

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, DECEMBER 16 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Wendy Leiserson

Jim Montverde

City Employees

Ranjit Singanayagam, Commissioner

Olivia Ratay, Zoning and Building Associate



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2 * * * * *

3 (6:03 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Andrea Hickey, Wendy Leiserson, Jim
6 Monteverde

7 OLIVIA RATAY: Andrea Hickey?

8 ANDREA HICKEY: Yes, I'm here.

9 OLIVIA RATAY: Jim Monteverde?

10 JIM MONTEVERDE: Jim Monteverde's here.

11 OLIVIA RATAY: Wendy Leiserson?

12 JIM MONTEVERDE: She's just on mute.

13 CONSTANTINE ALEXANDER: One second ago.

14 JIM MONTEVERDE: She's just on mute.

15 OLIVIA RATAY: Brendan Sullivan?

16 BRENDAN SULLIVAN: Brendan Sullivan present.

17 OLIVIA RATAY: Wendy Leiserson?

18 WENDY LEISERSON: I'm here. I'm sorry, I can't
19 find the Zoom screen. It's disappeared from me. But I am
20 here and I will be on momentarily. Thank you.

21 OLIVIA RATAY: And Gus Alexander?

22 CONSTANTINE ALEXANDER: I'm sorry. All set?

1 BRENDAN SULLIVAN: Yeah.

2 CONSTANTINE ALEXANDER: And the Chair is here as
3 well. Okay. Well, as is our practice, we'll start with
4 continued cases. These are cases that started at an earlier
5 date, and for one reason or another have been continued
6 until this evening.

7 We have four scheduled continued cases, but two of
8 them are going to be -- are going to withdraw. So we should
9 have a short time with continued cases.

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2 (6:04 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: The first continued case
7 I'm going to call is Case Number 145092 -- 700 Huron Avenue.
8 Anyone here wishing to be heard on this matter?

9 JAMES RAFFERTY: Good evening, Mr. Chair. For the
10 record, my name is James Rafferty. I'm an attorney with
11 offices located at 907 Massachusetts Avenue in Cambridge. I
12 represent the applicant, the owner of the building, Parkside
13 Place Company, the limited partnership.

14 Present with me on the call this evening from
15 ownership is Mr. Douglas Yaggy, Y-a-g-g-y, and I believe
16 William McGrath of First Realty management may also be
17 present. But Mr. Yaggy could confirm that.

18 If you would like, Mr. Chair, I'll proceed to
19 identify the issue in the case. This is an application to
20 allow for a reduction in required amount of parking in a
21 multifamily building in a Residence C3 District, Huron
22 Avenue.

1 I'm sure the building is known to all on the
2 Board. It's distinctive in its height. It contains a large
3 number of dwelling units. When constructed, it contained a
4 few less units, but today there are 251 apartments in the
5 building. And there are currently 234 parking spaces in the
6 garage adjacent to the building.

7 For some time now, the utilization of the garage
8 has been significantly below capacity. The garage consists
9 of an attached garage with a number of levels and a top
10 level that is unroofed -- the so-called deck of the garage.

11 The proposal, as depicted in in the plans
12 submitted with the application, would convert a portion of
13 the deck area of the garage that currently accommodates
14 parking to green space, to add an amenity for the residents
15 of the building to enjoy some fresh air and outside area.

16 So as depicted in the plan, the new area -- the
17 non-parking area would result in the reduction of 32 parking
18 spaces. There will be 32 spaces remaining on the deck.

19 As a result of the application, and in accordance
20 with the provisions of Article 6, before filing the
21 application, the applicant prepared -- retained a traffic
22 firm to conduct an off-street parking study, and to provide

1 an analysis for existing conditions.

2 But prior to the commissioning of the study, a
3 consultation was made with the city's Transportation and
4 Parking Department to confirm the correct protocols would be
5 employed.

6 The study has been submitted with part of the
7 application. And the study reveals several relevant
8 factors. First is the historical data based on resident
9 survey and actual examination of parking leases is that the
10 garage currently for the past three years has operated
11 approximately 63 percent capacity.

12 Once again this year, there were 86 vacant spaces
13 in the garage. The study reveals that approximately 35
14 percent of the residents of the building do not own motor
15 vehicles.

16 With that understanding, and with their own
17 experience with the building with underutilized parking,
18 that's why this effort was undertaken. The application
19 address the criteria contained in Article 6 for the Board to
20 consider when evaluating a reduction in parking.

21 One of the criteria is to examine whether or not
22 there would be an impact upon existing on-street parking.

1 In this case, the analysis also showed that on-street
2 parking, a study was performed during different times of the
3 day and also on weekends that there is adequate on-street
4 parking with demand that exists.

5 And the analysis also included Saturdays, because
6 of the recreational demand associated with the golf course,
7 which we recognize has a higher demand on weekends than
8 during the weekday.

9 We provided that information with the application.
10 We also shared it with the Traffic and Parking Department,
11 and there is contained in the file a communication from Adam
12 Shulman of the Traffic Department of the Traffic Department,
13 who indicates that the Department supports the reuse of the
14 parking spaces, since it's a better use for unused parking.

15 The building itself has maintained an inventory of
16 tenants that have vehicles, and it's based upon that
17 inventory that I cited earlier that the ownership has
18 decided to pursue this opportunity.

19 The -- I did note in the file a letter arriving
20 today that indicated a concern from the abutter that by
21 reducing this building's parking capacity by 32 spaces,
22 there will be an adverse impact on the parking supply, on

1 the street parking supply.

2 I think the data contained in the study, and the
3 fact that there are already 84 unused spaces on average in
4 the building would suggest that the 32 parking spaces that
5 are removed from the deck here are in all likelihood simply
6 going to be relocated within the garage. And were that to
7 happen, there will still be ample excess capacity in the
8 garage, since as I noted the average is in the mid-80s of
9 the parking supply.

10 So it's for that reason that the applicant submits
11 that the criteria in Article 6 are present in this case to
12 allow for a reduction in parking supply, and that the data
13 that's been provided in the study and recommended for
14 approval from the Transportation Department should be
15 sufficient to allow the Board to make the finding and grant
16 the relief requested.

17 CONSTANTINE ALEXANDER: Mr. Rafferty, in a letter
18 you sent to the Board, I guess maybe today, you had proposed
19 a condition, should we grant the relief you're seeking. You
20 want to touch on that a little bit?

21 JAMES RAFFERTY: Happy -- thank you for the
22 opportunity to do so.

1 Yes, that condition came about probably as a
2 result of conversations with a tenant in the building, who
3 helpfully pointed out a concern that some tenants who park
4 on this level -- this deck -- actually find it convenient to
5 do so.

6 And the request was that the parking reduction not
7 occur until such time as the work actually commences, the
8 work to convert the open space.

9 So given the fact that many of the parking spaces
10 on the top upper deck now are governed by leases that have
11 significant months remaining in the term, it will be several
12 months before any work associated with the conversion that
13 will take place.

14 So the condition that's requested and which we
15 agreed to is the requested reduction in parking shall be
16 contingent upon the applicant obtaining a building permit
17 and commencing construction to create the open space
18 depicted on the plan filed with the application, the
19 rationale behind the petition being that as we know it's not
20 the case that in every case once relief is granted and an
21 applicant follows through, and actually performs the work
22 that's been authorized.

1 So in this case, the applicant was happy to
2 suggest for the Board's consideration this condition that
3 would ensure until there was affirmative steps taken to
4 create the open space, that there would not be any reduction
5 in the parking, and the status quo would remain in effect.

6 CONSTANTINE ALEXANDER: Thank you. Questions from
7 members of the Board? Brendan?

8 BRENDAN SULLIVAN: No, I have no questions at this
9 time. Well, maybe I do. What is the date of the traffic
10 study, or when was it --

11 JAMES RAFFERTY: The parking analysis was
12 performed in August of 21.

13 BRENDAN SULLIVAN: And I was just wondering if it
14 took into consideration -- it obviously took into
15 consideration the use of the golf course. I'm wondering if
16 it took into consideration the future use of Glacken Field,
17 the rehabilitated, renovated Glacken Field, which will now
18 become a park for the general public...

19 But also to Little League baseball fields, which
20 are coming right to the heart of my concern, in that we've
21 only played a few games there and there has already been
22 some sort of a little bit of tension with the people who

1 frequent the golf course.

2 And so with a reduction of parking for this
3 building, which is right across the Ave, I'm just a little
4 bit concerned that we're all going to be fighting for the
5 same space on the street. We're all going to be fighting
6 for the same space on the street.

7 The parking in that garage is on a lease-basis, so
8 the tenants pay for those spots?

9 JAMES RAFFERTY: Yes, that's correct.

10 BRENDAN SULLIVAN: Yes. So some people who opt
11 not to pay for it, then, obviously, will park on the street.
12 And I'm just -- there's going to be a reduction of parking
13 so more cars on the street number 1, and there's also going
14 to be a more intense use of that particular area of Huron
15 Avenue -- Huron and Cushing, you know, so on and so forth.

16 So that's not a question, just a concern.

17 JAMES RAFFERTY: Right. Well, if I may be
18 permitted, I understand the concern and I'm certainly
19 mindful of the West Division's move to Glacken. But to the
20 point I made earlier, Mr. Sullivan, given the fact that 32
21 people currently utilize the parking garage will be able to
22 continue to do so because of the 85-plus space vacancy, it

1 is not a given that the spaces here by being reduced will
2 result in more on-street parking.

3 Were it the case that the garage were at full
4 capacity, I would agree that logic would suggest that those
5 parkers will then have to -- will be displaced and have to
6 park on the street. That will not be the case.

7 Those parkers will merely be relocated within the
8 garage. 32 spaces can be found -- can be accommodated with
9 the 85 that are unused and have been for a number of years.

10 BRENDAN SULLIVAN: Yeah, no, a fair point.

11 CONSTANTINE ALEXANDER: Yeah, I had an observation
12 just to be absolutely accurate. Occupants of the building
13 turn over; it's a rental building. It could be that over
14 time, more and more of the tenants -- new tenants -- will
15 have cars, and want cars.

16 And then you're going to have the problem
17 potentially that Brendan has identified. I don't suggest
18 that's going to happen, but I suppose it --

19 JAMES RAFFERTY: Well --

20 CONSTANTINE ALEXANDER: That's the case.

21 JAMES RAFFERTY: But it's worth noting, Mr. Chair,
22 the trend is going absolutely in the opposite direction. It

1 has been increasingly the case that the building is seeing
2 tenants without motor vehicles.

3 So in the past few years -- and Mr. Yaggy can
4 speak directly to that in terms of part of the motivation
5 behind doing this -- as you might imagine, the building
6 collects revenue from the parking.

7 If this space -- if this -- they're going to take
8 revenue-producing space and convert it to non-revenue
9 producing space. They're only doing so because they're
10 confident that the supply is sufficient.

11 But the trends in the last few years as a result
12 of the use of all types of changes in transportation,
13 principally Uber and similar car share services, has shown
14 that the parking is reduced, the bicycle usage is
15 significantly increased; they've enhanced bicycle storage
16 opportunities and I don't think the recent data in the last
17 few years would suggest that new tenants are arriving with
18 greater automobile usage than they have historically.

19 BRENDAN SULLIVAN: I must add that I applaud the
20 proposal, and that it is providing a huge amenity to the
21 tenants in that building. So anyhow. So we'll have to
22 learn to get along. [Laughter]

1 CONSTANTINE ALEXANDER: Jim Monteverde, do you
2 have any questions or comments you want to make?

3 JIM MONTEVERDE: This is Jim. No, I don't think.
4 Thank you.

5 CONSTANTINE ALEXANDER: Andrea?

6 ANDREA HICKEY: Yes. So if I could ask Counsel
7 just to refresh my memory from your initial presentation,
8 what percentage or number of sort of residents you said do
9 not have cars?

10 JAMES RAFFERTY: The parking studies and surveys
11 of ownership indicate that approximately 67 percent of the
12 units own vehicles. So I guess the reverse on that is 33
13 percent do not.

14 ANDREA HICKEY: And of that 67 percent, how many
15 utilize the on-site parking for which they pay an additional
16 fee?

17 JAMES RAFFERTY: I believe 159 units are using the
18 garage.

19 ANDREA HICKEY: All right. I guess I'll do the
20 math, then. And in terms of unit owners that don't use the
21 garage --

22 JAMES RAFFERTY: No, I'm sorry. I apologize. The

1 utilization of -- it's 159 units are yielding 187 vehicles.

2 ANDREA HICKEY: Okay. And so in terms of you say
3 67 percent of the occupants own cars. How do you know that?
4 Can't you really only count the people that park on site as
5 having car? How do you know about sort of tenants that
6 don't park on site, whether they have a car or not?

7 JAMES RAFFERTY: Mr. Yaggy might answer that. But
8 as part of the process of leasing the building, they conduct
9 surveys of tenants, and the parking information is
10 requested, whether they choose to rent there or not.

11 We also consulted with the resident parking
12 sticker program to see if there was a disparity. And we
13 were informed by Mr. -- by the Traffic Department that was
14 not the case.

15 But Mr. Yaggy might have some more detail. They
16 have an active Property Management Division that pays close
17 attention and receives information around vehicle ownership.

18 ANDREA HICKEY: I would like for him to answer
19 that question. I don't have a problem with the numbers as
20 presented, I just want to make sure that I'm understanding
21 where this data comes from.

22 DOUGLAS YAGGY: Hi. My -- can I speak?

1 JIM MONTEVERDE: Yes, please.

2 ANDREA HICKEY: Yes, please.

3 DOUGLAS YAGGY: Hi. Yes, good evening. What we
4 did as part of the traffic study --

5 JIM MONTEVERDE: Excuse me, Doug, could you give
6 your name and the spelling?

7 DOUGLAS YAGGY: Oh, I'm sorry. Douglas Yaggy, and
8 I work for the owners of Parkside. And the answer to your
9 question is we went back out to all the residents when we
10 were doing the parking study for the parking study people,
11 and asked all the residents how many cars do you have? And
12 then we knew how many cars we actually -- who paid for
13 parking.

14 So that was the -- how we ended up in the parking
15 study of knowing how many we believe park on the street.

16 ANDREA HICKEY: Good. Yeah. That's -- that's
17 what I was looking for. And of those residents that you
18 surveyed; what percentage responded to this survey? So how
19 accurate is it?

20 DOUGLAS YAGGY: Well, I can't answer that exactly
21 where I am right now, but we ask 100 percent. So we expect
22 that the only people who replied were the people who have

1 cars, and we didn't hear from everybody, because they
2 wouldn't reply to say they don't have a car.

3 We -- I think the way the wording is, I don't have
4 it right in front of me -- was, "If you have a car, please
5 tell us how many cars you have." So I can't tell you if
6 people didn't reply because they don't have cars, but that
7 was -- you know, the best we could do.

8 Because in part of the on-street parking is there
9 aren't permits. So the only way we can find out is to ask
10 the tenants for information.

11 ANDREA HICKEY: So then we don't know whether
12 people that didn't respond have cars or not?

13 DOUGLAS YAGGY: I cannot say we do not know that.
14 We don't know that exactly, right. We can only go by what
15 we can ask.

16 ANDREA HICKEY: All right. Thank you.

17 DOUGLAS YAGGY: Okay.

18 CONSTANTINE ALEXANDER: Wendy, do you have any
19 questions?

20 WENDY LEISERSON: I in general like the idea of
21 converting the roof. But I think Attorney Hickey's
22 questions are very pertinent.

1 And I guess I'm going to ask or express some
2 concerns, which is that any study of parking or recreational
3 habits right now is during a COVID time. Not only are we
4 also talking about, you know, future uses of the field that
5 are likely to increase -- I'm not sure if we were at full
6 golfing capacity, for example, in the summer.

7 And I -- so I'd like us to maybe if there are any
8 points or that you'd want to raise to, you know, allay my
9 concerns I'd be open to hearing that.

10 But I also wonder about Adam Shulman's message in
11 the file, where he says he recommends that the Parkside
12 encourage all residents who are parking their cars on the
13 street to instead park on the site.

14 And obviously if they are asking for payment for
15 that, it's hard to encourage it. But I wonder if the
16 applicant has given any thought to Mr. Shulman's
17 recommendation?

18 JAMES RAFFERTY: Well, let me -- if I may I could
19 -- the answer to the first question is to Traffic. I think
20 that traffic studies in general in the city, which are
21 routinely done for projects much larger than this, actually
22 the counting of vehicles -- trip generation numbers -- has

1 been suspended because of the fact that the data and because
2 the trip generation numbers are significantly down.

3 It is the case, however, that the parking supply
4 has remained constant. In fact, more people are working
5 from home now than ever. So there hasn't been a similar
6 need to adjust the parking supply numbers as there is in the
7 trip generation numbers.

8 This past summer, the golf course -- I live within
9 a few hundred yards of it -- was at full capacity. And the
10 golf course has always attracted an active community. They
11 come early in the morning; they play all weekend. For
12 several years I lived in the condominium complex across the
13 street from the golf course, and I can attest to that fact.

