1 I can take as much time with this as you'd like, but I'm
2 going to go rapidly, unless there are any questions. So
3 this is the basement -- showing the existing basement and
4 the existing first floor.

5 That large thing, just to point out, is the
6 existing deck is quite large, and with the expanded wall of
7 the new kitchen, the deck is going to be a much more normal
8 size deck.

9 Next page, please?

10 Again, this is the existing second floor, and then
11 the existing third floor. What the existing third floor
12 actually does not show is where the five-foot line mark is.
13 You just kind of have to use your imagination a little bit
14 if you look at the side view of the picture of the house,
15 you get a sense of it's a relatively steep pitch. So
16 there's a bunch of that space up in the third floor that's
17 not effectively usable currently.

18 Next page, please?

19 Okay, so this is the renovation plan. So this is
20 showing the basement renovation, and this is what we were
21 talking about before. If you can see the basement plan on
22 the left, it's showing storage at the front and in the back,

1 and then there's a plan for the bedroom right in the middle,
2 a small bathroom, and a sitting room with stairs up and for
3 the egress out for their father-in-law.

4 And then the first floor -- again, just a
5 relatively modest change in terms of square footage, but a
6 really -- sorry, wait for Sisia to find that page again --
7 there we go, thank you...

8 A really big improvement in terms of, you know,
9 the lives of our client here in terms of their living with
10 the kitchen space, and their exit out onto a little landing
11 with stairs down to the grade.

12 And you can see the new deck being a smaller,
13 square-sized deck that's kind of more in line with what you
14 would expect.

15 Next slide, please?

16 So here you see the second floor and the third
17 floor. One thing that I didn't comment on yet, as there are
18 a number of homes like this of this era where when they
19 added on the structures at the back, they were at different
20 elevations. So that's what happens with this house.

21 When you move from the main house to the middle
22 and rear portions, the level of the house changed. So

1 there's kind of like, you know, steps -- I think it's steps
2 down. The renovation's actually going to bring the floor
3 levels up to make it much -- you know, more -- you know,
4 usable space. And you can see that the expansion on the
5 second level gives them some laundry and then a bedroom --
6 bathroom, excuse me. And then you'll see on the third floor
7 level they have a proper bedroom and a full bath.

8 And then next we'll just go through the elevations
9 so you can see the impact here. So this is just giving you
10 the view of the front of the house. The front of the house
11 really will not -- the renovations are not going to result
12 in any change that would be visible.

13 Next slide, please? These are -- again, this is
14 the existing view. This is seen from the side, and the next
15 slide is going to show us the renovation. So --

16 BRENDAN SULLIVAN: So this is Brendan Sullivan.
17 The thing that I found troubling --

18 SARAH RHATIGAN: Yes!

19 BRENDAN SULLIVAN: -- is that on these additions,
20 especially the dormer, lacked dimensions. And I would have
21 actually rejected the drawings as submitted. Maybe we'll
22 give you a little more courtesy, but without dimensions it's

1 very difficult for us to understand exactly the number
2 that's going on and what constitutes the addition.

3 I know there was a small addition down in the
4 basement to allow for the entry, but it's hard for us to --
5 for me -- to determine the extent of it, and also to pass
6 the drawings on then to the Building Inspector for him to
7 approve construction drawings.

8 And I especially found very troubling that the
9 initial dormer lacked dimensions, which I understand now is
10 at 18 feet?

11 CONSTANTINE ALEXANDER: 15 feet.

12 BRENDAN SULLIVAN: Well, no --

13 SARAH RHATIGAN: So --

14 BRENDAN SULLIVAN: -- that was subsequent. The
15 original submission was how many feet?

16 CONSTANTINE ALEXANDER: 20.

17 SARAH RHATIGAN: Yeah, the initial submission --
18 the submission that we're looking at right now is actually
19 19 -- actually Charlotte, you have the exact dimension --

20 CHARLOTTE LIPSCHITZ: Yeah, I think --

21 SARAH RHATIGAN: -- I think it's 19? --

22 CHARLOTTE LIPSCHITZ: -- I can answer that. You

1 know, we were really shooting to match the next-door
2 neighbor's dormer addition, and I -- and we haven't been
3 able to get up to measure that exactly. But by my
4 calculations, I'm looking at a dormer that's about 19.8.

5 And again, this is a diagram above, or the aerial
6 view above, and meant to sort of suggest we're trying to
7 match that dormer dimension as closely as possible to
8 maintain the symmetry around the party wall.

9 BRENDAN SULLIVAN: Whenever we see -- Brendan
10 Sullivan again -- whenever we see drawings without
11 dimensions, for me, I become suspect.

12 CHARLOTTE LIPSCHITZ: The dimension of this dormer
13 is 19.8. Sorry about that.

14 CONSTANTINE ALEXANDER: As Brendan is saying,
15 you're now proposing that the dormer will be no more than 15
16 feet long? You're reducing the size of the dormer?

17 SARAH RHATIGAN: Well, so here's the -- here -- if
18 we should jump ahead to the dormer discussion, then I would
19 be happy to do that.

20 CONSTANTINE ALEXANDER: Well, let's be very clear.

21 SARAH RHATIGAN: The --

22 CONSTANTINE ALEXANDER: We have -- excuse me, we

1 have dormer guidelines, as you're well aware.

2 SARAH RHATIGAN: Yes.

3 CONSTANTINE ALEXANDER: This Board takes those
4 guidelines very seriously. The guidelines provide -- and I
5 think to my mind at least, the most important aspect of the
6 guidelines is that the dormers cannot be more than 15 feet
7 long; either one dormer or a collection of dormers, but no
8 more than 15 feet of dormers on the structure.

9 The original plans came in with 20 feet, which
10 clearly were not against -- were not going to get accepted.
11 And we communicated that to you, to the Building Department,
12 and I want to be assured now, and I want to see the plans
13 that show a 15-foot dormer.

14 SARAH RHATIGAN: Okay. So the -- the submission
15 that is part of a set that was delivered today is available,
16 although I'm not sure if Sisia has it loaded up.

17 SISIA DAGLIAN: If I get off this one.

18 SARAH RHATIGAN: Okay, great.

19 SISIA DAGLIAN: Do you want to do that?

20 SISIA DAGLIAN: And just -- you know, for the
21 record, I don't want this Board to feel that anybody was
22 trying to pull wool over eyes or anything of the sort. So,

1 you know, I think that the owners and their architect were
2 working with an understanding of trying to mirror their
3 neighbor's dormer, and thinking about the aesthetic, and
4 they were speaking to their neighbors, and they had
5 something that they thought everybody liked, or they knew
6 everybody liked.

7 And, you know, the 15-foot, you know, guideline --
8 you know, I'm obviously aware of it and we understand, but
9 once it was pointed out as a question, Mr. Sullivan, thank
10 you for calling and raising that as a question. We
11 scrambled Wednesday night in order to put together the plans
12 that you're looking at right now.

13 And so, what you're looking at right now, all
14 these are noted as alternate dormer configurations. And so,
15 essentially this brings the dormer dimension back to 15
16 feet.

17 And what we've done is we've shown the effect of
18 doing that. It does -- it does mean that the dormer will
19 not match its neighbor. The owners lose a little space,
20 which they are willing to do in the interest of trying to,
21 you know, meet the city's guidelines.

22 And I also submitted today in person a hand

1 marked-up revision to our dimensional table. And Sisia,
2 that may not be loaded as a slide. I did submit it, and if
3 you don't have it, I can read it out to the Board. This is
4 not rocket science, there are just two numbers that change
5 on their dimensional table.

6 It essentially results in a -- I think it's a --
7 hold on -- it results in a --

8 SISIA DAGLIAN: I think it's on the left.

9 SARAH RHATIGAN: -- a 30 square foot --

10 SISIA DAGLIAN: All right. I -- yeah, so it
11 should be on --

12 SARAH RHATIGAN: Right. I had a revised
13 dimensional table --

14 SISIA DAGLIAN: Oh, okay.

15 SARAH RHATIGAN: -- that I submitted. So the
16 requested square footage is now 2747 instead of 2774. So,
17 you know, approximately a 30-square-foot difference. And
18 then the requested FAR, instead of being 0.67 comes down to
19 0.66.

20 So those changes we are absolutely willing to make
21 and, you know, in the interest of wanting to keep this
22 within the city's glasses, and all of course in the interest

1 of trying to keep this to something that, you know,
2 continues to be something that's not detrimental to the --
3 you know, to the district.

4 BRENDAN SULLIVAN: Brendan Sullivan here --

5 SARAH RHATIGAN: We may have skipped over a few
6 things, so -- but I want to give a chance for you to ask any
7 questions that you want about the dormer.

8 BRENDAN SULLIVAN: Brendan Sullivan. I think
9 would have been, maybe would have augmented your argument
10 that by reducing the size of the dormer to 15 feet, off
11 balances your proposed one with the neighbors.

12 The perspective that we see only shows yours, and
13 I think it would have probably been better for the Board to
14 see the entire back, including your neighbors and your
15 proposed dormer to see the effect of the what was originally
16 proposed and what is probably reluctantly being proposed at
17 15 feet, to see how that imbalance looks, that's all.

18 CONSTANTINE ALEXANDER: Well, to elaborate on
19 that, I'm frankly disappointed in how this case got before
20 us. We shouldn't be having this discussion on the last day
21 with corrections to the plans and dealing with the dormer,
22 which -- the dormer guidelines are quite clear.

1 Why the additional plans should have 20-foot
2 dormers astounds me. But now we're down to 15, that's fine.
3 You have done, I think the neighbors a disservice by not
4 doing what Brendan his very correctly said was an
5 appropriate way of proceeding.

6 CHARLOTTE LIPSCHITZ: I'm sorry, I just want to
7 make sure that I'm understanding the advice here. So you're
8 asking to see a view -- because I think our intent with this
9 view was to show our dormer butted up against their dormer,
10 and the relative width of them. And maybe I'm just not
11 understanding exactly the advice we're getting.

12 BRENDAN SULLIVAN: Yeah, Brendan Sullivan again.
13 Well, I think what your argument's basis may very well be is
14 that by reducing it to 15 feet, it will look odd and
15 imbalanced.

16 And yet -- and again, maybe because of the
17 shortness of time between yesterday and today, but I think
18 that showing that in plan, in perspective, would augment
19 your argument more so than just showing your dormer being
20 reduced -- you know, by three feet, four feet, whatever it
21 may be.

22 And again let me while we're on the dormer issue,

1 the only saving grace -- and I'll just spell this out -- is
2 that the 15 foot backs on the dormer is usually because
3 dormers were on the sides of houses. It's very visible from
4 the public way.

5 And the only saving grace on this locus is that
6 the proposed dormers are in the back of the house, which
7 really you wouldn't see from the public way, and as you can
8 see by this picture is pretty well screened by vegetation
9 from almost any view.

10 So where do we go from here? I think that
11 probably to get maybe the Board to yes the original proposal
12 would be to show the relationship of what you're proposing
13 along with your neighbors' dormer, to show what it will look
14 like.

15 LAURA WERNICK: So Mr. Sullivan, we have the --
16 I'm sorry to interrupt you, I just want to make sure you're
17 aware -- we have, the view that you're looking at now, we
18 have that Google view overlay with the original dormer.
19 Now, we don't have a -- like a, you know, a, you know, an --

20 BRENDAN SULLIVAN: Straight on.

21 LAURA WERNICK: -- architectural drawing.

22 BRENDAN SULLIVAN: You really need the straight on

1 view.

2 LAURA WERNICK: Okay.

3 BRENDAN SULLIVAN: Rather than a birds eye view.

4 LAURA WERNICK: Okay.

5 CHARLOTTE LIPSCHITZ: So what you would be looking
6 for is like a rear elevation showing both --

7 BRENDAN SULLIVAN: Well, or -- or you can just
8 continue with the hearing and let the Board -- I think your
9 initial thing was use a little bit of -- you know, intuition
10 or something, or how does, there was some word you used way
11 in the beginning?

12 LAURA WERNICK: But Brendan, I think you're
13 telling us that they're okay with the 15.

14 CHARLOTTE LIPSCHITZ: Yeah, I think -- I think,
15 and I'm --

16 LAURA WERNICK: They're no longer insisting on the
17 --

18 BRENDAN SULLIVAN: Well, that's it. Unless you
19 just want to continue along, that's all, or you making an
20 argument for the original?

21 SARAH RHATIGAN: Yeah, I think, you know, I really
22 appreciate the Board having this conversation with us, and

1 no it's not an ideal situation to be in. But let me say
2 this -- the petitioners very much want to have their
3 renovation plans heard by you this evening, so that it's a
4 strong goal to be able to proceed with the renovation plans.

5 You know, time is important as an element of this.
6 So, you know, to the extent that we can get some certainty
7 tonight, that's going to be kind of an overriding issue
8 here.

9 If the Board could be persuaded that the original
10 dormer as constructed is not an issue, then that's obviously
11 our first option.

12 And Mr. Chairman, the one thing I would just like
13 to point out -- and I'm not trying to be argumentative, I
14 just want to have you consider this argument: The dormer
15 guidelines are guidelines. They're not codified in the
16 ordinance.

17 If you have a 15 foot dormer under -- what is it,
18 8.22.1 to 0.1, and it's otherwise conforming, then you could
19 build it with a building permit, right? But as far as I can
20 see, the ordinance doesn't say if you don't have a 15-foot
21 dormer, if it's bigger, then you must have it by a variance,
22 or whatever.

1 So I know and we know that the city has a strong
2 preference for 15-foot dormers. However, you know, in
3 certain circumstances, sometimes it does make sense to do
4 something different than that.

5 So the question is, 1) if the Board is inclined to
6 grant the 19-foot dormer, that's wonderful, that's fabulous.
7 If there's really not a persuadable -- you know, if you're
8 not inclined to be persuaded of that, we would very much
9 like the Board to consider the 15-foot dormer.

10 And I think that the aesthetics of this -- I mean,
11 honestly, who's going to see this view, this -- you know,
12 this bird's-eye view? You know, no one really will.

