

January 28, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 28, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Jim Monteverde

Laura Wernick

City Employees

Ranjit Singanayagam

Sisia Daglian



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I N D E X

CASE	PAGE
6:00 P.M. CASE: BZA-98136	
Original Hearing Date: 12/10/20	
9 SHADY HILL SQUARE CARTER S. BACON, JR.	8
7:00 P.M. CASE: BZA-017247-2020	
Original Hearing Date: 03/26/20 Re-advertised on 07/09/20	
16-18 FOREST STREET	
5527-16-19A FOREST STREET CAMBRIDGE LLC	
C/O NOAM KLEINMAN	18
7:00 P.M. CASE: BZA-017248-2020	
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17-19 FOREST STREET	
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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick and Jason
Marshall

CONSTANTINE ALEXANDER: Good evening, and welcome
to the -- whatever is today's date -- January 28, 2021
meeting of the Cambridge Board of Zoning Appeals. My name
is Gus Alexander, and I am the Chair.

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

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22, within
Cambridge. In due course, there will also be a transcript

1 of the public proceedings.

2 All Board members, applicants, and members of the
3 public will state their name before speaking. All votes
4 will be taken by roll call.

5 Members of the public will be kept on mute until
6 it is time for public comment. I will then give
7 instructions for public comment, and you can also find
8 instructions on the city's webpage for remote BZA meetings.

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

13 SISIA DAGLIAN: Janet Green?

14 JANET GREEN: Janet here.

15 SISIA DAGLIAN: Let's see, first case -- Matina
16 Williams? Wait, Matina's not -- Jim Monteverde?

17 JIM MONTEVERDE: Jim Monteverde's here.

18 CONSTANTINE ALEXANDER: Did we get Matina?

19 SISIA DAGLIAN: Well, Shady Hill was not heard, so
20 -- and then Brendan, you're --

21 BRENDAN SULLIVAN: Brendan Sullivan, present.

22 SISIA DAGLIAN: And Gus you're -- okay, so 9 Shady

1 Hill was not heard, so just do it..

2 SISIA DAGLIAN: Laura and Janet, can you do the
3 first case as well?

4 LAURA WERNICK: I think I'm just doing the first
5 case, and actually I guess I'm supposed to do 544 Mass
6 Avenue.

7 SISIA DAGLIAN: 544, correct.

8 LAURA WERNICK: Is that going to be heard tonight,
9 or has that been --

10 SISIA DAGLIAN: Well, they're going to speak at
11 it. I don't know that it's going to be heard, though.

12 LAURA WERNICK: Okay. So I'm just here for those
13 two.

14 SISIA DAGLIAN: Okay.

15 JANET GREEN: And I can be here for the first
16 case.

17 SISIA DAGLIAN: Okay. Then we can go ahead.

18 JANET GREEN: It's someone who lives in my
19 neighborhood, but I don't have --

20 CONSTANTINE ALEXANDER: Okay, who is on the first
21 case, Janet? Laura?

22 SISIA DAGLIAN: Laura.

1 CONSTANTINE ALEXANDER: And Jim, Brendan and
2 myself.

3 SISIA DAGLIAN: Correct.

4 CONSTANTINE ALEXANDER: Okay.

5 SISIA DAGLIAN: And we'll add Laura -- we all add
6 Janet to it?

7 CONSTANTINE ALEXANDER: Who?

8 SISIA DAGLIAN: We'll add Janet to the first case.

9 CONSTANTINE ALEXANDER: Yeah.

10 SISIA DAGLIAN: Okay.

11 CONSTANTINE ALEXANDER: All right. The cases for
12 tonight are all continued cases. These are cases that were
13 started previously, and for one reason or another were not
14 resolved, and were postponed due to -- and have been
15 postponed until tonight.

16 We have a little bit of an unusual situation in
17 that one of the continued cases, the first case, is
18 scheduled for 6:00 p.m., and then the next three are all
19 scheduled starting at 7:00 p.m. So there will be a gap.
20 We'll finish the first case, I'm sure, long before 7:00 p.m.

21 So just to advise anyone who's listening in is
22 that after we finish the first case, I'm going to call a

1 recess for this meeting and will resume at 7:00 p.m. with
2 the remaining cases.

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2 (6:05 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Wernick and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: With that as background,
7 the Chair will now call Case Number 98136 -- 9 Shady Hill
8 Square. Anyone here wishing to be heard on this matter?

9 SHIPPEN PAGE: I do, Mr. Chairman, thank you.
10 It's Shippen Page from PAGE & POWELL, representing the
11 petitioner, Carter Bacon.

12 Mr. Chairman, by way of context, this is an
13 attached dwelling at 9 Shady Hill Square that was subdivided
14 in 1977, as was represented in the supporting statement, and
15 the petitioner is -- it's a nonconforming, preexisting
16 structure that violates side and rear yard setback
17 requirements.

18 And the petitioner wishes to build a roof over his
19 existing deck, which will add 240 square feet to the overall
20 FAR. It's still well within the allowed FAR, and if it was
21 a -- it's 240 square feet, which represents about 11.7
22 percent.

1 Under the applicable zoning ordinance, it exceeds
2 the 10 percent. Hence, he's going for a special permit. It
3 does not intensify the existing nonconformity, because it is
4 allowed within the existing FAR.

5 But nonetheless, I advised him to apply for a
6 special permit to make sure that he could at least have a
7 chance of getting the relief that he seeks. And it's
8 basically that simple.

9 And I would welcome Mr. Bacon's further
10 explanation if any, or welcome the Board's questions about
11 it.

12 CARTER BACON: I hope my application is -- this is
13 Carter Bacon -- thank you for hearing the case. I would
14 hope that the application is straightforward and
15 unambiguous, and I don't have anything to add to what
16 Shippen just said.

17 CONSTANTINE ALEXANDER: I have just one question.
18 The roof itself, what is its composition going to be, the
19 roof you're thinking to build over the deck?

20 CARTER BACON: It's going to be -- the composition
21 -- you mean, how will it be constructed?

22 CONSTANTINE ALEXANDER: No --

1 CARTER BACON: What's it made of?

2 CONSTANTINE ALEXANDER: Is it going to be a canvas?
3 Is it going to be wood? Is it going to be -- what?

4 CARTER BACON: Well, it's a wooden frame deck, a
5 solid deck supported by columns, and it will have a
6 membrane, a rubber membrane covering and gutters, et cetera,
7 and it will have a decorative railing around it.

8 CONSTANTINE ALEXANDER: Thank you. I have no --
9 Mr. Page, do you have anything further you wanted to add in
10 your presentation?

11 SHIPPEN PAGE: I think that suffices, Mr.
12 Chairman, thank you.

13 CONSTANTINE ALEXANDER: Okay. Members of the
14 Board, any questions? Brendan?

15 BRENDAN SULLIVAN: [Brendan Sullivan], I have no
16 questions.

17 JANET GREEN: [Janet Green], I have no questions.

18 CONSTANTINE ALEXANDER: Jim?

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

21 CONSTANTINE ALEXANDER: And Laura?

22 LAURA WERNICK: [Laura Wernick], I have no

1 questions, thank you.

2 CONSTANTINE ALEXANDER: And neither do I. So I'll
3 open the matter up to public testimony. Any members of the
4 public who wish to speak should now click the icon at the
5 bottom of your Zoom screen that says, "Raise hand." If
6 you're calling in by phone, you can raise your hand by
7 pressing *9 and unmute or mute by pressing *6. I'll wait a
8 few minutes to see if anyone calls in.

9 [Pause]

10 No?

11 SISIA DAGLIAN: No one's raising their hand.

12 CONSTANTINE ALEXANDER: Okay. Apparently, there's
13 no one from the public that wishes to speak. So I will
14 close public testimony. Deliberations for it, or can I go -
15 - should we go right to a vote?

16 BRENDAN SULLIVAN: We're ready for a vote.

17 JIM MONTEVERDE: Ready.

18 JANET GREEN: Ready for a vote.

19 CONSTANTINE ALEXANDER: Okay. This vote is for a
20 special permit. And so, I'll have to check off the
21 requirements for a special permit.

22 SHIPPEN PAGE: Would you like me to read those

1 into the record, Mr. Chairman?

2 CONSTANTINE ALEXANDER: I'm sorry?

3 SHIPPEN PAGE: Would like me to read those into
4 the record? I'd be happy to do so.

5 CONSTANTINE ALEXANDER: You can, sure. Go ahead.

6 SHIPPEN PAGE: Sure. The petitioner applies for a
7 special permit granting the permit will not be to the
8 detriment of the public interest, because the subject
9 dwelling is a preexisting nonconforming structure built in
10 1915.

11 This property and the adjacent property are part
12 of a subdivision plan resulting in nonconformities resulting
13 from side and rear yard setbacks, violating Section 5.31.

14 The requirements of the ordinance cannot be met
15 because the subject already violates the dimensional
16 requirements of the ordinance.

17 Traffic generated or patterns of access or egress
18 will not cause congestion, hazard, or substantial change in
19 established neighborhood character, because the petitioner
20 and his family will continue to occupy this as their primary
21 residence.

22 No change in use is proposed, and the proposed

1 roof of the existing deck will add 240 square feet to the
2 building's FAR.

3 It will thereby minimally increase the intensity
4 of the use. There will be no further traffic generated, and
5 the patterns of access and egress will remain the same, and
6 no congestion, hazard or substantial change in established
7 neighborhood character will result.

8 The continued operation of or development of
9 adjacent uses, as permitted in the zoning ordinance, will
10 not be adversely affected by the nature of the proposed use.
11 The neighbors to either side will not be adversely affected
12 by the proposed addition, and both have expressed support
13 for the proposal.

14 The nuisance or hazard will not be created but to
15 the detriment of the health, safety and/or welfare of the
16 occupant of the proposed use, or the citizens of Cambridge.
17 And increase of 240 square feet caused by adding a roof
18 covering the existing terrace is quite modest.

19 No nuisance or hazard would result from the
20 petitioner's proposal, and the addition will provide them
21 with modest additional amenity, particularly during this
22 COVID pandemic.

1 For other reasons, the proposed use will not
2 impair the integrity of the district or adjoining district,
3 or otherwise derogate from the intent or purposes of this
4 ordinance, because the proposed use does not differ from the
5 use of this dwelling, since it was built in 1915.

6 The proposed addition complies with and supports
7 the intent and purpose of the ordinance, and in no way
8 impairs the integrity of the district.

9 CONSTANTINE ALEXANDER: Thank you, Mr. Page. I
10 also would add -- make it part of the record -- that we have
11 received a number of letters, all from abutters or people in
12 the immediate vicinity, and all of which are supportive of
13 the relief being sought. There's no opposition --

14 SHIPPEN PAGE: Thank you.

15 CONSTANTINE ALEXANDER: -- in the neighborhood at
16 all. So the Chair moves that based on the findings, as read
17 into the record by Mr. Page, that we grant the special
18 permit requested on the condition that the work proceed in
19 accordance with the hand-drawn plans, I think the four pages
20 in length -- each page of which has been initialed by the
21 Chair.

22 Brendan?

1 BRENDAN SULLIVAN: [Brendan Sullivan], yes to
2 granting the special permit.

3 JANET GREEN: [Janet Green], yes to granting the
4 special permit.

5 CONSTANTINE ALEXANDER: Jim?

6 JIM MONTEVERDE: [Jim Monteverde], yes for granting
7 the special permit.

8 CONSTANTINE ALEXANDER: And Laura?

9 LAURA WERNICK:]Laura Wernick], yes for the
10 granting.

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

13 [All vote YES]

14 Special permit granted.

15 SHIPPEN PAGE: Thank you very much, Mr. Chairman.

16 CONSTANTINE ALEXANDER: Thank you.

17 SHIPPEN PAGE: The Board, thank you.

18 CONSTANTINE ALEXANDER: Okay, as I said earlier,
19 at this point, we cannot hear case until 7:00 p.m., so the
20 Board will go into recess. We'll reconvene at 7:00 and to
21 deal with the remainder of our agenda for this evening.
22 Thank you.

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SHIPPEN PAGE: Thank you.

[BREAK]

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(7:01 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Andrea Hickey and Janet
Green

CONSTANTINE ALEXANDER: Members of the public will
be kept on mute until it is time for public comment. I will
give instructions for public comment at that time, and you
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speak, but I may change this based on the number of
speakers. I'll start by asking the Staff to take Board
member attendance and verify that all members are audible.

SISIA DAGLIAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde is here.

SISIA DAGLIAN: Janet Green?