14 I do acknowledge what Mr. Sullivan is saying; that
15 the demand that's going to be created at Glacken Field will
16 probably increase, but there are severe side streets near
17 Glacken Field that will be available to Cambridge residents.
18 Most of the people participating in the recreational Little
19 League are city residents.

20 And on page 9 of the study, the study not only
21 analyzed the parking in the garage, but it also analyzed the
22 utilization of on-street parking spaces. And throughout the

1 Huron Avenue area, four different times of the day,
2 including a Saturday, the average utilization is in the 60
3 percent range. And Saturday it was as low as 58 percent.
4 So they count the number of spaces.

5 So it is the case that were this in perhaps a
6 different area of the city where the on-street parking is
7 more challenging, the impacts would appear to be different.
8 But it is -- this would appear to support a reduction, based
9 on those numbers.

10 As far as Mr. Shulman's comment, it's an
11 interesting issue, candidly, because it comes up from time
12 to time. The City's transportation policies around parking,
13 particularly as they affect housing, encourage landlords to
14 charge as much as possible for parking, with the thinking
15 being that first of all, putting parking into the rent of
16 the apartment requires tenants who don't have a vehicle to
17 pay for a service they don't need. And it raises the cost
18 of housing.

19 The parking in this garage is not particularly
20 steep. And we can share those numbers with you. But it
21 ranges between \$100 and \$150 a month, Mr. Yaggy? Have I got
22 that correct?

1 [Pause]

2 JAMES RAFFERTY: I don't -- I guess --

3 DOUGLAS YAGGY: Yes. Sorry about that. I remuted
4 and unmuted. Yeah. That is correct, which if you go to
5 competitors, they actually charge more for a parking space.
6 So our parking is relatively low in the market place, but we
7 do charge that amount, \$100 to \$150.

8 [Pause]

9 DOUGLAS YAGGY: Did you hear me, Jim?

10 JAMES RAFFERTY: Yes.

11 WENDY LEISERSON: Thank you for that, Mr. Yaggy.
12 I do hear your point about the working from home, although I
13 mean it's impossible to know how many families left, fled
14 the city to -- during the summer, for example, to other
15 places. So there's some squishiness in the numbers.

16 I guess I'd also be interested, because Strawberry
17 Hill, this neighborhood, is flipping like crazy right now,
18 and in flipping usually that means increasing the number of
19 units, and potentially the number of cars that would be
20 needed to be parked on the side streets as well. So there's
21 sort of some concern that I have there.

22 I also wonder if there's any sort of cooperative

1 arrangement, which I imagine raises all sorts of legal
2 issues to work out, but about the city opening up some of
3 the unoccupied spaces to residents who might need to park
4 for games or something like that?

5 JAMES RAFFERTY: Well, I know from personal
6 experience that there's not much golfing going on at night.
7 And the city does not -- the city does not control or
8 restrict access into that parking lot. So I would suspect
9 that both when dusk arrives, that is a parking lot that it
10 utilized by a number of people.

11 There used to be a very active VFW Hall there, and
12 that was the de facto parking lot for functions that were
13 held in that space. It's a much smaller space now; it's in
14 the basement of the youth center there.

15 But that is a -- I'm going to estimate a 40-car
16 parking lot that particularly in wintertime and in evenings,
17 when the golf course is not occupied, is unrestricted.
18 There may be a requirement to have a resident sticker to
19 park in that lot, I'm not certain, but I know it's used by
20 more than just golfers.

21 WENDY LEISERSON: Thank you, Attorney Rafferty.

22 CONSTANTINE ALEXANDER: Thank you. I'm now going

1 to open the matter up to public testimony. Any members of
2 the public who wish to speak should now click the icon at
3 the bottom of your Zoom screen that says, "Raise hand."

4 If you're calling in by phone, you can raise your
5 hand by pressing *9 and unmute or mute by pressing *6.

6 We'll take a few moments to see if anyone wishes to speak.

7 [Pause]

8 CONSTANTINE ALEXANDER: Apparently no one does
9 wish to speak, so I will close public testimony. I will
10 point out as Mr. Rafferty and others have pointed out that
11 both the Traffic Department and a private organization -- I
12 guess retained by the petitioner -- have written letters in
13 support of the relief being sought.

14 And then we have one letter in our files this is
15 by a neighbor who is opposed to the relief. And there we
16 are.

17 JIM MONTEVERDE: Mr. Chair, I believe you also
18 have a letter from a resident of the building that supports
19 the relief, provided the condition --

20 CONSTANTINE ALEXANDER: Yes.

21 JIM MONTEVERDE: -- we discussed.

22 CONSTANTINE ALEXANDER: I'm sorry, I should have

1 mentioned that.

2 There is a letter in support, provided that we've
3 imposed a condition with regard -- and which Mr. Rafferty
4 has already identified -- as part of our decision. And when
5 I make my motion to grant the relief, which is what we do
6 and then we decide whether to accept the motion, I will put
7 that condition in the motion.

8 I don't know if members have any comments. I have
9 no problems with granting the relief. Would anyone wish to
10 speak to the contrary?

11 BRENDAN SULLIVAN: No. Not -- full support.

12 CONSTANTINE ALEXANDER: Okay. All right, I'll
13 make a motion. The Chair moves that we make the following
14 findings with regard to the relief being sought: That --
15 let me get out the list, starting with Section 6.35.1 --
16 that.

17 What is being -- the reduced parking will not
18 cause excessive congestion, endanger public safety,
19 substantially reduce parking availability for other uses, or
20 otherwise adversely impact the neighborhood or that such an
21 amount of parking will provide positive environmental or
22 other benefits.

1 And that apparently would be the case -- at least
2 that is the position of the petitioner.

3 And then there are the general requirements for a
4 special permit. First that:

5 The requirements of the ordinance cannot be met
6 unless we grant the special permit the petitioner is
7 seeking.

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

12 That somewhat overlaps with the Section 6.35, but
13 I would refer to the fact that both the City's Traffic
14 Department and a commissioned private study have concluded
15 that congestion, hazard or substantial change will not
16 result from the relief being sought.

17 That the continued operation of or development of
18 adjacent uses, as permitted in the Zoning Ordinance, will
19 not be adversely affected by the nature of the proposed use.

20 Again, that's sort of the subset of the notion
21 that there is ample off-street parking and other parking --
22 and other access to parking that will alleviate any

1 pressures into the neighborhood.

2 That no nuisance or hazard will be created to the
3 detriment of the health, safety and/or welfare of the
4 occupant of the proposed use.

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

9 In this regard, you can conclude, as Mr. Sullivan
10 has pointed out, that you are -- that the object here is to
11 improve the living experience of those who rent the
12 building, and have a positive environmental impact.

13 So on the basis of all of these findings, the
14 Chair moves that we grant the special permit requested on
15 the condition that -- two conditions:

16 One, that the work proceed in accordance with the
17 plans submitted by the petitioner, prepared by Maxwell
18 Architects, Inc. And I think there's a date here somewhere.

19 JIM MONTEVERDE: 07/23/20, Mr. Chair, I believe?

20 CONSTANTINE ALEXANDER: Yeah. It is. It is 7 --
21 I didn't find it. Yeah, here it is. 7/23/2020, you're
22 right. And the second condition is the one that the

1 petitioner has volunteered, and that is that the reduction
2 of parking spaces requested by the petitioner shall be
3 contingent upon the petitioner obtaining a building permit
4 and commencing construction to create the open space
5 depicted on the plan filed with the application.

6 Brendan, how do you vote?

7 BRENDAN SULLIVAN: Brendan Sullivan yes to
8 granting the special permit.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Jim Monteverde yes to granting
11 the special permit.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: Andrea Hickey yes in favor of the
14 special permit.

15 CONSTANTINE ALEXANDER: Wendy?

16 WENDY LEISERSON: Wendy Leiserson yes in favor of
17 the special permit.

18 CONSTANTINE ALEXANDER: And the Chair votes yes as
19 well. So it's unanimous.

20 [All vote YES]

21 Special permit is granted.

22 BRENDAN SULLIVAN: Thank you very much.

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CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: Have a good evening.

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(6:35 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Wendy Leiserson, Jim
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 116393 -- 14 Bigelow Street. Anyone here
wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Apparently no one is. And
that is probably because the petitioner has decided to
withdraw his case. As required, we have to accept that. So
the Chair moves that we accepted -- we grant the special
permit -- I'm sorry, we grant the withdrawal request with
regard to this property.

Brendan?

BRENDAN SULLIVAN: Brendan Sullivan yes to accept
the withdrawal.

CONSTANTINE ALEXANDER: To accepting the requested
withdrawal?

BRENDAN SULLIVAN: Withdrawal, correct.

CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde voting in favor of
2 accepting the withdrawal.

3 CONSTANTINE ALEXANDER: All right. Andrea?

4 ANDREA HICKEY: Andrea Hickey voting yes in favor
5 of accepting the withdrawal.

6 CONSTANTINE ALEXANDER: Wendy?

7 WENDY LEISERSON: Wendy Leiserson yes in favor of
8 accepting the withdrawal.

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

11 [All vote YES, CASE WITHDRAWN]

12 CONSTANTINE ALEXANDER: So it's unanimous. The
13 case has been withdrawn.

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(6:36 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Wendy Leiserson, Jim
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call --
what time is it anyway? The Chair will now call Case Number
-- I've got the number here -- Case #134123 -- 13 Kirkland
Place. Anyone here wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Apparently not. And the
reason I think is because the petitioner here has requested
a withdrawal as well. So again, we have to vote on that.
Mr. Sullivan, how do you vote?

BRENDAN SULLIVAN: Yes to accepting the request
for the withdrawal

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Jim Monteverde, I vote in favor
of accepting the withdrawal.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: Andrea Hickey voting yes in favor
of accepting the withdrawal.

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CONSTANTINE ALEXANDER: Wendy?

WENDY LEISERSON: Wendy Leiserson voting in favor of accepting the withdrawal.

CONSTANTINE ALEXANDER: And the Chair votes in favor of the requested withdrawal.

[All vote YES, CASE WITHDRAWN]

CONSTANTINE ALEXANDER: Thank you.

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2 (6:38 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: Okay, we have one last --
7 excuse me -- continued case. It's basically a notification
8 to our Board of changes in plans that we approved by
9 comprehensive permit some time ago. This involves an
10 affordable housing project.

11 We granted a comprehensive permit for it, and now
12 the petitioner -- by the way the address of the property, I
13 should have mentioned, is 15 Lambert Street.

14 And the request is now to modify the plans to
15 reduce the parking spaces shown on the plan by four spaces
16 for a larger substation transformer for the property.

17 I think it's -- to me it's quite clear that it's a
18 modest -- very modest request; doesn't impact the overall
19 project in a way that -- in fact beneficially for the larger
20 transformer, but not with regard to the neighborhood. We've
21 had no letters of opposition or the like.

22 So I would move that we approve the request to

1 modify the plans approved in a prior hearing.

2 Brendan?

3 BRENDAN SULLIVAN: Brendan Sullivan yes to the
4 motion to accept the application that we have determined
5 that the changes in the plan are not a substantial change,
6 so that they are insubstantial to the original comprehensive
7 permit.

8 CONSTANTINE ALEXANDER: Thank you. Jim?

9 JIM MONTEVERDE: And Jim Monteverde voting yes to
10 accept the changes as proposed.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes in favor of
13 request of accepting the changes proposed.

14 CONSTANTINE ALEXANDER: Thank you. And Wendy?

15 WENDY LEISERSON: Wendy Leiserson voting yes in
16 favor of accepting the proposed changes are insubstantial.

17 CONSTANTINE ALEXANDER: And the Chair will say
18 ditto. I vote yes in favor for the same reason that has
19 been expressed.

20 [All vote YES]

21 So the change has been approved. I can make the
22 changes as requested.

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And that will end our continued cases.

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2 (6:40 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: We'll now turn to our
7 regular agenda. Let me have the file -- Rindge. The first
8 case I'm going to call is Case No. #146140 -- 402 Rindge
9 Avenue. Anyone here wishing to be heard on this matter?

10 MICHAEL DOLAN: Good evening, Michael Dolan on
11 behalf of the applicant.

12 CONSTANTINE ALEXANDER: Okay.

13 MICHAEL DOLAN: So I work at the law firm of Brown
14 Rudnick, and I'm here on behalf of New Cingular Wireless PCS
15 LLC, otherwise known as AT&T.

16 Our application relates to the following
17 situation: We had a wireless antenna facility on the roof
18 of the building at 150 Cambridgepark. As I believe you
19 would all be aware, substantial renovations are going on at
20 that building, and the landlord requested that we relocate
21 our facility.

22 We had a tough time -- constraints with that

1 situation -- and worked with the Inspectional Services.
2 Ranjit was extremely helpful in our crisis here. But we
3 were able to get a temporary building permit issued that
4 would allow us to relocate our antennas onto the building at
5 402 Rindge Ave.

6 There's already one wireless telecommunications
7 provider on the rooftop; that would be Sprint PCS/Clearwire.
8 So it was a logical location for us.

9 We found a willing landlord, and were able to
10 actually relocate our facility in a timely manner so there
11 was no interruption to commercial service, but more
12 importantly public safety and the FirstNet service, of which
13 this facility is a part of that network and the City of
14 Cambridge public safety dedicated communications system.

15 At this site, what we are proposing, and as I said
16 the facility has already been installed, but it's on a
17 building that's 21 stories high, and we're proposing six
18 antennas on the rooftop -- two on each of three penthouse
19 structures. They've been painted to match. They're really,
20 really difficult to even see from the street.

21 We jiggered our camera and photos so that you can
22 kind of see them up there, but the visual impact of this

1 facility is negligible.

2 As I say, we're pleased we found the location in a
3 timely manner. We had continuous coverage, and we
4 respectfully are requesting a special permit for this
5 facility.

6 I believe the Middle-income Tax Relief Spectrum
7 Act would apply as well, but we're applying for the special
8 permit, which was part of our agreement with Inspectional
9 Services when they kindly worked with us on that temporary
10 permit.

11 There will be no exterior cabling running up the
12 side of the building for our antennas, whether that be for
13 power or Telkom. Everything's coming internal, which is
14 already up on the roof.

15 So as I say, the only visual change would be the
16 six antennas attached to each of the penthouse structures,
17 and all are painted to match.

18 I'm free to answer any questions you may have, but
19 this site is from an RF -- radiofrequency need --
20 perspective, as an integral component of the honeycomb of
21 facilities that AT&T has in Cambridge and provides
22 connectivity to other sites, and experiences a great deal of

1 traffic as well as E-911 traffic.

2 So it's a great site for us. It's an important
3 site for the city, and we're certainly very pleased that we
4 found this location, and were able to move up there. I
5 think, as I say, from a land use planning perspective, it's
6 a win-win.

7 CONSTANTINE ALEXANDER: Thank you. Bottom line
8 question, the result, should we grant the relief you're
9 seeking, would be there would be more facility -- more
10 equipment on the building than there is now? In other
11 words, not basically second? More than --

12 MICHAEL DOLAN: Technically, the equipment that's
13 on the roof right now won't change, because we already
14 installed. But from before when we installed, yes, we've
15 added six new antennas and some rooftop equipment that's
16 cantilevered to one of the penthouses, which is really out
17 of view from the ground.

18 CONSTANTINE ALEXANDER: Okay. Thank you.
19 Questions from members of the Board? Brendan?

20 BRENDAN SULLIVAN: It was probably going to happen
21 anyhow that some telecom was going to find this building
22 anyhow, as a very useful site. So I have no questions, no

1 comments, other than that.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: Jim no questions, no comments.

4 Thank you.

5 CONSTANTINE ALEXANDER: Okay. Andrea?

6 ANDREA HICKEY: I have nothing, Mr. Chair. Thank
7 you.

8 CONSTANTINE ALEXANDER: Okay and Wendy?

9 WENDY LEISERSON: [Wendy Leiserson.] I have no
10 questions or comments.

11 CONSTANTINE ALEXANDER: All right. I'll open the
12 matter up to public testimony. Any members of the public
13 who wish to speak should now click the icon at the bottom of
14 your Zoom screen that says, "Raise hand."

15 If you're calling in by phone, you can raise your
16 hand by pressing *9 and unmute or mute by pressing *6.
17 We'll wait a few minutes to see if anyone does wish to
18 speak/call in.

19 OLIVIA RATAY: Michael Brandon?

20 CONSTANTINE ALEXANDER: Mr. Brandon?

21 MICHAEL BRANDON: Good evening, Mr. Chairman.

22 Thank you for hearing me.

1 Maybe I misheard, but as I understand it, the
2 facility was originally located on Cambridgepark Drive, and
3 it's now been moved, because Ranjit issued a temporary
4 building permit.

5 So I guess I want to understand why the
6 preexisting facility had to be moved so quickly, or what
7 sort of arrangement did AT&T have with that building owner.

8 I mean, I don't know if they lease space or what,
9 but it just seemed odd to me that the new application for
10 402 Rindge, you know, that they got the -- that they would
11 get the zoning relief that's necessary before they actually
12 pulled a building permit and built it.