13 And one of the things that's interesting about
14 this site is that in terms of neighbors who will be looking
15 directly at the back of this double house, the rear neighbor
16 is a church that doesn't really have much back yard, and
17 doesn't seem to have any back windows that look directly out
18 at this.

19 So there doesn't seem to -- and there's also very
20 large canopy tree that is absolutely beautiful, but also
21 kind of blocks any view of this back area from pretty much
22 any angle. So I'm kind of hard pressed to know who will

1 even see this and notice this aesthetic -- you know, sort of
2 asymmetry.

3 You won't notice it from the side view, because
4 they'll see the edge of the dormer, but you won't see -- you
5 know, what its width is, you know, compared to its neighbor.

6 And if, you know, David and Jessica are willing to
7 live with four feet less of -- you know, of width of dormer,
8 you know, I think the answer is that they are willing to
9 live without that.

10 This is a very longwinded way of saying that, you
11 know, if the Board is saying they will not grant a 19-foot
12 dormer, we would submit that we would proceed with a 15-foot
13 wide dormer.

14 CONSTANTINE ALEXANDER: Well, I can -- this is the
15 Chair. I can only -- of course we're aware -- certainly I'm
16 aware -- that the guidelines are in fact guidelines.

17 But this Board consistently for years has followed
18 those guidelines, as if they were part of the zoning
19 ordinance -- particularly with regard to the length of the
20 dormer.

21 To the extent that we've granted exceptions to the
22 dormer guidelines, there were other aspects of it, and there

1 have been sufficient architectural -- structural reasons to
2 do so.

3 Here, maybe I hear you that it's in the rear and
4 the people who could see it are not that -- it's not that
5 much of an aesthetic impact to neighborhood property, but I
6 can only say that I will not vote in favor a dormer that's
7 more than 15 feet.

8 And so, if we leave it at 15 feet, I will vote for
9 it. If we go to 20 feet, I'm going to go oppose. I'm only
10 one of five, but I -- this will not start opening a crack in
11 the dormer guidelines.

12 If we do it for one, we've got to do it for
13 another. There's always an argument about why we're
14 differing, and we need an exception for the glasses.

15 So, when I make my motion, I'm going to make it
16 for a 15- for the Board to consider, for a 15-foot dormer,
17 unless my Board members want me to do otherwise.

18 SARAH RHATIGAN: That is completely understood.
19 The -- I'm just concerned, I want to make sure that I didn't
20 skip over any other parts of the renovation work that need
21 to be discussed. I think the other special permit that
22 we're requesting is for some window changes at the rear.

1 And I know oftentimes we go through those
2 separately, but since it's all special permit relief, I'd
3 just ask the Chair if you'd like me to start that discussion
4 now, or if there are any other questions about the main
5 renovation?

6 CONSTANTINE ALEXANDER: Might as well start the
7 discussion now, and then we can open up to public testimony
8 and then proceed to a vote. So why don't we do it all at
9 one time?

10 SARAH RHATIGAN: Okay, great. Sisia, I am not
11 sure which page we should go to. We're looking for a rear
12 elevation on the proposed drawing.

13 SISIA DAGLIAN: Yes.

14 SARAH RHATIGAN: I think that this one --

15 SISIA DAGLIAN: So, you can go up to -- let's see
16 -- yeah, there you go. I think -- yep, we're good. So this
17 on the left is the front elevation on Cottage Street, and
18 the rear elevation -- the proposed rear elevation is at the
19 right.

20 SARAH RHATIGAN: Okay, that's great. And then
21 Charlotte, can you just help me with the changes -- the
22 window changes that are within the rear setback are, as I

1 see it, it's on the -- there's one large casement window?

2 CHARLOTTE LIPSCHITZ: Yes.

3 SARAH RHATIGAN: And there's a basement window
4 that is new.

5 CHARLOTTE LIPSCHITZ: Yeah. So if you guys
6 remember how the plan works, there's sort of three sections
7 of the house stepping down towards the back lot line. So
8 the lowest section here in the rear elevation is just the
9 one-story section where we're proposing kind of a double-
10 hung double window, and also an awning window at the
11 basement storage space.

12 The -- what you see on the left of the basement
13 space is an existing structure to go down to, like, an
14 existing bulkhead to go down to the basement space.

15 SARAH RHATIGAN: And as we mentioned before, just
16 in terms of -- you know, impacts of these window changes,
17 there's quite a bit of tree coverage, and there's a high
18 fence in the rear area, and there's also -- as I mentioned,
19 the rear neighbor is, a church used that doesn't really look
20 like it has a yard back there.

21 I mean, it has some space back there, but it's not
22 -- it doesn't appear to be a used yard or any windows that

1 look back out at this area.

2 So to the extent that there is any, you know,
3 light or privacy concerns, in this particular situation, I
4 don't think that there should be any negative impacts at the
5 rear with these window changes. There should be relatively
6 low impacts there.

7 And one other just general -- I didn't have any
8 other specific comments on the windows, other than just to
9 have a general comment about the -- kind of the process and
10 the neighbors' support. These folks are new to the
11 neighborhood.

12 They just bought over the summer, and they've done
13 really, I think, a very admirable job of reaching out to,
14 you know, most importantly the people who are directly next
15 to them, but also neighbors across the street and, you know,
16 a few houses away.

17 I know that there are a number of letters of
18 support in the file. I think there's something like eight
19 or nine neighbors who've written letters of support. But
20 they're looking like they're doing quite a good job of
21 trying to make sure that their neighbors are on board with
22 the renovations and supportive of what they're doing, and

1 hopefully that -- you know, bears something on the
2 application as well.

3 CONSTANTINE ALEXANDER: Okay. I'm not going to --
4 let me ask members of the Board if they have any specific
5 questions to ask before I open this matter up to public
6 testimony. Brendan?

7 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

8 CONSTANTINE ALEXANDER: Slater?

9 SLATER ANDERSON: No questions.

10 CONSTANTINE ALEXANDER: Okay. Keep going.

11 LAURA WERNICK: [Laura] - I just have one very
12 minor question about the basement unit. And you said that
13 there is no longer any kitchenette in there, and yet the
14 drawing you showed had a kitchen counter. So I just want to
15 be clear on what exactly -- is there a sink counter in the
16 basement?

17 SARAH RHATIGAN: There is no longer going to be
18 one. So on the plans that -- there should be a plan --
19 there's -- okay, so the page that you're showing right
20 there, Sisia?

21 SISIA DAGLIAN: Yeah, that's the old one.

22 SARAH RHATIGAN: That's the old one. If we need

1 to -- we need to have a strike out of page 10. Maybe we
2 could say that on the record. Page 10 that Sisia had
3 highlighted is deleted. Oh, there we go, deleted.

4 LAURA WERNICK: I think that's page 11.

5 SISIA DAGLIAN: Yeah, page 11.

6 SARAH RHATIGAN: Oh, don't delete page 11. Page
7 11 is the corrected page.

8 SISIA DAGLIAN: This is the corrected page.

9 CHARLOTTE LIPSCHITZ: Page 10 is the corrected
10 page. Page 11 is the --

11 SARAH RHATIGAN: Oh, shoot --

12 CHARLOTTE LIPSCHITZ: -- page that should be
13 struck.

14 SARAH RHATIGAN: My eyes aren't good. We need to
15 make sure that the corrected page is the one that does not
16 show any kitchenette.

17 LAURA WERNICK: Okay, thank you.

18 SARAH RHATIGAN: My eyes are not good. Do we have
19 that correct? Someone has that?

20 CHARLOTTE LIPSCHITZ: Yeah.

21 LAURA WERNICK: Page 10 is correct?

22 SARAH RHATIGAN: Yeah. Thank you, thank you Ms.

1 Wernick for pointing that out.

2 CONSTANTINE ALEXANDER: Matina, do you have any
3 questions?

4 MATINA WILLIAMS: No questions at this time.

5 CONSTANTINE ALEXANDER: The Chair has no further
6 questions. I'll open the matter up to public testimony.
7 Any members of the public who wish to speak should now click
8 the icon at the bottom of your Zoom screen that says, "Raise
9 hand." If you're calling in by phone, you can raise your
10 hand by pressing *9 and unmute or mute by pressing *6. I'll
11 take a moment or so to see if there is anyone wishing to
12 speak.

13 SEAN O'GRADY: You have a Rick Barry. Mr. Barry?

14 CONSTANTINE ALEXANDER: I'm sorry. Say that
15 again, Sean?

16 SEAN O'GRADY: You have a Rick Barry to speak.

17 CONSTANTINE ALEXANDER: Okay. Mr. Barry? Mr.
18 Barry?

19 SEAN O'GRADY: I think he's --

20 SISIA DAGLIAN: There we go.

21 SEAN O'GRADY: Mr. Barry?

22 CONSTANTINE ALEXANDER: Well, unless he speaks up

1 very quickly, I'm going to move on.

2 JESSICA LIPSCHITZ: He's muted.

3 SISIA DAGLIAN: It's hard to hear.

4 JESSICA LIPSCHITZ: He's not muted, but it's hard
5 to hear. He said, "I'm muted, I'll keep trying. But maybe
6 it's just a tech problem.

7 SARAH RHATIGAN: Jessica, is that your neighbor?

8 JESSICA LIPSCHITZ: Yeah, the one in the -- he's
9 the attached neighbor.

10 SARAH RHATIGAN: Oh, okay.

11 JESSICA LIPSCHITZ: So he's just really -- yeah.

12 SARAH RHATIGAN: He's somebody who had submitted a
13 letter in support just for --

14 JESSICA LIPSCHITZ: He did.

15 SARAH RHATIGAN: -- reference for the Board, yeah.

16 CONSTANTINE ALEXANDER: Okay, yeah.

17 SARAH RHATIGAN: He wanted to speak as well.

18 CONSTANTINE ALEXANDER: He hasn't changed his
19 mind. He submitted a letter of support, didn't he?

20 JESSICA LIPSCHITZ: No, he was texting me just to
21 say that he's trying to say something in support, but he
22 can't, he's muted somehow.

1 CONSTANTINE ALEXANDER: That's the joys of --

2 JESSICA LIPSCHITZ: Yeah. Everybody's life is
3 more difficult.

4 CONSTANTINE ALEXANDER: I think we have to move
5 on.

6 JESSICA LIPSCHITZ: Okay.

7 CONSTANTINE ALEXANDER: Anyone else, Sean?

8 SEAN O'GRADY: No, that's it, Gus.

9 CONSTANTINE ALEXANDER: Thank you. I will close
10 public testimony. Discussion by members of the Board, or do
11 we want to move to a vote?

12 BRENDAN SULLIVAN: Ready for a vote, Brendan
13 Sullivan.

14 CONSTANTINE ALEXANDER: Okay. Everyone else
15 agree?

16 [Pause]

17 I guess so.

18 SARAH RHATIGAN: Yes.

19 CONSTANTINE ALEXANDER: Okay, the Chair moves that
20 we make the following findings with regard to the special
21 permit that's being sought:

22 That the requirements of the ordinance cannot be

1 met without the special permit.

2 That traffic generated or patterns of access or
3 egress resulting from the proposed work will not cause
4 congestion, hazard, or substantial change in established
5 neighborhood character. In fact, what's being done is
6 upgrading a residence, to make necessary changes.

7 That the continued operation of or development of
8 adjacent uses, as permitted in the ordinance, will not be
9 adversely affected by what is being proposed. In this
10 regard, this is on the basis that the dormer will not be
11 more than 15 feet long.

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

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

20 On the basis of all of these findings, the Chair
21 moves that we grant the special permit on the condition that
22 the work proceed in accordance with plans submitted by the

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

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

5 SLATER ANDERSON: Slater Anderson votes yes.

6 CONSTANTINE ALEXANDER: Laura?

7 LAURA WERNICK: Laura Wernick votes yes.

8 CONSTANTINE ALEXANDER: Matina?

9 MATINA WILLIAMS: Matina Williams votes yes.

10 CONSTANTINE ALEXANDER: And I vote yes as well.

11 [All vote YES]

12 The special permit has been granted. Good luck.

13 COLLECTIVE: Thank you very much.

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2 (8:30 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
4 Anderson, Matina Williams and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 95518 -- 12 Norumbega Street.

8 BRENDAN SULLIVAN: No, Creighton.

9 CONSTANTINE ALEXANDER: Oh, Creighton, I'm sorry.
10 Well, let's do that one, then we'll go back to Creighton.
11 Okay? You want to do Creighton now, Brendan?

12 BRENDAN SULLIVAN: Yeah, whatever. Whatever you
13 want.

14 CONSTANTINE ALEXANDER: All right. I'm going to
15 withdraw the case I just called. I skipped over Creighton.
16 Creighton is a case I'm not going to be sitting on.

17 So Mr. Sullivan -- Brendan Sullivan, our Vice
18 Chair, will be Chairing the hearing of this case. Brendan?

19 BRENDAN SULLIVAN: The Board will hear Case Number
20 95066 -- 56 Creighton Street. Mr. McArthur? Excuse me, Dr.
21 Lin? Whoever is presenting.

22 ROBERT LIN: Hello. Yes, hi. My name is Robert

1 Lin, and I'm the architect along with Katherine Signelle,
2 who's here as well, and Duncan MacArthur, who's the owner.
3 And we'll be presenting this project to the Board this
4 evening.

5 I think it's important to backtrack a little bit
6 and give some history of how we've come to this place in the
7 project.

8 Back in the beginning of this year in January, we
9 submitted a proposal to the Planning Board where we were
10 working under the ordinance 5.28.2, which was a conversion
11 of a nonresidential structure into a residential structure.

12 And based on 5.28.2, as long as you keep all of
13 the changes and all of the -- sort of the work within the
14 volume of the structure, you're allowed to just go through
15 with the special permit. It's allowed, no variances
16 requested.

17 So we went through that process in January, and we
18 were approved by the Planning Board for a three-unit
19 residential development, which is happening within the shell
20 of this existing commercial printing facility, which was
21 right at the tracks at the end of Creighton Street.

