

February 25, 2021

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 25, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Matina Williams

Jason Marshall

City Employees

Sisia Daglian



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transcripts@ctran.com

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

2 \* \* \* \* \*

3 (6:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Andrea A. Hickey, Matina Williams and  
6 Jason Marshall

7 CONSTANTINE ALEXANDER: I'm going to welcome  
8 everybody to our meeting of the Cambridge Board of Zoning  
9 Appeals. My name is Gus Alexander, and I am the Chair.

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

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

22 All Board members, applicants, and members of the

1 public will state their name before speaking. All votes  
2 will be taken by roll call.

3 All members of the public will be kept on mute  
4 until it is time for public comment. I will give  
5 instructions for public comment at that time, and you can  
6 also find instructions on the city's webpage for remote BZA  
7 meetings.

8 Generally, you'll have up to three minutes to  
9 speak, but this could change up or down depending on the  
10 circumstances. I'll start by asking the Staff to take Board  
11 member attendance and verify that all members are audible.

12 SISIA DAGLIAN: Matina Williams?

13 MATINA WILLIAMS: Present.

14 SISIA DAGLIAN: Jason Marshall?

15 JASON MARSHALL: Hi, Sisia. It's Jason Marshall,  
16 here.

17 SISIA DAGLIAN: Okay. Andrea Hickey?

18 ANDREA HICKEY: Andrea Hickey present.

19 CONSTANTINE ALEXANDER: Brendan's here.

20 SISIA DAGLIAN: Brendan? Yeah.

21 BRENDAN SULLIVAN: Brendan Sullivan.

22 CONSTANTINE ALEXANDER: And I'm here.

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BRENDAN SULLIVAN: Present and audible.

CONSTANTINE ALEXANDER: Okay. We have two continued cases to start the meeting off. We'll do those first. If we finish before 6:30 -- if we finish with the continued cases, we'll take a recess until 6:30, when we'll start our regular meeting. If we run over, we're not finished with the continued cases by 6:30, we'll finish up the continued cases and then start our regular meeting.

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(6:03 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: With that by the way of  
background, I'm going to call Case Number 100817 -- 56  
Churchill Avenue. Anyone here wish to be heard on this  
matter?

[Pause]

Are they there? If someone's here on this matter,  
could you please identify yourself?

DAN WALSH: Can you hear me now? Dan Walsh?

CONSTANTINE ALEXANDER: Now I can hear you, yes.

DAN WALSH: Okay, good, thank you. Yes, my name  
is Dan Walsh. Good evening. I'm from Lux Renovations. We  
are looking for a lead from Article 2, Section 2.16 for FAR  
to extend living space for a growing family at 56 Churchill  
Ave.

CONSTANTINE ALEXANDER: Excuse me, sir.

DAN WALSH: Do we --

CONSTANTINE ALEXANDER: Excuse me.

1 DAN WALSH: Sure.

2 CONSTANTINE ALEXANDER: I want to stop you right  
3 here. The application -- this case started a while back --

4 DAN WALSH: Yeah.

5 CONSTANTINE ALEXANDER: -- and we continued the  
6 case because there was no notice posted, as required by our  
7 ordinance, and as every other person who was going to be  
8 heard that night complied with. We continued the case until  
9 tonight. I look at the file, there's nothing in it.

10 The dimensional form has not been completed. The  
11 supporting statements for a special permit have not been  
12 completed -- the lawyers wrote, "N/A" -- and since this is a  
13 condo, I don't see anything on file from the condo  
14 association supporting or opposing the proposed relief.

15 So based upon all this, I'm going to talk about  
16 continue this case again, and hopefully by the time we have  
17 it again, you or your client will put together a completed  
18 application and not what we have right now, which is a  
19 nonapplication.

20 If we continue the case for a month, do we have  
21 any room, Sisia?

22 What date is that, again?

1           SISIA DAGLIAN: A month would be March 25, yeah.

2           CONSTANTINE ALEXANDER: Okay. The Chair moves  
3 that we continue this case as a case -- well, first before I  
4 do that, so do you understand what I've just said and what  
5 has to be done?

6           DAN WALSH: No, I don't understand what needs to  
7 be done. I'll have to do some research on what needs to be  
8 completed with this.

9           CONSTANTINE ALEXANDER: Okay. You'll have to --  
10 you'll see in a second when I make my motion, you'll have to  
11 post a sign with a new hearing date in two weeks. So that  
12 gives you two weeks. If we do it to March 25, you've got  
13 two weeks to get up to speed -- well, you don't really have  
14 to be up to speed to post a sign, but will March 25 --

15           DAN WALSH: Can I just change the -- excuse me,  
16 can I just change the date on the existing sign, or do I  
17 need to pick up a new sign?