13 So I hope that question is clear. I guess the
14 question is, you know, why was it moved, and does the Board
15 approve of this sort of -- I don't know, was there an
16 emergency? It just seems like the usual procedures were not
17 followed. Thank you very much.

18 CONSTANTINE ALEXANDER: Mr. Brandon, I'm not sure
19 that's a question that's relevant to what we're doing
20 tonight. How we got to where we go to are -- or not we, but
21 the petitioner -- is what it is.

22 The question is today, with -- can -- should we

1 permit, give a special permit to allow the stuff that
2 they're going to be adding to the building? And so that's
3 how I see it.

4 But if other members of the Board think we need to
5 pursue it -- Brendan's shaking his head and says no. So --

6 ANDREA HICKEY: Mr. Chair --

7 CONSTANTINE ALEXANDER: -- thank you for the
8 question, Mr. Brandon, but I'm not sure it's relevant.

9 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
10 speaking. So I agree with you, Mr. Chair, that we can't
11 really sort of endorse or comment on Ranjit's issuance of a
12 temporary permit; that is not within our purview.

13 But I think Mr. Brandon's question about why sort
14 of an emergency permit was needed could be answered by
15 petitioner's counsel. So I'd like to hear him respond to
16 that.

17 CONSTANTINE ALEXANDER: Fine.

18 MICHAEL DOLAN: Yeah. I'd be glad to answer that.
19 So we -- our ability to use the other location was pursuant
20 to a lease. That lease had a term, as well as provisions
21 relative to use of the site and relocation that forced us to
22 have to relocate us. The landlord would not extend our

1 rights any longer, because they wanted to do work to the
2 roof and to the building.

3 So we were homeless if we stayed any longer, and
4 if we were homeless, that entire section of Cambridge would
5 go down with no coverage. And from a public safety
6 standpoint, it would be a significant issue. We had --
7 Public Safety was involved, Police and Fire were very
8 concerned about it.

9 So yes, to the questioner's point: It was in fact
10 an emergency, and we were unable to stay at the location,
11 due to the landlord exercising their rights under the lease.

12 Had we had the right to stay, I can assure you we
13 would have preferred that rather than expend the cost moving
14 to this new site, as well as the potential that we would
15 have had for a gap in service.

16 ANDREA HICKEY: So Counselor, this is Andrea
17 Hickey speaking again. It just sort of begs the question in
18 my mind why your clients would have waited so close to the
19 end of the term such that this became an emergency?

20 MICHAEL DOLAN: It wasn't so much that we waited
21 until the end; we had been in contact with the landlord
22 about this, and we thought they were going to give us some

1 flexibility, but in the end they didn't. And quite frankly,
2 that's a private, contractual matter.

3 But we had thought that we would have rights
4 longer into the future, and those did not turn out that way.

5 There was also some question about the timing of
6 the landlord's work, and then they put their foot down and
7 said, "Nope, we're going to start doing it now." And that's
8 when they exercised their rights under the least.

9 ANDREA HICKEY: Understood. Thank you very much,
10 Counsel. I think it is important to have in the record sort
11 of how this emergency came about. And thank you, Mr.
12 Brandon, for your question.

13 CONSTANTINE ALEXANDER: Anyone else wishes to be
14 heard? Any other persons?

15 Okay. All right. With that, we're going to close
16 public testimony and proceed to a decision. As we've done
17 in the past, not just for this kind of a case, but all
18 cases, I will make a motion to grant the relief, and we can
19 discuss whether we could approve that motion, modify it,
20 what have you.

21 I'd also mention to Mr. Dolan, who I don't think
22 has ever appeared before our Board before, that when we have

1 telecom cases, we have a long procedure -- conditions and
2 what have you -- mainly directed toward making sure that the
3 facility, when it gets erected, is maintenance in compliance
4 with law...

5 And that there is no danger to neighboring -- to
6 the neighborhood, in this case the neighborhood being the
7 structure itself, with quite a few people who live in the
8 structure. That's by way of background.

9 So the Chair --

10 BRENDAN SULLIVAN: Olivia has a concern.

11 CONSTANTINE ALEXANDER: Okay. First of all, we
12 have to go through the requirements for special permits
13 generally, not just your case. The Chair moves that we make
14 the following findings:

15 That the requirements of this ordinance cannot be
16 met unless we grant the special permit.

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

21 And I think the facts speak for themselves. We're
22 talking about a modest addition of telecommunications

1 equipment to a building that already has some.

2 That the continued operation of or development of
3 adjacent uses, as permitted in the Zoning Ordinance, will
4 not be adversely affected by the nature of the proposed use.

5 And again, I think the facts speak for themselves.
6 As Mr. Dolan has pointed out quite accurately as well, this
7 is not a big impact in terms of the neighbor.

8 And in support of that, I would also point out
9 that we have received no communications, no letters in
10 opposition to what is being proposed and in terms of public
11 comments. The only comment we received was from Mr.
12 Brandon, which is a good comment, but that's it. We haven't
13 got a neighborhood uprising against what is being proposed.

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

17 And again, if anything is to the contrary, it's going to
18 improve telecommunications -- should we grant relief --
19 activities in this area.

20 And that generally, what is being proposed will
21 not impair the integrity of the district or adjoining
22 district, or otherwise derogate from the intent and purpose

1 of this ordinance.

2 Pointing out once again that this is not new, this
3 idea of putting telecommunications equipment on the building
4 is not new to the neighborhood. And it is one that has
5 raised no objections from neighbors or the City itself.

6 And lastly, because of Spectrum Act referenced by
7 the petitioner, we also find that the modification of --
8 well, it sounds like it still -- this doesn't apply. It's
9 not a modification, it's new. So I will skip that. We
10 don't need that as well.

11 So based on these findings, the Chair moves that
12 the petitioner be granted the special permit it is seeking,
13 subject to the following conditions:

14 One, that the work proceed in accordance with the
15 plans submitted by the petitioner.

16 Two, that upon completion of the work, the
17 physical appearance and visual impact of the proposed work
18 will be consistent with the photographic information the
19 petitioner submitted and which is in our files.

20 Three, that at all times the petitioner shall
21 maintain the proposed work, so that its physical appearance
22 and visual impact will remain consistent with the photos

1 I've just referenced and what are in our file.

2 Four, that should the petitioner cease to utilize
3 the equipment approved tonight for a continuous period of
4 six months or more, it shall promptly thereafter remove such
5 equipment and restore the building on which it is located to
6 its prior condition and appearance, to the extent reasonably
7 practicable.

8 Five, that the petitioner is in compliance with,
9 and will continue comply with in all respects -- nope, I'll
10 skip that, that doesn't apply to this case. So we'll stay
11 with the four.

12 And then continuing, in as much as the health
13 effects of the transmission of electromagnetic energy waves
14 is a matter of ongoing societal concern and scientific
15 study, the special permit is also subject to the following
16 conditions:

17 a) That the petitioner shall file with the
18 Inspectional Services Department each report it files with
19 the federal authorities regarding electromagnetic energy
20 waves emissions emanating from all of the petitioner's
21 equipment on the site.

22 Each such report shall be filed with the

1 Inspectional Services Department no later than 10 business
2 days after the report has been filed with the federal
3 authorities.

4 Failure to timely file any such report with the
5 Inspectional Services Department shall ipso facto terminate
6 the special permit granted tonight.

7 b) That in the event that at any time the federal
8 authorities notify the petitioner that its equipment on the
9 site, including but not limited to the special permit
10 granted tonight, fails to comply with the requirements of
11 law, or governmental regulation -- whether with regard to
12 the emissions of electromagnetic energy waves or otherwise -
13 - the petitioner shall, within 10 business days of receipt
14 of such notification of such failure -- shall file with the
15 Inspectional Services Department a report disclosing in
16 reasonable detail that such failure has occurred, and the
17 basis for such claimed failure.

18 The special permit tonight granted shall ipso
19 facto terminate if any of the petitioner's federal licenses
20 is or are suspended, revoked or terminated.

21 c) That to the extent a special permit has
22 terminated, pursuant to a) and b) that I've previously

1 identified, the petitioner may apply to this Board for a new
2 special permit, provided that the public notice concerning
3 such application discloses in reasonable detail that the
4 application has been filed because of a termination of
5 special permit, pursuant to the paragraphs I previously
6 referred to.

7 Any such new application shall not be deemed a
8 repetitive petition, and therefore will not be subject to
9 the two-year period during which repetitive petitions may
10 not be filed.

11 d) That within 10 business days after receipt of a
12 building permit for the installation of the equipment
13 subject to this petition, the petitioner shall file with the
14 Inspectional Services Department a sworn affidavit of the
15 person in charge of the installation of equipment by the
16 petitioner with the geographical area that includes
17 Cambridge stating that:

18 a) he or she has such responsibility, and

19 b) that the equipment being installed pursuant to
20 the special permit we are granting tonight will comply with
21 all federal safety rules, and will be situated and
22 maintained in locations with appropriate barricades and

1 other protections, such that individuals, including nearby
2 residents and occupants of nearby structures, will be
3 sufficiently protected from excessive radiofrequency
4 radiation under federal law.

5 Brendan, how do you vote?

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

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: Jim Monteverde voting in favor of
10 granting the special permit.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes in favor of
13 granting the special permit.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: Wendy Leiserson yes in favor of
16 granting the special permit.

17 CONSTANTINE ALEXANDER: And the Chair votes in
18 favor of granting the special permit as well.

19 [All vote YES]

20 CONSTANTINE ALEXANDER: Special permit is granted.
21 Thank you.

22 MICHAEL DOLAN: Mr. Chairman, thank you members of

1 the Board. Happy holidays to you all.

2 CONSTANTINE ALEXANDER: Thank you. Same to you.

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2 (7:00 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 153014 -- 26 Bellis Circle #26. Anyone here
8 wishing to be heard on this matter? Again, anyone wishing
9 to be heard? Okay, I think the reasons no one is there is
10 because the petitioner has requested a continuance of this
11 case until what's the date?

12 OLIVIA RATAY: February 24.

13 CONSTANTINE ALEXANDER: Twenty-fourth? Until
14 February 24. So the Chair moves that we grant this
15 continuance until 6:00 p.m. on February 24, subject to the
16 following conditions:

17 One, that the petitioner sign a waiver of time for
18 decision. I think the -- has that been done already? That
19 has. I got to do it again, I guess. A waiver of time for
20 decision. That waiver must be filed with the Inspectional
21 Services Department no later than 5:00 p.m. on the Monday --
22 a week from this Monday. Failure to do that will result in

1 this case being dismissed.

2 Two, that the petitioner must post a new posting
3 sign or modify the existing posting sign to reflect the new
4 date, February 24, and the new time, 6:00 p.m. And that
5 sign must be maintained for the 14 days as required by our
6 ordinance.

7 And three, lastly, to the extent that the
8 petitioner is going to submit new or revised plans,
9 diagrams, other information about the construction of the
10 property that's being proposed, that that must be in our
11 files no later than 5:00 p.m. on the Monday before the
12 hearing date.

13 We do that to allow Board Members and members of
14 the city to review these items so we can have a more
15 informed decision when the time comes.

16 Brendan?

17 BRENDAN SULLIVAN: Brendan Sullivan yes to the
18 continuance request.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde voting in favor of
21 the continuance request.

22 CONSTANTINE ALEXANDER: Andrea?

1 ANDREA HICKEY: Andrea Hickey yes in favor of
2 granting the continuance.

3 CONSTANTINE ALEXANDER: And Wendy?

4 WENDY LEISERSON: Wendy Leiserson yes in favor of
5 granting the continuance.

6 CONSTANTINE ALEXANDER: The Chair votes yes as
7 well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: So this case is continued
10 until the February date.

11 BRENDAN SULLIVAN: Just to note, it's a case not
12 heard.

13 CONSTANTINE ALEXANDER: Say it again?

14 BRENDAN SULLIVAN: It is a case not heard.

15 CONSTANTINE ALEXANDER: Yes, as you point out,
16 it's a case not heard.

17 BRENDAN SULLIVAN: Right.

18 CONSTANTINE ALEXANDER: And so that means for
19 those of you who are not cognizant of our intricate zoning
20 rules, that means that any five members of this Board can
21 sit on that case. We have more than five members.

22 If it was a case heard -- in other words, if we

1 had started this case and got into the case and decided to
2 continue it, then we could only continue it to a date when
3 the same five persons who were sitting tonight can sit. So
4 maybe that doesn't apply tonight.

5 Okay. Moving on.

6 WENDY LEISERSON: Excuse me, Mr. Chair?

7 CONSTANTINE ALEXANDER: Yes.

8 WENDY LEISERSON: Excuse me, Mr. Chair. I just
9 wonder -- the same property has another case that's been
10 continued to January 6 for a variance.

11 CONSTANTINE ALEXANDER: Right.

12 WENDY LEISERSON: Is there any reason to combine
13 these two cases on the same date?

14 CONSTANTINE ALEXANDER: The reason for that,
15 Wendy, was there was opposition in the neighborhood, and the
16 case had to be continued. The petitioner didn't want to
17 lose the first proposal that had been made, because if we
18 had dismissed the case at that point, they'd have nothing to
19 do, so they have -- that's a safety valve for them.

20 I fully expect that on February 6 the first
21 continued case will be further continued until after this
22 new case. And then we'll -- the petitioner will move to

1 withdraw that old petition.

2 WENDY LEISERSON: Thank you for explaining. Yes,
3 thank you.

4 CONSTANTINE ALEXANDER: Okay.

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2 (7:05 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: The Chair will now
7 call Case Number 149063, 55 Norfolk Street. Anyone here
8 wishing to be heard on this matter?

9 NOAH SAWYER: Mr. Chair and members of the Board,
10 my name is Noah Sawyer. I am the Director of Real Estate
11 for Just-A-Start Corporation. I'm joined by Tej Vashee from
12 Winslow Architects. So we're here to be heard on the
13 matter. So thank you for your time this evening.

14 We are here to talk about 55 Norfolk Street. It
15 is a small commercial building just outside of Central
16 Square built in 1928. It lies on the same parcel as one of
17 Just-A-Start's affordable housing developments.

18 And we're really here -- we're really excited to
19 discuss a request for relief to add an addition onto this
20 small commercial building to create a new community benefit
21 for the neighborhood for the clients that we serve, and I
22 think for Cambridge as a whole.

1 So I think there is a presentation? Aha, here we
2 go. So you can go to the next slide, slide 2, please.

3 So Just-A-Start is a 52-year-old non-profit
4 organization based here in Cambridge. Our mission is
5 promoting equity by creating stable housing and building
6 pathways to economic opportunity.

7 As the Director of real estate, most of our work
8 that comes in front of the Zoning Board really is about our
9 housing work. We're really excited to be talking about real
10 estate to support our economic opportunity programs. And
11 that's really what this facility is about. It's about
12 finding a new home and enhancing the effectiveness of the
13 Economic Opportunity programs that Just-A-Start manages.

14 Next slide, please?

15 So in particular, this 55 Norfolk and the addition
16 enables this property to -- you know, to house two of Just-
17 A-Start's programs that we're really proud of.

18 The first is our Financial Opportunity program.
19 As you can see, it serves over 370 households each year,
20 from free tax filing assistance, one on one financial
21 coaching, including emergency counseling about financial
22 issues and financial literacy, and also, our Families Moving

1 Forward program, which is a three-year coaching program
2 where we are partnering with the City of Cambridge.

3 And it's a model that's been used by mPath and
4 other non-profit organizations to do -- you know, intense
5 interventions to improve financial stability, housing
6 stability, and then improve behavioral and mental health for
7 the families that participate.

8 These programs, you know, are -- have been really
9 effective in their current environment, but we think by
10 building this facility even as small as they do makes a big
11 difference.

12 Next slide, please?

13 So right now these programs are run out of our
14 headquarters, which is at 1035 Cambridge Street here in
15 Cambridge. Our offices are nice, but are in a multi-user
16 office building. Our doors lock at 5:00. The signage is
17 unclear. And many of the households that we serve, you
18 know, have jobs and lives that don't allow them to attend
19 between 9:00 and 5:00.

20 So what we are looking to do is to build a
21 facility that can meet them where they are in their lives.
22 And that allows us to have drop-in hours that can be in the

1 evening, to have hours of operation in the evenings for when
2 many of our clients need our services.

3 In addition, you know, we don't really have a
4 public face for these walk-in opportunities. You know, a
5 particular piece, and one of the reasons we're seeking this
6 extension, the current historic building built in 1928 has a
7 charming step at the front door.

8 That step is nice, but is also an issue for our
9 clients and families, where some of them have mobility
10 impairments.

11 So this extension, in addition to adding new
12 facilities and new space, does allow us to have a mobility
13 accessible entrance to the property.

14 Next slide, please?

15 So I'll hand it over to Tej Vashee at this point
16 from Winslow Architects to walk through some of the
17 technical aspects of our request.