[Pause]

SISIA DAGLIAN: Andrea Hickey?

ANDREA HICKEY: Present.

SISIA DAGLIAN: Janet?

JANET GREEN: Janet is here.

1 SISIA DAGLIAN: And Brendan?

2 CONSTANTINE ALEXANDER: Okay. So everyone is
3 here.

4 SISIA DAGLIAN: And Gus. Okay.

5 CONSTANTINE ALEXANDER: Hello, we're now going to
6 start with -- we have three more continued cases. And the
7 first one I'm going to call -- I'll generally call two in
8 combination -- 16, well Case Number 017247 -- 16-18 Forest
9 Street, and Case Number 017248 -- 17-19 Forest Street.

10 We'll take these cases up together because they
11 virtually are identical. Same -- the buildings are very
12 similar; the same relief is being sought and it's just more
13 efficient to do it this way.

14 So with that, I will ask -- I'll call the cases.
15 Anyone wishing to be heard on this matter?

16 NICK ZOZULA: Yes, Good evening Mr. Chair and
17 members of the Board. Can you hear me okay?

18 CONSTANTINE ALEXANDER: I can hear you, yep.

19 NICK ZOZULA: Great. Good evening Mr. Chair and
20 members of the Board. Attorney Nick Zozula, McDermott,
21 Quilty & Miller. We are the Zoning and Permitting Council
22 on the project.

1 With me tonight is Rich Rankin, who is the
2 architect from Ci Design. I also see Noam Kleinman is with
3 us tonight, as well as Kayla Pepdjonovic and Bridget Hearn
4 from the property ownership team and the proponent here
5 tonight.

6 Last time we were in front of you all was July 9,
7 about six months ago, ones projects, and at that time, you
8 know, we had a robust discussion on the project and its
9 merits, and we heard two specific aspects of the project
10 that we got input on.

11 First was on the affordability component, and
12 second was on bike parking primarily is what we heard. You
13 may recall, Mr. Chair, as well and members of the Board that
14 we are in a basement housing -- in the Basement Housing
15 Overlay District at these properties.

16 However, we do not technically trigger or need to
17 comply with the basement housing, nor with the Basement
18 Housing Overlay District on a technicality that we're aware
19 of is that we are actually in a Residence B zone, not in a
20 Residence C zone, which is identified in the Basement
21 Housing Overlay District.

22 So what we've done though is we've looked and

1 taken to heart what you told us six months ago, and we are
2 complying with as much of the Basement Housing Overlay
3 District components as we can.

4 And again, on those two specific aspects, on the
5 affordability, first off, we worked with the folks at the
6 CDD, including Jeff Roberts, Swaathi, Linda Prosnitz, to
7 better understand how we can elect to comply with the
8 affordable component of the Basement Housing Overlay.

9 And so, what we've been able to work with them on
10 is to come back to you and voluntarily comply with that
11 aspect of the BHOD by providing one voluntary IDP unit in
12 each building.

13 That's our understanding is what's required under
14 the BHOD would be one in each if we were under that. So in
15 speaking with them, you know, if there's a way for us to
16 voluntarily work with Linda's office and comply by providing
17 one in each building where these new units will be.

18 Secondly will be the bike parking. We are adding
19 15 new units here. Again, just giving you a brief overview
20 of what we talked about. With a going from 123 units in
21 these two buildings to 138 units. So we'd be adding eight
22 in one building and seven in another, in the basement.

1 And at the time we were here in July, we were not
2 proposing any bike parking at that time, we hadn't really
3 looked too hard into that.

4 And so, what we've done is we've taken a deep dive
5 and revisited the plans, and we are able to better utilize
6 some of the other space in the basement where there was
7 laundry rooms and boiler rooms, and things that are not
8 needed anymore for the project in these buildings, and we're
9 able to provide over 50 -- that's 5-0 -- 50 new internal
10 bike parking spaces across both buildings.

11 What the Basement Housing Overlay District
12 requires is a 1:1 ratio for each new unit that you're
13 proposing.

14 And we're proposing 15 new units, but proposing
15 50+new bike parking spaces internally in those buildings.
16 So more than three, 3.5 times what we need to provide.

17 I can let -- we do have a bike plan to show you.
18 Rich Rankin -- again, from Ci Design as you can see up here,
19 can walk you through that if you'd like. But you'll - see
20 that we're kind of taking some old spaces as part of the re
21 -- the new ownership and kind of the redevelopment of the
22 interiors of these.

1 The laundry is moving into the units. So these
2 big laundry rooms that were needed at one time in the
3 basement just aren't needed anymore. And so, we're able to
4 kind of adaptively reuse those spaces and provide bike
5 parking, which you recall was an important topic six months
6 ago.

7 So I can let Rich walk you through these if you'd
8 like. Otherwise, the plans remain the same. So I'm happy
9 to go through those plans after this, but those plans that
10 we spoke of six months ago are the same.

11 So Rich, I'll cede to you if you want to walk
12 through what we're proposing.

13 CONSTANTINE ALEXANDER: Before you do that --

14 NICK ZOZULA: Yep.

15 CONSTANTINE ALEXANDER: -- I must confess to be a
16 little confused.

17 NICK ZOZULA: Okay.

18 CONSTANTINE ALEXANDER: You're seeking zoning
19 relief.

20 NICK ZOZULA: We are.

21 CONSTANTINE ALEXANDER: A variance of the special
22 permit. I don't see how you presented a case that you're

1 entitled to receive the variance -- let's go with this is a
2 variance. You -- I know you touched on it in your
3 submission.

4 NICK ZOZULA: Yes.

5 CONSTANTINE ALEXANDER: But it doesn't -- they
6 don't deal with the actual statute itself. I mean --

7 NICK ZOZULA: Well --

8 CONSTANTINE ALEXANDER: Let me start. I -- and
9 you tell me -- I just, to frame the questions, you have to
10 demonstrate that a literal enforcement of the provisions of
11 the ordinance would involve a substantial hardship.

12 I don't know what that hardship is, other than the
13 fact that you can make more money -- your client can -- if
14 you have seven more or eight more, depending on which
15 structure we're talking about -- seven more units. That's
16 not a hardship within the Massachusetts law that would
17 justify the granting of a variance.

18 And then you have to say that the hardship is
19 owing to circumstances relating to the soil conditions,
20 shape or topography of such land or structures and
21 especially affecting such land and structure, but not
22 affecting generally the zoning district in which it is

1 located.

2 NICK ZOZULA: Right.

3 CONSTANTINE ALEXANDER: Again, how do you meet
4 that requirement? How do you -- what justifies us granting
5 the variance under these circumstances?

6 What you have is you need -- you want more
7 apartments in the building, you've got space that's not
8 being used in the basement, you want to put units down there
9 -- understandable. And from the business point of view it
10 makes sense.

11 But from a zoning point of view, it doesn't cut
12 it, to me anyway.

13 NICK ZOZULA: Yeah, Mr. Chair, I remember we had
14 this discussion at length in July.

15 CONSTANTINE ALEXANDER: Yes, we did.

16 NICK ZOZULA: And, you know, I think the key word
17 that we would focus on would be you just read it out --
18 would be, "or structures" right? And so, these buildings
19 are over 100 years old.

20 We -- this ownership team is working to update the
21 units and bring them up to current standards by a) putting
22 laundry in the units, doing other upkeep and maintenance,

1 building and life safety things of that nature, and that's
2 the hardship, because what that has done is by doing those
3 upgrades has triggered the Architectural Access Board
4 involvement of a 30 percent rule where you spend more than
5 30 percent of the building's assessed value, and you then
6 need to comply with accessibility. So --

7 CONSTANTINE ALEXANDER: I think that forces you --
8 again, you come back to the -- I come back to the fact that
9 you don't have to upgrade your apartment, except maybe from
10 a commercial point of view --

11 NICK ZOZULA: Sure.

12 CONSTANTINE ALEXANDER: -- and the justification
13 is, well we need to take space in the basement. That's not
14 how zoning works!

15 NICK ZOZULA: Well, if I may, Mr. Chair, I
16 understand that, but would you -- I think the city would
17 prefer to have an updated building with life safety and
18 things of modern features, not necessarily a building that -
19 - you know, folks don't want to live in.

20 I get -- I mean, I understand that, and we had
21 this discussion at length and I respect your opinion.
22 Obviously, you guys see this a lot more than we do.

1 But we're trying to comply. By upgrading the
2 building, we need to provide accessible units. And we can't
3 provide accessible units without a substantial financial
4 hardship, which is in the ordinance, as you just read, as
5 one of the standards. It would be a substantial hardship
6 and a building hardship to comply with putting those units
7 in the regular building.

8 So what we've done is we've come up with a
9 creative way to put them in the basement, which is why we
10 need zoning.

11 And I would just be remiss if I didn't state that
12 none of these zoning requirements are as a result of making
13 the building bigger, taller, wider, other than an entry
14 vestibule for accessibility. So all of this is going on
15 within the existing building footprint.

16 CONSTANTINE ALEXANDER: Yeah, but what's important
17 is --

18 NICK ZOZULA: So this variance isn't asking for
19 really any impingement upon -- they're all existing
20 conditions that we're -- we are making worse, office, with
21 the Floor Area Ratio and the parking, but they're all
22 existing nonconformities to the zoning law.

1 CONSTANTINE ALEXANDER: I know, but you're taking
2 a non -- and I'll stop and I'll move on --

3 NICK ZOZULA: Yeah.

4 CONSTANTINE ALEXANDER: You're taking a building
5 that is nonconforming substantially with regard to Floor
6 Area Ratio and you want to increase it more, make it even
7 more so.

8 Now, your argument about it is that you're going
9 to improve, upgrade an older building, that would apply to
10 every case -- that was every case we hear.

11 NICK ZOZULA: Understood.

12 CONSTANTINE ALEXANDER: We have cases that have
13 got a lot of older buildings, people want to put an addition
14 on for more living space they want to add dormers, and the
15 ordinance says you can do that, but you got to meet the
16 requirements for a variance.

17 And it's just not because -- it's not -- the case
18 doesn't end if what you're doing is upgrading the quality of
19 the structure. You also have got to meet the requirements
20 of the ordinance. And I don't see it happening here.

21 NICK ZOZULA: Well, I don't want to beat a --

22 CONSTANTINE ALEXANDER: No, please respond. I

1 don't want to drag this debate on. But that's my concern.

2 NICK ZOZULA: No, no, yeah -- no, I understand. I
3 mean, again, I don't -- you know, I don't want to beat a
4 dead horse because, again, I think we're just doing what we
5 did six months ago, but we would -- our point is we're kind
6 of stuck here between what we've been asked to do by the
7 Architectural Access Board to update the building and
8 zoning, and that's kind of where we are.

9 You know, we would state that that is a hardship,
10 and it may not be a typical hardship of topography, grade,
11 those types of things, but there is a hardship there that
12 these -- you know, that the structure itself, the shape,
13 their configuration and the outdatedness affect the
14 structure's ability, and that's not typical for every
15 building in the city.

16 But again, like you said, so -- but I guess to
17 bring it back to my initial talk was -- and intro was that's
18 why we've tried to come back to you with some of the things
19 you asked for last time, which was the affordability
20 component and the bike component.

21 And that's -- you know, that's why we're here with
22 some changes, which are in direct response to -- other than

1 what we just talked about, his we've heard last time.

2 We can't change the applicability, I'm not going
3 to make an argument, because there is no argument in terms
4 of the soil or things like that because the buildings have
5 been there for 100+ years.

6 So that's where we are. You know, as far as
7 everything else, it has not changed, other than our
8 willingness to come back with some things that we heard last
9 time, which we would hope would help the Board in making its
10 decision with some of the things we're complying with, so.

11 CONSTANTINE ALEXANDER: Okay. Again, and you're
12 correct you have responded to some of the issues that were
13 raised six months ago --

14 NICK ZOZULA: Right.

15 CONSTANTINE ALEXANDER: And of course you're also
16 right that we would not have this debate, if you want to
17 call it, six months ago --

18 NICK ZOZULA: Right.

19 CONSTANTINE ALEXANDER: -- about the legal
20 standard. But we are where we are. And I hear you, and I
21 will keep my mouth shut. I said all I'm going to say about
22 this part of your case, except when it comes time to taking

1 a vote, whether we grant you the relief you're seeking.

2 But anyway, Brendan, do you have any questions?

3 BRENDAN SULLIVAN: No. I have a lot of thoughts,
4 but not any comments or questions at this time. Okay. Jim?

5 JIM MONTEVERDE: Just a question. And this
6 relates, or -- and I think you explained this before, but
7 please refresh my memory.