22 And so, we had our approvals. It was filed in

1 April, and we began the process of doing some structural
2 exploration around the perimeter.

3 And one of the things that we were doing with our
4 preliminary -- not our predominantly, our approved project -
5 - was because it's right now two loft spaces; two very tall,
6 14-foot spaces, we were taking the two floors out,
7 preserving the perimeter, and we were going to add a floor
8 to the space, because the Planning Board has the ability to
9 increase FAR, increase the number of dwelling units, and
10 make the number of special compensations under 5.28.2,
11 because there is a --

12 BRENDAN SULLIVAN: Robert, can I just interrupt
13 for one second?

14 ROBERT LIN: Yeah.

15 BRENDAN SULLIVAN: I just want to make sure Jim
16 Monteverde is on the line here?

17 ROBERT LIN: Okay.

18 BRENDAN SULLIVAN: Jim?

19 JIM MONTEVERDE: I'm here.

20 BRENDAN SULLIVAN: Okay, thanks.

21 JIM MONTEVERDE: This is Jim Monteverde. I'm
22 here.

1 BRENDAN SULLIVAN: Yeah, okay. I just want to
2 make sure we had 5. That's all I wanted.

3 JIM MONTEVERDE: Yep.

4 BRENDAN SULLIVAN: Continue.

5 ROBERT LIN: So I'm -- just to kind of end this, I
6 don't mean to be too longwinded, but we were approved for
7 9789 gross square feet, and we were approved for the three
8 units, which was -- you know, what the district allows
9 anyway in the ordinance. And all of the parking and the open
10 space requirements were approved under that special permit.

11 So we -- in going through that process, we had
12 numerous community meetings, we met with all of the
13 neighbors, we had two or three different organization
14 meetings where we presented to neighborhood groups, and we
15 went through the onerous process of getting that special
16 permit.

17 We ended up doing the structural investigation in
18 April after it had been filed, and what we found was that
19 unbeknownst to us, the perimeter walls don't have any actual
20 foundation. They just have a series of piers that are
21 connected by a grade beam. We didn't know this until we
22 started digging holes and test pits around the perimeter.

1 And our original scheme relied heavily on the fact
2 that we were going to have to transfer most of the loads of
3 what we were doing out to the perimeter walls in order to
4 preserve the structure, which is the intent of 5.28.

5 So we actually came back with this new proposal,
6 which we're showing you now to the Planning Board, and we
7 presented that to them in October, and as an amendment to
8 our original special permit.

9 And in our amended presentation, we've actually
10 kept much more of the interior space. So no longer are we
11 trying to add a floor within the two larger floors; we're
12 keeping the first floor and the second floor levels where
13 they are. We are lowering the roof structure slightly from
14 what's there currently, so that we can have recessed roof
15 decks.

16 And the reason that we're here today is that we're
17 asking for head houses that are added to the top of the
18 structure, which are conforming in terms of height, but
19 actually are outside of the volume of the existing
20 structure, which is what allowed us to do what we were doing
21 before. We were keeping everything within the volume under
22 5.28.2, but in this case, we're popping up to the allowable

1 height within the district, which is 35 feet.

2 We're still recessing the roof by approximately
3 three and a half feet, three feet, so that we're not sort of
4 building on top of what's there, and only a little portion
5 of those head houses -- five feet -- are projecting above.

6 And in doing so this, we presented it back to the
7 Planning Board, and the Board unanimously much preferred
8 this particular scheme, partly because we were maintaining
9 much more of the base structure of the existing building.

10 We're maintaining more of the loft character of
11 this building, and, you know, we were reducing the GFA that
12 they'd already approved. We're now asking for only 8885,
13 which is our -- which we -- it's a reduction of almost 1000
14 square feet from what they originally approved, and we're
15 adding more open space.

16 So from their minds, what we were showing other
17 than the fact that the head houses were popping outside of
18 the volume of this interesting structure, they found it to
19 be a much superior design.

20 And in working -- going through this process, we
21 worked very closely with the neighbors at 54 Creighton,
22 which is on this plan that Sisia's showing here, in that

1 house number 2, which is the one that's most impacted by our
2 changes.

3 And in working with them -- and I believe that
4 Judy and Tom are going to at some point be on this zoom
5 meeting, they also much preferred this proposal that we're
6 showing now, because it was much less impactful to their
7 side, which is right now one edge of what's really, like,
8 the secret little back yard space that they want to maintain
9 privacy -- a beautiful little outdoor area.

10 And they felt that our -- the new scheme that
11 we're going to show you tonight is much more in keeping with
12 what they were hoping.

13 Just to kind of orient, the project is in the
14 upper left-hand corner. It's 56 Creighton, but it includes
15 the strip of land that runs between Creighton Street and the
16 MBTA tracks, which is 56R. And there's a little section
17 that's an easement. And that's the area that we've gotten
18 approval from the Planning Board to deal with parking and
19 open space, and all of those other aspects of the project.

20 So today what we're really asking is for the Board
21 to review our proposal for the three head houses that poke
22 out from the top of the structure up to the 35-foot point.

1 So Sisia, if you don't mind moving to -- maybe
2 going to slide number 1, actually, which is just the view
3 from Creighton Street. So we've made sure that the head
4 houses -- none of the head houses are right up against the
5 street; none of the walls that we're proposing. So the
6 character and the height of the building will be in keeping
7 with what's there currently, and roughly 30 feet, which is
8 at or below the height of the existing structure -- the next
9 door structure as well.

10 Thanks, Sisia. Maybe go to the site plan, page 4?
11 Yeah. So, as I mentioned before, the project in question
12 are these three different lots, all in shared ownership --
13 Lot1A, 56R, and then the existing building, which was built
14 right out to the lot line against 54 -- against the project
15 that was a conversion, next door Regent Street, and really
16 on those two sides.

17 And then it had -- it's set back from Creighton
18 Street, and then it has the existing set -- the new setback,
19 or the setback from the tracks, which is the 56R property.

20 Sisia, if you could move on to the next?

21 So we've been dealing with -- we only were
22 required to have three cars, but in working through the

1 special permit, and talking with the neighbors, there was
2 concern about additional cars on Creighton Street, so we
3 provided for six-car parking; one car for each unit and one
4 car for each guest. All this was approved as part of the
5 special permit and the amendment. So we can move on to the
6 next one.

7 And this is the roof plan that actually shows --
8 you can see the head houses are all the sections that are
9 covered with the solar panels. And they all open out to
10 roof decks, which increases the open space.

11 And part of the reason we felt that in doing this
12 new proposal that we needed this additional open space in
13 the head houses was because when we first went through this
14 approval process back in January, it was an entirely
15 different world where flexible home office spaces and
16 outdoor areas -- outdoor gathering spaces -- were not in
17 everybody's mattering map in the way they are now.

18 But in our minds, that -- it's become such a
19 central part of the way people live that it is an important
20 component to make sure that we provided these spaces in this
21 development.

22 One other thing, before we leave this -- in

1 working with the Planning Board, we also provided access.
2 You can see on the lower left through those trees at the
3 back of the parking, there's some thought that the city is
4 going to be developing a walking, biking trail running along
5 that MBTA line.

6 And so, we've provided -- working with the city --
7 provided public access through the back side of this
8 property for people who would want to come from Creighton
9 Street, and then move along this potential feature city
10 trail along the tracks.

11 You can move to the next, Sisia.

12 So these are -- we can go through quickly. This
13 is the existing building. You can see this grid that's
14 there currently. It's approximately eight feet six in one
15 direction and 11, six in the other.

16 In our new proposal, we're maintaining that grid,
17 in our design. And that's different than what we had in the
18 previous project, which I why we were having to transfer the
19 loads.

20 In this case, we'll be able to keep most of the
21 columns in place, and keep much of the existing structure
22 intact, which is also part of the intent -- I think the 5.28

1 -- to reuse, you know, the sustainability component.

2 So this is our proposal. There's three units with
3 open living space on the first floor, entries for the first
4 two units off of Creighton Street, and the back unit is
5 entered off of the parking area, 56R on the track side.

6 We can move to the next.

7 Each one of the units will have three bedrooms
8 with some setback from kind of an outdoor area in the --
9 between the grid 4 and 5, which provides some privacy and
10 setback from the neighbors there, and another setback from
11 the Regent Street property between 14 to 13. And it also
12 allows for exterior openings for the bedrooms, so that they
13 can have their emergency egress.

14 We can move on to the next.

15 And these are the flexible rooms that we're
16 talking about -- the ones in question. So it allows for
17 stairways that come up, and each one of the rooms will just
18 really be flex space -- either for gym, office, or -- you
19 know, just access for outdoor gathering. And then they all
20 will open up to -- each one opens up to a roof deck.

21 And all of these will be -- as I've mentioned
22 before -- held off of Creighton Street by the 11 feet six,

1 held off from the 54 x nine feet six, and then held off of
2 Regent Street, also by the nine feet six. So we feel that
3 they're visually going to be hidden -- private, and they're
4 not going to create any additional impact on the adjacent
5 properties.

6 We can move on to the next.

7 And this is just showing, you know, the solar
8 panels on the roof. And I think that's essentially the
9 project. These are the existing elevations. You can see
10 the existing bay is intact in those elevations. And this is
11 our proposed elevations where we're maintaining that rhythm
12 -- that bay rhythm.

13 And the elevation number 2, this north elevation,
14 is the one that we've been working with the neighbors
15 closely next door, where that's all going to just be glass
16 block. So they'll have entirely -- they'll have privacy.
17 There will be no visual connection between their property
18 and any of the interiors of these units.

19 And this is the view from the track side, looking
20 back at the new elevation, where -- again, we're just
21 maintaining the bay, and we're keeping this sort of
22 industrial rhythm and industrial quality of the windows and

1 the building form.

2 And then views from the track side, and views from
3 Creighton Street, and a view from the track side.

4 BRENDAN SULLIVAN: Okay.

5 ROBERT LIN: I think that's it. Katherine or
6 Duncan, did I miss anything?

7 KATHERINE SIGNELLE: No, I don't think so.

8 DUNCAN MACARTHUR: Yeah, I think it's all set.

9 ROBERT LIN: Okay.

10 BRENDAN SULLIVAN: All right. Let me open it to
11 the Board. Any questions from members of the Board?

12 JIM MONTEVERDE: This is Jim Monteverde, no
13 questions.

14 SLATER ANDERSON: No questions -- Slater.

15 BRENDAN SULLIVAN: And Matina, any questions?

16 MATINA WILLIAMS: No questions.

17 BRENDAN SULLIVAN: Laura?

18 LAURA WERNICK: Mr. Chair, I have just one
19 question.

20 You talked about the view from your immediate
21 neighbor; how about the view from the rear of the head
22 houses? Are they units that face -- I don't know if it's

1 Porter Street, or what the street is in the rear; Regent
2 Street? I'm not sure. Do they see -- are -- do they have a
3 visual connection to those -- to that rear head house?

4 ROBERT LIN: I don't think anyone will have that
5 visual connection, unless they were on the roof potentially.
6 Like, you know, there are a couple of other structures on
7 Regent Street that are also converted -- industrial
8 buildings that are now residential buildings. And I think
9 the only way you'd see these head houses, if you were on the
10 roof of their structures.

11 But I can't say for sure where you would see that
12 from.

13 LAURA WERNICK: Because they do have outdoor decks
14 on their second floor, I think.

15 ROBERT LIN: And I do want to just reiterate that
16 all of these -- all of our decks are set down three -- more
17 than three feet from the top of this building, so that
18 essentially the parapet of our building becomes the
19 guardrail and the screen, so that you're sitting kind of
20 down into the building, if you are occupying those decks.

21 So we'd only really be able to see out if you walked
22 out to the perimeter. I think that there will be some --

1 potentially some visual connection from roof to roof, but
2 that's the only thing I can imagine.

3 LAURA WERNICK: Can we just go back to your
4 original page that had the photographs of your neighbors,
5 just so I can get a better sense now, looking back to your
6 presentation? Yeah. So number -- so we're talking about
7 number 6?

8 ROBERT LIN: Right. Number 6, they do have a roof
9 deck, but theirs is on the second level.

10 LAURA WERNICK: Okay.

11 ROBERT LIN: So they would never have any
12 connection with ours from their immediate roof deck.

13 LAURA WERNICK: Okay, that's fine. Thank you.

14 ROBERT LIN: Yep.

15 BRENDAN SULLIVAN: Any other questions from
16 members of the Board? None. Okay. Let me open it to
17 public comment. Any member of the public who wish to speak
18 should now click the button that says, "Participants." And
19 then click the button that says, "Raise hand." If you are
20 calling in by phone, you can raise your hand by pressing *9
21 and unmute or mute by pressing *6.

22 SEAN O'GRADY: You have no speakers. No speakers.

1 BRENDAN SULLIVAN: Nobody calling in. There was
2 no correspondence in the file, except for correspondence
3 from the Planning Board I'll read into the record.

4 So the Board of Zoning Appeal dated November 10,
5 the Planning Board granted a special permit for the
6 conversion of a nonresidential building to three residential
7 units, and approved the revised plans for the redevelopment.

8 "The Planning Board supports the Board of Zoning
9 Appeal dimensional variance for additional gross floor area
10 outside of the existing building envelope, to create
11 structures above the roof that will provide usable space and
12 access to outdoor rooftop space.

13 "The improvements to the design accomplish the
14 goals in the special permit, creating housing units in a
15 residential neighborhood and mitigating an industrial
16 building with superior design elements that take into
17 account privacy considerations for abutters, and useable
18 open space for residents."

19 And that's the sum substance of any correspondence
20 at this point. I will close public comment at this point.
21 Mr. Lin, any parting words?