18 TEJ VASHEE: Hi. My name is Tej Vashee. I work
19 for Winslow Architects, and we're working with Just-A-Start
20 on this 55 Norfolk Street project. This map just is showing
21 contextually where 55 Norfolk Street is located. It's in
22 the Port neighborhood of Cambridge, one block away from

1 Central Square.

2 Next slide, please?

3 Here are some contextual site photos. On the
4 bottom left, you can see the one-story brick building in the
5 foreground. That is 55 Milford Street. It's an existing
6 office building, currently unoccupied. And in the
7 background is 59 Norfolk Street, a Just-A-Start owned
8 apartment building.

9 On the top right, you can see the office building
10 with the apartment building in much better view. The
11 building on the left is also a Just-A-Start owned apartment
12 building, 51 Bishop Allen Drive.

13 And on the bottom right again showing the
14 proximity to the office building, 59 Norfolk Street and 51
15 Bishop Allen Drive.

16 Next slide, please?

17 Here we have a locus plan showing the transit and
18 accessibility to the site, the red store presenting 55
19 Norfolk Street. As you can see, the site is one block away
20 from Massachusetts Avenue and the Main Central Square area
21 with easy access to the T, multiple bus stops and various
22 parking spots for easy access to the site.

1 Next slide, please?

2 Here we have the proposed additional floor plan.
3 To give you context, to the right is Norfolk Street, right
4 of the slide. To the top is 59 Norfolk Street, and on the
5 bottom is 51 Bishop Allen Drive. The existing 55 Norfolk
6 Street building is represented in gray -- the office
7 building -- and the addition is represented in the color
8 scheme.

9 The addition consists of an office space, a
10 meeting room, Staff area and a circulation space. The
11 addition will hold the new main entrance to the building,
12 fully accessible off of Norfolk Street, and the approximate
13 length of the addition is 27 feet.

14 Next slide, please?

15 Here we have various elevation views of the
16 existing building with the proposed addition. As you can
17 see, the addition is going to be clapboard with panels, and
18 maintains the roofline of the existing building.

19 And if you take a look at the bottom left
20 elevation view, you can see that the angle -- the wall of
21 the proposed addition doesn't -- hides the view off of the
22 street, doesn't create a precedent to the street. So it's a

1 relatively small addition.

2 Next slide, please?

3 The zoning districts -- zoning variances will be
4 needed for the creation of this building addition. Certain
5 variances will be required because the property is within
6 two different zoning districts.

7 I'll bring the attention to the site plan on the
8 right of the slide, the red dashed line representing the
9 zoning line. The site is split into two zoning districts --
10 a Business A to the left and Residential B to the right.

11 59 Norfolk Street is located on the Residential B
12 side, and the existing 55 Norfolk Street has a portion of
13 the building hugging the Residential B side, while the
14 majority of the building is in the Business A side. The
15 addition will be all on the Business A side of the site.

16 Next slide, please?

17 The variances requested: The first one we're
18 asking for relief is 5.13 distance between buildings. The
19 proposed addition does not change the distance between 59
20 Norfolk Street, and so the relief requested is to allow for
21 existing nonconformity.

22 Next slide, please?

1 The second -- I think it's one slide above. Yep.

2 The next item is 5.27.2 maximum gross floor area.
3 Relief is requested to allow for the addition of 385 square
4 feet, resulting in a small FAR increase.

5 Next slide, please?

6 And the third item is 5.31 Table Dimensional
7 Requirements Open space. The addition will result in
8 approximately 385 square feet reduction of private open
9 space, but it is entirely in the Business A district.

10 Next slide, please?

11 In other respects, the addition is in compliance
12 with the Table of Dimensional Requirements.

13 Next slide?

14 The final one is 5.33 Office Use. Office use
15 allowable in the Business A District, within which the
16 planned addition will be located, and where virtually the
17 entire existing building lies. The existing building has
18 been used as an office space previously, but is currently
19 unoccupied.

20 We request that if a use variance is needed for
21 continued office use of the existing building, that the
22 variance be granted.

1 Next slide, please?

2 I'll turn it back over to Noah for the variance.

3 NOAH SAWYER: Sure. So our reason for requesting
4 these variances -- the first is that, you know, a literal
5 enforcement of these provisions would make it so that we
6 could not utilize this facility for the services and program
7 participants -- that the extra space we have tried to keep
8 to the minimum needed for our programs to function property
9 line, and that cannot do so with a literal enforcement.

10 You know, on the site this is a unique site in
11 that it falls within two different zoning districts. There
12 are two different buildings with different uses on this
13 parcel, and that both of these buildings, including the 55
14 Norfolk structure predate the Zoning Ordinance.

15 You know, I think that on top of that, you know,
16 the changes are away from the street will be largely
17 invisible to most pedestrians into the civic realm. And
18 also, this addition will allow for enhanced accessibility.

19 So from everyone for mothers with kids in
20 strollers to some of our residents and participants with
21 mobility impairments, that they will have easier access to
22 the space as a result of this addition.

1 Next slide, please?

2 The project presented to the Central Square
3 Advisory Committee last year: We have aligned the project
4 to be consistent with the goals of the Central Square
5 Overlay District, you know, encouraging active uses at
6 street edge, taking a vacant space and turning it into a
7 community asset, enhancing eligibility -- you know,
8 providing space for Committee meetings, education, economic
9 development.

10 You know, we've also done some considerable
11 outreach. You know, as we presented in front of the
12 Advisory Committee, there has been a notice in the window of
13 this building for about a year now since November of 2020.

14 We have noted -- notified all abutting owners and
15 all of the tenants of our buildings in the abutting
16 properties of this upcoming work.

17 In the case of the residents who live immediately
18 next door, we've notified them twice over the past year, to
19 make sure that they were reached out to specifically and
20 know the project is going on.

21 Next slide, please?

22 That's all of our presentation. We're happy to

1 take any questions the Board may have for us.

2 CONSTANTINE ALEXANDER: I want to make an
3 observation that it's a complicated case from the zoning
4 point of view. And ordinarily, I would be scratching my
5 head, and I'm sure the Board Members as well, as to whether
6 we should grant the relief being sought.

7 But Just-A-Start is an organization well-known in
8 the city. It provides very valuable services to the city,
9 and the relief you're seeking will enable the organization
10 to increase its outreach and to do a better job with regard
11 to its mission.

12 So I would -- I think that's important to cite,
13 with regard to this case. It's just not a numbers case, it
14 seems to me. It's the numbers that support a very
15 beneficial service that's provided to the city.

16 Brendan, any comments, questions?

17 BRENDAN SULLIVAN: [Brendan Sullivan,] no I would
18 second your comments.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde no comments, thank
21 you.

22 CONSTANTINE ALEXANDER: Andrea?

1 ANDREA HICKEY: No comments, Mr. Chair. Thank
2 you.

3 CONSTANTINE ALEXANDER: Wendy?

4 WENDY LEISERSON: Wendy Leiserson no comments.

5 CONSTANTINE ALEXANDER: Okay. With that, we have
6 -- the only thing we have in our files is a letter of
7 support from the Cambridge Redevelopment Authority, which is
8 noteworthy, I think, and the no neighborhood or commentary
9 one way or another.

10 With this, I'll open the matter up to public
11 testimony, in case there are persons who want to -- who have
12 not written in but wish to speak. Any members of the public
13 who wish to speak should now click the icon at the bottom of
14 your Zoom screen that says, "Raise hand."

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

19 [Pause]

20 CONSTANTINE ALEXANDER: No. No one does, so we'll
21 close public testimony. And as the usual procedure, I'll
22 make a motion to grant the variance being sought, and then

1 we can debate that -- whether we should do that or not, or
2 whether we should modify.

3 So 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, and the
7 hardship is not just to the current petitioner, but anyone
8 who would use or utilize the property.

9 And in this case, we have a structure somewhat out
10 of sync with the rest of the neighborhood, and does not have
11 a future, unless we improve the nature of the property, as
12 the petitioner is proposing to do.

13 That the hardship is owing to the shape of the
14 structure, the current structure, and it especially affects
15 that, and not the other residential properties in the
16 neighborhood.

17 And that desirable relief may be granted without
18 substantial detriment to the public good, or nullifying or
19 substantially derogating from the intent or purpose of this
20 ordinance.

21 As I've indicated earlier, if anything, granting
22 the relief would improve -- would not have a substantial

1 detriment to the public good, but a substantial benefit to
2 the public good.

3 So on the basis of all of these findings, the
4 Chair moves that we grant the variance requested on the
5 condition that the work proceed in accordance with plans
6 dated May 11, 2020, prepared by Winslow Architects.

7 Brendan?

8 BRENDAN SULLIVAN: Brendan Sullivan yes to
9 granting the variance.

10 CONSTANTINE ALEXANDER: Jim?

11 JIM MONTEVERDE: Jim Monteverde voting in favor of
12 the variance.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: [Andrea Hickey,] yes vote in favor
15 of granting the variance.

16 CONSTANTINE ALEXANDER: Wendy?

17 WENDY LEISERSON: [Wendy Leiserson,] yes, vote in
18 favor of granting the variance.

19 CONSTANTINE ALEXANDER: Okay. And the Chair votes
20 yes as well, which makes it unanimous.

21 [All vote YES]

22 Variance granted.

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CONSTANTINE ALEXANDER: Thank you.

NOAH SAWYER: Thank you very much for your time.

Have a great night.

1 * * * * *

2 (7:23 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: The Chair will now
7 call Case Number 152647 -- 462 Cambridge Street. Anyone
8 here wishing to be heard on this matter?

9 ADAM GLASSMAN: Good evening, Mr. Chair and BZA
10 Board. This is Adam Glassman of GCD Architects,
11 representing Mario Massimino, owner and developer of 462
12 Cambridge Street in East Cambridge. We're here seeking a
13 variance to modify an existing, nonconforming property.
14 This might be a good time to bring up the presentation.

15 [Pause]

16 ADAM GLASSMAN: Thank you, Olivia. On page 1,
17 street use from on the left 1969 of a home built in 1855,
18 originally built as a single-family and for several
19 generations at least has been a two-family dwelling unit.
20 And we've proposed to keep it a two-family dwelling unit
21 with some modifications to make this property more
22 compatible for modern living -- more comfortable and more

1 code-compliant.

2 On the right is the existing view of the street.
3 Existing driveway on the left garage in the rear to remain.
4 And the area in the back is where most of the variance work
5 will be taking place.

6 Next slide?

7 Another view. The one item here which will
8 require a variance for setbacks is the placement or the
9 building of the existing front canopy to look more like the
10 original, which you can see on the left-hand side.

11 Excellent.

12 Next slide?

13 This area is where most of the work is happening,
14 requiring a variance per right-side setback that changes to
15 a nonconforming structure. This area on the left, on the
16 left side photo over the bulkhead we would like to infill to
17 create a new entry into one of the units.

18 In the entire over the back where you see a bit of
19 a sloping roof and a flat roof, probably a lot of spaces
20 back here that used to be porches or sunrooms that were
21 enclosed, we'd like to convert the non-usable attic over
22 this area into usable space.

1 The right-side photo straight-on view of the rear,
2 you can see the right-side corner over the bulkhead where
3 we'd like to infill. This area is within 10 feet of garage,
4 so as variance is required for that.

5 Next slide?

6 The existing site plan. You can see the setback
7 envelope is very challenging. It runs right through the
8 middle of the house. It is a nonconforming lot. It is only
9 42 feet wide, so it's a very narrow lot, and there's very
10 little we can do to this house without zoning relief per the
11 setbacks. Actually, the height will remain conforming.

12 The FAR with a modest increase will remain
13 conforming. None of the existing nonconformities will be
14 extended, but this existing right-side setback and the
15 proximity of the garage to the rear make meaningful
16 improvements impossible without relief.

17 Next slide?

18 Proposed site plan, you can see how the setback
19 envelope on the right runs right through our proposed rear
20 third-floor addition, therefore requiring relief.

21 Next slide, please?

22 If you can zoom out, I've highlighted with boxes

1 the items that we're here for relief. Starting in the
2 front, a new canopy, which would project over the front yard
3 setback.

4 Moving up to right side of the building, you can
5 see the box that says, "Proposed third-floor rear addition."
6 That whole area, or more than half of it is within the
7 rights setback.

8 The next box up calls out a new bulkhead, a new
9 granite step, also within setbacks.

10 Moving to the left of the site plan, a new entry
11 canopy. And then the last box a proposed first-floor infill
12 addition over an existing second-floor space. If you can
13 zoom out a little bit, I'd also like to note that the entire
14 lot currently -- that is open space is actually all asphalt.

15 And we would be replacing all the asphalt with
16 either pervious pavers of driveway and walkway, and the rest
17 of the area would become a landscaped greenspace, and we'd
18 be providing conforming usable -- private, usable open
19 space, which we don't currently have.

20 Next slide, please?

21 The rear addition is the focus of the demolition
22 You can see that hip roof in the back, it's very low. That

1 will be coming out. Areas of walls will be coming out to
2 provide a more kind of normal window pattern.

3 And on the right side of this page is the proposed
4 rear elevation, with a mansard roof and around a dormer that
5 is consistent with the style of the house from the street.

6 CONSTANTINE ALEXANDER: Excuse me, Mr. Glassman.
7 I take it that the dormer that you identify as a new dormer,
8 complies with our Dormer Guidelines?

9 ADAM GLASSMAN: It does. There will be no more
10 than 30 feet of dormers when we are done, and they'll never
11 be more than 15 feet on either side.

12 CONSTANTINE ALEXANDER: Thank you.

13 ADAM GLASSMAN: Next slide, please? Oh.

14 The existing and proposed left side views, on the
15 bottom you can see the areas of windows and walls that we've
16 removed.

17 And then the work in the back, the third-floor
18 dormer addition -- the third-floor mansard addition with the
19 10-foot dormer, the new entry porch on the left is actually
20 not within the setbacks. So that is by right.

21 Again, I highlighted with boxes these areas that
22 need relief: Front entry railing, front canopy, infill

1 addition and the rear third-floor addition.

2 Next slide?

3 Similar views from the rights. This side is
4 within three feet of a lot line. So we cannot add any new
5 windows per the zoning code, but we can replace some of the
6 existing locations without making them bigger by right, so
7 that's what we're doing.

8 And again, you can see the 34-foot-six-inch
9 Mansard roof addition in the back. Existing Mansard in the
10 front to remain and be refurbished along with all the
11 exterior elevations. There will be a full exterior
12 renovation of the whole property.

13 Next slide, please?

14 Existing floor plans, we've got two dwelling
15 units; one upstairs, one downstairs. They've shoehorned
16 seven bedrooms into this property over the years. We'll
17 actually be reducing the bedroom count, bringing it from
18 seven to six. So we see no increase in density on the lot,
19 despite providing a little bit more living space.

20 Next slide? Or maybe go back one more.

21 I should probably just while we're there just
22 point out this area on the roof plan -- the third-floor plan

1 -- right now we've got a hip roof, which cannot be converted
2 into usable space. It's also in very bad condition and
3 needs to be rebuilt. And you can see these other small roof
4 areas to also be removed and absorbed into the new third
5 floor.

6 Next slide?

7 Existing demo elevations -- I think we covered
8 this -- you can keep going. Demo scope repeated.

9 Next slide?

10 The new floor plan. What Mario's trying to do is
11 provide two units; two comfortable, townhome-style units,
12 each with three bedrooms, each with their own private entry
13 and common yard space in the back. The front --

14 CONSTANTINE ALEXANDER: Mr. Glassman?

15 ADAM GLASSMAN: Yep?

16 CONSTANTINE ALEXANDER: Should we grant the relief
17 that you're requesting tonight, will the owner of the
18 property be an occupant? Or will it be a pure rental?

19 ADAM GLASSMAN: I think Mario's on the line. I
20 don't want to speak for him on this point if he's here and
21 can speak to it. My -- I don't know if you can get --

22 MARIO MASSIMO: All right. Sorry to cut you off.

1 The intention is to actually move in to one of the units,
2 and then lease one of the other units out.

3 CONSTANTINE ALEXANDER: I'm sorry, your voice is
4 low. So I take it -- you said one will be occupied by you
5 or the owner of the property and the other will be leased?

6 MARIO MASSIMO: Correct.

7 CONSTANTINE ALEXANDER: Thank you.

8 ADAM GLASSMAN: Okay, next. Or, I guess, before
9 we move on, so the area that we're trying to add living
10 space on the third floor in the back, one bedroom, one
11 bathroom. And in the front, we've reduced the bedroom count
12 from three to one.

13 Next slide, please?

14 Our roof plans just showing where we are now on
15 the left and where we want to be in the middle, the
16 extension of the Mansard.

17 The basement will remain unfinished at a height of
18 less than seven feet. Not habitable space, and cannot be
19 habitable space.

20 Next slide, please?

21 New elevations, again, showing the restoration,
22 the renovation of what was once a classic omen of Cambridge

1 Street and we'd like to make it once more shine.

2 Next slide, please?

3 And I'll say that I've reviewed these elevations
4 with Sarah Burke at the Historic Commission and she's in
5 full favor of what we're trying to do. On this page, there
6 are some dormer calculations. If I total up all the dormers
7 existing and proposed on the roofline, we've got less than
8 or just at 30 feet.