8 In looking at the plans for the two different
9 buildings, I think I understand, but just so I hear it
10 correctly, when you come to your unit count total, through -
11 - for MAAB, for the Massachusetts Architectural Access Board
12 as you described, you're bound unless you seek a variance
13 from them, to provide group 2A type units, which is what
14 this is all about.

15 You're proposing to do those in the one building
16 that I'm assuming actually has -- the property line is not
17 hard against the building, so you actually have some room to
18 enter it around the perimeter and get in, and it looks like
19 you have a variance from the Architectural Access Board to
20 use a lift to do the grade transition to get to those
21 apartments, correct so far?

22 NICK ZOZULA: Yes sir, yes.

1 JIM MONTEVERDE: All right. And then I see in
2 your description the first page of the application, and
3 there's basically a note that the lower level of the
4 existing building has an existing ceiling of 7'6". In its
5 renovated condition, will that be maintained? Will you
6 still have the 7'6" ceiling in those apartments?

7 NICK ZOZULA: Rich, I don't know if you want to
8 answer that one?

9 RICHARD RANKIN: Sure, Nick. Yeah, Richard
10 Rankin, Ci Design, we're the architects for the project. As
11 I think we discussed in a little bit of detail last time, in
12 both buildings, we are actually lowering the floor level
13 within that lower level in order to get the proper clear
14 height within the units, and also to allow for the
15 distribution of the mechanical equipment in the units in
16 that lower level.

17 So the amount of work to get these units basically
18 livable at that level is going to require slab work along
19 with waterproofing of the slab and the foundation walls.

20 JIM MONTEVERDE: Okay. Because if I read this
21 correctly, I think the 16-18 Forest has existing 7'6" and
22 the opposite building has an 8'6" ceiling currently.

1 There's a difference in that ground floor at basement
2 height. Will that be -- will that difference be resolved as
3 you lower those slabs? Or --

4 NICK ZOZULA: Well, in 16-18 where we have a tight
5 -- the removal of the slab in order to get the clearance,
6 will alleviate that. And we're planning on 8'6" ceiling
7 height --

8 JIM MONTEVERDE: Okay.

9 RICHARD RANKIN: -- in the units with some
10 softening. In 17-19 we have some clear height, but with the
11 amount of plumbing under slab drainage and so on that we're
12 putting in, there's really not much slab left after all that
13 takes place. So the idea there was to replace the slab from
14 17-19 as well.

15 JIM MONTEVERDE: Gotcha. And then if I look at
16 the site plan for 17-19, if I recall from 6 months ago, the
17 discussion was there was a reason you couldn't put, or
18 didn't want to put accessible units in that building?

19 RICHARD RANKIN: In 17?

20 JIM MONTEVERDE: Yeah, correct. Why is that?

21 RICHARD RANKIN: Yeah. The main reason was that
22 it's -- you know, there's no way, it's a zero-lot line

1 building basically, and the only entrances are from the
2 courtyard side. And they don't access the lower levels,
3 where, you know, potential units may be.

4 So we don't have access. There's not a reasonable
5 way to get access to the lower level of 17-19 for
6 accessibility purposes, so --

7 JIM MONTEVERDE: Okay. That's what puts all the
8 accessible units into the 16-18 building and MAAB has
9 granted you a variance for that clustering.

10 RICHARD RANKIN: Correct.

11 JIM MONTEVERDE: Because frankly, that's one thing
12 I would never favor in -- you know, grouping them all in the
13 same location, but I see MAAB has granted that variance.

14 That said, when you go back to the Chair's
15 discussion, the hardship, the financial, the question there
16 is: We can understand architecturally what it would take to
17 do, you know, either an elevator or what it would take to
18 spared those units throughout the building.

19 Financial -- I mean, personally, I would not be
20 the one who would be able to evaluate that, because that's
21 really pro-forma in your own construction cost and basis. I
22 have no way to evaluate that.

1 Is there anything that you've presented in the
2 description here that substantiates that?

3 RICHARD RANKIN: No, I think we made a
4 presentation previously which identifies kind of our
5 situation, which is a little bit -- for the time probably
6 not so unique, but in this case, we've got four entrances
7 basically to each building, which serve four units each.

8 So, you know, that also causes kind of a problem,
9 an appliance problem. There's some firewalls and the makeup
10 of the building doesn't allow for door swing clearances and
11 push-pull clearance not that kind of thing.

12 So as far as a monetary analysis or a financial
13 analysis to show hardship, I don't believe that we've
14 endeavored to try to -- you know, figure out what that might
15 be. It's just a situation whereby the -- kind of the way
16 the buildings are configured; it just causes so much issues
17 to try to make this work.

18 JIM MONTEVERDE: Okay. You've answered my
19 question, thank you.

20 CONSTANTINE ALEXANDER: Anything further, Jim?

21 JIM MONTEVERDE: No, thank you.

22 CONSTANTINE ALEXANDER: Andrea?

1 ANDREA HICKEY: Yes. I just had one question. If
2 I could ask Counsel to just very briefly recap for me again
3 the 30 percent figure that you mentioned, and that being the
4 threshold that triggers the Architectural Access Board's
5 involvement? Just for the public and for my own
6 information, can you just briefly run through that again?

7 RICHARD RANKIN: Yes, yes, Attorney Hickey, I can.
8 I haven't looked at the this since we did this the last
9 time, and we went to the AAB.

10 But the 30 percent rule is if you are doing work
11 to a building that is more than 30 percent of the assessed
12 value of the building over, I think a certain period of time
13 -- I don't know if it was two or three years -- if you're
14 doing, you know, updates -- any type of work to a building
15 and you go over that amount, you then trigger accessibility
16 for the entire building.

17 And so, that's kind of where we were doing updates
18 and have been doing updates to the building, and, you know,
19 one way that technically somebody could get around that is
20 by just not updating the building, which stinks, right?

21 ANDREA HICKEY: Or perhaps doing it over time, vs.
22 --

1 RICHARD RANKIN: Correct.

2 ANDREA HICKEY: -- versus all at once. So that
3 was -- that was --

4 RICHARD RANKIN: Correct.

5 ANDREA HICKEY: Wanted to make sure I understood.
6 So --

7 RICHARD RANKIN: Yeah, you're right.

8 ANDREA HICKEY: -- the fact that you want, or your
9 clients want to do all of this work kind of at one time is
10 what triggers that 30 percent.

11 NICK ZOZULA: So to a certain extent, yes. You
12 know, they've been doing work, but what they've been doing
13 is, you know, my understanding is doing these updates as
14 units become naturally vacant.

15 Right, they're not forcing anybody out, they're
16 not displacing anybody, they're doing these as a unit
17 becomes vacant, and they're working with their tenants,
18 which is what --, you know, a good landlord should do,
19 right?

20 And so, some of this is that they don't control
21 that, right? You know, they are a landlord, they want to
22 make money on their building. But when a unit becomes

1 vacant, they're doing the work on it.

2 And that's part of the reason why we're in this
3 predicament is because, you know, at one point they were
4 crossing that threshold. And yeah, they could wait. But
5 then that wouldn't really work with what -- kind of how
6 they're approaching the upgrades in the building.

7 So they're trying to be cognizant of that with
8 their tenants, while also -- and again, you know, I don't
9 want to use that stuck between a rock and a hard place; you
10 can add a third thing here, which is the tenancies, and
11 making sure that they're treating everybody right.

12 And that's kind of how we got into this originally
13 with the folks at ISD and the folks at the AAB, and now with
14 you folks here with another acronym, the BZA. So --

15 ANDREA HICKEY: Right. I actually agree, you are
16 stuck a bit between a rock and a hard place, but my taking
17 that and trying to fit it into a box, you know, called,
18 "hardship" is where I'm stuck a little bit.

19 The idea that a building of this vintage in this
20 location could be made accessible is in my mind fantastic.
21 But strictly hardship I'm not there yet.

22 NICK ZOZULA: Understood. And I would just

1 respond -- and you're making some great points -- you know,
2 my understanding from talking to other folks in the city
3 again.

4 And I don't know the zoning ordinance inside and
5 out like others do, and maybe somebody's on the call, but,
6 you know, we -- we're in this here because we don't comply,
7 we're not in the Basement Housing Overlay District.

8 So this is almost a technicality. We frankly
9 should possibly be in front of the Planning Board for most,
10 if not all, of this, and if we were in the Residence B zone,
11 so.

12 ANDREA HICKEY: Right, right.

13 NICK ZOZULA: You know, again, some of this -- you
14 know, the zoning ordinance, it's a tricky beast and, you
15 know, we've learned a lot about it over the last few months
16 to come back tonight. But the Planning Board did recommend
17 approval on this back on June 30 before your July hearing --
18 you know, wanting to look at some of the things we've
19 already talked about.

20 So I guess I would just state that if we were in
21 the Residence B, we would be getting a special permit, at
22 least --

1 ANDREA HICKEY: Right.

2 NICK ZOZULA: -- that's my understanding.

3 ANDREA HICKEY: Right. Respectfully, though, as a
4 Board, we can only work with what we have as well, so --
5 thank you, Counsel, you've answered my question, I do
6 appreciate it.

7 NICK ZOZULA: Thank you.

8 CONSTANTINE ALEXANDER: Got it? I'm sorry,
9 Andrea, do you have any further questions?

10 ANDREA HICKEY: No, thank you for asking.

11 CONSTANTINE ALEXANDER: Janet?

12 JANET GREEN: No. I was just curious about what
13 the Planning Board actually said about this project. And I
14 don't have it in front of me, Gus. I'm sorry, but I have --
15 if I can get the file -- hold on, I have a copy of the
16 letter.

17 ANDREA HICKEY: Great. Thank you.

18 CONSTANTINE ALEXANDER: Let me just dig it out of
19 the file. Hold on one second. Bear with me. I was going
20 to mention that later on.

21 ANDREA HICKEY: Oh, okay.

22 CONSTANTINE ALEXANDER: There were a number of

1 letters, not only from the Planning Board, but from
2 neighbors or people in the area. But -- my goodness, there
3 are a lot of pages here. Okay. Here is the letter from the
4 Planning Board, or the -- yeah.

5 "On June 30,2020, the Planning Board reviewed the
6 above-referenced Board of Zoning Appeal cases -- " [talking
7 about both cases, of course] "-- as part of its general
8 business.

9 After consideration of these requests, and after
10 hearing testimony from both the applicant's representative
11 and the public, the Planning Board voted unanimously to make
12 a positive recommendation to the BZA on the requested
13 variances and special permits for the creation of additional
14 units in the existing basements of these two abutting
15 buildings.

16 This recommendation was made by the Planning Board
17 in alignment with the provisions set forth in the Cambridge
18 Zoning Ordinance, Section 20.630 Cambridge Zoning Ordinance,
19 Section 20.630 standards of the Basement Overlay District.

20 On balance, the Planning Board felt that the
21 creation of additional accessible units in this area --
22 studio and one-bedroom sized units, is positive. The

1 location of these in Cambridge and Porter Square is
2 beneficial due to its accessibility to both public
3 transportation and neighborhood amenities in the area.

4 The Planning Board recommends further review of
5 these requests by the Department of Public Works for
6 compliance with stormwater and sewer regulations, and the
7 Traffic, Parking and Transportation Department for impacts
8 on existing on-street and off-street parking capacity."

9 I should ask in view of this last comment from the
10 Planning Board, have you -- petitioner, have you had any
11 discussions with the DPW with regard to compliance with
12 stormwater and sewer regulation, and with Traffic, Parking
13 and Transportation for impacts on the parking?

14 NICK ZOZULA: I can speak to the second, Mr.
15 Chair. We have had discussions with TPI based on the bike
16 parking. We have been in touch with them, and we'll
17 continue to be in touch with them. That's why we proposed
18 the 50+ bike parking spaces in that regard.

19 And as the Planning Board's recommendation stated,
20 you know, we are in a very transit-oriented area.

21 So we have in touch with them. As far as the
22 first one, I don't think we have, Rich. I know we've

1 looked and we've read the Basement Housing Overlay
2 requirements with regard to the standards on backflow
3 prevention, building code and things of that nature, you
4 know, separation between the stormwater and the sanitary
5 sewer lines.

6 I know we're confident that we can comply with
7 that. We haven't had any substantive discussions with them,
8 but Rich, I don't know if you want to speak on that some
9 more as far as compliance.