18           CONSTANTINE ALEXANDER: Yeah. I'm going to get to  
19 that, but yes, you can.

20           DAN WALSH: Okay, okay.

21           CONSTANTINE ALEXANDER: That's -- you don't have  
22 to get a new sign, that is correct. So -- and March 25,



1 that's acceptable for you too?

2 DAN WALSH: Yes.

3 CONSTANTINE ALEXANDER: Okay. The Chair moves  
4 that this case be continued until 6:00 p.m. on March 25,  
5 subject to the:

6 One, that the petitioner sign a waiver of time for  
7 decision. And that has been done in connection with the  
8 prior continued, so that has been taken care of.

9 Two, that a new sign must be posted and maintained  
10 for the 14 days required by our ordinance. And by "new" it  
11 is entirely sufficient you take the current sign and use a  
12 magic marker and change the date and -- you don't even have  
13 to change the time, I think it's 6:00 now -- so change it so  
14 that it corresponds to the new date and time.

15 And again, that has to be maintained for the 14  
16 days required by our ordinance.

17 And lastly, to the extent there are any new or  
18 modified plans, you're going to change what's in our files  
19 now, those changes must be in our files no later than 5:00  
20 p.m. on the Monday before March 25.

21 One other thing, sir, this is a condominium. We  
22 need a document in our files that shows that the condominium

1 supports or opposes -- one way or another we need a  
2 communication from the condo association, presumably from  
3 the Trustees with regard to this matter. And again, that  
4 must be in our files no later than 5:00 p.m. on the Monday  
5 before March 25.

6 Are any other questions I can answer for you right  
7 now, since there seems to be a little bit of confusion about  
8 what has to be done and how this process works?

9 DAN WALSH: I'm going to have to do research on  
10 it. I'm not aware of it. I've only done the appeals in  
11 Boston, and this is how I've performed with them before. So  
12 if this is a little different, I'm going to have to do some  
13 research on how it's done.

14 CONSTANTINE ALEXANDER: Well, if you have some  
15 questions, reach out to the Inspectional Services  
16 Department, and there will be folks there who can try to  
17 help --

18 DAN WALSH: I appreciate that, thank you.

19 CONSTANTINE ALEXANDER: Okay. Seems to me there  
20 was something else I was going to mention, but it's escaped  
21 me. All right. I think we're all set. We're going to take  
22 a vote. Brendan?

1           BRENDAN SULLIVAN: Brendan Sullivan yes to the  
2 continuance.

3           CONSTANTINE ALEXANDER: Matina?

4           MATINA WILLIAMS: Matina Williams yes to the  
5 continuance.

6           CONSTANTINE ALEXANDER: Andrea?

7           ANDREA HICKEY: Andrea Hickey yes to the  
8 continuance.

9           CONSTANTINE ALEXANDER: Jason?

10          JASON MARSHALL: Jason Marshall yes to the  
11 continuance.

12          CONSTANTINE ALEXANDER: And the Chair votes yes to  
13 the continuance as well.

14                [All vote YES]

15          So this case is continued until 6:00 p.m. on March  
16 25, subject to compliance with the conditions that I've  
17 previously enumerated.

18                [CASE CONTINUED]

19          BRENDAN SULLIVAN: Mr. Chairman, this is Brendan  
20 Sullivan. Dan, are you still there?

21          CONSTANTINE ALEXANDER: Hello?

22          BRENDAN SULLIVAN: Dan, are you still there? He's

1 off. Okay. Yeah, that's --

2 CONSTANTINE ALEXANDER: All right. We'll move on  
3 to our next case.

4 The Chair will call --

5 DAN WALSH: Sir, I am still here. I just -- I  
6 just -- I don't know if you can hear me?

7 BRENDAN SULLIVAN: Oh, I'm sorry. Dan, you are  
8 still there? Okay.

9 DAN WALSH: I am still here, I'm sorry.

10 BRENDAN SULLIVAN: This is Brendan Sullivan. If  
11 you go on the city website --

12 DAN WALSH: Okay.

13 BRENDAN SULLIVAN: Cambridge Mass -- link onto,  
14 "Inspectional Services," there will be a link then there to  
15 the Board of Zoning Appeal. And it'll also highlight  
16 tonight's meeting, continued cases. If you click onto that,  
17 there will be your file there, public record. You may want  
18 to download that unless you have a file in front of you, the  
19 completed file.