9 Next slide, please?

10 Zoning calculations are there for anyone who wants
11 to see them, but our FAR is remaining conforming. And that
12 brings us to the end of the slideshow. Any questions?

13 CONSTANTINE ALEXANDER: Questions from members of
14 the Board?

15 BRENDAN SULLIVAN: No, I was just -- well, maybe I
16 do. Adam, are there any new violations of the ordinance? I
17 know that the building -- the existing building -- if we
18 could pull up the dimensional form? So I'm just trying to
19 figure out where the new violations are.

20 ADAM GLASSMAN: Well, we're building within
21 setbacks.

22 BRENDAN SULLIVAN: Yeah, but you're already in

1 violation of setback.

2 ADAM GLASSMAN: Right.

3 BRENDAN SULLIVAN: I guess where I'm going with
4 this if this could have been applied under 822 -- under the
5 Baratta (phonetic) --

6 ADAM GLASSMAN: Well, it's a nonconforming --

7 BRENDAN SULLIVAN: One or two family.

8 ADAM GLASSMAN: Oh, I actually -- I don't know.

9 BRENDAN SULLIVAN: 822 - 2d (sic) if there are no
10 new violations, they could have fallen under that
11 protection.

12 ADAM GLASSMAN: Gotcha.

13 BRENDAN SULLIVAN: Or we can accept the proposal
14 as it is. So in going through it, reviewing it, I didn't
15 see any new violations.

16 CONSTANTINE ALEXANDER: I had the same reaction,
17 frankly, and hadn't had a chance to express it; Brendan beat
18 me to it. But I don't see any new violations either.

19 BRENDAN SULLIVAN: They're expanding on existing
20 ones, but they're not new.

21 ADAM GLASSMAN: Yeah. I guess we were just trying
22 to be conscious of the current Zoning Regulations.

1 Obviously, we weren't fully aware of A22d. But we also
2 didn't want to tread water without bringing it in front of
3 the Board not knowing that.

4 MARIO MASSIMO: Yep. Thank you, Brendan.

5 ADAM GLASSMAN: Yep.

6 BRENDAN SULLIVAN: Going forward, focus in on
7 that. 822 2d anyhow --

8 ADAM GLASSMAN: Thank you.

9 BRENDAN SULLIVAN: -- for future.

10 MARIO MASSIMO: Thank you.

11 BRENDAN SULLIVAN: It's a special permit, as
12 opposed to a variance.

13 CONSTANTINE ALEXANDER: Yeah. It's much easier to
14 obtain legally.

15 BRENDAN SULLIVAN: It's lower hurdle. So anyway,
16 I have no questions on this.

17 CONSTANTINE ALEXANDER: And be it as it may, we're
18 going the harder route, but it doesn't mean we're not going
19 to get relief. Jim?

20 JIM MONTEVERDE: [Jim Monteverde] I have no questions.

21 CONSTANTINE ALEXANDER: Andrea?

22 ANDREA HICKEY: Yes. I would just like to ask Mr.

1 Glassman, is there any parking that happens within the
2 driveway, or is the driveway really just for passage from
3 the street to the garages in the rear?

4 ADAM GLASSMAN: Passage from street to garage.

5 ANDREA HICKEY: Thank you. I have no further
6 questions.

7 CONSTANTINE ALEXANDER: Wendy?

8 WENDY LEISERSON: Wendy Leiserson no questions.

9 CONSTANTINE ALEXANDER: Okay. And the Chair
10 expressed his question or comment already. So I have
11 nothing more to add. We don't have any letters in the file,
12 support or opposition, I don't believe. No, I don't see
13 any. So I'll now open the matter up to public testimony.

14 Any members of the public who wish to speak should
15 now click the icon at the bottom of your Zoom screen that
16 says, "Raise hand."

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

20 [Pause]

21 OLIVIA RATAY: Phone number ending in 8311.

22 CONSTANTINE ALEXANDER: Did you get that?

1 HEATHER HOFFMAN: Hello?

2 CONSTANTINE ALEXANDER: Hello?

3 HEATHER HOFFMAN: Heather Hoffman, 213 Hurley
4 Street. I just have a question. Because I went through the
5 plans, and I want to confirm that I understood what's
6 happening. So it appears to me that various changes have
7 been made to trim and such things since the 1969 photos that
8 are included in the application.

9 And I think it says that the intention is to
10 restore the look from 1969, which looks a lot more classic
11 and like an enhancement to the view from the street, to my
12 eyes. So I just wanted to confirm that no original or older
13 trim is being removed, and the changes are to make it look
14 more the way it used to look? you know, that you see from
15 the trees.

16 I understand that there's, you know, the roof and
17 the addition, but I just wanted to confirm about the trim --
18 you know, no picture windows suddenly appearing, nothing
19 like that?

20 ADAM GLASSMAN: No. We'd be making appropriate
21 improvements, restorations. I can't say that there was
22 necessarily be any original trims to say. Right now the

1 building's covered in vinyl. It's probably been covered in
2 vinyl for a long time.

3 But we'll at least save what we can. Sometimes
4 there are elements to be salvaged; if not, we can certainly
5 replace them with something that looks more like the
6 original.

7 HEATHER HOFFMAN: Okay. I just wanted to confirm,
8 if only because I'm aware of other projects. So if that's
9 what's going on, I've got no objection. I can see things -
10 -

11 ADAM GLASSMAN: Yep. That's what our elevation is
12 called -- that's what we're committed to.

13 HEATHER HOFFMAN: Yeah, I like to -- I think that
14 they used to do things pretty well all of the time. And so
15 it is nice to see a recognition of that and a restoration.
16 So thank you.

17 CONSTANTINE ALEXANDER: Thank you, Heather.
18 Anyone else?

19 OLIVIA RATAY: Caller ending in 8462?

20 LORRAINE ST.THOMAS: Hi. Hi. My name is Lorraine
21 St.Thomas.

22 CONSTANTINE ALEXANDER: Hello?

1 LORRAINE ST.THOMAS: Hello? Hello?

2 CONSTANTINE ALEXANDER: Yes. We can hear you.

3 But if you can speak up a little bit more, you're faint, but
4 we can hear you.

5 [Pause]

6 CONSTANTINE ALEXANDER: Now you're really faint.

7 Hello?

8 THE REPORTER: It looks like you're muted.

9 LORRAINE ST.THOMAS: Can you hear me now?

10 CONSTANTINE ALEXANDER: Now she's -- I --

11 LORRAINE ST.THOMAS: Hello?

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

14 LORRAINE ST.THOMAS: Yes. My name is Lorraine St.
15 Thomas, and I reside at 129-131 Otis Street. So I'm an
16 abutting neighbor from the rear of the said project that's
17 going on on Cambridge Street.

18 My quick question -- I'm all in favor of this
19 whole revamping and what not, but my question to you is the
20 garage. Is that going to be -- I'm on the phone, I don't
21 have my laptop, but I don't have a visual of the project, so
22 I missed -- I arrived late to this meeting, but I missed

1 what your plans were for that dilapidated garage dwelling in
2 the back?

3 ADAM GLASSMAN: The garage --

4 LORRAINE ST.THOMAS: Is that going to be torn
5 down?

6 ADAM GLASSMAN: No. The garage will remain. It
7 will be reappointed and refurbished, reinforced as required.

8 LORRAINE ST.THOMAS: Okay. My question to you
9 is, you know, living here most of my life, I am concerned
10 about construction causing more of a rodent problem than
11 already exists.

12 And I'm speaking for all of my abutters here.
13 We'll have a program with Yankee Pest Control. And we have
14 visually seen the rats running into that garage. There is
15 an existing problem.

16 So without the contractors or construction crew be
17 baiting for this, just to be proactive with this onslaught
18 of disruption?

19 MARIO MASSIMO: Not to interrupt you, but we are
20 actually already currently providing that. The second that
21 we purchased the home we had rodent control come into the
22 home to see if there was any activity. We noticed there was

1 current baits and traps and active monthly activity going on
2 with Security Pest Control.

3 LORRAINE ST.THOMAS: Well, excellent. That was my
4 main concern. Because we are very hands-on in trying to
5 maintain the yards and the back. As you can see, we try to
6 keep them up. So thank you for that.

7 ADAM GLASSMAN: I think a lot of the activity
8 that's currently there is because there's a lot of overgrown
9 brush that wasn't taken care of?

10 LORRAINE ST.THOMAS: Yes. Yes. Yes.

11 ADAM GLASSMAN: Our intention once --

12 LORRAINE ST.THOMAS: Yes. And that's coming from
13 your neighbor on your -- facing your home on the right.

14 And --

15 ADAM GLASSMAN: So we've -- we --

16 LORRAINE ST.THOMAS: There's, yeah.

17 ADAM GLASSMAN: -- I briefly met the neighbor
18 directly behind us. I don't recall her name. But her
19 intention, God willing we get approval, is to clear all that
20 up and make sure that we don't have this problem.

21 LORRAINE ST.THOMAS: Well, they have a compressor
22 or some kind of air conditioning unit in that alleyway

1 that's preventing us from doing it ourselves. We wanted --
2 because there are burrows there. But it's on the -- I don't
3 know the address, but it's the white house beside you.

4 ADAM GLASSMAN: To the right or to the left?

5 LORRAINE ST.THOMAS: To the right. It has -- the
6 one with the big driveway in the front.

7 ADAM GLASSMAN: Yep. No, I'm aware of that.

8 LORRAINE ST.THOMAS: Yeah. That's been an ongoing
9 problem, and we've been combatting it for a while, and it
10 would be great. I mean I've brought it to the attention of
11 the city. They came back with their findings saying that
12 they're compliant, but I too have a private pest control
13 company that has identified the problem.

14 And the source of it is right there in that
15 alleyway between your property and the white house with the
16 large driveway in front.

17 So -- and like I said, there's no passage through.
18 So it's difficult to get to. But if you need to get through
19 there for some reason, you can always come through my yard.
20 So I invite you to do so.

21 ADAM GLASSMAN: I will definitely reach out to
22 you.

1 LORRAINE ST.THOMAS: Okay, great. Thank you. And
2 the plans sound great. So best of luck.

3 ADAM GLASSMAN: Is the number you're calling on
4 your direct line?

5 LORRAINE ST.THOMAS: Yes, it is.

6 ADAM GLASSMAN: I'll try to give you a ring.

7 LORRAINE ST.THOMAS: Perfect. Good luck.

8 CONSTANTINE ALEXANDER: And thank you for taking
9 the time to call in and to take an active interest in and to
10 take an active interest in this project, which is in your
11 neighborhood.

12 LORRAINE ST.THOMAS: Yes. Thank you.

13 CONSTANTINE ALEXANDER: Okay, anyone else? If
14 there is no one else who wishes to speak, so I'm going to
15 end public testimony.

16 OLIVIA RATAY: Oh. Someone just raised their
17 hand.

18 CONSTANTINE ALEXANDER: I'm sorry? There is one
19 more, I'm sorry.

20 OLIVIA RATAY: Oh wait, they lowered their hand.

21 CONSTANTINE ALEXANDER: No, apparently not. And I
22 don't think we have any letters -- I don't see any letters

1 in our file.

2 So turning to the case itself, as we've done
3 before I'm going to make a motion to grant the variance
4 that's being sought, and then we can take it from there in
5 terms of whether we support it, oppose it or want to modify
6 it.

7 So the Chair moves that we make the following
8 findings with regard to the relief being sought: That a
9 literal enforcement of the provisions of the ordinance would
10 involve a substantial hardship, such hardship being that
11 it's an older structure that needs a number of updates and
12 changes, and that's not peculiar to the existing owner, but
13 to all future owners.

14 That the hardship is owing to basically the shape
15 of the lot and the narrow nature of the lot. That's
16 peculiar to the structure.

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

20 In this regard, the fact that no one wishes to
21 speak on this I think speaks for itself, other than the
22 person who just spoke in support of the project.

1 And so on the basis of all of these findings, the
2 Chair moves that we grant the variance being sought on the
3 condition that the work proceed in accordance with the plans
4 prepared by GCD Architects dated November 10,2021, the cover
5 page of the materials having been initialed by the Chair.

6 Brendan?

7 BRENDAN SULLIVAN: Yes to granting the variance.

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: [Jim Monteverde,] I vote in favor
10 of the variance.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: [Andrea Hickey,] I vote yes in
13 favor of granting the variance.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: [Wendy Leiserson,] yes, I vote in
16 favor of granting the variance.

17 CONSTANTINE ALEXANDER: And lastly, the Chair
18 votes in favor of granting the variance as well.

19 [All vote YES]

20 CONSTANTINE ALEXANDER: That makes it unanimous.
21 Relief granted. Variance granted.

22 ADAM GLASSMAN: Thank you very much.

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CONSTANTINE ALEXANDER: Thank you.

MARIO MASSIMO: Thank you very much.

CONSTANTINE ALEXANDER: You're welcome.

1 * * * * *

2 (7:49 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 144871 -- 17 Dudley Street, Unit 17/2.
8 Anyone here wishing to be heard on this matter?

9 PAUL DOMENICI: Yes. My name is Paul Domenici.
10 I'm the President of B&D Building and Remodeling. I'm
11 located at 1161 Broadway, Somerville.

12 We are requesting a variance Zoning Ordinance 5.31
13 to let a roof to the third-floor open porch -- will still
14 remain an open porch, but we're adding this roof to provide
15 protection to the homeowner from the weather and conditions
16 -- the adjacent room on the porch.

17 By adding the porch, we're requesting an increase
18 of the FAR of about -- from 34 --

19 AUDIENCE: -- 88.

20 PAUL DOMENICI: -- 88 square feet to 3543 square
21 feet. In the Zoning Ordinance 8.23.3, the hardship that
22 offers a lot preexisting, nonconforming conditions, due to

1 the fact that this lot is a little smaller than minimum in
2 the ordinance.

3 Same third floor porch is present in the
4 neighborhoods. Pretty much all the houses on that street,
5 and we were just -- it's keeping in conformance with the
6 rest of the neighborhood.

7 CONSTANTINE ALEXANDER: Okay. Questions from
8 members of the Board? Brendan?

9 BRENDAN SULLIVAN: [Brendan Sullivan] Just
10 potentially a comment. By granting -- I can understand
11 putting a roof over the porch, because open porches take a
12 beating, and then they become probably less desirable to
13 use.

14 One of the drawbacks of allowing a roof over this
15 front porch is that the owner of the property can then
16 enclose the side of it via special permit. And that I would
17 not like to see.

18 I would like to see the roof over it, and I think
19 it's consistent with the other buildings along there. I
20 think it adds a huge benefit to maintenance wise, and also,
21 just safety wise; snow, ice, and so on and so forth.

22 But I would not want to see it enclosed and make

1 it part of the living space.

2 CONSTANTINE ALEXANDER: In that regard, Brendan,
3 which I think it's a perceptive comment -- I think we can
4 put a condition if we grant relief to prevent putting walls
5 underneath the porch and the roof, so that it becomes
6 another room, which is what I think you're getting at?

7 BRENDAN SULLIVAN: Correct. That would be the
8 sense -- it would be my sense, maybe hopefully the sense of
9 the Board -- that we would not look favorably upon it being
10 enclosed. Now, down the road, they still have a right to
11 appeal to a --

12 CONSTANTINE ALEXANDER: Exactly.

13 BRENDAN SULLIVAN: -- future Board. But at least
14 the sense of this Board would be --

15 CONSTANTINE ALEXANDER: Exactly.

16 BRENDAN SULLIVAN: -- not to. So yes.

17 CONSTANTINE ALEXANDER: Thank you. That's a good
18 comment.

19 Jim?

20 PAUL DOMENICI: Sorry to interrupt; the owner, I
21 believe, is present, and they have no intention of ever
22 enclosing the porch. But I believe --

1 CONSTANTINE ALEXANDER: We understand that and
2 accept that, but intentions change when the question
3 changes. And we don't want, as Mr. Sullivan has point out,
4 and I at least agree with -- we don't want this new roof to
5 become the first step in the creation of another room.

6 PAUL DOMENICI: Okay. I understand that.

7 CONSTANTINE ALEXANDER: Okay. Jim?

8 JIM MONTEVERDE: I agree with Brendan's comment,
9 and I have no further questions.

10 CONSTANTINE ALEXANDER: Thank you. Andrea?

11 ANDREA HICKEY: Yes. I agree with Mr. Sullivan's
12 comment, and would support some sort of a comment in our
13 decision that it is this present Board's attention not to
14 look favorably on a subsequent request to close in that
15 space.

16 CONSTANTINE ALEXANDER: Okay. Wendy?

17 WENDY LEISERSON: I also agree with the condition
18 proposed.

19 CONSTANTINE ALEXANDER: Okay. And as I've
20 expressed already, I do as well. So what's the next step?
21 I guess we haven't opened the matter up for public
22 testimony, have we?