10 So yes to one of them, and on the other one, we
11 are confident that we will comply, but we haven't had any
12 discussions on that front, because we just -- I don't know
13 if that would be --

14 CONSTANTINE ALEXANDER: With regard to when you
15 had the conversations, was it just with regard to the
16 biking, or was there -- were any discussions involving the
17 density, you know, the traffic impact on the on-street
18 parking?

19 NICK ZOZULA: We had some discussions on that, Mr.
20 Chair, but it was not a point of contention or a point of
21 issue. I think, you know, these units are a bunch of one-
22 bedrooms that we're proposing, two studios and 2 two-

1 bedrooms, and I think our suggestion and what we -- I guess
2 we heard more by what we didn't hear than what we heard, is
3 the way I'd put it.

4 And I think the way we're able to allay some of
5 the concerns is by adding all of that bike parking, which
6 will further the TOD, transit-oriented development type
7 nature for this building, which doesn't have any bike
8 parking now, by my understanding.

9 So we'd not only be providing 1:1 bike parking for
10 the new units, we'd be providing, you know, 40-something
11 extra for the existing units in the buildings.

12 CONSTANTINE ALEXANDER: Thank you.

13 BRENDAN SULLIVAN: [Brendan Sullivan].

14 CONSTANTINE ALEXANDER: Janet, you -- thank you.

15 BRENDAN SULLIVAN: Yeah.

16 CONSTANTINE ALEXANDER: Brendan? Yeah. Go ahead.

17 BRENDAN SULLIVAN: Yeah. Counsel, just to go back
18 a little bit -- capital expenditure of more than 30 percent
19 of the assessed value triggers the Access Board requirement.
20 And how many units would you have had to provide in the
21 existing building, existing framework? Under their formula?

22 NICK ZOZULA: I believe, Mr. Sullivan, it would

1 have been either six or seven. I don't know the percentage.
2 I know we are providing more than what is required.

3 JIM MONTEVERDE: It would be six. I think it's
4 five percent, and I think your statement is --

5 NICK ZOZULA: Yep.

6 CONSTANTINE ALEXANDER: Yeah, directly --

7 JIM MONTEVERDE: -- you have 123 existing, that's
8 --

9 CONSTANTINE ALEXANDER: -- the transcript for the
10 --

11 BRENDAN SULLIVAN: All right.

12 CONSTANTINE ALEXANDER: -- hearing six months ago,
13 six was the number that you responded to.

14 JIM MONTEVERDE: Right.

15 NICK ZOZULA: That sounds right. Yes, Mr. Chair
16 and Mr. Monteverde, it was six, and I believe we're
17 providing eight. So we're providing two extra.

18 BRENDAN SULLIVAN: So -- and this whole proposal
19 really is -- it's an exercise in numbers. You know, it --
20 numbers, and the numbers unfortunately have a dollar sign in
21 front of them, which is probably triggering this whole thing
22 is the first number is obviously the purchase price.

1 And then obviously before you get into that, I
2 would assume that the purchase price was reflective of the
3 condition of the building, and the desire of the owners --
4 new owners, developers, to allow certain capital
5 expenditures of the building to upgrade it, and also, to
6 recover their reasonable costs of that CapEx.

7 And so that then triggers, "How can we do this?"
8 And then we can [1:22:08 indiscernible] file of the Access
9 Board, and that then became unaffordable to do it within the
10 existing building.

11 And so, how do we get out of this? To sort of
12 bring it down to simple terms here. And how do we provide
13 these units? It would be horrendously expensive, I assume,
14 if the presentation is to do it within the existing
15 building.

16 And potentially it could have been a loss of
17 units, in order to reconfigure and make accessible units.

18 So there's a basement area which is underutilized,
19 and that become a natural spot to put in the required number
20 of accessible units. Is that sort of it in a nutshell?

21 NICK ZOZULA: Yes -- yeah, Mr. Sullivan, sorry, I
22 didn't mean to interrupt. Yes, that is a great way to

1 connect the dots on how we got here in a simplistic way. I
2 would just say that the AAB thresholds are not based on
3 purchase price. My understanding is it's based on the
4 assessed value.

5 BRENDAN SULLIVAN: Yeah. No, that's right.

6 NICK ZOZULA: Okay.

7 JIM MONTEVERDE: Correct.

8 NICK ZOZULA: Okay.

9 BRENDAN SULLIVAN: Your business decision is based
10 on purchase rights.

11 NICK ZOZULA: Correct.

12 BRENDAN SULLIVAN: It goes from there either up or
13 it goes down, one or the other.

14 NICK ZOZULA: Right. I mean, I think we're -- you
15 know, we don't really -- I know we've looked at the this to
16 a certain extent with Rich Rankin. I mean, when we looked
17 at the this with the Access Board, I mean we were talking --
18 my understanding was millions of dollars here to make this
19 compliant with these basement units.

20 You know, it was -- again, a financial hardship to
21 do this without -- now that was on the Access Board side,
22 which is why we're making it here, the same argument that,

1 you know, it was -- we're talking millions of dollars to
2 upgrade these with handrails and all these other things.

3 But it was really the units that came down to it
4 and how we could comply without spending -- you know,
5 millions of dollars to retrofit a 100+ year-old building.
6 And that's kind of why we're here.

7 RICHARD RANKIN: And Nick, I'll just jump in for a
8 second. So we -- for MAAB, we have to show impracticality
9 in order to get our variance.

10 And we successfully showed that it was impractical
11 to meet the letter of the law with regard to accessibility,
12 and therefore they granted us the variance based on that
13 impracticality.

14 BRENDAN SULLIVAN: And if the basement area were
15 not as it is, and allows you to put units in down there,
16 then you really become -- or do you become caught between
17 that rock and a hard place?

18 I mean, how do you satisfy them and their
19 requirement? Or you just get a waiver from them as to the
20 impracticability of providing accessible use, and you make
21 that case, and they either grant it for you or they don't, I
22 guess?

1 RICHARD RANKIN: Yeah. They've already granted
2 it.

3 BRENDAN SULLIVAN: Right. But I'm just trying to
4 say -- you know, the procedure here is that if you did not
5 have this out -- and the out is really the basement areas --
6 that you can provide accessible units. But --

7 RICHARD RANKIN: We --

8 BRENDAN SULLIVAN: Yep.

9 RICHARD RANKIN: -- yeah, no, I get -- then the
10 issue would be renovating the other units. We would not be
11 able to do that within a certain amount of time, as they've
12 been doing throughout the last few years. We'd have to stop
13 doing that and renovating them as Ms. Hickey asked. That's
14 what it is. It's the timeframe.

15 You know, you could slow down and not be
16 renovating units as quickly as they are doing, and just have
17 units stay in an outdated form and -- you know, not pull
18 permits and not trigger this. You know, there are -- that's
19 a very simplistic way of looking at it. There's nuance to
20 that.

21 But that's the main -- one of the main reasons why
22 we're here is to update the rest of the building, and do it

1 as quickly as they can. I mean, they have owned the
2 building for a few years now, and they've been doing
3 whatever work they can do up to the state.

4 But, you know, at a certain point, you can only do
5 so much. 30 percent, you know, does add up fairly quickly
6 in a building like this.

7 BRENDAN SULLIVAN: [This is Brendan Sullivan] Well,
8 again, I think the whole exercise is Number 1 to protect the
9 initial investment, and the upgrading is also to enhance
10 that investment, which is -- nothing wrong with that, I
11 guess.

12 So we are now left with we have to go buy six
13 units at 17-19 Forest, is that right? Or is it six units
14 total?

15 RICHARD RANKIN: It's seven new accessible units
16 at 16-18; that's the building on the southern side of
17 Forest.

18 BRENDAN SULLIVAN: All right, now 16 -- all right,
19 I'm sorry 16-18, how many units, accessible units do you
20 have to provide?

21 RICHARD RANKIN: Six.

22 BRENDAN SULLIVAN: We have to provide six. And

1 also, at 17 and 19 Forest?

2 RICHARD RANKIN: I'm sorry, six is the total
3 between the two buildings. Sorry, Mr. Sullivan.

4 BRENDAN SULLIVAN: That's what I'm getting at,
5 right. Is --

6 RICHARD RANKIN: I apologize.

7 BRENDAN SULLIVAN: -- that's --

8 RICHARD RANKIN: Six total.

9 BRENDAN SULLIVAN: Okay. So six total, and you're
10 providing, and you're building 15.

11 RICHARD RANKIN: Eight accessible, yes. And then
12 we're asking to do similar work on the other side, which
13 would be standard units.

14 BRENDAN SULLIVAN: All right. And yet the
15 affordable units you're only providing one in each building?

16 RICHARD RANKIN: Yes. In discussion -- in
17 reviewing the Housing Overlay and looking at that, if we
18 were to be doing this with, you know, just basically under
19 that Housing Overlay, it would be one unit per building.
20 That's what's in the Overlay District -- that's what's in
21 the ordinance.

22 BRENDAN SULLIVAN: Yeah. I would feel better if

1 you were providing more. I think that might get me to yes,
2 rather than just the one, which to me is maybe a basic
3 requirement, but it's -- to me, it's tokenism, and I would
4 like to see more.

5 Anyhow, that's money.

6 CONSTANTINE ALEXANDER: Thank you, Brendan. Any
7 further comments?

8 BRENDAN SULLIVAN: No, no.

9 CONSTANTINE ALEXANDER: I will now open the matter
10 up to public testimony, if I can find the instructions for
11 doing this. Here we are.

12 Any members of the public who wish to speak should
13 now click the icon at the bottom of your Zoom screen that
14 says, "Raise hand." If you're calling in by phone, you can
15 raise your hand by pressing *9 and unmute or mute by
16 pressing *6. So we'll just take a few minutes to see if
17 anyone wishes to be heard.

18 SISIA DAGLIAN: Yes, there are three people. The
19 first one, phone number ending 5445, you can unmute, please?
20 Okay, we'll move on to Jan Wall.

21 JAN WALL: Thank you so much. I have a question
22 about the Planning Board and the part --

1 THE REPORTER: Can you give your name and address,
2 please?

3 JAN WALL: Sure. My name is Jan Wall, and I'm at
4 20 Forest Street.

5 CONSTANTINE ALEXANDER: Okay.

6 JAN WALL: Okay. So when we were talking about
7 the Planning Board and their requirements, there was
8 something addressed about parking. And what I heard was
9 there would be more bike -- places for locking bikes.

10 What about disability parking? We haven't heard
11 anything about that. If we're going to have more affordable
12 and disability housing, don't we need to create more parking
13 for those folks? And where would that be?

14 RICHARD RANKIN: This is Richard Rankin, I can
15 jump in. What we are doing, we have a small lot, as you can
16 see, adjacent -- you're familiar with it, adjacent to 16-18,
17 with basically deeded spaces in it. Our plan is to restripe
18 that parking lot to provide two handicapped accessible
19 spaces, with access to the adjacent accessible vestibule.

20 JAN WALL: So how many affordable and disability
21 units are you again considering?

22 NICK ZOZULA: Well, there would be -- Ms. Wall,

1 those would be separate, right? There would be one IDP unit
2 in one of the buildings, and one in the other.

3 One would be an accessible -- one would be an
4 accessible IDP unit, one would be a standard IDP unit. So
5 one of the accessible IDP units would be in 16-18 Forest,
6 and we're proposing eight accessible units in that building.

7 JAN WALL: So as I understand it, there are two
8 parking spots for at least eight of those units?

9 RICHARD RANKIN: That is correct. Yeah, we're --
10 it's a -- you know, there's only so much we can do in a lot
11 with an existing building on it.

12 So, I think to Rich's point is, you know, we're
13 trying to work within the confines of what we have, and we
14 are seeking, I believe, you know, we are seeking a special
15 permit for the reduction of parking for the new units.

16 JAN WALL: I understand that. I guess I'm
17 concerned that you're adding bike accessibility while taking
18 away parking for handicaps.

19 NICK ZOZULA: No, the bike parking space would be
20 separate. It's not on the lot, it's in the building. So we
21 wouldn't be able to put vehicular parking spots where the
22 bike parking is going.