22 ROBERT LIN: I don't think so, no.

1 BRENDAN SULLIVAN: Okay, Jim Monteverde, any
2 questions or comments at this point?

3 JIM MONTEVERDE: Jim Monteverde, no questions.

4 BRENDAN SULLIVAN: Laura, any comments?
5 Questions?

6 LAURA WERNICK: No, no thank you.

7 BRENDAN SULLIVAN: Matina? Any?

8 MATINA WILLIAMS: No.

9 BRENDAN SULLIVAN: Slater, any comments,
10 questions?

11 SLATER ANDERSON: No comments.

12 BRENDAN SULLIVAN: Ready for a vote?

13 SLATER ANDERSON: Yep.

14 JIM MONTEVERDE: Ready.

15 BRENDAN SULLIVAN: I make a motion to grant the
16 relief requested. I will make actually one comment, in that
17 I thought that the superior plan, what I particularly liked
18 is the open space that you created to go -- well, to the
19 side of the -- on the ground floor next to the parking lot
20 that will be accessible to the public. And I think that's a
21 tremendous amenity.

22 And then at the other end, some other open space,

1 green area, which -- again, is another amenity and really
2 augments and adds tremendously to the design. I think it's
3 a superior design in a difficult building, and as you found
4 even more difficult structurally and more challenging.

5 That being said, let me make a motion to grant the
6 relief requested, as per the application and the enclosed
7 drawings and dimensional form, which would be initialed and
8 signed by the Chair.

9 A literal enforcement of the provisions of the
10 ordinance would involve a substantial hardship to the
11 petitioner, because it would preclude the petitioner the
12 ability to provide adequate, safe and unit access to the
13 roof area and adequate decks to create useable open space.

14 The Board finds that the hardship is owing to the
15 unusual shape of the lot, which is unique in the immediate
16 area; the size of the existing structure on the lot, which
17 encumbers the ability to create any additional living or
18 usable space, consistent with the residential uses within
19 the area.

20 This would be not possible without obtaining
21 relief from the requirements of the ordinance. The Board
22 finds that the desirable relief may be granted without

1 substantial detriment to the public good, because it would
2 allow for the repurposing of this building from previous
3 commercial use to a compatible residential use.

4 This conversion will greatly benefit the
5 surrounding residences, lessen the impact from the previous
6 use, provide open, recreational space closer to the
7 individual residential units, an amenity which is enjoyed
8 and consistent with surrounding residences.

9 The Board finds that desirable relief may be
10 granted without substantial detriment to the public good, or
11 nullifying or substantially derogating from the intent and
12 purpose of this ordinance, which is to encourage compatible
13 uses in each district; provide housing for persons of all
14 income levels, conserve the value of land and building,
15 encourage the most rationale use of land and structures
16 throughout the city, and encourage appropriate development.

17 The Board also notes the actions and the
18 correspondence from the Board of Zoning Appeal, which is
19 incorporated into this decision by reference.

20 All those in favor of granting relief requested?
21 Matina?

22 MATINA WILLIAMS: I'm in favor of granting the

1 relief.

2 BRENDAN SULLIVAN: Slater?

3 SLATER ANDERSON: I agree with granting the
4 relief.

5 BRENDAN SULLIVAN: Laura?

6 LAURA WERNICK: Yes to granting of the relief.

7 BRENDAN SULLIVAN: And Jim Monteverde?

8 JIM MONTEVERDE: Jim Monteverde, yes to granting
9 of the relief.

10 BRENDAN SULLIVAN: And Brendan Sullivan, yes to
11 granting of the relief.

12 [All vote YES]

13 Good plan. Good luck.

14 COLLECTIVE: Thank you very much.

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(8:54 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Slater Anderson, Matina Williams and Laura
Wernick

CONSTANTINE ALEXANDER: So this is Gus Alexander,
the Chair, resuming my position as conducting the meeting.
The Chair will now call Case Number 95518 -- 12 Norumbega
Street. Anyone here wishing to be heard on this matter?

ARCH HORST: I do. Gus?

CONSTANTINE ALEXANDER: Yes.

ARCH HORST: Can you hear me?

CONSTANTINE ALEXANDER: Yes, we can.

ARCH HORST: Oh, okay, good. I'm sorry. My name
is Arch Horst. The firm is Black River Architects, 1640
Massachusetts Avenue, and I'm here speaking on behalf of the
petitioners.

Before we get into a discussion -- make it very
clear what your preferences are. There are two other
elements of relief that we're seeking.

One is to relocate some windows within the side
yard setback -- that's a special -- on the back of the

1 building, so that members of -- people who live in the house
2 can get back down to the back yard, which will be deeded
3 separately, or at least common use, exclusive use.

4 So then the third thing that we're asking for is
5 an additional 23 square feet, which is under the dormers.
6 And we realize that our dormers may be a little bit larger
7 than you're comfortable with, so we may need to talk about
8 that separately.

9 CONSTANTINE ALEXANDER: Well, you did the
10 anticipated --

11 ARCH HORST: The total 21 --

12 CONSTANTINE ALEXANDER: -- question or comment I
13 was going to make, and that is -- there seems to be a dormer
14 guideline --

15 ARCH HORST: Well, I've heard this before --

16 CONSTANTINE ALEXANDER: -- created tonight --

17 ARCH HORST: Yeah.

18 CONSTANTINE ALEXANDER: -- but the dormer
19 guidelines are you're not supposed to have, or the
20 recommendation is, is that you have no more than 15 feet in
21 length and you're proposing 18 feet. Can you reduce --

22 ARCH HORST: Well, actually, no.

1 CONSTANTINE ALEXANDER: -- each of those dormers
2 by a foot? What?

3 ARCH HORST: Or we could eliminate one and make
4 the total 15.

5 CONSTANTINE ALEXANDER: That's fine. However you
6 want to do it. But to get down to 15.

7 ARCH HORST: Yeah. I -- well, we've looked at how
8 we might do that, Mr. Chairman, and it would entail using a
9 skylight in the bathroom instead of a dormer, and then
10 making the bedroom dormer slightly larger.

11 CONSTANTINE ALEXANDER: Again, that's your call,
12 as long as you otherwise satisfy the other requirements of
13 the dormer guidelines, which you do now. So --

14 ARCH HORST: Yes, we do.

15 CONSTANTINE ALEXANDER: -- okay. So when we get
16 to making a motion, I will make a motion that the dormers
17 will be collectively, or individually, no more than a total
18 of 15 feet.

19 ARCH HORST: Fair enough.

20 CONSTANTINE ALEXANDER: Is that correct?

21 ARCH HORST: Yeah. And that's outside dimension
22 too. It's not inside dimension.

1 CONSTANTINE ALEXANDER: Yes, outside dimension.

2 ARCH HORST: Outside dimension, yeah. Thank you.

3 CONSTANTINE ALEXANDER: Anything else you want to
4 say with regard to the relief you're seeking?

5 ARCH HORST: No.

6 CONSTANTINE ALEXANDER: Questions from members of
7 the Board? Brendan?

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

10 CONSTANTINE ALEXANDER: Slater?

11 SLATER ANDERSON: No questions.

12 CONSTANTINE ALEXANDER: Jim?

13 BRENDAN SULLIVAN: Jim's not --

14 CONSTANTINE ALEXANDER: Oh no, Jim's not on this
15 case. I'm sorry.

16 LAURA WERNICK: No questions.

17 CONSTANTINE ALEXANDER: Laura?

18 LAURA WERNICK: No questions.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: No questions right now.

21 CONSTANTINE ALEXANDER: I have no questions
22 either, and I don't -- I'll open the matter up to public

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

6 I'll take a moment to see if anyone wishes to call
7 in.

8 [Pause]

9 SEAN O'GRADY: You have no speakers, Gus.

10 CONSTANTINE ALEXANDER: Thank you. We do have
11 some correspondence in our file from abutters and all of
12 which are in support. So same letters, and they all have
13 signed in. There's one, two, three -- three letters of
14 support. So that -- with that, I'll close public testimony.
15 Discussion from members of the Board, or are you ready for a
16 vote?

17 BRENDAN SULLIVAN: I'm ready for a vote, Brendan
18 Sullivan.

19 LAURA WERNICK: Ready for a vote.

20 CONSTANTINE ALEXANDER: I'm assaulting everyone
21 else is ready for a vote, so I will make a motion. The
22 Chair moves that we make -- we've got two votes to take,

1 actually -- the special permit, which relates to the
2 relocation of windows. So let's start with the variance.

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

5 That a literal enforcement of the provisions of
6 the ordinance would involve a substantial hardship, such
7 hardship being this is a small lot, small structure, and an
8 older structure. So it's in need of refurbishing -- that's
9 not the right word, but anyway -- work to improve the
10 habitability and functionality of the structure.

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

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

19 So on the basis of all of these findings, the
20 Chair moves that we grant the variance requested, on the
21 condition that the work proceed in accordance with plans
22 prepared by Black River Architects, Inc. that appear to be

1 dated 09/24/2020, with the exception that the plans show 3
2 six-foot dormers on one side, and that the aggregate length
3 of dormers will be reduced to 15 feet, but that there can be
4 more than one dormer, or there can be -- however the
5 petitioner wishes to divvy up the 15 feet, but not the 18
6 feet that's now shown on the plans.

7 Brendan?

8 BRENDAN SULLIVAN: Brendan Sullivan, yes to
9 granting of the relief requested.

10 CONSTANTINE ALEXANDER: Slater?

11 SLATER ANDERSON: Slater yes to granting the
12 relief.

13 CONSTANTINE ALEXANDER: Laura?

14 LAURA WERNICK: Laura yes to granting the relief.

15 CONSTANTINE ALEXANDER: Matina?

16 MATINA WILLIAMS: Yes to granting the relief.

17 CONSTANTINE ALEXANDER: And the Chair votes to
18 grant relief as well.

19 [All vote YES]

20 So the variance is granted.

21 Turning to the special permit, the Chair moves
22 that we make the following findings with regard to what is

1 proposed for the windows, which is a subject of the special
2 permit.

3 That the requirements of the ordinance cannot be
4 met without the special permit.

5 That traffic generated or patterns of access or
6 egress resulting from what is being proposed will not cause
7 congestion, hazard, or substantial change in established
8 neighborhood character. In this regard, the modification of
9 -- the window changes are modest in nature, and have very
10 little impact, if any, on the abutting property or the
11 street in general.

12 That continued operation of or development of
13 adjacent uses, as permitted in the ordinance, will not be
14 adversely affected by what is being proposed. There is no
15 objection from the neighbor who's most affected by the
16 relocation of the windows, being that they face -- their
17 structure faces the side of the petitioner's structure where
18 the windows will be modified.

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

22 And that generally, what is being proposed will

1 not impair the integrity of the district or adjoining
2 district, or otherwise derogate from the intent and purpose
3 of this ordinance.

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

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

10 LAURA WERNICK: Law enforcement, yes to granting
11 the special permit.

12 SLATER ANDERSON: Slater Anderson, yes to the
13 special permit.

14 MATINA WILLIAMS: Matina Williams, yes to the
15 special permit.

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

18 [All vote YES]

19 Special permit is granted. Relief granted.

20 ARCH HORST: Okay. Thank you very much.

21 CONSTANTINE ALEXANDER: We'll take a five-minute
22 recess and we'll resume. Let's see, it's now five after

1 nine, and we'll resume at ten after nine.

2 [BREAK]

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2 (9:10 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Slater Anderson, Matina Williams and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The case I'm going to call
7 next is Case Number 95889. Anyone wishing to be heard on
8 this matter?

9 SHIPPEN PAGE: Yes, Mr. Chairman. Shippen Page
10 with the petitioner --

11 CONSTANTINE ALEXANDER: Wait, too soft. We can't
12 hear.

13 SHIPPEN PAGE: Hold on. Let me -- can you hear me
14 now? Can you hear me now, Mr. Chairman?

15 CONSTANTINE ALEXANDER: Now it's a little louder.
16 Okay, I can hear you now.

17 SHIPPEN PAGE: Can you hear me now, Mr. Chairman?

18 CONSTANTINE ALEXANDER: Okay.

19 SHIPPEN PAGE: Great.

20 CONSTANTINE ALEXANDER: Mr. Page, before we start
21 the case, I'm going to ask the Board to approve a motion to
22 continue this case. The reason for continuing it, and I

1 want to do that now to avoid this being a case heard and
2 then we have to reassemble the five of us for that -- and,
3 as you -- I'm sure you're aware, there is substantial
4 correspondence in this file, much of which is opposed to the
5 relief being sought.

6 And the common theme in this is that the
7 petitioner was less than forthcoming with regard to the
8 nature of what is being proposed. And that's troublesome,
9 to say the least.

10 And that was also reaffirmed by a letter we got
11 from the Cambridge Historical Commission from a Preservation
12 -- Sarah Birx (phonetic) Preservation Planner, and she
13 states -- I'm going to read from her letter --

14 "Members of the Historical Commission expressed
15 concern that there was a lack of understanding amongst some
16 of the neighbors about the full scope of the project based
17 on their letters.

18 "They urge you to consider the concerns of the
19 abutters -- " ["they" being I think the Committee] "-- urge
20 you to consider the concerns of the abutters about massing
21 and setbacks, and be open to compromise.

22 "They encourage you to provide clear communication

1 as the project progresses [-- and then it goes,] "-- because
2 construction impacts will be felt more during this pandemic
3 when people are staying home more than ever."

4 So I don't think we should hear this case tonight.
5 I think what we need to have, or your client needs to do,
6 with your assistance, is to convene a meeting -- a Zoom
7 meeting, for all the neighbors -- people who are entitled to
8 receive notice of this case and have taken the time to
9 express their concerns.

10 And there can be a fulsome and frank disclosure of
11 what in fact is involved, not what was described in the
12 letter that was sent out, which is less than -- as I said --
13 forthcoming.

14 And with that, we can maybe get to some more
15 compromise, or at least community understanding of what is
16 being proposed. So --

17 SHIPPEN PAGE: Mr. Chair, Mr. Chair --

18 CONSTANTINE ALEXANDER: -- that is my proposal to
19 the other members of the Board. I don't know how they feel
20 about it. Brendan?

21 BRENDAN SULLIVAN: Brendan Sullivan. I would
22 concur I think with the Chair's remarks, and the

1 correspondence from the abutter to the immediate left also
2 concerns me as to some issues that appear to be outstanding
3 and not fully resolved.