1 OLIVIA RATAY: Uh-huh.

2 BRENDAN SULLIVAN: No.

3 CONSTANTINE ALEXANDER: Okay. There are no
4 letters in our file one way or another. So we're going to
5 open the matter up to public testimony. Any members of the
6 public who wish to speak should now click the icon at the
7 bottom of your Zoom screen that says, "Raise hand."

8 If you're calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6.
10 We'll take a moment to see if anyone wishes to call in.

11 [Pause]

12 CONSTANTINE ALEXANDER: No.

13 OLIVIA RATAY: No.

14 CONSTANTINE ALEXANDER: No one does, so we'll now
15 close public testimony, and I will start by making a motion
16 to grant the relief being sought, and we can debate that
17 motion if necessary.

18 So the Chair moves that we make the following
19 findings with regard to the relief being sought: That a
20 literal enforcement of the provisions of the ordinance would
21 involve a substantial hardship; that hardship being is that
22 this open porch area is in need of a roof to protect against

1 the elements, and that applies to whoever may occupy the
2 property, the unit and not just the current occupant.

3 That the hardship is owing to the shape of the
4 structure and the fact that there is a need, as I've
5 indicated, for a roof over the porch.

6 And that the relief may be granted without
7 substantial detriment to the public good, or nullifying or
8 substantially derogating from the intent or purpose of this
9 ordinance.

10 In this regard, as we've indicated with the
11 earlier comments, what is being proposed corrects what might
12 be called an oversight with regard to the porch that's there
13 now.

14 So on the basis of all of these findings, the
15 Chair moves that we grant the relief being sought on the
16 condition -- on two conditions -- the first condition being
17 that the work proceed in accordance with the plans prepared
18 by S+H Construction -- they're dated April 25, 2016 -- and
19 the first page, or the cover page of which has been
20 initialed by the Chair.

21 Secondly, that with respect to the roof being
22 constructed, that no walls will be put around the porch

1 underneath the roof, so as to make that area effectively
2 another room. It is intended to be -- and the Board
3 requires that it continues to be -- a recreational
4 opportunity with the porch an improved one, given the fact
5 that the porch will now be able to be used, even if it's
6 raining out.

7 Brendan, how do you vote?

8 BRENDAN SULLIVAN: Yes to granting the variance.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: [Jim Monteverde] yes to granting
11 the variance.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: Andrea Hickey yes in favor of
14 granting the variance.

15 CONSTANTINE ALEXANDER: Wendy?

16 WENDY LEISERSON: Wendy Leiserson yes in favor of
17 granting the variance.

18 CONSTANTINE ALEXANDER: And the Chairman votes yes
19 as well.

20 [All vote YES]

21 CONSTANTINE ALEXANDER: So it's unanimous.
22 Variance granted.

1 PAUL DOMENICI: Thank you very much.

2 CONSTANTINE ALEXANDER: You're welcome.

3 The next case is due on -- is it --

4 OLIVIA RATAY: 7:45?

5 CONSTANTINE ALEXANDER: -- Pearl Street's at 8:00.

6 OLIVIA RATAY: 7:45.

7 CONSTANTINE ALEXANDER: I'm sorry?

8 OLIVIA RATAY: 7:45.

9 BRENDAN SULLIVAN: Pearl Street.

10 JIM MONTEVERDE: 7:45.

11 CONSTANTINE ALEXANDER: Oh, yeah, 7:45. That's
12 right. I'm sorry. I've got my notes mixed up.

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2 (7:57 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 151499 -- 152 Pearl Street. Anyone wishing
8 to be heard on this matter?

9 OLIVIA RATAY: No.

10 CONSTANTINE ALEXANDER: No one wishes to be heard,
11 because the petitioner has requested an extension of time.
12 They want a continuance of the case. And so this will be a
13 case not heard.

14 But the Chair will move -- will make the motion to
15 continue the case with the usual conditions. And what's the
16 new date?

17 OLIVIA RATAY: February 10. February 10.

18 CONSTANTINE ALEXANDER: Okay. The Chair moves
19 that we grant -- we continue this case as a case not heard
20 until 6:00 p.m. on February 10, subject to the following
21 conditions:

22 That the petitioner sign a waiver of time for

1 decision. That waiver must be signed no later than a week
2 from this coming Monday. If that is not done -- and the
3 waiver is a standard form that the city uses -- if that is
4 not done timely, this case will be dismissed.

5 Second, that a new or modified posting sign much
6 better erected on the property reflecting the new date,
7 February 10, and the new time, 6:00 p.m. And that the sign
8 must be maintained for 14 days prior to the hearing, as was
9 done with regard to tonight's case.

10 And lastly to the extent that there are new or
11 revised plans, specifications, drawings, other data, that
12 must be in the file or in the files of the Inspectional
13 Services Department no later than 5:00 p.m. on the Monday
14 before February 10. Brendan?

15 BRENDAN SULLIVAN: Brendan Sullivan yes to the
16 continuance.

17 CONSTANTINE ALEXANDER: Jim?

18 JIM MONTEVERDE: Jim Monteverde yes to the
19 continuance.

20 CONSTANTINE ALEXANDER: Andrea?

21 ANDREA HICKEY: Andrea Hickey yes in favor of
22 granting the continuance.

1 CONSTANTINE ALEXANDER: Wendy?

2 WENDY LEISERSON: Wendy Leiserson yes in favor of
3 granting the continuance.

4 CONSTANTINE ALEXANDER: Okay. And the Chairman
5 votes yes as well.

6 [All vote YES]

7 CONSTANTINE ALEXANDER: This case will be
8 continued until February 10.

9 BRENDAN SULLIVAN: Can we take five minutes, Mr.
10 Chair?

11 CONSTANTINE ALEXANDER: Yeah, I was going to say
12 the same thing.

13 We're going to take a five-minute recess. It's
14 now 8:00. We'll resume at 8:05.

15 OLIVIA RATAY: It's hot in here.

16 [BREAK]

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2 (8:05 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea Hickey, Wendy Leiserson, Jim
5 Monteverde

6 CONSTANTINE ALEXANDER: And the next case I'm
7 going to call is Case No. #149134 -- 878 Massachusetts
8 Avenue. Anyone here wishing to be heard on this matter?

9 OLIVIA RATAY: He's there, but he's not accepting
10 my invitation.

11 CONSTANTINE ALEXANDER: Probably can't --

12 OLIVIA RATAY: I think it's Mehmet Sahin. Oh
13 wait, there he is. There he is.

14 CONSTANTINE ALEXANDER: Again, does anyone here
15 wish to be heard on this matter?

16 [Pause]

17 JIM MONTEVERDE: He just has to unmute.

18 CONSTANTINE ALEXANDER: I don't know.

19 MEHMET SAHIN: Okay. Can you hear me?

20 CONSTANTINE ALEXANDER: Very, very faintly. Can
21 you speak louder or closer to the phone, or what have you?

22 MEHMET SAHIN: How about that, can you guys hear

1 me?

2 CONSTANTINE ALEXANDER: That's better.

3 MEHMET SAHIN: All right. Hi. This is Mehmet
4 Sahin from [2:04:06 audio unclear] -- I'm a -- to try to
5 help my customers about --

6 CONSTANTINE ALEXANDER: Again, sorry you're --
7 speak slower and into the whatever mic you have. We can't -
8 - at least I can't understand what you're saying.

9 From transcriptionist: THANK YOU, GUS!
10 Transcriptionist can't either with the additional layer of
11 recording on top of this - THANK YOU ALL!]

12 MEHMET SAHIN: Okay. Mehmet Sahin from --

13 ANDREA HICKEY: I'm sorry, Mr. Chair. I'm having
14 a very hard time hearing you.

15 CONSTANTINE ALEXANDER: Yeah, so am I.

16 THE REPORTER: I can't hear him either.]

17 ANDREA HICKEY: Right. I'm getting volume, but
18 I'm not getting sort of distinct tones.

19 MEHMET SAHIN: Okay, how is it now?

20 ANDREA HICKEY: Not great.

21 MEHMET SAHIN: Okay. All right. I don't know
22 what to do. I'll try to set up, but still is my voice not

1 coming?

2 ANDREA HICKEY: It's not clear, sir. It's very
3 muffled.

4 CONSTANTINE ALEXANDER: Yeah. If there's nothing
5 else you can do, we'll proceed with the case.

6 THE REPORTER: Head count try calling in, just
7 using his phone.

8 BRENDAN SULLIVAN: You can call in.

9 OLIVIA RATAY: Yeah.

10 MEHMET SAHIN: How I can do that?

11 [Noise]

12 MEHMET SAHIN: Still is my voice not coming
13 through?

14 JIM MONTEVERDE: I can hear you clear enough, but
15 it's just me.

16 CONSTANTINE ALEXANDER: You have a better
17 connection than we do, or I do. Because I'm still having a
18 great deal of difficulty.

19 Andrea, you're any better off than I am?

20 ANDREA HICKEY: I -- maybe if he would try
21 speaking again?

22 CONSTANTINE ALEXANDER: Sir, would you speak

1 again? [Laughter]

2 THE REPORTER: I think he should try calling in.

3 CONSTANTINE ALEXANDER: We're going to have to
4 move on.

5 BRENDAN SULLIVAN: We should have him call in if
6 he can see the screen and post a number there that he can
7 call into, if that's possible.

8 OLIVIA RATAY: He can show this here.

9 ANDREA HICKEY: Mr. Chair, could we perhaps put
10 his case on hold while he works out his difficulties and go
11 on to the next one, and then pick him up again?

12 CONSTANTINE ALEXANDER: That's not a bad
13 suggestion.

14 JIM MONTEVERDE: No, we can't. The next one is
15 8:15.

16 ANDREA HICKEY: Okay.

17 CONSTANTINE ALEXANDER: Yeah, that's right.

18 JIM MONTEVERDE: I guess we can. But he's got
19 five minutes.

20 CONSTANTINE ALEXANDER: I'm looking at 8:15 is the
21 next open slot.

22 JIM MONTEVERDE: So he's got five-minutes to

1 square it away.

2 PUSHKAR NEUPANE: Can you hear me?

3 COLLECTIVE: Yes.

4 PUSHKAR NEUPANE: Yeah, this is Pushkar Neupane.

5 I am -- CPA. I'm here just to back up Mehmet, who has filed
6 a variance. We helped him with the variance. Maybe I can
7 help a little bit here.

8 BRENDAN SULLIVAN: Yes.

9 PUSHKAR NEUPANE: So I am from my office; I'm not
10 with him. But regarding the case, basically to my
11 understanding, they already have prepared the sign as 30
12 square feet, and based on the other signs towards especially
13 the westbound of the building, they -- he thinks it should
14 be okay, and they really need this level of visibility in
15 order to survive there, given it's Mass Ave.

16 CONSTANTINE ALEXANDER: Let me explain what I
17 think is some confusion here --

18 PUSHKAR NEUPANE: -- uh-huh.

19 CONSTANTINE ALEXANDER: -- as to what's involved.
20 What is being proposed -- that picture that you have on the
21 screen right now -- violates our Zoning Ordinance in two
22 respects.

1 PUSHKAR NEUPANE: Yes.

2 CONSTANTINE ALEXANDER: And one respect is this
3 property, believe it or not, is zoned in a residential
4 district. And in residential districts, you cannot have
5 self-illuminated signs.

6 PUSHKAR NEUPANE: Mm-hm.

7 CONSTANTINE ALEXANDER: And he wishes to have one.
8 The second is not tied to the district, but the design
9 cannot be more than 10 feet, and you're proposing a -- I
10 think it's a 30-foot sign.

11 PUSHKAR NEUPANE: Right.

12 CONSTANTINE ALEXANDER: Yes, 30-foot-sign.

13 PUSHKAR NEUPANE: Uh-huh.

14 CONSTANTINE ALEXANDER: So those are the two
15 elements that you need relief from.

16 PUSHKAR NEUPANE: Yes.

17 CONSTANTINE ALEXANDER: Let's start with the
18 illumination. Speaking only for myself, there's not many
19 things that I agree with in our ordinance personally, with
20 regard to signage.

21 But one I do agree with is illumination. We don't
22 want -- and this is a residential district. There is an

1 apartment house next door that has some business uses, which
2 I'll get to in a second.

3 And so I have a -- myself, I have a serious
4 problem with regard to the request to have a self-
5 illuminating sign. And in fact, I intend to vote against
6 that portion of the relief being sought.

7 The other is more -- to me less controversial, but
8 nevertheless is an issue in that the sign is too big for
9 purposes of our ordinance, at least with regard to a
10 residential district.

11 That's where I stand. So I think for me the best
12 thing you can do is get a 30-foot sign or maybe somewhat
13 smaller sign. But for me, forget about the illumination.

14 And I would point out that the prior occupant of
15 this property, who operated a restaurant and bar more or
16 less, didn't have any illuminated signs, and was in business
17 for a long time until the COVID came along.

18 So that's my view. I don't want to monopolize the
19 floor. What's the justification for an illuminated sign on
20 this property?

21 NINA PICKERING: I think Mehmet had come
22 collection of other signages (sic), for example Dana Hill

1 Liquors right on the same block. They have self-
2 illuminating signage. And the smoke shop also I think has.

3 And in order to be as visible as the existing
4 liquor shop, these guys also need self-illuminated sign.
5 Seeing other existing buildings have, that's how we have
6 already done the construction part.

7 CONSTANTINE ALEXANDER: I should at this point
8 read into the record a letter that we received from a
9 neighbor, an Eli Kendall, who was a psychotherapist
10 providing outpatient therapy at 875 Massachusetts Avenue.

11 [That's the abutting property.]

12 "My windows look out onto 831 Mass Ave, and I am
13 on the second floor. If a 30-foot self-illuminated sign
14 were constructed in that location, it would negatively
15 impact my patients. It would be distracting, irritating and
16 affect their care. In the current mental health crisis,
17 this would be an even more negative impact."

18 No one should comment or give my personal views in
19 those statements, but there is opposition. That's true.
20 And again, you've got to start with the fact that you have a
21 residentially zoned area, and you're proposing to start an
22 operation that is consistent with a prior occupation, which

1 at least for a good number of years was able to succeed.

2 So that's a long way, then I should let my fellow
3 Board Members speak, but I want to go on record that I'm not
4 -- I'm willing to consider a bigger sign than 10 feet, which
5 is what our ordinance requires, maybe even go to 30 if other
6 members of the Board feel that way.

7 But I'm -- to me, self-illuminated signs in a
8 residential district, it's a nonstarter.

9 OLIVIA RATAY: Hey Sunil?

10 PUSHKAR NEUPANE: Yes, but because my client has
11 to do business, it's Massachusetts Avenue and Dana Hill
12 Liquors store and also, Mass Ave Diner right existing with
13 [their] sign. So.

14 CONSTANTINE ALEXANDER: Sir, if this was a
15 property that was undeveloped or didn't have a restaurant
16 before, the argument would have some basis. There's no
17 basis here.

18 Just because there are signs -- illuminated signs
19 -- self-illuminated signs down the street doesn't
20 necessarily justify that you should have one as well, or
21 your client, I should say.

22 JIM MONTEVERDE: Yeah, Mr. Chair?

1 CONSTANTINE ALEXANDER: Yes.

2 JIM MONTEVERDE: [This is Jim Monteverde] Just as
3 a comment, I also -- I share your concern about the internal
4 illumination. I think there -- in terms of the signage, if
5 there needed to be a little signage, if it needed to be
6 illuminated, it certainly allows natural, which I'm assuming
7 wouldn't work or external, but not internal.

8 So I'm troubled by the not illumination; also by
9 the fact that there are no alternatives presented. You
10 know, just by looking at dimensions of the sign and the way
11 it's graphically arranged, it would be -- it would have been
12 good to see some alternatives that showed why that 10
13 square-foot of something, you know, modestly bigger than the
14 10-square-foot -- wasn't possible with the graphic they were
15 trying to portray. And kind of how they get to 30 square
16 feet I don't quite follow.

17 So I support you, and I would not vote favorably
18 for it, based on the illumination; also just in terms of the
19 total signage area at the moment.

20 CONSTANTINE ALEXANDER: Okay. Any other members
21 of the Board wish to be heard on this matter?

22 BRENDAN SULLIVAN: [Brendan Sullivan] I --

1 actually reading Ms. O'Hare's comments, I would tend to
2 agree with her analysis of the proposal.

3 I find actually that the proposed sign lettering
4 actually -- anything is better than what was there before,
5 but I think it's probably in proportion, and I think it
6 allows enough wayfinding advertising for the location.
7 Anything smaller I think is going to get lost.

8 As far as the illumination, I would not support
9 internal illumination; I would support external
10 illumination.

11 I know the petitioner has pointed to other signs
12 along that way which are quite garish, out of date, and if
13 they were to be -- needed to be replaced, which they
14 probably will -- they would not be allowed to so -- under
15 the current ordinance.

16 So I would support the lettering, the size of the
17 lettering, but with external illumination.

18 CONSTANTINE ALEXANDER: And that's where I was
19 going too. I agree with that.

20 Andrea?

21 ANDREA HICKEY: Yeah. So I am pretty much in
22 agreement with the way Mr. Sullivan broke it down.

1 Something a bit larger would not offend me, but the internal
2 illumination I strongly object to. So external illumination
3 I could live with.