1 JAN WALL: Okay. I'm still concerned about that,
2 but thank you.

3 NICK ZOZULA: Okay. I guess the response would
4 be, Ms. Wall, that we're doing the best we can under the
5 constraints of the site and the lot with what we have there
6 for available parking. There's just only so much parking
7 available to go with it. But, you know, we --

8 JAN WALL: Exactly. That -- yeah.

9 NICK ZOZULA: -- yeah, we have looked at that --

10 JAN WALL: That's my --

11 NICK ZOZULA: -- as -- yep.

12 JAN WALL: -- that's exactly my point.

13 NICK ZOZULA: Yep. I understand. I mean, I
14 guess, you know, these are Group 2 units.

15 Rich, I mean, I don't know -- it doesn't
16 necessarily mean that, you know, an individual needing
17 handicap -- I don't know if that necessarily means that an
18 individual in these units would require an accessible
19 parking handicap parking space. I don't know the details of
20 that, we'd have to go deeper.

21 JAN WALL: But wouldn't you want that to be
22 available, if they did need it?

1 NICK ZOZULA: Yeah. And we would have two spaces.
2 But I understand -- yeah, I understand. Otherwise we'd be
3 taking spaces away from the rest of the building. But I
4 mean we can look at that further.

5 JAN WALL: Okay.

6 NICK ZOZULA: I understand your point.

7 ANDREA HICKEY: Hi. It's Andrea Hickey speaking
8 here. Sisia, is it possible to bring up a copy of the site
9 plan, just so we can see where the parking is on the lot?

10 SISIA DAGLIAN: Yes. Just going to --

11 RICHARD RANKIN: Sisia, page 2 would be a good
12 place.

13 SISIA DAGLIAN: Is that the most recent
14 presentation, or the older one?

15 RICHARD RANKIN: The most recent would be --

16 SISIA DAGLIAN: All right.

17 RICHARD RANKIN: -- it shows those spaces
18 adjacent.

19 SISIA DAGLIAN: So here. Oh, it's this lot here?

20 RICHARD RANKIN: Correct. So that indicates the
21 existing condition on the overall site plan. And the
22 enlarged plan to the right, you can see the handicapped

1 spaces and the curb cut that provide access to the
2 vestibule. So those are the two spaces that get restriped.

3 As a percentage of the total parking that we're
4 providing on site, certainly two is more than what's
5 required for new spaces.

6 JAN WALL: Thank you. I appreciate that you're
7 providing what's required, but I'm more concerned about
8 providing for what is needed. Thank you.

9 RICHARD RANKIN: Thank you.

10 ANDREA HICKEY: I'm all set with the plan. Thank
11 you, Sisia.

12 CONSTANTINE ALEXANDER: Anyone else, Sisia?

13 SISIA DAGLIAN: Yeah. So phone number ending
14 5445?

15 CLIFF SHORE: Yes, this is Cliff Shore. And I
16 actually had a question, but the Chairman addressed it. I'm
17 actually presenting next, but I did have a question and the
18 Chairman asked the question for me. So thank you.

19 SISIA DAGLIAN: Okay. Susan White? Hang on.
20 Yeah. Susan White?

21 SUSAN WHITE: Can you hear me?

22 SISIA DAGLIAN: Yes.

1 CONSTANTINE ALEXANDER: Yes.

2 SUSAN WHITE: Okay. My name is Susan White, thank
3 you for taking me for this conversation. One thing I'm
4 really surprised at, and kind of very appalled at, is why
5 there's never been a conversation on curb cut?

6 So my property -- and I'm going to say it's been a
7 situation from hell -- but my property is 50 Cross Street.
8 The curb cut is on -- the current curb cut is on Cross
9 Street, but the address to these two buildings is on Forest.
10 And in my opinion, the curb cut ought to be on Forest to
11 enter the parking lot.

12 So the curb cut as it stands now encourages people
13 coming from Mass Ave to go the wrong way down Forest --
14 sorry, Cross Street -- to enter the parking lot. So I very
15 frequently see people going down the wrong way to Cross
16 Street to enter the parking lot.

17 Because they don't want to go around the block,
18 and then going around the block would put a lot more traffic
19 onto Prentiss Street which really doesn't belong there.

20 So there's two ways to enter -- you know, this
21 whole building area. It's -- one is from Oxford, which puts
22 proper traffic pattern down Oxford and down Prentiss, and

1 then into the parking lot -- that's proper, but anything
2 coming from Mass Ave in my opinion just plain doesn't work.
3 And that's a very common entry way. So that's one issue.

4 Another issue is there's -- the property line is
5 like one foot away from my house -- obviously,
6 grandfathered, all that stuff. But the problem with that is
7 oftentimes a large vehicle cannot make the proper radius to
8 go the proper direction onto Cross Street. So therefore, it
9 encourages larger vehicles -- snowplows, dumpsters, whatever
10 -- to go down the wrong way on Cross Street, and this is
11 really unsafe.

12 So there's traffic patterns and lack of safety.
13 Thank you.

14 CONSTANTINE ALEXANDER: Thank you for taking the
15 time. Sisia?

16 SISIA DAGLIAN: Yeah. James Williamson?

17 JAMES WILLIAMSON: Yes. James Williamson, 1000
18 Jackson Place. Bear with me, I'm getting bumped off a lot,
19 because I guess I don't have a great connection here where I
20 live in North Cambridge.

21 So if I do get bumped off again, wait until I come
22 back to finish my remarks, which will be brief, and I will

1 signal that I'm done so you'll know. Thank you.

2 I'm mainly interested in the next case, but I did
3 listen with great interest to this case when it was first
4 presented, and it was very interesting to me, and I -- maybe
5 this has been addressed and someone could just clarify if it
6 has been to your satisfaction.

7 My understanding from the initial presentation was
8 that there was a question about how these two buildings were
9 being treated for purposes of meeting the requirements under
10 the Inclusionary Zoning Ordinance that if they were treated
11 as one combined entity, the number of units might be larger,
12 but if they're treated as two separate ones, they get to not
13 do as many inclusionary units.

14 Is my recollection correct? And has that been
15 addressed to the satisfaction of the Board? It certainly
16 seems to be a legitimate concern that they might be trying
17 to circumvent the purpose of the ordinance.

18 And that's it. I'm done. And I'm sympathetic to
19 what the neighbors are asking about, but that's the concern
20 that I wanted to bring up. Thank you.

21 CONSTANTINE ALEXANDER: Thank you.

22 SISIA DAGLIAN: I don't see any more.

1 CONSTANTINE ALEXANDER: Okay. I think I will
2 close public testimony. I will report that we have a number
3 of written comments on the relief being sought. There was
4 one letter in support, and there were several opposed to
5 granting the relief that's being sought.

6 And of course there is a letter -- the Planning
7 Board, as we've talked about already, has gone on record as
8 supporting the relief that's being sought.

9 So with that, I will totally close public
10 testimony, and discussion by Board members? Where do you
11 want to go from here? Usually we don't often have
12 discussion, but the cases are pretty cut and dry, and it's
13 clear -- it seems to me, that the relief should be or should
14 not be granted, and we'll go right to a vote. And I know
15 we've had a lot of questions so far, but if Board members
16 want to speak further to this, now's the time.

17 ANDREA HICKEY: Mr. Chair, Andrea Hickey speaking.
18 I'd like to ask Counsel along the lines of what Mr. Sullivan
19 raised, is there a possibility that more units could be
20 designated affordable, even though as a Board we can't
21 require that? We can certainly inquire about it. Is that a
22 possibility.

1 NICK ZOZULA: Yeah, Attorney Hickey, I'd have to
2 defer to the folks from the proponent on that. I can't
3 answer that right now for them. So I mean, no.

4 If you or somebody else from the team wants to
5 answer that, my understanding is we've looked at that and
6 that wasn't an option, based on our discussions with -- you
7 know, the folks at the CDD. We did talk with them at the
8 end of last week, and had a good meeting with them.

9 I know when we've crunched the numbers and looked
10 at things, that that wasn't necessarily something we were
11 able to do. I understand why you're asking it, obviously.

12 So, I mean, unless somebody from the team has
13 anything else to chime in on, my understanding is now, we're
14 not able to do any additional, but I don't know. Noam, I see
15 you just -- you wanted to answer, yeah.

16 NOAM KLEINMAN: Yeah. I can speak to that.

17 NICK ZOZULA: Yeah, go ahead.

18 NOAM KLEINMAN: Under the requirement, if we had
19 --

20 CONSTANTINE ALEXANDER: Excuse me a second, just
21 give your -- identify who you are?

22 NOAM KLEINMAN: Sorry, Noam Kleinman. I'm

1 speaking on behalf of the ownership.

2 CONSTANTINE ALEXANDER: Thank you.

3 NOAM KLEINMAN: If we had done 10 units per
4 building of additional units -- and my understanding we
5 would at that point be required to have one additional
6 inclusionary unit per building -- despite the fact that
7 we're not reaching either one of those 10 units, we're still
8 providing one IDP as a percentage of the project that
9 becomes a much larger percentage.

10 And we're doing so voluntarily. I don't see
11 financially how that would be viable to do more than that.

12 And to answer the question before from the public,
13 it would still be the same case if we looked at the number
14 of units of the two buildings combined or separately?
15 Because under both cases, we're already exceeding what would
16 be required if we reached that limit. So --

17 And so in our perspective, we are putting more
18 accessible units than are required. We are putting more
19 inclusionary units than are required, and in the discussion
20 with the city, we found the opportunity. They were very
21 interested in having a significant amount of bicycle
22 parking, and we found the opportunity to put more parking --

1 more bicycle parking spaces than required.

2 I think that from a financial standpoint, we've
3 reached our abilities.

4 BRENDAN SULLIVAN: This is Brendan Sullivan. Mr.
5 Kleinman, I -- in response I appreciate the fact that you're
6 providing more than what is required, but the project in
7 total is providing more than what is allowed. And that's
8 where it falls in our lap to come up with the hardship to
9 allow more than what is allowed, not what is required.

10 Following up again on Andrea, if you were to come
11 down and ask us to allow six units over those two buildings,
12 that gets you by the Barrier Board, the Access Board
13 requirement. And then you can go ahead and do the rest of
14 your renovations. It's going up to the 15 units, so you
15 have the six that you're required to provide or need to
16 provide, in order to go along with your Capital Expenditure
17 program.

18 And so, you said, okay, we will then provide one
19 additional affordable unit in each building, as sort of a --
20 you know, a little plus here. But it's the additional units
21 beyond that, the six that are -- you would have to provide,
22 and the 15 that you're requesting. I think that that nine

1 is sort of a bonus to the ownership to the developers. I
2 would like to see the city share in more of those nine
3 units.

4 NOAM KLEINMAN: If I'm --

5 BRENDAN SULLIVAN: And whether it be half that
6 number --

7 NOAM KLEINMAN: Well, I --

8 BRENDAN SULLIVAN: -- by, you know, to give -- you
9 know, you guys a benefit, but also a benefit back to the
10 city.

11 NOAM KLEINMAN: Yeah. I mean, we've worked
12 extensively on this since the previous meeting. The
13 accessible units are already a financial loss, which is why
14 we needed the additional units in order to make --

15 BRENDAN SULLIVAN: Mr. Kleinman, let me ask you
16 this question, if this Board were to deny the relief being
17 requested, what position does that put the ownership in?

18 NOAM KLEINMAN: We would have --

19 BRENDAN SULLIVAN: Where do you going forward from
20 now? If say this Board were to deny the relief being
21 requested, then what is the situation that the ownership is
22 in, the developers are in?

1 NOAM KLEINMAN: We would have to go back to the
2 Accessibility Board and see what our options are, because --
3 sorry Nick --

4 NICK ZOZULA: No, I was just going to say yeah, we
5 would have to -- we would either have to have a discussion
6 with the Accessibility Board, which has approved this
7 several years ago, and it would significantly halt any
8 updates to the building, based on our calculations in the
9 thresholds.

10 So we would -- you know, you'd have a building
11 that's 100 something years old and when this ownership took
12 over the building, they realized it was severely outdated,
13 not just the basement but the whole building.

14 And so, you would halt those updates to a certain
15 extent, and we'd have to look at the numbers, and we'd have
16 to go back to the AAB, and we'd kind of be back to the
17 beginning, which would be unfortunate.

18 BRENDAN SULLIVAN: Right. And then you could stage
19 your upgrades over time to basically not be subject to the
20 interests of the requirement of the Access Board, and that
21 would stretch out your capital program over many years, I
22 would assume, if that is correct.

1 JIM MONTEVERDE: Um --

2 NICK ZOZULA: And of course then --

3 ANDREA HICKEY: But then at the end of the day,
4 there are no affordable units and no accessible units.

5 NICK ZOZULA: But, but --

6 BRENDAN SULLIVAN: But then that, obviously, then,
7 you know, time is money, obviously, so.

8 NOAM KLEINMAN: It's not only that, but --

9 BRENDAN SULLIVAN: And again, as I said in my
10 earlier statement, this whole thing comes down to numbers,
11 and the numbers seem to have a dollar sign in front of it.