4 And going through a lot of the correspondence,
5 there is pervasive misunderstanding from some of the
6 abutters and some who had elicited full support of the
7 project.

8 So it may not be ready for primetime tonight.

9 CONSTANTINE ALEXANDER: Thank you. Jim? No,
10 Jim's not on. I'm sorry. Slater?

11 SLATER ANDERSON: I concur with your opinion?

12 SAM KACHMAR: Mr. Chairman? I didn't ask -- can I
13 speak?

14 CONSTANTINE ALEXANDER: Let's finish these, I want
15 to see what -- we're going to -- we have -- we're in the
16 process of taking a vote. Okay? We've got three people who
17 have already voted, we have two more to go. Laura?

18 LAURA WERNICK: I concur.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: I agree with you.

21 [All vote YES]

22 CONSTANTINE ALEXANDER: Okay. Then the Chair

1 moves that we continue this case as a case not heard. Is
2 there a date that the petitioner would like, knowing that
3 they're going to have to organize this meeting, and --

4 SAM KACHMAR: Mr. Chairman, I request that our
5 hearing be heard. We have sent letters out.

6 CONSTANTINE ALEXANDER: I don't want to get into
7 the specifics, Mr. Kachmar, because if I do that --

8 SAM KACHMAR: I'm very --

9 CONSTANTINE ALEXANDER: -- we're going to get into
10 a case heard.

11 SAM KACHMAR: Right, and that's --

12 CONSTANTINE ALEXANDER: We have already taken a
13 vote to continue the case. We're just going to set the time
14 now, the condition for the continuance. When would you like
15 to continue the case to?

16 SAM KACHMAR: Two weeks from today to December 10.

17 CONSTANTINE ALEXANDER: No way you're going to
18 organize a Zoom meeting and get the views of your -- of the
19 neighborhood in two weeks. Let's be serious.

20 SAM KACHMAR: I'll organize it tomorrow.

21 CONSTANTINE ALEXANDER: I'm sorry?

22 SAM KACHMAR: I'll have it organized tomorrow.

1 SHIPPEN PAGE: If I may, please.

2 CONSTANTINE ALEXANDER: When is the next available
3 -- let me start a different way.

4 SISIA DAGLIAN: Continuing --

5 CONSTANTINE ALEXANDER: When is the next available
6 date for a continued case?

7 SISIA DAGLIAN: Continued case would be January
8 14.

9 CONSTANTINE ALEXANDER: When, I'm sorry?

10 SISIA DAGLIAN: January 14.

11 CONSTANTINE ALEXANDER: January 14?

12 SISIA DAGLIAN: Correct.

13 CONSTANTINE ALEXANDER: That's the time we have on
14 our agenda. That's the time we have it.

15 SHIPPEN PAGE: Mr. Chairman?

16 CONSTANTINE ALEXANDER: Okay, so I'll make the
17 rest of the motion.

18 BRENDAN SULLIVAN: Shippen Page is trying to --

19 CONSTANTINE ALEXANDER: All right. Mr. Page, you
20 wanted to speak before we set the conditions for the
21 continuance?

22 SHIPPEN PAGE: I don't want to jeopardize the

1 status of this case.

2 CONSTANTINE ALEXANDER: Can't hear you, sir.

3 SLATER ANDERSON: Feedback. Someone's got two
4 mics on.

5 SHIPPEN PAGE: Can you hear me now, Mr. Chairman?

6 [Pause]

7 Hello?

8 SISIA DAGLIAN: Yes, that's better.

9 SHIPPEN PAGE: Is that good/better Sisia?

10 SISIA DAGLIAN: Yeah.

11 SHIPPEN PAGE: Can you hear me, Mr. Chairman?

12 LAURA WERNICK: I can hear you.

13 SHIPPEN PAGE: Thank you, Laura. I don't know if
14 I can -- if the Chairman can hear me, nor Mr. Sullivan. I
15 seem to have been put in an echo chamber here.

16 SAM KACHMAR: We can hear you, Shippen.

17 SHIPPEN PAGE: Thank you, Sam. But it's important
18 that I address my comments to the Chair. Mr. Chairman?

19 CONSTANTINE ALEXANDER: Yes.

20 SHIPPEN PAGE: Thank you for hearing me. I don't
21 want to jeopardize the status of this case as not being
22 heard, but I have to correct some of the remarks the Chair

1 has made, based on the correspondence. As the Chair may
2 know, I live on this street.

3 And I have spoken at considerable length to Roger
4 Deburg (phonetic), who is the immediate neighbor to the left
5 of the property of 209. I know Crystal Leslie. I know
6 the other people who are objecting -- Joe and Genevieve Coy
7 [all names phonetic].

8 I think the misunderstanding here is that they
9 were not aware that this case involved a demolition. And to
10 the extent that this has created confusion in the street, it
11 is my understanding that none of the opponents have
12 addressed the merits of the reconstruction of this building,
13 which has been done with infinite care.

14 So that to the extent that we agreed to a
15 continuance, which the Chair has proposed, I do want the
16 record to show that the concern is about the demolition,
17 which the Historical Commission has granted -- it's not a
18 preferably preserved building -- but there have been no
19 objections to the design except for the objections of Mr.
20 Deburg and Ms. Caswell [all names phonetic], and that has to
21 do with an area of the building that is not being sought for
22 relief.

1 The only relief sought is in this special permit
2 for the windows and the side yard setback, which is where
3 the building was built in 1876.

4 So respectfully, I will certainly defer to the
5 Chair with his understanding, but I wanted to clarify that
6 this is not a widespread groundswell of neighborhood
7 support.

8 They've got 26 letters, including many areas --
9 neighbors rather -- including the one to the immediate
10 south, Carol and Lars Alfather, who are literally four feet
11 two inches from the property line, and they wholeheartedly
12 support this project.

13 So I respectfully defer to the Chair, but I have
14 to -- I'm compelled to make those comments.

15 CONSTANTINE ALEXANDER: We've already taken the
16 vote to continue the case to January 14.

17 SHIPPEN PAGE: I respect that, Mr. Chairman, but I
18 am quite surprised that you would do that without my
19 comments representing the petitioners.

20 CONSTANTINE ALEXANDER: I did -- not I, the Board
21 did it. And the Board did it based upon we had numerous
22 letters -- at least four or five that I can recall -- all

1 complaining about the lack of disclosure. This was
2 reiterated by the Planning Board person from the Historical
3 Commission, also suggesting that there was a need for more
4 communication with the abutters.

5 SHIPPEN PAGE: All right.

6 CONSTANTINE ALEXANDER: Given all of this, we
7 voted to continue the case.

8 SHIPPEN PAGE: Very good. Thank you, Mr.
9 Chairman. I feel I've been heard, Mr. Chairman. Thank you.

10 CONSTANTINE ALEXANDER: Okay. Let's see, we have
11 to -- the case will be continued subject to the following
12 conditions:

13 That the case will be heard at 7:00 p.m. on
14 January 14, provided that the petitioner signs a waiver of
15 time for decision.

16 If that waiver is not signed by one week from
17 today, that the petition will be dismissed. That's a
18 standard condition we impose in this day of Zoom when we
19 can't do it however you sign it at the hearing table.

20 So a week should be more than enough to get you
21 very familiar. And Mr. Kachmar I think is very familiar
22 with the terms of the continuing the case.

1 The second is that a new sign -- posting sign, or
2 a modified one -- must be posted and maintained for the 14
3 days prior to January 14, and if you need a new sign,
4 obviously you can get it from the Building Department.

5 And lastly, to the extent that there will be
6 modified or new plans, dimensional requirements and the
7 like, they must be in our files no later than 5:00 p.m. on
8 the Monday before January 14.

9 SAM KACHMAR: Mr. Chairman?

10 CONSTANTINE ALEXANDER: Yes.

11 SAM KACHMAR: We can just change the date on the
12 sign, is that correct?

13 CONSTANTINE ALEXANDER: Yes, you can just change
14 -- absolutely.

15 SAM KACHMAR: Okay.

16 CONSTANTINE ALEXANDER: The date --

17 SAM KACHMAR: Um--

18 SHIPPEN PAGE: Mr. Chairman, the petitioner's
19 supposed to change the design of the structure? Is that
20 what I'm understanding you said?

21 SISIA DAGLIAN: Your mic is muted.

22 SHIPPEN PAGE: Your mic is muted.

1 CONSTANTINE ALEXANDER: I'm sorry?

2 SISIA DAGLIAN: Can you try again, Gus?

3 CONSTANTINE ALEXANDER: Okay. Can you hear me?

4 SHIPPEN PAGE: Yes.

5 CONSTANTINE ALEXANDER: To the extent that the
6 petitioner wishes to keep the current sign, but just change
7 the time and date, you must do it, that's all. Or he can
8 get a new sign. That's all I was saying with regard to the
9 signs.

10 With regard to modified plans, new plans,
11 dimensional forms and the like, they all must be in our
12 files and standard requirements of this Board by 5:00 p.m.
13 on the Monday before January 14. That's to allow the Board
14 members and citizens of the city to examine those and to
15 reflect on what is being proposed.

16 SHIPPEN PAGE: Okay. Thank you, Mr. Chair.

17 SAM KACHMAR: And we're not required to change
18 anything before that hearing, is that correct, Mr. Chair?

19 CONSTANTINE ALEXANDER: Say it again, please, sir,
20 I'm sorry?

21 SAM KACHMAR: If we don't make any changes, we can
22 leave the same plans in the file, is that correct, Mr.

1 Chairman?

2 CONSTANTINE ALEXANDER: Yeah, well exactly.

3 Exactly, again. Yeah.

4 SAM KACHMAR: All right.

5 CONSTANTINE ALEXANDER: Just as things change --
6 the time of the meeting, the plans..

7 SAM KACHMAR: Right, yeah.

8 CONSTANTINE ALEXANDER: -- people need time to
9 see, including us, need time to see them in advance.

10 SAM KACHMAR: Certainly, certainly.

11 CONSTANTINE ALEXANDER: Okay.

12 SAM KACHMAR: And assuming nothing's being done,
13 is there any requirement the Chair is making with regard to
14 our communication within the community?

15 [Pause]

16 SHIPPEN PAGE: You're muted, Mr. Chairman.

17 CONSTANTINE ALEXANDER: I'm sorry, you were very
18 vague -- very faint, Mr. Page.

19 SHIPPEN PAGE: I said you were muted. Mr. Kachmar
20 has asked for your guidance.

21 [Pause]

22 CONSTANTINE ALEXANDER: Should we proceed to a

1 vote? Brendan?

2 BRENDAN SULLIVAN: Yes.

3 CONSTANTINE ALEXANDER: On these conditions that I
4 had elaborated. Slater?

5 SLATER ANDERSON: Agreed.

6 CONSTANTINE ALEXANDER: Laura?

7 LAURA WERNICK: Yes to the conditions.

8 CONSTANTINE ALEXANDER: Matina?

9 MATINA WILLIAMS: Yes, I agree.

10 CONSTANTINE ALEXANDER: And the Chair does as
11 well.

12 [All vote YES]

13 So this case is continued until January 14.

14 SAM KACHMAR: Thank you, Mr. Chairman.

15 SHIPPEN PAGE: Thank you, Mr. Chairman.

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2 (9:22 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Slater Anderson, Matina Williams and Laura
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 our last case on our agenda, Case Number 96057 -- 9 Oakland
8 Street #2. Anyone here wishing to be heard on this matter?

9 [Pause]

10 SLATER ANDERSON: Hold for Sean.

11 SEAN HOPE: Good evening, Mr. Chair. For the
12 record, my name is Sean Hope. Are you guys hearing
13 feedback?

14 CONSTANTINE ALEXANDER: Yeah. It's a little bit
15 soft. Can you speak louder, or maybe Sisia can turn up the
16 volume, I don't know.

17 SEAN HOPE: Sure. It looks like [3:30:21 audio
18 unclear] on the Zoom and I hear an echo. Oh boy. Hold on,
19 let me see, okay. Good evening Madam Chair and members of
20 the Board.

21 For the record, Attorney Sean Hope, Hope Legal Law
22 Offices in Cambridge. I'm here on behalf of the petitioners

1 and owners of 9 Oak Street. We have Molly Wolf and Patrick
2 Mascai. We also have Project Architect Frank Shirley, and I
3 thank you for hearing us this evening.

4 So this is an application requesting a special
5 permit and a variance. For the record, the special permit
6 is to add a mudroom to an existing nonconforming, single-
7 family dwelling. And the variance is related to constructing
8 a second, detached structure that requires setback, front
9 and side yard as well as FAR relief.

10 I'd like to go through some of the site
11 conditions, and some of the proposal highlights before I
12 turn it over to the architect to walk through the plans.

13 The lot is approximately 3337 square feet, located
14 in the C-1 District in a residential neighborhood behind the
15 Inman Square commercial thoroughfare. The lot width is
16 narrow. This is somewhat a unique lot, in that it actually
17 -- the lot expands a full block going from Oak Street all
18 the way to Oakland Street. And the lot width is narrow on
19 both of those frontages.

20 So the minimum lot width in the district is 50
21 feet, and the lot on Oak Street is almost half of the
22 minimum at 24.5 feet, and a little more than half on Oakland

1 Street. So these are both very narrow lots, and that is
2 also owing to some of the nature of the hardship.

3 This condition where a lot extends a full block is
4 very rare to the surrounding streets, and is also pretty
5 rare in the district. This is still one lot, and so if you
6 look at the lot, you would think the front is on Oak Street,
7 and the rear is on Oakland Street. But if you look at it,
8 because it expands a full block, you actually have two
9 frontages.

10 And so, if you look at the existing streetscape,
11 the idea that there is asphalt and parking and not another
12 residential structure is unique to the lot, and so part of
13 what we are contending with is how do we best develop the
14 lot in such a way that the lot is consistent with the
15 streetscape, and also manages the petitioner's needs?