4 CONSTANTINE ALEXANDER: Wendy, any observations
5 you want to make at this point?

6 WENDY LEISERSON: No, I'm in agreement with Mr.
7 Sullivan and Attorney (sic) Hickey.

8 CONSTANTINE ALEXANDER: Okay. Well, here is where
9 we are. We can continue this case; it'll have to be a case
10 heard. And the petitioner can come back with a -- I would
11 suggest come back with a different size sign, but not
12 internally illuminated. And we can seek relief for a sign
13 bigger than 10 feet, and then we can decide that case.
14 It'll be that case only.

15 PUSHKAR NEUPANE: Or can we do this from this
16 hearing let's say they are allowed for this size, but they
17 will do external illumination. Is that -- take-home -- can
18 it be a take-home for my client?

19 CONSTANTINE ALEXANDER: You're asking us to give a
20 sort of advisory opinion, which I reject doing. What we're
21 telling you is that what you propose tonight is not
22 acceptable. You can either accept that, and we'll turn down

1 the case relief, and that will be the end of it, or you can
2 continue this case, and come back with the benefit of the
3 comments you've received -- come back with a different
4 proposal.

5 PUSHKAR NEUPANE: Okay, okay.

6 BRENDAN SULLIVAN: I'm sorry, this is Brendan
7 Sullivan. Are you asking that you wanted to confer with
8 your client tonight, now, we go on to another case and then
9 come back?

10 PUSHKAR NEUPANE: Yes. I was -- I think now I
11 understand. Basically, I was just trying to avoid another
12 hearing. As long as size -- as long as my client does the
13 size of 30 feet or smaller, but externally illuminates it,
14 if that can be approved or do I also have to attend another
15 hearing to get that approved formally?

16 BRENDAN SULLIVAN: Okay. So I guess what we're
17 saying is that let them talk among themselves and then come
18 back to us tonight.

19 CONSTANTINE ALEXANDER: Yeah. You can come back
20 with a smaller-sized sign, that may be more than 10 feet,
21 and see how we react to that.

22 But I guess I'm trying to say -- I don't mean to

1 be blunt -- don't waste your time about a self-illuminated
2 sign.

3 PUSHKAR NEUPANE: Okay. Okay. Then when will be
4 the next hearing?

5 CONSTANTINE ALEXANDER: Our next case -- well,
6 we've got two more cases. The next one might take a little
7 bit of time. The one after that may not. What time is it
8 now?

9 ANDREA HICKEY: Mr. Chair, I think there are a
10 little confusion. I believe the way the petitioner's
11 representative is asking the question would be about a new
12 hearing date. Can you clarify that your -- sort of what
13 we're continuing here?

14 PUSHKAR NEUPANE: Yes. I have -- the first
15 question would be, if possible, I'll discuss with my client
16 and get back maybe in 10 minutes with a verbal proposal,
17 because I can't draw a diagram, but I can say, "Okay, a 30-
18 foot sign, but more self-illuminating from internal; it will
19 be externally illuminated." And if you approve that, we'll
20 go with that, so that we don't have to come back for any
21 hearing.

22 But if we need to sit down for a hearing, then

1 yeah, when will it be next scheduled?

2 ANDREA HICKEY: Understood. Thank you.

3 PUSHKAR NEUPANE: I would prefer not to go for
4 another hearing if possible.

5 CONSTANTINE ALEXANDER: Olivia, when will be the
6 next available date?

7 BRENDAN SULLIVAN: No, I think he's talking about
8 tonight.

9 ANDREA HICKEY: But he's not --

10 JIM MONTEVERDE: No.

11 BRENDAN SULLIVAN: He's talking about --

12 JIM MONTEVERDE: He'll come back.

13 BRENDAN SULLIVAN: -- tonight. In other words --

14 CONSTANTINE ALEXANDER: Yeah, I know but --

15 BRENDAN SULLIVAN: We would have to start the next
16 case. We could -- if you're ready after that case, which
17 may very well be in a half an hour, 45 minutes, then we
18 would hear you then.

19 PUSHKAR NEUPANE: Yes, fine.

20 BRENDAN SULLIVAN: So you'd have to sort of stay
21 tuned. [Laughter]

22 PUSHKAR NEUPANE: [Laughter] I will.

1 BRENDAN SULLIVAN: Stay tuned to us too, and then
2 we would after the next hearing that we hear, we would call
3 you to see if you're ready to respond.

4 PUSHKAR NEUPANE: Sounds good. How will you be
5 calling me? I can be here and I can raise my hand.

6 BRENDAN SULLIVAN: Yeah. Right. Stay on the
7 Zoom, and --

8 PUSHKAR NEUPANE: Okay. I will be on Zoom. Thank
9 you so much for this consideration.

10 CONSTANTINE ALEXANDER: Okay. Thank you.

11 PUSHKAR NEUPANE: Mm-hm.

12 CONSTANTINE ALEXANDER: Now we will at this point
13 -- we'll take a -- we'll recess this case until later in the
14 hearing and move on to the next case on our agenda.

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(8:25 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Wendy Leiserson, Jim
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 151512 -- 38 Cameron Avenue. Anyone here
wishing to be heard on this matter?

[Pause/simultaneous speech]

ANDREA HICKEY: Mr. Chair, I'm sort of hearing a
discussion in the background of the last petitioner.

CONSTANTINE ALEXANDER: I know. So am I.

BRENDAN SULLIVAN: We're going to have to --

CONSTANTINE ALEXANDER: -- I'm going to be --

BRENDAN SULLIVAN: -- mute him somehow.

CONSTANTINE ALEXANDER: -- next case.

ANDREA HICKEY: Right. I don't think they
probably know or want us listening to their conversation.
Is there a way to reach them? Oh, they're gone. It
resolved. Thank you, Mr. Chair.

CONSTANTINE ALEXANDER: Okay, thank you. Okay.
Going back again, the Chair will call Case Number 151512 --

1 38 Cameron Avenue. Anyone wishing to be heard on this
2 matter?

3 KIRIN KACHROO-LEVINE: Mr. Chair, my name is Kirin
4 Kachroo-Levine. I believe we sent a note to Olivia -- Ms.
5 Ratay -- earlier tonight, asking to continue this matter to
6 the following hearing, so we have an opportunity to get some
7 feedback from the neighborhood members, as several of them
8 reached out to us the day of the hearing.

9 And we would like to make sure that their concerns
10 are heard.

11 CONSTANTINE ALEXANDER: Well, we would be willing
12 to continue this case as a case not heard, which is good.
13 What date did you have in mind that you would like to
14 continue with that would work with our schedule?

15 KIRIN KACHROO-LEVINE: I believe the next meeting
16 is January 6. I would tentatively -- I would tentatively
17 propose that we continue to that date. We hope we can
18 schedule a meeting with the neighbors prior.

19 CONSTANTINE ALEXANDER: We have no dates available
20 for a continued case in January. Do you want to do it in
21 February?

22 KIRIN KACHROO-LEVINE: What's the earliest date in

1 February?

2 OLIVIA RATAY: Tenth.

3 CONSTANTINE ALEXANDER: Tenth. Tenth of February.

4 KIRIN KACHROO-LEVINE: All right. February 10 it
5 is.

6 CONSTANTINE ALEXANDER: Okay. All right, let me
7 make a motion. And listen carefully to the terms of the
8 motion.

9 The Chair moves that we continue this case until
10 6:00 p.m. on February 10 as a case not heard, which means
11 that any five members of this Board can hear the case on
12 that date -- subject to the following conditions:

13 The first condition is that you must sign a waiver
14 of time for decision. Otherwise, relief would be
15 automatically granted, and we don't do that. This waiver is
16 a very simple document; it's one that the City uses for all
17 of our continued cases.

18 But you must sign this document -- you must go or
19 get in touch with the Inspectional Services Department and
20 sign and return this continuum no later than 5:00 p.m. on a
21 week from Monday. So that gives you plenty of time to get
22 that waiver in. If you don't, the case will be dismissed.

1 Second, the posting sign which you have up there,
2 though I must confess I never saw it, when it's there -- a
3 new one must be put up.

4 You could put a new one with the new date and the
5 new time, 6:00 p.m. on February 10, or you can take the
6 existing sign and modify it with a magic marker, what have
7 you, to put the new date and time in.

8 And then I would ask that you contact Maria
9 Pacheco and -- as you did before -- send the photograph of
10 the modified sign, or the new sign that's been posted.

11 And lastly, to the extent that you want to change
12 or make new specifications, findings, plans, what have you,
13 they must be in our file -- the Inspectional Services
14 Department file -- no later than 5:00 p.m. on the Monday
15 before February 10.

16 That's in order to give Board Members and members
17 of the community at large the opportunity to see what you're
18 now proposing, and to make an informed decision as to what's
19 involved.

20 So Brendan, how do you vote?

21 BRENDAN SULLIVAN: Yes to the continuance.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde yes to the
2 continuance.

3 CONSTANTINE ALEXANDER: Andrea?

4 ANDREA HICKEY: Andrea Hickey yes in favor of the
5 continuance.

6 CONSTANTINE ALEXANDER: Wendy?

7 WENDY LEISERSON: Wendy Leiserson yes in favor of
8 the continuance.

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

11 [All vote YES]

12 CONSTANTINE ALEXANDER: So this case has now been
13 continued until February 10, subject to the conditions that
14 I just went through. Thank you, sir, and we'll see you on
15 February 10.

16 KIRIN KACHROO-LEVINE: All right. Thank you,
17 Chairman. We'll follow-up with ISD and Ms. Ratay to make
18 sure we file everything appropriately.

19 CONSTANTINE ALEXANDER: Thank you again. We
20 haven't heard back from our friends.

21 BRENDAN SULLIVAN: Well, they're on mute, so --

22 OLIVIA RATAY: Yeah, I could --

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BRENDAN SULLIVAN: Just go to the next one.

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(8:31 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Wendy Leiserson, Jim
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 153882 -- 27 Haskell Street. Anyone here
wishing to be heard on this matter? Anyone there?

THOMAS DOWNER: Yes. Can you hear me? Can the
Board me? Can the Board hear me?

CONSTANTINE ALEXANDER: Yes, we can hear you now.

THOMAS DOWNER: Okay. May I go ahead?

CONSTANTINE ALEXANDER: Go ahead. The floor is
yours.

THOMAS DOWNER: All right. I'm just checking to
see -- there it is, yeah. My name is Tom Downer. I'm the
Architect for this project. Also joining us here is Bert
Moody, who is one of the owners of the project.

The subject property is 27 Haskell Street, a two-
unit Condominium. Bert and his wife Denise are in Unit #2,
which consists of the complete second and third floors.

There is currently a small dormer on the one side

1 of the third floor.

2 Now, how do I show pictures on this? There we go.

3 And can we go down to the photograph? This one here, yeah.

4 There we go.

5 There is currently a small dormer -- shed dormer -
6 - on the third floor, which is part of a small bedroom on
7 that level. And adjacent to it is a small bath which --
8 just to this side of that dormer, that has limited headroom
9 because it's under the steeper slope of the existing roof.

10 The relief we're seeking is in order to extend
11 this dormer to 15 feet to provide additional headroom in the
12 bathroom, which will then be renovated to work properly, and
13 it is -- it is currently the only bathroom on that floor.
14 It would still be the only bathroom on that floor.

15 In terms of the dimensional requirements, the only
16 one that we are changing is the floor area ratio, because of
17 the added square footage to this dormer. We'd be adding 33
18 square feet, which would change the FAR by a little less
19 than 1 percent.

20 And I think there's a picture above that shows
21 kind of an image of the -- yeah, that one here. Yeah,
22 showing the additional extension of the dormer.

1 The -- I'll show this one -- I'll show that number
2 1.

3 CONSTANTINE ALEXANDER: The good news about this
4 is, as you pointed out, is that the new, combined dormer if
5 you will -- will be no more than 15 feet --

6 THOMAS DOWNER: That's correct.

7 CONSTANTINE ALEXANDER: -- which is what our
8 dormer guidelines require.

9 THOMAS DOWNER: That's correct. This is a new
10 window in that extended wall, and the whole dormer is 15
11 feet.

12 The -- if we go to Number 3 -- yeah, there -- you
13 can see this is the existing square footage of that third
14 floor, and this is the amount of square footage that would
15 now be over the five-foot dimension, so that it will now be
16 included in the gross floor area.

17 And so the calculations up here show that we're
18 adding 33 square feet, and it goes from way over -- and adds
19 a little less than 1 percent to that floor area ratio.

20 The other item that we're asking for is a special
21 permit that because this window -- new window would be
22 within the side yard setback, we need a -- not a variance, a

1 special permit to sort of put that window in. It is
2 obviously in line with the existing windows, and it's in
3 line with the wall below.

4 And it's -- that's basically it. As I say, the
5 only dimensional requirement that we're changing is the FAR
6 and all the other floors -- there's no other changes on any
7 of the other floors.

8 CONSTANTINE ALEXANDER: Okay.

9 THOMAS DOWNER: I think we can show #1, we've got
10 a little bit of information there to help plan. Yeah. So
11 this is the existing bedroom. There's the existing outside
12 wall of the dormer right now, and then this will become a
13 new bathroom with this piece of additional wall and the
14 window there. And as I say, the whole dimension is 15 feet.

15 That's pretty much it.

16 CONSTANTINE ALEXANDER: Okay. Thank you. Any
17 questions from members of the Board? Brendan? None?

18 BRENDAN SULLIVAN: [Brendan Sullivan] No, it seems
19 like a very fair and reasonable request. And it would add
20 greatly to the functionality of that third floor.

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: Jim Monteverde no questions.

1 CONSTANTINE ALEXANDER: Andrea?

2 ANDREA HICKEY: [Andrea Hickey] I have no
3 questions, Mr. Chair.

4 CONSTANTINE ALEXANDER: Okay. Leslie?

5 BRENDAN SULLIVAN: Wendy.

6 CONSTANTINE ALEXANDER: Wendy, I'm sorry. I
7 always do that. Thank you.

8 BRENDAN SULLIVAN: Leslie's not here.

9 CONSTANTINE ALEXANDER: I apologize, Wendy.

10 WENDY LEISERSON: No problem. Wendy Leiserson no
11 questions.

12 CONSTANTINE ALEXANDER: The Chair has no questions
13 either. We'll open the matter up to public -- we have
14 nothing in the file, except a letter of support from a
15 neighbor. Well, we have more than one. Two letters of
16 support from neighbors -- two different neighbors.

17 So with that, we'll open the matter up to public
18 testimony. Any members of the public who wish to speak
19 should now click the icon at the bottom of your Zoom screen
20 that says, "Raise hand."

21 If you're calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6.

1 We'll take a moment to see if anyone wishes to call in.

2 [Pause]

3 OLIVIA RATAY: John Hawkinson?

4 CONSTANTINE ALEXANDER: John Hawkinson?

5 JOHN HAWKINSON: Hi, Mr. Chair. I've had my hand
6 raised since the middle of the 878 Mass Ave case, when the
7 Board began expressing my opinion. And I would ask you to
8 take my public comment prior to engaging in further
9 deliberations or negotiations with the petitioner for a
10 continuance, when you return to that case. Thank you.

11 CONSTANTINE ALEXANDER: Okay. Thank you. Anyone
12 else?

13 [Pause]

14 Apparently not. So I will close public testimony.

15 As is our practice, I'll make a motion to grant
16 the relief -- it's actually two forms of relief. And we can
17 then debate that.

18 The Chair moves that -- with regard to the
19 variance now -- the Chair moves that we make the following
20 findings:

21 That a literal enforcement of the provisions of
22 the ordinance would involve a substantial hardship, such

1 hardship being is that the structure or older structure has
2 a bathroom that is not fully useable, because -- unless it's
3 increased in size, as proposed by the petitioner.

4 That the hardship is owing to basically the shape
5 of the structure, which is an older structure, which means
6 that any relief -- any change could require zoning relief.

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

10 So on the basis of all these findings, the Chair
11 moves that we grant the variance that's requested on the
12 condition that the work proceeds in accordance with
13 handwritten plans -- or maybe not handwritten, but
14 nonprofessionally prepared plans that have been submitted by
15 the petitioner -- each page of which has been initialed by
16 the Chair, and it's in our files at least these initial
17 pages.

18 Brendan?

19 BRENDAN SULLIVAN: Yes to granting the -- this is
20 the variance?

21 CONSTANTINE ALEXANDER: Variance.

22 BRENDAN SULLIVAN: -- yeah, yes to granting the

1 variance request.