12 NOAM KLEINMAN: I agree, but it also comes to
13 people -- it comes down to people. And someone pointed out
14 earlier that we could stretch it over a longer period of
15 time, which is true. And we would be avoiding the
16 triggering the threshold.

17 However, having construction in an occupied
18 building over a long period of time is a significant impact
19 on the residential building. We've been very delicate. We
20 have to balance between we don't want to push any residents
21 out -- and we do not in any circumstances push any residents
22 out, and that's why we only do renovations when the unit

1 becomes organically vacant.

2 At the same time, it means prolonged time of
3 construction for those residents who are in the building.

4 So we're trying to balance the two. So if we
5 don't get, as you pointed out, the results we were hoping
6 for here, we would be going back to the starting line with
7 the Accessibility Board.

8 BRENDAN SULLIVAN: Okay. I'm --

9 CONSTANTINE ALEXANDER: Anyone else? Any other
10 Board members want to ask further questions, before we go
11 onto a discussion about what to do tonight?

12 [Pause]

13 I guess not. So, okay public --

14 LAURA WERNICK: Gus?

15 CONSTANTINE ALEXANDER: I'm sorry?

16 JIM MONTEVERDE: Excuse me, Mr. Chairman --

17 LAURA WERNICK: This is Laura Wernick.

18 CONSTANTINE ALEXANDER: Oh, hi, Laura.

19 LAURA WERNICK: I'm not sitting tonight, but I --

20 CONSTANTINE ALEXANDER: I'm sorry, I didn't mean
21 to cut you off.

22 LAURA WERNICK: -- I'm in the audience. Can I

1 make a comment?

2 CONSTANTINE ALEXANDER: Sure.

3 LAURA WERNICK: Well, I'll just say that many
4 building inspectors will track construction projects over
5 time and not let -- will not allow you to escape from the
6 accessibility, the 30 percent, just because the projects are
7 extended over -- individual projects are extended over time.

8 Typically they'll track that, and make sure that
9 in a single building, multiple projects over time will still
10 count toward the 30 percent.

11 So you can't escape it by stretching out the time
12 frame, most typically, I've found.

13 NOAM KLEINMAN: I think the reference is that we
14 would -- there's a three-year time frame for the amount.
15 They measure the amount spent over three years, compared to
16 the current value. So we would have to postpone any
17 projects until such time that the old projects are exited
18 from the three-year timeframe.

19 LAURA WERNICK: No, I understand. I'm just saying
20 that many building inspectors when they understand that you
21 are planning on doing a series of projects, and you're
22 extending it over time to avoid the requirement, will not --

1 will hold you to the accessibility requirement, even -- now
2 this may not be universal among building inspectors, but

3 I've certainly seen it applied where they will
4 still require the compliance, even if you're -- even if
5 you're beyond the three-year period. If they know that
6 you're anticipating on doing this over a period of time to
7 avoid the compliance, they won't allow you to do that.

8 NICK ZOZULA: Yeah. Ms. Wernick, if I may -- this
9 is Nick Zozula -- and that's what we're trying not to avoid
10 that. So you're making our point to a certain extent, so I
11 appreciate that as what we're trying to do is exactly --
12 we're not trying to skirt the rules, we're trying to comply
13 with the rules, which is why we're here in the first place,
14 so I appreciate --

15 LAURA WERNICK: Right. I appreciate that. I'm
16 supporting your --

17 NICK ZOZULA: Yeah, no I appreciate -- you are,
18 and thank you for stating it in such a simplistic way that I
19 couldn't. You're right. That is part of this process is we
20 are trying to comply and be, and they are trying to be good
21 landlord property owners, and that's part of why we're here,
22 because if they wanted to string things along or do

1 renovations without proper permits, like others do, they
2 could be doing that. And they're trying not to.

3 And again, you know, they are asking for things
4 and the city's asking for things. So there's a little more
5 nuance to that. But your point's well-taken. Thank you for
6 making it.

7 CONSTANTINE ALEXANDER: Anyone else?

8 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
9 speaking. Could you just refresh my recollection regarding
10 any Planning Board requests or requirements as a condition
11 of their support?

12 CONSTANTINE ALEXANDER: I read the letter before.
13 I can read it again, but there's no -- they just said we
14 support it. They put -- they wouldn't -- the only condition
15 was that they wanted the petitioner to have conversations
16 with the Traffic Department and with the DPW.

17 ANDREA HICKEY: Okay.

18 CONSTANTINE ALEXANDER: And the report was that
19 they had some discussions with the Traffic Department on one
20 or two issues, and nothing with the DPW. Did I get that
21 right, petitioner?

22 NICK ZOZULA: Yes, sir, that is correct. Yeah.

1 They asked us to come to you because it was under your
2 purview. They asked us to look at those things, which is in
3 line with what you've asked us to look at, and we've done
4 so. So we would suggest we're complying with the
5 recommendation in their suggestions when they made it, you
6 know, seven months ago.

7 ANDREA HICKEY: Thank you.

8 BRENDAN SULLIVAN: This is Brendan Sullivan. If
9 you had come down before us with the -- your scenario of
10 events, and your requirement to provide six accessible units
11 over these two buildings, and practicality is -- or it's
12 impractical to put them in the existing structure/

13 And so consequently putting them in the basement
14 is what makes practical sense, economic sense, and that was
15 before us, I could support that, because I think you really
16 -- again, in that situation it was an old building, and you
17 need to upgrade it on and on and on.

18 If the proposal coming before us was a lot
19 simpler, and you just wanted to put in nine additional units
20 over the two buildings, and the reason was we want to
21 provide additional housing, I wonder how the Board would
22 receive that with the -- again, statutory requirements of

1 the ordinance, and also, the statutory requirements for
2 providing a hardship.

3 And so, I'm looking at it two different ways. I
4 could very easily approve the six units to get you where you
5 need to be with the Access Board, so that you don't have to
6 incur some financial hardship in converting the existing
7 building.

8 It's those other nine units that I get hung up
9 with that is I think a plus to you guys. I think that it
10 helps fuel some of the renovations and what have you, which
11 obviously is an investment back to you.

12 But I also think that the city needs to benefit
13 from those additional nine units in some other way than just
14 -- again, I think it's tokenism, I'm just saying we'll
15 provide one. Let's give them something -- let's give them
16 one in each building. I think it can be a little bit more
17 to the city and maybe a little bit less from you guys.

18 So I'm not prepared to vote to grant you the
19 relief on the specific proposal in front of us.

20 CONSTANTINE ALEXANDER: I might -- this is the
21 Chair -- I might add on to what Brendan has said, and I
22 concur with his views. I'm very troubled by the relief

1 being sought -- more so from a legal point of view, as to
2 whether you meet the requirements for a variance, as
3 required by law.

4 But I do have a problem. And Brendan has a
5 problem. And as you well know, two problems are enough to
6 deny relief, because you have to get four folks to get the
7 variance you're seeking.

8 So where are we? We can go to a vote, but if we
9 do go to a vote, and the vote -- you don't get the relief
10 you're seeking, you can't come back before us for two years,
11 except with a completely -- not completely, but a
12 substantially different project than you're proposing
13 tonight.

14 And we have to go through a procedure where we
15 have to agree that substantially different -- those are not
16 the exact words, I'm paraphrasing -- and the Planning Board
17 has to agree and then when that is done, we'd then vote on
18 your new proposal.

19 NICK ZOZULA: Understood. I mean, Mr. Chair, this
20 is the Attorney Again.

21 CONSTANTINE ALEXANDER: Yes.

22 NICK ZOZULA: You know, I mean, to Mr. Sullivan's

1 point, you know, I think what he is proposing is a
2 completely different project than what we're proposing now.
3 He's not wrong in that we're asking to build the units in
4 the other building that are not necessary in order to allay
5 some of the costs of making all these changes to make the
6 other building accessible.

7 You know, we have not looked at doing a six-unit
8 project only. I don't know if Noam and his team are willing
9 to or able to make that decision tonight without looking at
10 it in more detail, and, you know, I will just state that I
11 understand your concerns, we made our best argument as we
12 could.

13 And, you know, at the end of the day, what we
14 think we're doing is still bringing a benefit to the city
15 and we point back to the Planning Board as agreeing with us.

16 But I don't think anything that I'm going to say
17 is going to convince you otherwise based on the project in
18 front of you right now. So yeah, I don't know if there's
19 any -- besides, you know, providing some changes on the
20 spot, which I don't know if we're able to do, you know,
21 we're not --

22 CONSTANTINE ALEXANDER: But I don't think we need

1 to do that -- just continue -- what we do is continue the
2 case again. And you can -- you know, with the benefit of
3 time, you can reflect on what you've heard and come up with
4 a variation of what you're proposing tonight.

5 NICK ZOZULA: Okay. I mean, I would prefer that
6 over denial, of course. [Laughter] But, you know, when we
7 can look at that harder and we've -- again, we've heard even
8 more specific feedback on what would be a supportable
9 project from -- you know, at least Mr. Sullivan, so, you
10 know, we can certainly look at that.

11 And again, you know, unless we can make that
12 decision here, which I don't know if we're able to even do,
13 you know, I don't think we can answer any of those questions
14 -- you know, at this point in time.

15 So I mean, unless Noam, you have something that
16 you wanted to say, we would just ask for a continuance.

17 NOAM KLEINMAN: Yeah. The only thing I can say is
18 that it would change the economics significantly when that
19 would -- for one, the six -- the minimum six units would not
20 give us an opportunity to do any inclusionary units.

21 So, you know, it's not like we can do six units
22 and accessible, and also, make them -- two of them

1 inclusionary. So we're losing some of that.

2 I mean, the additional units are there to fund the
3 accessibility and the significant changes, not just to the
4 units but to the infrastructure and surrounding of the
5 building, in order to allow us to do accessible. So you
6 need to have a new entrance, a secondary entrance, et
7 cetera, et cetera. It's --

8 And so, the other units were financing it. I
9 can't speak as to if we will be able to make a six-unit
10 accessible, and I can't speak to if the city, what is the
11 interest of the city in terms of adding housing, adding
12 accessible units, adding inclusionary units?

13 The only thing I would say is if we come back, I
14 don't even know if we would come back with the six units,
15 because I don't know if we can make it work. It would be a
16 bigger -- probably financially better to go back to the
17 Accessibility Board and say we're back in Ground Zero and
18 find some other solution through them, maybe a variance on
19 their end.

20 And we end up with a number of units in the
21 building, but have not been upgraded in over 80 years, and,
22 you know, then some of the units that we would have there

1 would be in -- you know, obviously functional, safe,
2 condition, but definitely not what I would imagine would be
3 something that we or the city would want to have.

4 CONSTANTINE ALEXANDER: All right. If I may,
5 you're approaching this entirely from a financial point of
6 view. And you have your numbers that you want to get, how
7 much money you want to make on the retro units, and we're
8 saying -- I guess some of us are saying -- that you've got
9 to have to go back and maybe take a haircut (sic) on what
10 you want to get after this is all over, if you want to make
11 the changes.

12 We're concerned -- at least Brendan and I -- that
13 there's not enough -- the city is not getting as much
14 benefit as it should get from what is being proposed.
15 You're also -- you're going to -- you're going to upgrade
16 the property, but you also got to put some money in your
17 pocket, as well from the financing of this whole thing. And
18 this is something we want -- we're saying maybe you should
19 share with the city, to some extent.

20 That's the very simplest, simple and simplistic
21 way I can describe it. But it's your call. You can go
22 ahead with the vote tonight, or an up or down, or you can

1 continue and cut back, by the way, if we continue, and make
2 the same -- the case for the same relief you're seeking
3 tonight, but on a different basis.

4 You've heard a lot over two sessions Board
5 members' views on this. Maybe you want to reflect on that
6 and then decide what you want to do. And if you don't do
7 that tonight -- you know what you've got to do -- you're not
8 going to get the relief you're seeking.

9 BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.
10 I think I would endorse what the Chair just said, and I
11 think it's going to require a roundtable discussion on your
12 part to -- what you can do and what you're willing to do,
13 and what you're not willing to do, and then come back to us
14 with basically another bottom line.

15 I would propose that we delay this for -- you
16 know, maybe no more than a month. I think your discussions
17 are going to take just a few days. But anyhow, that would
18 be my suggestion.