16 So from an Urban Design perspective, you rarely
17 see vacant or empty lots that are abutting the street in
18 Cambridge. And so, in many ways, this proposal that seeks
19 relief to fill the structure with an additional house in a
20 residential district we feel makes a lot of sense in terms
21 of the context of the street, the neighborhood, and also,
22 the goals of the city.

1 So some of the --

2 FRANK SHIRLEY: [3:33:31 indiscernible]

3 SEAN HOPE: Excuse me? Can you hear me? Hello?

4 SLATER ANDERSON: I can hear you, Sean.

5 MATINA WILLIAMS: I can hear you, Sean.

6 CONSTANTINE ALEXANDER: I can hear now.

7 SEAN HOPE: Okay. I will speak louder, I
8 apologize. So in terms of the proposal highlights, the lot
9 area per dwelling unit allows for two structures -- two
10 detached structures -- on this site, so that a second
11 structure is within the lot area per dwelling unit.

12 I'd like to just point out to the Board that
13 section 1.03 in the preamble of the ordinance calls for the
14 most rational use of land in the city.

15 And I would contend that having an empty lot
16 that's meeting the street in a residential district is not
17 the most -- is not the highest and best use or rational use,
18 and I believe that a dwelling such as the one proposed is
19 consistent with the intent and purpose of the ordinance.

20 And also, you know, there are several houses on
21 Oak and Oakley Street specifically that don't -- the ones
22 that don't have driveways have very similar setbacks,

1 challenges in terms of front yard setbacks and side yard
2 setbacks.

3 So when we go through the proposal, I would like
4 the Board to also look at the conditions on the adjacent
5 lots -- specifically the ones that don't have curb cuts and
6 driveways. And you'll notice that there's a consistency
7 throughout.

8 And then lastly, before I turn it over to the
9 architect, I would just like to talk to the Board about the
10 hardship. And the hardship is owing to the narrow and long
11 shape of a lot, such that a normal structure to accommodate
12 the typical household family unit can't be constructed
13 without zoning relief.

14 Some of the letters in opposition to the proposal
15 seem to and can that just by adhering to the ordinance, that
16 a viable and practical structure could be proposed without
17 relief.

18 In our analysis looking at the lot, that's just
19 zoning fiction. Oftentimes, as the Board recognizes, zoning
20 can be an accrued instrument, and when the Board issues
21 variances approvals, it's usually based on that there's a
22 hardship that would result from adhering strictly to the

1 ordinance.

2 We did look at the as-of-right options. We can
3 discuss those further in the proposal. I've always
4 counseled clients and start off to see what can be done as-
5 of-right.

6 In this case, there cannot be a feasible and a
7 habitable -- I would say more functional structure -- to be
8 built to adhere to all the setbacks and primarily setbacks
9 in FAR, because of the narrowness and the shape of the lot.

10 So if you accept the premise that a practical
11 structure can't be built without zoning relief, then the
12 question for this evening is what is the appropriate relief
13 to be able to accommodate a habitable structure, given the
14 petitioner's needs, the context of the neighborhood and the
15 patterns of the development that have existed on Oak and
16 Oakman Street.

17 I would now like to turn it over to the Project
18 Architect to walk you through the plans.

19 CONSTANTINE ALEXANDER: Before you do that, Sean,
20 you are quite aware I assume -- I'm sure you are -- there is
21 substantial neighborhood opposition to what is being
22 proposed. You're also, obviously, aware that this is a very

1 -- you're talking about, you're right, a narrow lot, but
2 it's tucked in between two other buildings.

3 And you're going to have a -- and you're talking
4 about doubling the size of the structure. You're going to
5 go from -- right now the FAR is 0.52, which is compliant
6 with our ordinance, which has a limit of 0.75.

7 You're proposing to go to 1.02, which is almost 50
8 percent in excess of what our ordinance says. I'm sorry, I
9 can't find support the relief that's being sought. I'm only
10 one of five, but I think this is the wrong project for the
11 wrong street, and certainly the wrong lot.

12 And all I've heard in the material as to why a
13 substantial hardship, is a hardship to the current owners of
14 property. And you know well that the hardship has to be a
15 hardship that runs with the property, and so anyone who owns
16 the property will have this hardship.

17 So I'm -- you know, I'll be happy to hear Mr.
18 Shirley, but I have strong misgivings about granting relief
19 here, and I plan to vote no with regard to the variance.

20 SEAN HOPE: And Mr. Chair, I understand your
21 point, and I would just --

22 CONSTANTINE ALEXANDER: I'm sorry, Sean, you've

1 got to -- you're very faint. I can't hear you again.

2 SEAN HOPE: Excuse me, sorry. Mr. Chair, I would
3 just ask if you could please hold a judgment until we
4 present the full presentation. But I do understand your
5 point. Just a point of clarification, we are not doubling
6 the size of an existing structure. So there is an existing,
7 nonconforming structure and there's a mudroom -- small
8 mudroom being attached to that.

9 We are proposing a 1500 -- approximately 1500
10 square foot additional structure that would be on Oakland
11 Street that is now asphalt parking and paved surfaces.

12 So I think to the extent that a 1500 square foot
13 house that is much in keeping with the other houses that are
14 on Oakland Street, I just think the context of it is
15 something that I would like the Board to look at. But if --
16 so that's one.

17 Also two, you know, when we look at the allowable
18 FAR on the lot, and this is what the -- this is to me part
19 of the hardship is what's left to remain is something that
20 wouldn't be practical if we didn't have the additional FAR
21 relief that we're asking for.

22 But why don't I -- I'll turn it over to the

1 architect and we will walk through this and see if we can
2 maybe understand -- help explain the rationale somewhat.

3 FRANK SHIRLEY: Good evening, can everybody hear
4 me okay?

5 [Pause]

6 Mr. Chair?

7 BRENDAN SULLIVAN: You might raise your voice a
8 bit, if you could.

9 CONSTANTINE ALEXANDER: Yeah, it's --

10 FRANK SHIRLEY: Okay.

11 CONSTANTINE ALEXANDER: It's very hard to hear
12 you, sir.

13 FRANK SHIRLEY: Yeah. I think there's some issues
14 with the Zoom connectivity tonight. If I can be heard now,
15 first thank you, Mr. Chair and the Board for hearing our
16 matter this evening.

17 My name is Frank Shirley, with Frank Shirley
18 Architects. I'm the architect on the project. My office is
19 in Central Square. And I'll move right in to the slideshow
20 that's going forward.

21 So the image that we're looking at here, on this
22 first slide, the blue house is the home of Patrick and

1 Molly, the petitioners. A one-story addition is proposed
2 off the left-hand corner of that blue house, which we'll
3 review later. The -- on the left-hand image, the paved
4 parking in the foreground, which can hold up to four cars,
5 is the open site in which a new dwelling is proposed.

6 The gray house to the right is -- to the right of
7 the parking is 9 Oak, an abutter. And the group of cane
8 structures, so the bay structures to the left, the abutters
9 are 11-15.

10 If we could go to the next slide? Okay. So here
11 is the -- existing conditions. North is up on this page,
12 and Oak Street is to the left, and Oakland Street is to the
13 right. The existing house, the blue house that you saw on
14 the prior slide, is hatched. In the right hand side, you
15 can see it's right at the street front.

16 And in the left-hand side, if you look to the
17 rather large rectangle shown, you know, that is the point A.
18 It's marked there, point A -- parking.

19 Next slide?

20 CONSTANTINE ALEXANDER: Thank you.

21 FRANK SHIRLEY: Okay, so in this image, this is
22 the site plan of the proposed changes. And I just see -- my

1 apologies, but the north arrow is incorrect on that image.
2 The north arrow should be pointing up, not to the right. So
3 north is up on the page, as it was on the prior plan.

4 So what you are seeing here in the shade of blue
5 are the proposed changes. The blue rectangle on the
6 existing house is a proposed one-story mudroom addition.
7 And the proposed polygon on the left-hand side is the new
8 building that we are proposing.

9 Next slide, please?

10 And this is just a kind of quick example of kind
11 of the landscape intent of the -- of Molly and Patrick, what
12 they'd like to do to the site and to make it kind of an
13 urban voices in this open space area.

14 Next slide, please?

15 Okay. So all of this is now the -- we're going to
16 move in to the proposed mudroom addition, which is circled
17 in red. Okay.

18 Next slide, please?

19 Okay. So if we -- in this image, we're looking
20 now at the existing house and mudroom -- [yeah, that's
21 helpful, thank you.] So the kind of gray walls define the
22 new mudroom, and existing obviously is below that.

1 The existing house is quite modestly sized. The
2 first floor is approximately 740 square feet gross. The
3 first floor presently consists of three rooms; a living room
4 stair hall, which is to the right, a breakfast room, which
5 is right in the middle there, and the kitchen area.

6 There is no area for the family coats and shoes or
7 kids' gear and backpacks, et cetera. There is no bathroom on
8 the first floor. The need for both is, in my opinion, clear
9 and reasonable. Patrick and Molly, the petitioners, are
10 putting down roots in our city with their first child, who
11 will be a native Cantabridgian due in about a month, so
12 that's pretty cool.

13 I personally am a parent to teenagers, and I
14 understand the importance of having a dedicated area for
15 everything from baby carriers to school backpacks, to
16 baseball caps and winter boots.

17 This proposed mudroom is too small for that, it's
18 not going to hold everything, but at least it can hold some
19 things. I also understand the need for a first floor powder
20 room. Without one, visiting friends and guests have to be
21 directed upstairs to use the family's bath, and that is to
22 no one's preference.

1 Next slide, please?

2 [Pause]

3 Nope. Yup, that's it. And now we're looking at
4 two elevations of the house; the one-story component of both
5 those elevations is the proposed mudroom. Everything else
6 is the existing house. There are no changes planned to the
7 house, other than this mudroom off of the north corner of
8 the existing house.

9 It gets to -- you know, predictably, it's one
10 story. It doesn't increase the existing nonconformity on
11 the lot for setbacks. And the proposed setbacks of this
12 mudroom are roughly 3.5 feet greater than the house's
13 current side yard setbacks, which are on both sides under
14 two feet.

15 If we can go to the next slide?

16 All right. So now transitioning here, this is --
17 the building circled in red is the proposed residence. So
18 we'll start the discussion of the new building. I'd like to
19 stay on this slide for a little bit to talk about it. I
20 think as you can see, as Sean pointed out, 9 Oakland, the
21 lot, extends fully between two parallel streets, Oak and
22 [3:46:55 indiscernible].

1 I believe in this neighborhood only 11-15 Oak is
2 the only other residential lot on these streets that does
3 this. And for what it's worth, it has dwellings fronting on
4 both streets. 11-15 is in an abutter to the north.

5 My client would like to build a new dwelling here
6 to serve multiple needs for their family, which they are on
7 this evening and certainly can discuss further if the Board
8 would like to hear them.

9 The goals for the building -- primary goals --
10 provide one parking space for each dwelling, and provide a
11 two-bedroom dwelling itself.

12 The building's siting, which Sean mentioned and
13 wanted me to talk more about: So there's a strong precedent
14 on both Oak and Oakland for the houses to sit on or near the
15 property line. And so, siting is common in urban
16 neighborhoods. It creates a street wall that preserves open
17 space behind the buildings.

18 And at 9 Oakland, my client's property, there's an
19 existing single-family house that sits tightly on one end of
20 the lot, leaving accessible lot fronting on Oak Street.

21 In this proposal, we have opted to place the
22 building five feet from the Oak front yard, front yard

1 setback, and to maintain kind of these siting precedence
2 elsewhere on the street and on Oakland, and -- which is also
3 actually quite near but slightly more than the most
4 immediate abutter, 9 Oak, which is to the south.

5 Summary of reasons for this are several. It
6 relates to the prevalent siting in the neighborhood, it
7 eliminates the chance of a car being parked in front of the
8 building. It reduces paving on the lots.

9 And perhaps most importantly, at least -- you
10 know, from my vantage point -- it increases the contiguous,
11 pervious open space between buildings. This space can also
12 -- this, you know, larger, contiguous base can also be
13 enjoyed by the abutters.

14 Perhaps the importance of this approach can be
15 best exemplified by the immediate abutters to the south, 9
16 Oak and 7 Oakland. Both houses sit very close to their
17 front property lines, creating a more common open area
18 between them. And in fact, both houses have organically
19 opened up onto this shared open space over time.

20 I'm not sure if it's possible for the moderated to
21 go back to slide 1 just really quickly, because I think that
22 would show that. Yeah. So if we look on the right hand

1 image, there -- again, the blue house is the petitioner's
2 houses.

3 The gray house, and then the green house behind
4 it, those two houses, 9 Oak and 7 Oakland, sit right on
5 their front yard setbacks. So they had this shared,
6 contiguous open space between them and you can see how both
7 buildings have opened up onto those -- the green building
8 now has this kind of glassy façade and steps leading out
9 into that open area, and the gray building has, you know,
10 porches at both floors and stairs leading into the open
11 area.

12 And that's -- you know, that's to be expected.
13 And that is one of the primary reasons why we thought siting
14 the buildings as such would create that exact same
15 environment.

16 And it's not only for example at 9 Oak and 7
17 Oakland so they enjoy that larger, contiguous open space,
18 but abutters do too. I mean, my client certainly does, and
19 -- well, actually to the, I believe to the south of them is
20 a commercial space on Cambridge Street. So that doesn't
21 really -- they don't get to enjoy it.

22 But in general, creating a larger contiguous space

1 can have real benefit that you can see organically people
2 move toward just in the way they've modified their buildings
3 at the time.

4 Okay, enough on that slide. Maybe go back to the
5 -- no, let's go to slide 9, and what would be the next slide
6 in the presentation.

7 [Pause]

8 There we - one more please, if you don't mind.
9 Yeah, thank you. So these are the floor plans -- the
10 proposed floor plans of the new dwelling. First-floor plan
11 is on the right, second-floor plan center, third-floor plan
12 on the left.