2 CONSTANTINE ALEXANDER: Okay, Jim?

3 JIM MONTEVERDE: Jim Monteverde yes to granting
4 this variance.

5 CONSTANTINE ALEXANDER: Andrea?

6 ANDREA HICKEY: Andrea Hickey yes in favor of
7 granting the variance.

8 CONSTANTINE ALEXANDER: Wendy Leiserson?

9 WENDY LEISERSON: Wendy Leiserson yes in favor of
10 granting the variance.

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

13 [All vote YES]

14 CONSTANTINE ALEXANDER: So the variance has now
15 been granted. Turning to the special permit -- let me get
16 out the file -- this is to add a third window to enlarge the
17 enlarged dormer within the side yard setback. So the issue
18 here is setback relief.

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

22 That requirements of the ordinance cannot be met

1 unless we grant the special permit.

2 That traffic generated or patterns of access or
3 egress resulting from this window change, or proposed window
4 change -- will not cause congestion, hazard, or substantial
5 change in established neighborhood character.

6 And in this regard the relief being sought is very
7 modest and has no impact -- certainly doesn't create
8 congestion or hazard, and it doesn't result in a substantial
9 change in established neighborhood character.

10 That the continued operation of or development of
11 adjacent uses, as permitted in this ordinance, will not be
12 adversely affected by the proposed -- what is being
13 proposed, subject to the special permit.

14 No nuisance or hazard will be created to the
15 detriment of the health, safety and/or welfare of the
16 occupant of the proposed use, or the citizens of the city.
17 In fact, what is being proposed will be a positive to the
18 use of the structure and not a negative.

19 And then for other reasons, the proposed use will
20 not impair the integrity of the district or adjoining
21 district, or otherwise derogate the intent and purpose of
22 this ordinance.

1 So on the basis of all these findings, the Chair
2 moves that we grant the special permit requested on the
3 condition that the work proceed in accordance with those
4 same drawings or plans that are referred to and as part of
5 our decision with regard to the variance.

6 Brendan?

7 BRENDAN SULLIVAN: Brendan Sullivan yes to
8 granting the special permit.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Jim Monteverde yes to granting
11 the special permit.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: Andrea Hickey yes to granting the
14 special permit.

15 CONSTANTINE ALEXANDER: And Wendy?

16 WENDY LEISERSON: Wendy Leiserson yes to granting
17 the special permit.

18 CONSTANTINE ALEXANDER: The Chairman votes yes as
19 well.

20 [All vote YES]

21 CONSTANTINE ALEXANDER: That's unanimous. The
22 special permit is granted. Case over. Thank you.

1 COLLECTIVE: Thank you. Now we've got 878 Mass
2 Ave. Do we get in touch with them, or they us?

3 OLIVIA RATAY: They're on, yeah. He's on.

4 PUSHKAR NEUPANE: Okay, I am on.

5 [RETURNING TO MASS AVE CASE]

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(8:43 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Wendy Leiserson, Jim
Monteverde

CONSTANTINE ALEXANDER: Okay, good. We can hear
you.

PUSHKAR NEUPANE: Yes. I talked to my client.

ANDREA HICKEY: Mr. Chair, excuse me for a moment,
if we could act on the member of the public who had raised
his hand but was not allowed to comment previously -- if we
could let him go first before we --

PUSHKAR NEUPANE: Yep, please.

ANDREA HICKEY: -- continue deliberations, I think
that would be great.

CONSTANTINE ALEXANDER: okay, I'm sorry. I just
missed --

BRENDAN SULLIVAN: John Hawkinson wished to --

CONSTANTINE ALEXANDER: Oh, John. John? We'll
let Mr. Hawkinson speak. John?

JOHN HAWKINSON: Thank you, Mr. Chair. And sorry
for speaking out of turn. And you covered some of the

1 issues that I was going to raise, but I wanted to raise a
2 couple others as well.

3 I reside 277 feet due east of the property's
4 frontage. And I can't decide whether I'm an abutter to an
5 abutter within the meaning of the statute. But I did not
6 receive notice.

7 I have no objection to the size of the sign, and
8 the size of the sign is existing, and it should not require
9 relief. As I understand it, the City does not require
10 zoning relief to make a change to an existing sign.

11 So if the result of tonight's deliberations
12 is that an illuminated sign is not permitted, I don't think
13 the petitioner should be forced to reduce the size of their
14 proposed sign if no zoning relief is required for them to
15 make changes to the existing sign.

16 So I'm all I concerned about that. And Ms. O'Hare
17 touched on that in her later as well, and she suggested it
18 in the first amendment issue. And I think that's a proper
19 analysis. The City doesn't get to dictate what you put on a
20 sign, and you can make changes to the sign at any time.

21 But in any case, with respect to illumination, I
22 find the illuminated case lights for the Dana Hill Liquors

1 sign cited as precedent to be appalling and horribly
2 distracting, and they impose a burden on nearby residents
3 and passersby, and I wouldn't want to see anything of that
4 sort.

5 You know, I regularly see that sign on my way home
6 at night, and it's a regular annoyance. And the proposed
7 sign is closer to me than that sign.

8 But internal illumination for the sign is not
9 objectionable if it were to come with a reasonable guarantee
10 about maximum light output. And I guarantee there would be
11 no animation or rapid changing light levels.

12 It's technically possible to produce and
13 internally illuminated sign that produces no more light than
14 an externally illuminated sign. But the petitioners have
15 not represented that they have done so. So if they were to
16 make those representations, I could support it.

17 But in any case, again, I think it's troubling if
18 the Board suggests the petitioner should seek to amend the
19 application for a smaller sign if the petitioner is already
20 going to forgo the illuminated sign, because I do not relief
21 is required. And that would leave the petitioner less well
22 off than they are today. Thank you.

1 CONSTANTINE ALEXANDER: Thank you. Let's go back
2 to the petitioner.

3 PUSHKAR NEUPANE: Okay. I am back. Would you
4 hear me?

5 CONSTANTINE ALEXANDER: Yes.

6 PUSHKAR NEUPANE: Perfect. Yeah. Thank you so
7 much. The gentleman -- he actually was, I mean I like what
8 he just said. Two options my clients said they wanted to
9 give, one with the internal illumination if turning off the
10 sign at 10 p.m. strictly if that helps, they want to
11 continue with internal illumination, the size they have
12 proposed.

13 If even with the 10 p.m. turnoff, turning that
14 light off doesn't work, then they really do not want to be a
15 nuisance in the neighborhood, and they will continue with
16 the same size, 30 feet, because the area is way too big, so
17 shrinking that size will be very detrimental to their
18 business, but they will be illuminating from outside, not
19 inside.

20 JOHN HAWKINSON: Okay.

21 PUSHKAR NEUPANE: So the first proposal, if you
22 approve: Fine. If not, then the second proposal they will

1 go ahead with the second proposal.

2 CONSTANTINE ALEXANDER: Let me get that back,
3 because I'm a little tired at this point. You want to
4 propose, or are you suggesting now that one inside
5 internally illuminated sign?

6 PUSHKAR NEUPANE: Yeah.

7 CONSTANTINE ALEXANDER: That would be shut off at
8 10 p.m.?

9 PUSHKAR NEUPANE: Yes.

10 CONSTANTINE ALEXANDER: Okay. I'm surprised at
11 that. I'm going to say that given that it's basically a
12 bar, why you would want the sign turned off at 10 p.m. or
13 would accept that, but that's your client's decision.

14 PUSHKAR NEUPANE: Yes. I don't know why they said
15 so. Otherwise, we will just stay with this size, and
16 externally illuminate so that they don't have that
17 restriction -- timing restriction.

18 BRENDAN SULLIVAN: This is Brendan Sullivan. What
19 are the hours of operation?

20 PUSHKAR NEUPANE: I think up to 11:00. That's
21 what they are seeking. But if signage is an issue, it will
22 be 10:00. But I will go with the second option, as the

1 Chairman just suggested, the second option. The third is
2 external illumination.

3 CONSTANTINE ALEXANDER: If one will not support
4 external illumination.

5 PUSHKAR NEUPANE: Yes.

6 BRENDAN SULLIVAN: This is Brendan Sullivan. I
7 would propose the size and the lettering as proposed
8 externally illuminated. That's what I would support. So
9 the size and character of the sign as proposed externally
10 illuminated is what I would support.

11 CONSTANTINE ALEXANDER: Okay. Yeah.

12 PUSHKAR NEUPANE: Thank you.

13 CONSTANTINE ALEXANDER: I would support a sign as
14 big as the petitioner wants, but only with the internal
15 illumination that we just talked about; you know, one
16 internal illumination and shutting off at 10 p.m.

17 PUSHKAR NEUPANE: Actually, let's take that off
18 the table. I'm sorry. We have only -- I have only one
19 proposal for the client; that will be the same size and
20 character, but external illumination.

21 BRENDAN SULLIVAN: Um--

22 JIM MONTEVERDE: This is Jim Monteverde. I think

1 if I understood correctly, I believe I can support that one.
2 That basically says the sign will remain the same format,
3 footprint -- 30 square feet -- but externally illuminated
4 and not --

5 PUSHKAR NEUPANE: Yes.

6 JIM MONTEVERDE: Internally illuminated.

7 PUSHKAR NEUPANE: That is correct. Yeah.

8 ANDREA HICKEY: And also, not being shut off at
9 10:00. Is that correct?

10 PUSHKAR NEUPANE: Yes, thank you so much. Yeah.
11 There will not be that kind of restriction, correct.

12 ANDREA HICKEY: Yes. And that was Andrea Hickey
13 speaking. I can support that as well. I think Mr.
14 Monteverde and I are on the same page there.

15 PUSHKAR NEUPANE: Thank you.

16 CONSTANTINE ALEXANDER: Okay. Wendy, do you have
17 anything you wish to say?

18 PUSHKAR NEUPANE: No. I can support what Attorney
19 Hickey and Mr. Monteverde just proposed as well.

20 CONSTANTINE ALEXANDER: Okay. Thank you. We
21 never got to the public testimony. We did. We have --

22 BRENDAN SULLIVAN: John.

1 OLIVIA RATAY: We never opened it, though.

2 CONSTANTINE ALEXANDER: Never opened? That's
3 right.

4 OLIVIA RATAY: This one.

5 CONSTANTINE ALEXANDER: Okay, we'll -- to be sure
6 everybody has had an opportunity to speak, I'll open the
7 matter up to further public comment. Any members of the
8 public who wish to speak should now click the icon at the
9 bottom of your Zoom screen that says, "Raise hand."

10 If you're calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6.
12 Anyone?

13 OLIVIA RATAY: Heather Hoffman.

14 CONSTANTINE ALEXANDER: Heather?

15 [Pause]

16 OLIVIA RATAY: Heather Hoffman, you're on mute.

17 CONSTANTINE ALEXANDER: Yeah, I see her up there,
18 but I don't know what happened to her there. Heather, can
19 you hear us?

20 BRENDAN SULLIVAN: Is that the phone number.

21 HEATHER HOFFMAN: I will give you two seconds.

22 CONSTANTINE ALEXANDER: Okay.

1 HEATHER HOFFMAN: Hang on. Okay. This is -- I
2 have been trying to raise my hand on my phone so that my
3 Zoom won't crash. Please unmute the right line. Please.

4 [Pause/technical difficulties]

5 Okay. Thank you for --

6 CONSTANTINE ALEXANDER: Okay.

7 HEATHER HOFFMAN: -- dealing with the technical
8 difficulties. I've raised my hand so many times trying to
9 get to speak on this. I was getting frustrated. Anyway,
10 Heather Hoffman, 213 Hurley Street.

11 And I have kind of a question. It appears to me
12 that their proposed sign is smaller than what's there
13 currently. Am I correct on that?

14 BRENDAN SULLIVAN: Yes.

15 CONSTANTINE ALEXANDER: And I think that's right,
16 my personal observation -- the petitioner can answer that
17 though --

18 PUSHKAR NEUPANE: Yes.

19 HEATHER HOFFMAN: Okay. And I completely agree
20 with what Carol O'Hare said. I mean, I used to go to that
21 place when it was the Gremlin. And I think that in general
22 that business has done pretty well because it's not just

1 part of a block, it's actually a freestanding building. And
2 you do see it. You don't need it to be lit up garishly.
3 What you're proposing is a nice-looking sign.

4 So, you know, the external illumination, please do
5 not add to the light pollution of this city. We don't need
6 it, and it's too bad that there's as much of it as there is.
7 I even promise to come have a meal there if you light it
8 appropriately.

9 JOHN HAWKINSON: [Laughter]

10 HEATHER HOFFMAN: But thank you very much.

11 CONSTANTINE ALEXANDER: Thank you, Heather.

12 PUSHKAR NEUPANE: Thank you so much. My client's
13 neighbor had -- having had a new chance; that's how the sign
14 was proposed by the sign guide. But whatever -- after this
15 meeting, I learned a lot and we will make sure it is an
16 externally illuminated 30-foot sign.

17 OLIVIA RATAY: Bill?

18 MANTA LERPACHIN: Hi. Actually sorry, this is
19 Bill's wife, Manta Lerpachin. I live at 14 Lee Street. And
20 honestly, I mean, I kind of agree with the person who spoke
21 before me in the sense that living at 14 Lee Street, I can
22 just look out my window, and I can see the sign of the

1 People's Republik. There is a giant street light right in
2 front of the People's Republik right now, and it actually
3 lights up the entire building really well.

4 So I would encourage the petitioner to come check
5 out how the area is illuminated at night before making any
6 further decisions on the sign. And that's all I wanted to
7 say.

8 CONSTANTINE ALEXANDER: Thank you.

9 OLIVIA RATAY: That's it.

10 CONSTANTINE ALEXANDER: That's it? No one else?
11 That's it. No one else wishes to speak. So I'll close
12 public testimony. I'm going to need a little bit of help
13 with regard to the framing of the motion. What is it we're
14 proposing, we're prepared to approve? The sign -- they
15 don't need any relief on the size of the sign?

16 JIM MONTEVERDE: Correct.

17 BRENDAN SULLIVAN: The size --

18 CONSTANTINE ALEXANDER: Size is okay.

19 BRENDAN SULLIVAN: Size and character of the sign
20 as proposed, externally illuminated.

21 CONSTANTINE ALEXANDER: Okay. Everybody's
22 comfortable with the external illumination?

1 BRENDAN SULLIVAN: Yeah, is everybody okay with
2 that?

3 JIM MONTEVERDE: Yep, correct.

4 ANDREA HICKEY: Yes.

5 CONSTANTINE ALEXANDER: Okay. So I'll try to
6 frame a motion, and help me out if I get it wrong. The
7 Chair moves that we make the following findings with regard
8 to the relief being sought:

9 That a literal enforcement of the provisions of
10 the ordinance would involve a substantial hardship, such
11 hardship being is that although the building is in a
12 residentially zoned area, it is in fact in a commercial
13 area, and there is a need for sufficient signage to
14 advertise -- not advertise -- to advise people of the
15 existence of a restaurant and bar.

16 That the hardship is owing to nature of the
17 structure -- and again its location, which is inconsistent
18 with the actual nature of the neighborhood.

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

22 So on the basis of these findings, the Chair moves

1 that we would grant the variance -- a variance that would
2 allow signage of the size proposed by the petitioner, and
3 that so long as that sign with regard to illumination is
4 externally illuminated.

5 Did I get it? Okay?

6 BRENDAN SULLIVAN: Yes, I think.

7 JIM MONTEVERDE: Correct.

8 ANDREA HICKEY: Yes.

9 CONSTANTINE ALEXANDER: Brendan, how do you vote?

10 BRENDAN SULLIVAN: Yes to the granting of the
11 relief.

12 CONSTANTINE ALEXANDER: Jim?

13 JIM MONTEVERDE: Jim Monteverde yes to granting
14 the relief.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Andrea Hickey yes in favor of
17 granting relief.

18 CONSTANTINE ALEXANDER: Okay. Leslie? I did it
19 again.

20 WENDY LEISERSON: Wendy.

21 CONSTANTINE ALEXANDER: Wendy. I'm sorry. I'm
22 fixated on that. Wendy?

1 WENDY LEISERSON: I'd like to meet Leslie. [Wendy
2 Leiserson] I'm in favor of granting the relief as you
3 summarized it.

4 CONSTANTINE ALEXANDER: And the Chair with some
5 reluctance will vote in favor as well.

6 [All vote YES]

7 CONSTANTINE ALEXANDER: So the relief is granted.
8 The variance is granted on the terms and conditions that
9 were spelled out in the motion that we all approved.

10 PUSHKAR NEUPANE: Thank you so much for your time.
11 Appreciate your --

12 CONSTANTINE ALEXANDER: Thank you.

13 PUSHKAR NEUPANE: -- observation.

14 CONSTANTINE ALEXANDER: And with that I think our
15 meeting's over. Last case on our Agenda.

16 COLLECTIVE: Goodnight, all. Happy holidays.

17 BRENDAN SULLIVAN: Bye-bye.

18 [9:00 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.

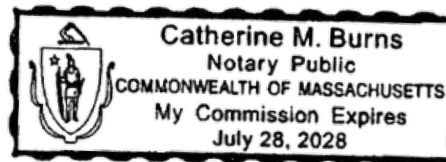
In witness whereof, I have hereunto set my hand this 11th day of January, 2022.



Notary Public

My commission expires:

July 28, 2028



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