19 CONSTANTINE ALEXANDER: Well, I would -- yeah, we
20 would get to -- if we are going to continue -- if we think
21 we want to continue, you got to tell us how much time you
22 think you need, and then by law we have to have the same

1 five members who were on the call tonight, and were on the
2 call several months ago be available for that time.

3 So starting with you, if you -- if we are going to
4 continue the case, if you want to request the continuance,
5 what date do you want to continue it to?

6 NOAM KLEINMAN: So I think we need to discuss it,
7 because this will require a reworking of the architectural
8 plan, and it's not something that can be done overnight.

9 CONSTANTINE ALEXANDER: It's your call. Just, you
10 know, you have -- you got to tell us how much time you think
11 you need to deliver a response to the points that have been
12 raised tonight. Two weeks? Three months? Whatever. And
13 then we'll -- step 2 will be does that work for the five
14 members on the Board tonight?

15 So how much time do you think you need?

16 NOAM KLEINMAN: I don't know. Really -- Rich --

17 NICK ZOZULA: Yeah, Rich, how long do you think, a
18 couple months?

19 RICHARD RANKIN: Well, it's difficult to say. If
20 we're looking at six units in 16-18, you know, I think
21 putting units together is going to take some time and some
22 planning, and we've got to figure out what makes sense. We

1 have two new entrances, which, you know, to try to spread
2 that cost over six units is -- you know, it's a challenge at
3 some level.

4 I would say, you know, if we did a two-month, we
5 could figure that out. I think a month is going to not be
6 doable. If we took a two-month --

7 CONSTANTINE ALEXANDER: You decide, and then we'll
8 --

9 NICK ZOZULA: Yeah, let's --

10 CONSTANTINE ALEXANDER: We'll [work with] that
11 date.

12 NICK ZOZULA: -- do two months.

13 CONSTANTINE ALEXANDER: Two months?

14 NOAM KLEINMAN: No, let's do three months, because
15 it's too months for Rich to design, and then we have to
16 figure out the economics.

17 CONSTANTINE ALEXANDER: I think it would be
18 advisable to be very conservative. And I think three months
19 -- my sense -- would be better than two months, and
20 certainly better than one months.

21 So three months from now --

22 NOAM KLEINMAN: Three months.

1 CONSTANTINE ALEXANDER: -- roughly is -- I'm
2 sorry?

3 NOAM KLEINMAN: Three months, please?

4 CONSTANTINE ALEXANDER: Three months. Okay,
5 Sisia? We've got to look in our calendar. One second.

6 SISIA DAGLIAN: Well, that would -- the second
7 meeting in April is April 22. There's an April 8,22 and
8 then May 13.

9 CONSTANTINE ALEXANDER: April 22? Roughly -- it's
10 obviously three months' from now?

11 SISIA DAGLIAN: Yeah.

12 CONSTANTINE ALEXANDER: Does April 27 -- let me
13 ask other members of the Board -- is everybody available?
14 Brendan? April 22?

15 BRENDAN SULLIVAN: Yes. Brendan Sullivan yes.

16 CONSTANTINE ALEXANDER: Yes. Jim?

17 JIM MONTEVERDE: Jim Monteverde, yes.

18 CONSTANTINE ALEXANDER: Andrea?

19 ANDREA HICKEY: Yes, I'm available.

20 CONSTANTINE ALEXANDER: Janet? I'm sorry, Janet
21 is off. Laura, I apologize. Laura?

22 SISIA DAGLIAN: No, it's Janet.

1 ANDREA HICKEY: No, it is Janet.

2 JIM MONTEVERDE: No, it's Janet.

3 BRENDAN SULLIVAN: Janet is on this.

4 JIM MONTEVERDE: Janet.

5 CONSTANTINE ALEXANDER: All right.

6 JIM MONTEVERDE: She's muted.

7 ANDREA HICKEY: I don't even see her.

8 SISIA DAGLIAN: She's on.

9 JIM MONTEVERDE: No, she's there. I see her.

10 Janet, you just have to unmute yourself.

11 JANET GREEN: Hi, sorry.

12 JIM MONTEVERDE: There you go.

13 CONSTANTINE ALEXANDER: Okay. And the Chair is
14 available as well. So, we have to go through the procedures
15 for continued -- continuing this case. April 22 work for
16 you folks?

17 NICK ZOZULA: Yes, sir.

18 CONSTANTINE ALEXANDER: Okay.

19 NOAM KLEINMAN: Yes. Thank you.

20 JANET GREEN: April what? 20 what?

21 ANDREA HICKEY: Twenty-second.

22 CONSTANTINE ALEXANDER: Twenty-second.

1 JIM MONTEVERDE: Twenty-second.

2 CONSTANTINE ALEXANDER: 22.

3 JANET GREEN: That would be on -- okay, yeah. I'm
4 available.

5 CONSTANTINE ALEXANDER: Okay. The Chair moves
6 that we continue this case until 7:00 p.m. on April 22,
7 subject to the following conditions:

8 The first has already been satisfied, and that is
9 a waiver of time for decision. And you did that in
10 connection with the -- tonight's case.

11 The second is that you will need a new posting
12 sign with the new date and the new time both, and it has to
13 be maintained for the 14 days required by our ordinance.

14 And lastly, to the extent that you're going to
15 commit, present modified plans, financial information,
16 modifications to your application, those changes must be in
17 our files no later than -- DPW files -- no later than 5:00
18 p.m. on the Monday before April 22. Those are the three
19 conditions. Brendan?

20 BRENDAN SULLIVAN: Yes, on the motion to -- yes,
21 to continue.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde, yes to continue.

2 CONSTANTINE ALEXANDER: Okay. Andrea?

3 ANDREA HICKEY: Yes, in favor of continuance.

4 CONSTANTINE ALEXANDER: Janet.

5 JANET GREEN: Yes, in favor of continuance.

6 CONSTANTINE ALEXANDER: Okay. And the Chair is in
7 favor as well.

8 [All vote YES]

9 So the case is now continued until April 22.

10 Thank you.

11 NOAM KLEINMAN: Thank you all for your time.

12 We'll see you in a few months. We'll take a look.

13 COLLECTIVE: Thank you.

14 NOAM KLEINMAN: We'll be back in a few months.

15 We'll take a look at your comments. Thank you everybody.

16 We do appreciate it.

17 ANDREA HICKEY: Do we have to also address the
18 next case at this time, the special permit?

19 CONSTANTINE ALEXANDER: We're going to continue
20 the whole case. I'd rather --

21 ANDREA HICKEY: They're separate case numbers, so
22 I think we have to do it separately.

1 ALISON HAMMER: Aren't they?

2 CONSTANTINE ALEXANDER: No. The special -- we
3 have -- each property is a separate case number. Within
4 that case number, each time they're seeking two forms of
5 relief.

6 ANDREA HICKEY: Okay.

7 CONSTANTINE ALEXANDER: The variance and a special
8 permit.

9 ANDREA HICKEY: Right. So we don't also have to
10 continue the special permit case specifically?

11 CONSTANTINE ALEXANDER: No, no, you just continue
12 the case itself.

13 ANDREA HICKEY: Understood. Thank you.

14 CONSTANTINE ALEXANDER: I think we're done on this
15 case. Thank you. Good luck.

16 COLLECTIVE: Thank you.

17 CONSTANTINE ALEXANDER: Thank you, again.

18 All right. We have one more case on our agenda.
19 And who's sitting on this one, Sisia? Is it still Janet?

20 SISIA DAGLIAN: Yeah. She said she'd sit on it,
21 because --

22 BRENDAN SULLIVAN: This is a case not heard.

1 CONSTANTINE ALEXANDER: Yeah, it's a case not
2 heard, I know.

3 SISIA DAGLIAN: Yeah.

4 CONSTANTINE ALEXANDER: I just want to see whether
5 --

6 ANDREA HICKEY: Hi, this is Andrea. I am not on
7 this case, I believe.

8 BRENDAN SULLIVAN: It's a case not heard.

9 CONSTANTINE ALEXANDER: Case not heard, Andrea.

10 ANDREA HICKEY: Right, right. But I did let Maria
11 know I wasn't available for the last case.

12 SISIA DAGLIAN: Okay. So Laura's here, and Janet
13 is here.

14 LAURA WERNICK: Yeah. And I'm sitting in for her.

15 SISIA DAGLIAN: Yeah. Okay.

16 ANDREA HICKEY: Great. Thank you. Goodnight,
17 everyone.

18 JIM MONTEVERDE: Goodnight.

19 COLLECTIVE: Good neighbor, Andrea. Thank you,
20 Andrea.

21 ANDREA HICKEY: Thank you.

22 [Andrea Hickey leaves.]

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(8:24 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick and Janet
Green

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017219 -- 544 Massachusetts Avenue. Anyone here
wishing to be heard on this matter?

SISIA DAGLIAN: He has to unmute?

CONSTANTINE ALEXANDER: Sorry?

SISIA DAGLIAN: There we go.

CLIFF SHORE: Hello?

CONSTANTINE ALEXANDER: Hello.

CLIFF SHORE: Yes, this is Cliff Shore. How are
you. I also have you on Zoom, but unfortunately, I think
I'm going to have to use audio here, because it's not
connecting via Zoom.

SISIA DAGLIAN: Okay.

CONSTANTINE ALEXANDER: Okay, if we -- as I
understand this case, you wish to continue this case, is
that correct?

CLIFF SHORE: Yes. If I may, I would like to

1 thank the Chairman and the Board for hearing us again.

2 And I did read some ex-parte comments from the
3 transcripts of the last meeting, which I didn't attend,
4 where I had asked for a continuance. And I just would like
5 to address those briefly. I know that we'll be back, as I
6 mentioned --

7 CONSTANTINE ALEXANDER: No, sir, I don't want to
8 get into a discussion of the case.

9 CLIFF SHORE: Okay.

10 CONSTANTINE ALEXANDER: That causes problems for
11 us. It makes this a case heard. We've got to find five --
12 the same five people present, and since we're not going to
13 make any decisions tonight anyway --

14 CLIFF SHORE: Okay.

15 CONSTANTINE ALEXANDER: -- I suggest you save
16 those comments for the next time you appear before us. I
17 would say to you, though, that I don't think our Board
18 should be hearing this case until after you run through the
19 zoning process. And I believe that you're planning to do
20 that, and you have started that as well. Am I correct?

21 CLIFF SHORE: Yes. Yes, you are correct. And I -
22 - shall I update you on that process or is that not

1 relevant?

2 CONSTANTINE ALEXANDER: That's okay. Particularly
3 it's the timing; how long you think before you'll be through
4 the process.

5 CLIFF SHORE: Okay. So we -- one of the major
6 issues was the tenancies in the building, and we have -- as
7 you recall -- a large number of the dance community attended
8 our first meeting to object to our plans.

9 We have subsequently worked with the dance
10 community in the building for six months and have resolved
11 that issue. We have paid the tenancy to relocate. We've
12 helped them relocate, and therefore now we are stepping
13 before the Planning Board. We will need until April, we
14 believe, to conclude that effort, and then we would like to
15 return to you. And if April 22 or 8 is available, we would
16 be happy to do that.

17 CONSTANTINE ALEXANDER: April 22 is three months.
18 That's fine. We know all five members can make it. We know
19 Andrea is not on. We only have four, so --

20 SISIA DAGLIAN: It's unheard, so it doesn't
21 matter. It hasn't been heard, so it --

22 CONSTANTINE ALEXANDER: What?

1 SISIA DAGLIAN: It hasn't been heard, so --

2 CONSTANTINE ALEXANDER: I know. So we don't have
3 to worry about who's going to be here. So I'll make a
4 motion. The Chair moves that we continue this case as a
5 case not heard until 7:00 p.m. on April 22, subject to the
6 following conditions:

7 The first has already been satisfied; a waiver of
8 time for decision, and you've done that in connection with
9 past continuances.

10 JAMES WILLIAMSON: I'm sorry, Mr. Chairman?

11 CONSTANTINE ALEXANDER: Yes.

12 JAMES WILLIAMSON: I just -- this is James
13 Williamson again, and -- because I, you know, went out of my
14 way to be here for this case and didn't understand that it
15 was going to be continued and notified parties of interest.
16 Can you explain -- can someone explain how many continuances
17 can there be?

18 Because it begins to be -- you know, kind of
19 disruptive because we don't find out until 48 -- it doesn't
20 get posted until, like, 48 hours ago that the continued case
21 -- some people may have been alerted, other people may not
22 have been. So I just -- first of all, I'd like to

1 understand how many continuances can there be?