13 The first floor plan consists of two parking bays.
14 The building is 20 feet wide, so it's 30-foot wide lots at
15 Oak, with a five-foot setback proposed on the side yard. So
16 it leaves a 20-foot wide building on the exterior dimension,
17 which provides, arguably a minimally acceptable, sufficient
18 room to park two vehicles.

19 The second floor is against the dwelling, which is
20 a kitchen and a living room and a powder room, as you can
21 see.

22 And the third floor, which is under a roof --

1 which is why it kind of looks kind of irregular, because
2 except where we have dormers, there are -- you know, we're
3 showing where the walls actually provide useable height. So
4 it's two bedrooms that share a bathroom at the third floor.

5 I'm trying to think. I think that's -- yeah,
6 that's -- yeah, go to the next slide, please, if that's
7 okay? Thank you.

8 So these are the elevations showing at the top
9 right is the front elevation. That's what looks out onto
10 Oak. Directly below that is the rear elevation that would
11 face Patrick and Molly's house. Top left is the elevation
12 looking north, that would be facing the 11-15 Oak abutter.
13 And then the bottom left is what faces 9 Oak.

14 Go ahead and go to the next slide, please? Thank
15 you.

16 So this is just a GIS map of the neighborhood.
17 You can see Oakland Street labeled. Oak Street is to its
18 left. The two red polygons that you see kind of in the
19 middle of page, the tiny one is the mudroom addition. The
20 larger one is the proposed house.

21 And I think this -- I think there are several
22 things to note on this. First of all, the number of project

1 yards that are shared between abutting properties, how
2 commonplace that is -- again, between 7 Oakland and 9 Oak
3 you can see.

4 Actually on 14 and 20 Oak to -- in a similar way
5 share those, and up and down the street. Again, that kind
6 of shared, open use of the space I think is an asset to the
7 enjoyment of living in this neighborhood, while maintaining
8 the street front along the streets.

9 You can see the overall neighborhood density. The
10 9 Oakland is arguably within this view perhaps the least
11 dense lot in the entire neighborhood. It's -- you know,
12 it's a neighborhood -- it's an urban neighborhood.

13 You can look on both streets again and kind of
14 notice -- like, on Oakland Street how strong the street
15 [3:54:50 indiscernible]] to how close all the buildings
16 front on the street. Similarly on Oak.

17 And as you look at this plan -- and Sean talked
18 about this much more eloquently than I am going to be able
19 to -- our site is kind of the missing tooth in the
20 neighborhood. And putting a modest dwelling here is
21 contextually appropriate.

22 Okay, next slide, please, if you may?

1 So these are just a couple of context photos. I'm
2 sure everyone's visited the site, but just so everyone
3 knows. So these are looking straight down Oak Street. So
4 the image on the left is standing just basically at
5 Cambridge Street looking due north up Oak Street.

6 And then the other image is going right down near
7 close to the Somerville line and looking to the south.

8 Just to give you a little bit more context, on the
9 left-hand image, the brick building is a commercial
10 building, and it fronts on Cambridge.

11 The set of green rowhouses there, that is 6-12 Oak
12 Street. 9 Oak is the first gray house on the right-hand
13 side, and it is the immediate abutter. And then you can see
14 the triple deckers on the same side of the street two lots
15 down from our site.

16 On the right hand side -- the triple deckers are
17 now in the foreground -- that's probably not going to be set
18 in this image.

19 Can you go maybe to the next image? Yes.

20 BRENDAN SULLIVAN: This is Brendan Sullivan. You
21 know, I think the point they're trying to make, Mr. Shirley,
22 is that what you're trying to do is -- you keep mentioning

1 precedent. And yet all of the -- the neighborhood was all
2 built prior to zoning. And then zoning comes along, and
3 then obviously establishes parameters for development.

4 It is probably the most densely populated and
5 overdeveloped area in the city -- that's all the way through
6 East Cambridge.

7 Then they came along, and even though it is C-2,
8 said, "You, that's not a good idea to replicate that, and to
9 continue that pattern of development where it's just no
10 setbacks, and it's really cheek to jowl."

11 And so, I don't buy the argument that, you know,
12 though there's precedent there for this type of development
13 we should continue that. And I think that -- again --
14 Attorney Hope had mentioned in his opening remarks about,
15 you know, 1.30 the purpose -- I know you had mentioned,
16 Sean, that you encouraged the most rational use of land
17 throughout the city.

18 If you read that paragraph, it also says, "to
19 provide adequate light and air, " which I think detracts
20 from the abutting property. If you build this, it does
21 detract from the light and the air.

22 "To prevent the overcrowding of land, to avoid

1 undue concentration of population. Further, to encourage
2 the most rational use of land throughout the city, including
3 an encouragement of appropriate economic development." I
4 don't think that this is it.

5 And, you know, to continue showing examples of how
6 the area is developed, you don't convince me. Because
7 obviously they did not exempt this area from zoning. They
8 basically encumbered this area with the zoning ordinance.
9 And until -- unless there is an extreme case to vary the
10 ordinance, you know, it should comply with it.

11 Again, the hardship I don't see the hardship. And
12 in reading the readings, they really are of a personal
13 nature. It's not related to the soil shape or topography,
14 which is not -- even though it's a vacant lot, there's
15 nothing unusual about the soil conditions, as pointed out.
16 There's nothing unusual about the shape of the lot, which is
17 rectangular, or the topography, which is flat.

18 So you can continue on, but I'm not convinced.

19 SEAN HOPE: Mr. Sullivan, could I just make a
20 couple of comments based on your comments? And I do
21 appreciate --

22 CONSTANTINE ALEXANDER: Sean, we can't hear you.

1 SEAN HOPE: Okay.

2 BRENDAN SULLIVAN: You have to speak up, Sean.

3 SEAN HOPE: I will speak louder. I'm not sure why
4 my sound is -- so a couple of points. So I would argue that
5 the shape of the lot is unique. It is not a true rectangle.
6 It has jogs in it. So it almost has five -- four or five,
7 depending on how you count it -- side yard setback.

8 I would also say the shape also extends to the
9 fact that it goes for a full block, which -- although it's
10 not the only lot on the street, it is a unique condition.

11 Part of the petitioner's rationale is for
12 multigenerational living. And I have heard the Board talk
13 about unique to the petitioners, but I do believe
14 multigenerational living is becoming much more common, due
15 to the way that people operate, the cost of housing and how
16 families are living together. So I would say that it's a
17 combination of the shape of the lot.

18 Now, also, if the lot did not allow for two units,
19 I would understand the Board's -- fully understand that the
20 zoning said, "You can't have two units, we want to have two
21 units, too bad for you." That's not what the ordinance says.
22 The ordinance allows for two units, and so --

1 BRENDAN SULLIVAN: But Sean, wait a minute, that's
2 only one measure. That's only one measure to say the lot
3 area per dwelling unit.

4 SEAN HOPE: I fully understand that. I'm just
5 saying.

6 BRENDAN SULLIVAN: And then you start with the
7 setbacks. And then the open space.

8 SEAN HOPE: Understood. But we did --

9 BRENDAN SULLIVAN: And then all of a sudden, you
10 know, you come down to, "Well, we can't -- it won't support
11 two units."

12 SEAN HOPE: Well, um--.

13 BRENDAN SULLIVAN: So again, the lot area per
14 dwelling unit is only one measure.

15 SEAN HOPE: Understood.

16 LAURA WERNICK: Can I hear a little bit more from
17 the petitioner? I don't -- maybe I missed it. But how are
18 they intending to use this? What's the purpose?

19 SEAN HOPE: Molly or Patrick, would you either be
20 willing to speak to that?

21 MOLLY WOLF: Sure. My name is Molly Wolf, with
22 Patrick Mascai.

1 LAURA WERNICK: Again, you have to speak really
2 loudly.

3 MOLLY WOLF: Sorry. My name is Molly Wolf, and my
4 husband Patrick Mascai. Thank you for taking the time to
5 hear our case tonight. We purchased the 9 Oakland Street
6 property in February 2019, and we've rented in Cambridge
7 together for a long time before that.

8 As Sean and Frank mentioned, we got married last
9 summer and we're growing our family. We're expecting our
10 first kid shortly. We purchased the property with the goal
11 of kind of creating a multigenerational home, and because of
12 the flexibility we hoped it would provide.

13 When we thought about building a multigenerational
14 home, I think we have a couple reasons in mind, the first
15 being elder care. We're anticipating that at least one
16 parent will be living with us soon -- specifically my mother
17 and we -- our hope is, we'd be hoping that she could live on
18 the property with us.

19 We actually -- in one of the drawings that we
20 submitted to the Board; we did put a place for an elevator
21 shaft to be added in the future. She doesn't need one right
22 now, but it would be something we could add in the future.

1 The second being live-in child care. We're hoping
2 to have many kids. We both work extremely long hour, full-
3 time jobs, and we would be hoping to have someone who could
4 live with us to help provide child care.

5 The third would be that Patrick's family lives in
6 Ohio, and it's very difficult for them to come to Boston to
7 pay for the hotels or Airbnbs around here, so a place for
8 them to stay.

9 And then the mudroom is essentially, in addition
10 to the second structure, would be a more practical entrance
11 for our family to enter the main home from the Oak Street
12 side, which is where we generally tend to park and enter the
13 home from.

14 LAURA WERNICK: I have to say I'm pretty torn on
15 this one, because right now you have a parking -- you know,
16 double parking space there. So the footprint is already not
17 used for grass or recreation in any way. It does seem to be
18 overbuilt -- I mean, to have a two-bedroom unit on that site
19 seems a lot, in addition to your house.

20 I do feel in terms of the streetscape, there's
21 some positive things about -- as, I can't remember, I think
22 it was Mr. Shirley said filling in the empty gap there.

1 So I think that this could be potentially be made
2 reasonable. I do have -- it does seem like this could also
3 be -- you could end up with multiple people in that house.

4 And this lot -- maybe not you but in the future,
5 all of a sudden, we have two, a place that could be rented
6 out and could have multiple people in there, and all of a
7 sudden you have much more density. The way you're
8 suggesting it's use I think could be appropriate, but I
9 think the potential for misuse is pretty darn high.

10 So I can kind of see both the petitioners'
11 desires, and I think they're reasonable, but it does leave
12 it -- the possibility of it being -- becoming dense in a way
13 that detracts from the neighborhood. So I think there is a
14 -- what's being expressed here is kind of concern about
15 misuse of the opportunity.

16 FRANK SHIRLEY: Thank you.

17 SEAN HOPE: Okay, thanks.

18 LAURA WERNICK: So I guess I'd be much more
19 comfortable if you did the same thing with just a studio
20 apartment or a potential one bedroom.

21 CONSTANTINE ALEXANDER: Thank you, Laura. Any
22 other questions from members of the Board before I open this

1 up to public testimony?

2 MATINA WILLIAMS: With the -- piggybacking what
3 Laura said, is there any way to make it all one bedroom?

4 SEAN HOPE: That's a really good question. So
5 when we looked at what the as-of-right -- and Frank, please
6 correct me -- when you look at the as-of-right viability,
7 what additional square footage would be left over staying
8 within the 0.75, I think we came up with approximately 600
9 square feet. Is that thereabouts?

10 Frank, you're on mute.

11 FRANK SHIRLEY: I'm sorry, yes. If we were to
12 build a completely as-of-right building -- that would be
13 setbacks and FAR GFA -- the proposed building would have an
14 area of about 615 square feet. That's what could be built,
15 completely as-of-right.

16 SEAN HOPE: Right. So that could likely be a
17 studio or a one bedroom, a very tight one bedroom -- more
18 likely a studio on top of parking, if we kept the
19 arrangement of parking. I think one of the goals was to
20 change the experience on Oakland Street from asphalt and
21 parking to something more residential.

22 And so, although there has been -- there were

1 opposition comments to the garage parking for aesthetic
2 reasons, part of that was to be able to contain the parking
3 and for this to feel much more residential -- this portion
4 of the lot.

5 So I would say that if the Board felt that --
6 agreed that a residential structure would improve the
7 streetscape and make it feel more residential, but was
8 bothered by how much square footage we were requesting, I
9 think that I can't speak for the petitioners, but in terms
10 of what's possible, a 600 square foot structure would keep
11 us within the 0.75.

12 I don't know if that would achieve the
13 petitioner's goals for multigenerational living. They'd
14 have to speak to that.

15 CONSTANTINE ALEXANDER: Slater, do you have any
16 questions you want to ask?

17 SLATER ANDERSON: No questions.

18 CONSTANTINE ALEXANDER: Okay. I will now close
19 public -- I mean, I will open the matter up to public
20 testimony. Any member of the public who wishes to speak
21 should now click the icon at the bottom of your Zoom screen
22 that says, "Raise hand." If you're calling in by phone, you

1 can raise your hand by pressing *9 and unmute or mute by
2 pressing *6.

3 I'll wait a moment or two, see if Sean has anyone
4 who wishes -- who's calling in who wishes to speak?

5 SEAN O'GRADY: Yes, Gus, you do have speakers.
6 Mr. Scorza?

7 GIOVANNI BERLANDA SCORZA: Sorry, maybe -- I'm
8 sorry, is that my name you're trying to spell?

9 SEAN O'GRADY: Yes, I think so.

10 GIOVANNI BERLANDA SCORZA: So my name is -- my
11 first name is Giovanni Berlanda, Scorza is my last name.
12 I'm the owner of the property south of the petitioner's
13 house. I'm in 7 Oakland Street. I have already stated this
14 in writing, but I am supporting the request.

15 I've been enjoying living in this building for the
16 last five years -- 10 years in the neighborhood. I like the
17 neighborhood. I lived for five years on Hawthorne Street,
18 which is just down the road from Oak. And I have always
19 seen this empty lot as an unusual thing in the neighborhood.

20 So I don't have any problem seeing a new building
21 being constructed there. It would be very noticeable from
22 my kitchen, which is what the architect showed for the green

1 building with a lot of grass. But I think it will be a
2 completing piece of the neighborhood. Thank you.