2 And also, not only the Planning Board but there's
3 material in the application having to do with the Historical
4 Commission, and if Cliff could speak to the status of -- his
5 understanding of where things stand with the Historical
6 Commission, that would I think would be appreciated.

7 And finally, Cliff did mention the issue of the
8 tenants. And I was aware of the negotiated settlement with
9 Studio 550. There is still possibly an outstanding issue
10 with the other tenant of interest, the Center for Marxist
11 Education.

12 And did he have anything to add since he spoke
13 about the other tenant, if he had anything to add on where
14 things stand with let's call it the Center?

15 CONSTANTINE ALEXANDER: Okay. I'll try to answer
16 your question -- at least tell me your question. As to how
17 many continuances? It's completely discretionary on the
18 part of the Board. We have a rule of thumb but it's a rule
19 of thumb that if we feel that no more two.

20 But that's in situations where we're -- we start
21 to believe we're being strung along, and there's no good
22 reason for further continuance.

1 We will go over that rule of thumb or two for this
2 petition. But there are ample reasons why it's appropriate
3 and necessary. I think the only thing, my comment would be
4 the petitioner originally for the zoning relief is
5 premature, unfortunately. But that's how we -- you learn
6 from life.

7 I think you need -- personally -- I think
8 personally you need planning relief for starters. There may
9 be -- you may need to have an amendment to the zoning laws,
10 to get the relief you're seeking.

11 Because you're talking about creating micro
12 housing, which -- and if we grant it here, I'm again
13 speaking off the record -- what's to stop someone from
14 another part of the city wanting to do it?

15 And what are the rules and requirements? How big
16 can the apartment be? How small must it be? Should I have
17 parking? Probably not, but those -- we need an Overlay
18 District. This creates an Overlay District for micro studio
19 apartments. And that needs planning.

20 Because if you come before us without that, I
21 think the chances of getting the zoning relief you're
22 seeking are not very good. That's a personal opinion, not

1 an official opinion of the Board. That's the best I can do
2 for you. But I think -- I think this process has started
3 all the wrong way, and we're in the middle of it, and we've
4 got to proceed to the end.

5 And hopefully in three months, all these issues
6 can get resolved. If not, we may have to continue it
7 further, assuming the petitioner wants to continue to do
8 that.

9 But I think our patience -- my view is -- our
10 patience with regard to this case is ample. It's an
11 interesting and important issue. And we've got to get it
12 done right.

13 Does that answer your question?

14 CLIFF SHORE: Well yeah, that's helpful. And the
15 Historical Commission and the status of the other tenant in
16 the building?

17 CONSTANTINE ALEXANDER: The Historical Commission
18 is -- from our point of view, only from the zoning point of
19 view -- is very helpful to us. It is not required. We've
20 granted zoning relief, for example, in situations that go
21 contrary to what the Historical Commission would like to see
22 done. Not often we do that, but it has been done. We have

1 the right to do it. And it'll depend upon the facts and
2 circumstances when the case comes before us.

3 As for the issue with the tenants, that's not a
4 zoning issue.

5 JAMES WILLIAMSON: Right, I get it, except that
6 Cliff did speak to it, and it was mentioned in the letter
7 that's in the file. And it is -- it's of interest. For
8 example, perhaps some of that's been resolved, and people
9 don't need to be -- you know, engaged anymore if there's
10 been -- you know, to the extent there may be a satisfactory
11 resolution.

12 But also, my understanding from looking at the
13 case file with the Historical Commission is not that it's
14 necessarily what's going to happen before you as whether or
15 not there's -- this is I'm just asking Cliff while he's
16 here, and because of what's in the case file that's sort of
17 ambiguous -- is it Cliff's understanding that it will come
18 under the jurisdiction of the Historical Commission because
19 they list different categories of, "demolition" - partial
20 demolition, significant interior demolition?

21 So it would be useful to know from Cliff if he
22 knows whether it's his understanding that there will have to

1 be some, or if there maybe already has been review by the
2 staff, or whether it may yet be determined that it has to go
3 before the Historical Commission as some form of--quote,
4 unquote-- "demolition.

5 And of course I'd appreciate it if he has anything
6 to say, if the Chair would allow, about the other important
7 tenant who's been involved since the beginning.

8 CLIFF SHORE: If I may, Mr. Chairman, I can
9 address those pretty quickly. The Center for Marxist
10 Education, we have created after the first meeting and we
11 learned about their sensitivities, we've created a basement
12 meeting space for them with library that they will continue
13 to have access to.

14 We've also reduced their present rent to a
15 peppercorn as it were, until, you know, COVID is over.

16 JAMES WILLIAMSON: \$700, I think.

17 CLIFF SHORE: No, no, no, it went down.

18 JAMES WILLIAMSON: Oh, even more.

19 CLIFF SHORE: \$400.

20 JAMES WILLIAMSON: Oh.

21 CLIFF SHORE: And basically, we are accommodating
22 them until COVID is over, because they can't hold their

1 meetings. So yes, we have -- and we are in extended
2 conversations with them. We will accommodate them with a
3 new --

4 JAMES WILLIAMSON: Sounds good.

5 CLIFF SHORE: -- community meeting space. And
6 James, you have my mobile number, so you're welcome to call
7 me any time you'd like to address the HDC, or the Historic
8 District folks.

9 We did meet with them first, and they have
10 endorsed the plan the way that we proposed it, and part of
11 our hardship here, not related to zoning relief hardship,
12 which I can speak to at the next meeting, but part of our
13 hardship here is that we're dealing with a very frail
14 building that is not particularly historically significant.
15 It's built in 1906 and it's basically in need of complete
16 redo.

17 But yes, that has been addressed.

18 CONSTANTINE ALEXANDER: I'd actually --

19 JAMES WILLIAMSON: Well, thank you, very much.

20 CONSTANTINE ALEXANDER: -- want to continue this
21 case.

22 JAMES WILLIAMSON: And I -- and this came up

1 quick. I mean, I would only notice this today because of
2 the way, and I think it would be great if the staff for the
3 BZA could somehow -- there could be an arrangement where
4 continued cases, the public have a chance to learn about
5 them, about when they're going to be heard a little sooner
6 than just 48 hours before they happen.

7 Because I didn't really -- I didn't know about
8 this until I happened to look and just --

9 CONSTANTINE ALEXANDER: We gave 48 hours.

10 JAMES WILLIAMSON: -- and just saw it there and
11 then checked the agenda and saw that you were on the agenda
12 for tonight.

13 So anyway, that -- it's just a suggestion maybe, a
14 change in how that's managed by the staff if that's -- it
15 seemed like it might be a doable thing. It would certainly
16 be helpful to the public and thanks. And I appreciate,
17 Cliff, what you were saying about your arrangement with the
18 Center.

19 CONSTANTINE ALEXANDER: The use of 14 days' notice
20 to the public, I don't think it's a matter of statute, I
21 think it's a matter of our rules. It's the rules we've had
22 for at least 20 years, and no one's had a problem with that.

1 JAMES WILLIAMSON: No, no, it might be noticed in
2 the paper Gus --

3 CONSTANTINE ALEXANDER: Say it again?

4 JAMES WILLIAMSON: -- you know, not everybody
5 checks legal notices religiously, I certainly don't -- but
6 it's also -- and there may be a posting on the side of the
7 building which, you know, if you don't happen to go by --

8 CONSTANTINE ALEXANDER: That's another issue.

9 JAMES WILLIAMSON: But it's the online posting
10 that I'm interested in, that you don't see it on the
11 calendar for the city for the Board of Zoning Appeal until
12 two days before it's actually been scheduled.

13 And I just think that -- maybe that could be
14 matched, that could be -- you know, managed so that it
15 matches the 14-day notice that you're talking about.

16 CONSTANTINE ALEXANDER: All right.

17 JAMES WILLIAMSON: That's a consideration for pro-
18 bono publica.

19 CONSTANTINE ALEXANDER: We'll take that under
20 consideration.

21 BRENDAN SULLIVAN: So noted.

22 CONSTANTINE ALEXANDER: And by the way --

1 JAMES WILLIAMSON: Anyway, thank you.

2 CONSTANTINE ALEXANDER: -- with the posting sign,
3 there's been problems in the past with whether the sign has
4 been properly posted. It has to be on the property that's
5 the subject of the case; not down the street, not adjacent,
6 it's got to be on the building -- on the doorway, a window...
7 but it's got to be -- it's got to be visible, and it's got
8 to be -- well, there are the requirements but your building
9 -- this building that's initially here will meet those.

10 So that's there. That's how it works. Post --
11 and you have 14 -- people have, who walk by will see it for
12 14 days, they'll read about it in the newspapers, in The
13 Cambridge Chronicle, what have you, that this case is coming
14 up with a date. So it's not 48 hours.

15 JAMES WILLIAMSON: No, no. I'm talking about the
16 online. I -- Gus, I get what you're saying and I appreciate
17 that. As far as I know, they complied with those notice
18 requirements.

19 What I'm talking about is for people who don't
20 happen to be walking by the building, the main way you can
21 find out about these things -- specifically the continued
22 cases, for some reason are not posted online.

1 The online calendar, which especially now with COVID
2 and everything else, which is our -- you know, we always
3 reach for that as our justification for every argument, but
4 -- the online posting for the city calendar and the BZA
5 calendar for continued cases specifically does not happen
6 until 48 hours before the date of the hearing. And that's
7 what I'm talking about.

8 And it seems like that's something that could be
9 improved or adjusted so that it matches the things that
10 you're describing --

11 CONSTANTINE ALEXANDER: I get it.

12 JAMES WILLIAMSON: -- which I think are adequate.

13 CONSTANTINE ALEXANDER: Let me raise the --

14 JAMES WILLIAMSON: It's just -- you know, it's
15 just one additional -- it's just the online calendar listing
16 of the continued cases.

17 CONSTANTINE ALEXANDER: Fair enough.

18 JAMES WILLIAMSON: But anyway, thank you for --

19 CONSTANTINE ALEXANDER: I will raise it --

20 JAMES WILLIAMSON: -- hearing me.

21 CONSTANTINE ALEXANDER: -- I will raise this with
22 the staff of the Inspectional Services Department that we go

1 on -- that when we have a continued case, put the posting of
2 the date for the continued case to be heard will be 14 days,
3 that the signage has got to be done.

4 JAMES WILLIAMSON: Thank you very much. That
5 would be extremely helpful.

6 CONSTANTINE ALEXANDER: I'll pursue it. I can't
7 say I can guarantee it, but I'll pursue that with the --

8 JAMES WILLIAMSON: I've got it.

9 CONSTANTINE ALEXANDER: -- Inspectional Services
10 Department.

11 JAMES WILLIAMSON: Got it. Thank you.

12 BRENDAN SULLIVAN: Okay. On the motion to
13 continue?

14 CONSTANTINE ALEXANDER: Oh, yeah, we have the
15 motion -- I make the motion --

16 BRENDAN SULLIVAN: Brendan Sullivan, yes to
17 continue.

18 JANET GREEN: Janet Green, yes to continuance.

19 CONSTANTINE ALEXANDER: Janet. Jim?

20 JIM MONTEVERDE: Jim Monteverde, yes to continue.

21 CONSTANTINE ALEXANDER: And?

22 LAURA WERNICK: Laura Wernick --

1 JIM MONTEVERDE: Laura.

2 LAURA WERNICK: -- yes to continue.

3 CONSTANTINE ALEXANDER: The case is -- and I vote
4 yes as well.

5 [All vote YES]

6 The case is continued until 8 -- I'm sorry, 7:00
7 p.m. on April 22.

8 CLIFF SHORE: Thank you, Mr. Chairman.

9 CONSTANTINE ALEXANDER: Thank you!

10 JAMES WILLIAMSON: And thanks for indulging my
11 questions.

12 CONSTANTINE ALEXANDER: That's fine. That's what
13 we're here -- what we get paid the big money for, to sit
14 here and do this. All right, thank you very much and thank
15 my fellow Board members for sitting through this case, all
16 the cases. Goodnight.

17 COLLECTIVE: Goodnight, bye-bye.

18 [08:26 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.

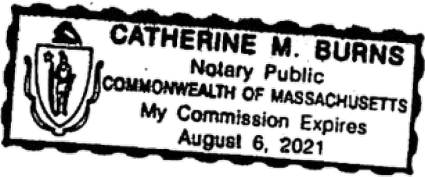
I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 3rd day of February, 2021.



Notary Public

My commission expires:
August 6, 2021



A				
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