3 CONSTANTINE ALEXANDER: Sean, and anybody else?

4 SEAN O'GRADY: Richard Trosnik? Krushnik, I'm
5 sorry.

6 RICHARD KRUSHNIK: Yes. Can you hear me?

7 SEAN O'GRADY: Yes. Go ahead.

8 RICHARD KRUSHNIK: Okay. So the -- you have our
9 letter from eight of the surrounding residents, and then
10 Corinne a couple houses down the street sent something in
11 this morning saying she also wanted to sign on to our
12 letter.

13 We were concerned about the garage. We didn't
14 like having the garage right on the street. There is no
15 garage on the street anywhere on the block. There's no
16 garage at all on the street. And we were concerned about
17 the community process.

18 Patrick and Molly were very good about informing a
19 wide swath of the community about their intentions, which is
20 very good. And in that sense, they were very transparent
21 and complete in the information they've provided, and very
22 responsive.

1 But when we issued our concerns, they did not want
2 to discuss our concerns. We suggested alternatives that
3 might be less impactful to the neighborhood, which we wanted
4 to discuss and encourage the presentation of alternatives
5 that we could discuss.

6 We also indicated that we would not object to
7 anything they did as-of-right, but they were unwilling to
8 discuss any of that with us. So that bothered us quite a
9 bit. We didn't feel that was really what qualifies as
10 community outreach.

11 Just noting in terms of possibility, we realize it
12 is very tight. We respect their wishes and objectives. But
13 I would like to note that there's 14 tandem driveways on the
14 block on one side of the house, just like on the house next
15 to them -- on both sides, actually -- where people park one
16 car behind the other and so on.

17 That is the standard method of parking on the
18 block, and they could do that right here. They could have a
19 tandem -- still have two cars. They could have a second
20 story built above, you know, the driveway. They could have
21 a two-story structure with a, you know, what they're showing
22 is two cars so one of those could be -- you know, useable

1 building space on the first floor with the tandem driveway
2 next door. And they could have a second floor.

3 And I don't know, maybe we'd even be willing to go
4 a little over 600 square feet or whatever. But we're not
5 given the opportunity to discuss that or consider that. And
6 I'd just also like to note that, you know, we're not really
7 pleased about the five feet on the front. Three of the four
8 surrounding houses there have in excess of 10 feet on the
9 front. 14, 20 and 15 have that on Oak Street.

10 But they're right, there are a number of houses on
11 the street that have five-foot setbacks, but three of the
12 four right in front of them there actually have an excess of
13 10 feet.

14 And while, you know, obviously it would be nicer -
15 - we can understand they like to have more of the yard
16 space, it's very reasonable in a way, but we still would
17 prefer that it stayed at 10 feet.

18 What else did I want to say? Oh, well, I don't
19 know. You know, we're not experts on hardship, but -- so
20 maybe we misunderstand what that's supposed to mean, but to
21 us -- I mean, the fact that when they bought the lot a
22 little over a year and a half ago, they knew what they were

1 buying, they knew what the zoning allowed. They paid almost
2 \$2 million dollars for it. I mean, so we're having a little
3 hard time seeing the hardship.

4 And also, we're not questioning what they want to
5 do, but on the other hand it seems a little -- I mean, is
6 this really the best option for elder people who are getting
7 frail to have the bedrooms on the third floor?

8 One of the options we suggested was using their
9 basement space, adding on to their existing structure. You
10 know, there are other ways you could accomplish their goals.
11 I mean, maybe they have a special reason for wanting a
12 special -- a separate structure, which there's nothing wrong
13 with that, but bottom line it just seems like too much for
14 the space, and we're not exactly sure how the city defines,
15 "hardship" but it seems to us that this probably does not
16 fit the definition. We don't really see the hardship.

17 Thank you.

18 CONSTANTINE ALEXANDER: Thank you. Sean?
19 Anybody else?

20 SEAN HOPE: Yes. Seth Goldfein, would you like to
21 speak?

22 SISIA DAGLIAN: Go ahead.

1 SETH GOLDFINE: I'll speak just very briefly
2 because I think Richard covered a number of concerns that I
3 had, and you folks have all had a long night. I live at 8
4 Oak Street. I've lived there for somewhere north of 35
5 years now.

6 There was a lot of talk about streetscape today,
7 tonight, and just to very quickly reiterate, I think the
8 notion of putting double -- you know, double door parking
9 garage within five feet -- you know, with just the five-foot
10 setback is entirely inconsistent with what goes on in the
11 neighborhood.

12 And again, I won't -- Richard touched on other
13 concerns I had, but I just wanted to underscore that. Thank
14 you.

15 CONSTANTINE ALEXANDER: Thank you. Sean?

16 SEAN O'GRADY: And Janet, did you want to speak?

17 JANET SLEMENDA: Yes. Janet Slemenda, I live at
18 12 Oak Street. I wanted to say that Richard again spoke
19 pretty much what everybody in the neighborhood is thinking,
20 but we were very concerned at our house about the community
21 outreach. We thought it was a bit hollow in that there was
22 no give and take.

1 And part of community outreach is listening to the
2 concerns of the neighborhood, which were pretty extensive
3 and being responsive. But what we really heard was, "This
4 is what we really want, and we're asking all of you to give
5 to our cause" sort of thing. So that is one thing.

6 And the other -- the thing I just wanted to
7 mention -- was that everyone speaks about this open site as
8 being a bad thing, and it's really a wonderful thing for the
9 neighborhood.

10 And I've been here for 34 years, and looking at
11 that space across the street, and it was a beautiful,
12 beautiful garden for many years. And what changed is not
13 Molly and Pat, but the previous owners, who turned it into
14 paving. It wasn't ever paving; it was always green.

15 So I just wanted to let you guys all know that it
16 wasn't this urban blight that it's been suggested it is.
17 And I appreciate what Richard and Seth brought up, as some
18 of my points that I was going to bring up. So thank you
19 very much for listening.

20 CONSTANTINE ALEXANDER: Thank you too. Sean?

21 SEAN O'GRADY: No, I see no other speakers.

22 CONSTANTINE ALEXANDER: Okay, thank you. We will

1 close public testimony. We are in receipt of a substantial
2 -- well, a correspondence, which is both pro and con.

3 But people who are opposed to the project, and who
4 have written detailed letters for the most part, and some of
5 them have already spoken today, like Mr. Krushnik... the
6 occupants of 20 Oak Street, 12 Oak Street, 8 Oak Street, 6
7 Oak Street, 15 Oak Street, 13 Oakland Street.

8 We've had letters of opposition from a Jacqueline
9 and Jonathan King, who reside at 40 Essex Street, a letter
10 from Phyllis Eretholtz, E-r-e-t-h-o-l-t-z, who resides at 65
11 Antrim Street; a letter from Shelly Rieman, R-i-e-m-a-n, who
12 resides at 201 Franklin Street; another letter of opposition
13 from Rachel Wyon, W-y-o-n, who resides at 283 Sydney Street.
14 And then we have letters of support, they're really almost
15 not a letter, they're a little two-line, I'll read it in a
16 second if I can get there. It says, "I have seen the place
17 to put --" I'm sorry. "I have seen the plans proposed by my
18 neighbors, Molly Wolf and Patrick Mascia of 9 Oakland Street
19 and detailed in BZA Case Number 96057. I am not opposed to
20 this construction project."

21 Not the detail that we received for those who are
22 opposed -- the same letter, it's a form from a Domenico --

1 Mr. Domenico, who resides at 10 Oakland Street; I can't read
2 the handwriting -- "Maya Yama", it looks like... no, Tiate
3 yama, T-i-a-t-e Y-a-m-a, who resides at 24 Oak Street; from
4 another person who resides at 24 Oak Street, a Jose Fajales
5 (phonetic), if I've got it right; and another at 24 Oak
6 Street -- a Sandra Gomez. And there are a few more too.

7 But they're all, as I said, forms that are just
8 someone just signed. And there are two or three more.

9 So we have letters of support and letters of
10 opposition. And that's it for public testimony.

11 Sean, do you wish to say anything further before
12 we go into the Board takes up the case on its merits?

13 SEAN HOPE: Yes, I think --

14 CONSTANTINE ALEXANDER: You're very soft, Sean, we
15 can't hear you.

16 SEAN HOPE: I apologize, I'm not sure. I haven't
17 had this issue before with Zoom, so -- so based on the
18 comments from the Board, and from the feedback heard this
19 evening from testimony, it sounds like the proposal that we
20 presented is too large for the neighborhood, but it does
21 sound like a more modified, modest proposal that needed less
22 relief and that would be less impactful might be something

1 that could have some support.

2 And so, what I would ask the Board is, if we -- if
3 the Board would be willing to consider a continuance, again,
4 so that we could possibly modify the structure in such a way
5 that we could take into account some of the suggestions of
6 the neighborhood -- it would be a much smaller and much more
7 reduced -- we could, we could -- it is possible to fit
8 within the FAR. Setbacks on a narrow lot are always a
9 challenge.

10 That said, we -- it's very clear that the -- based
11 on the Board's comments and on the feedback from the
12 neighborhood, the proposal we presented is not palatable.
13 And so, I would respectfully request that we could get a
14 continuance from the Board to see if we could continue the
15 neighborhood dialogue, take in the feedback from the Board
16 in terms of what the neighborhood needs, the density that's
17 existing, and to see if we can come up with something that
18 is compatible with those feedback that we heard this
19 evening.

20 CONSTANTINE ALEXANDER: Well I -- speaking only
21 for myself, I'm never opposed to neighbors speaking to
22 neighbors and trying to resolve disagreements. So I would

1 be proposed (sic) to -- I would be amend to continuing this
2 case. It would be a case heard. So we would have to get
3 the same five of us who are sitting here tonight to hear
4 that case.

5 And the case will not be heard -- the previous
6 case to yours, we only had room -- the first time we had an
7 opening was January 14. So we're talking about not
8 something very quickly.

9 Sisia, what would be the next time we could meet?
10 Then I'll see if the Board members meet that schedule?

11 SISIA DAGLIAN: Now we're looking at February 11.
12 Everything else before that --

13 CONSTANTINE ALEXANDER: February 11?

14 SISIA DAGLIAN: -- before that has three or four
15 cases being heard as continued.

16 CONSTANTINE ALEXANDER: Okay. February 11 I'll go
17 around the room. Are people available? Sean? I mean,
18 Brendan? I'm sorry.

19 BRENDAN SULLIVAN: Brendan Sullivan, yes.

20 CONSTANTINE ALEXANDER: You're available?

21 BRENDAN SULLIVAN: Yes.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: I should be available February
2 11, yes.

3 CONSTANTINE ALEXANDER: Okay. Laura?

4 LAURA WERNICK: I believe I'm available on that
5 date.

6 CONSTANTINE ALEXANDER: Matina?

7 MATINA WILLIAMS: I should be available on that
8 date.

9 CONSTANTINE ALEXANDER: And I can be available as
10 well. So I will make a motion to continue this case until
11 February 11. By the way, in the past -- this is mainly for
12 the benefit of the Board members -- we've been hearing the
13 continued cases at 7:00 and the regular agenda starting at
14 6:00, which means we've got to break it up, and that was the
15 result of the pandemic -- all the dislocation it caused.

16 Starting in February, we have no continued cases.
17 So I'm going to move that we continue this case and other
18 continued cases in February and thereafter to 6:00 p.m. So
19 we'll do it like we used.org; we'll start with the continued
20 cases at 6 p.m. and then move on to the regular agenda.

21 So with that in mind, the Chair moves so we
22 continue this case as a case heard until 6:00 p.m. on

1 February 11, subject to the following conditions:

2 1) That the petitioner sign a waiver of time for
3 decision, so that we can meet the requirements of state law.
4 If that wavier is not signed and delivered to the
5 Inspectional Services Department by one week from today,
6 this petition will be dismissed. So you must -- Sean,
7 you're very familiar with this, obviously -- you must get
8 that form, get it signed, get it to the Building Department
9 by one week from today.

10 SEAN HOPE: Okay.

11 CONSTANTINE ALEXANDER: That's the first
12 condition. The second is that a new sign be posted or the
13 current sign be modified with a sign that should be posted
14 and should be maintained for the 14 days prior to February
15 11, just as the petitioners did for the 14 days prior to
16 tonight's hearing.

17 And lastly, to the extent -- and there will be, I
18 assume -- there are new plans, revised plans, dimensional
19 forms and the like, they must be in our files, or the
20 Building Department files, no later than 5:00 p.m. on the
21 Monday before February 11. All those in favor of continuing
22 the case on this basis?

1 BRENDAN SULLIVAN: Brendan Sullivan, yes to
2 continuing. I would ask one other thing, that in your
3 exercise is that you come forward with a plan showing what
4 you can do as-of-right.

5 SEAN HOPE: Okay.

6 BRENDAN SULLIVAN: So yes to the continuance.

7 CONSTANTINE ALEXANDER: And Sean, you've made note
8 of that? So that whatever you're going to file by 5:00 p.m.
9 before February 11, that they include this information or
10 this -- that Brendan has just requested?

11 SEAN HOPE: Yep, we'll have it in the --

12 CONSTANTINE ALEXANDER: Slater?

13 SLATER ANDERSON: I agree to the continuum.

14 CONSTANTINE ALEXANDER: Okay. Laura.

15 LAURA WERNICK: I agree to the continuance as
16 well.

17 CONSTANTINE ALEXANDER: Matina?

18 MATINA WILLIAMS: I agree with the continuance.

19 CONSTANTINE ALEXANDER: And the Chair agrees as
20 well.

21 [All vote YES]

22 Case continued until February 11 at 6:00 p.m.

1 Thank you.

2 COLLECTIVE: Thank you very much.

3 CONSTANTINE ALEXANDER: That's all she wrote.

4 [10:23 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

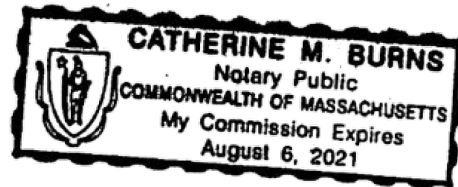
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 2nd day of December, 2020.


Notary Public

My commission expires:
August 6, 2021



A				
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