20 You will see that there are two forms there that  
21 Mr. Alexander referenced. One is the dimensional form which  
22 needs to be filled out, and the other one would be the

1 supporting statements as to basically why we should grant  
2 you the relief being requested. So it's those two forms  
3 that are ostensibly blank that need to be filled in.

4 So if you download, you will see those two pages  
5 that need to be filled in, if that's a little bit more of an  
6 explanation as to what's going on.

7 DAN WALSH: I appreciate that info. Thank you  
8 very much.

9 BRENDAN SULLIVAN: Great.

10 CONSTANTINE ALEXANDER: And one other thing, I  
11 just want to alert you to the fact that if we should grant  
12 the zoning relief that you're seeking, it doesn't  
13 automatically mean that you can proceed with the project;  
14 you're going to have to go back to the Inspectional Services  
15 Department.

16 Because I think there are some issues -- not  
17 zoning issues -- you're going to have to work out with them.  
18 You might as well start having a dialogue, I suggest, before  
19 March 25, but I'll leave that up to you.

20 DAN WALSH: All right, thank you.

21 CONSTANTINE ALEXANDER: Thank you. Now, at last  
22 we'll move on to the next case.

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(6:11 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will call Case  
Number 102564 -- 2485 Massachusetts Avenue. Anyone wishing  
to be heard on this matter?

JAMES RAFFERTY: Yeah. Good evening Mr. Chairman  
and members of the Board. James Rafferty on behalf of the  
applicant, Henley Enterprises. Also on the Zoom meeting  
tonight is Randolph Kazazian -- K-a-z-a-z-i-a-n. He is with  
the operator Henley Enterprises.

CONSTANTINE ALEXANDER: Thank you. I take it the  
case before us tonight is simply a matter of eliminating the  
five-year time limit that was part of the conditions for the  
prior special permit we granted?

JAMES RAFFERTY: That's essentially correct, Mr.  
Chair. Valvoline has operated at this location, believe it  
or not, for 20 years.

CONSTANTINE ALEXANDER: I believe it.

JAMES RAFFERTY: And it has received a series of

1 special permits. But each of those special permits have had  
2 time limitations imposed upon them. Five years ago, when we  
3 were last before the Commission --

4 CONSTANTINE ALEXANDER: The Board.

5 JAMES RAFFERTY: -- there were some issues raised  
6 about the -- some lighting issues, some signage issues, and  
7 some landscape issues. And the compliance or correction of  
8 those items was set forth in the decision five years ago,  
9 and the Board directed the applicant to comply.

10 And those restrictions and conditions have been  
11 complied with for the past five years, and the applicant now  
12 seeks to continue the special permit, and would ask that the  
13 Board give consideration to moving this special permit into  
14 the category of nearly all other special permits insofar as  
15 they're not required to return and renew.

16 CONSTANTINE ALEXANDER: Okay. I'm sorry we're  
17 going to cost you -- if we grant you the relief you're  
18 seeking -- an annuity, which you've had every five years.

19 JAMES RAFFERTY: That has not gone unnoticed by  
20 me. My wife pointed that out to me. She enjoys when I'm  
21 out of the house and making money, so -- but I'm not sure  
22 that it's necessary with this applicant.

1           Their history at this location is one where they  
2 have demonstrated compatibility with surrounding uses. And  
3 I'm hoping the Board would consider the 20-year track record  
4 here as adequate to allow the special permit to continue.

5           CONSTANTINE ALEXANDER: As a point of fact, our  
6 files reveal no complaints in the past years -- I don't know  
7 if it goes back as far as '20 -- on failure to comply with  
8 the conditions. So your point is well taken.

9           JAMES RAFFERTY: Thank you.

10          CONSTANTINE ALEXANDER: I have no questions.

11          BRENDAN SULLIVAN: Brendan Sullivan no questions.

12          CONSTANTINE ALEXANDER: Brendan has no questions.

13 Andrea?

14          ANDREA HICKEY: No questions.

15          CONSTANTINE ALEXANDER: Matina?

16          MATINA WILLIAMS: No questions.

17          CONSTANTINE ALEXANDER: Jason?

18          JASON MARSHALL: Jason Marshall no questions.

19          CONSTANTINE ALEXANDER: Okay. I will now open the  
20 matter up -- we have no correspondence either in the files,  
21 so I'll just open the matter up to public testimony, and  
22 this is how it works.



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

7 [Pause]

8 SISIA DAGLIAN: Michael Brandon.

9 CONSTANTINE ALEXANDER: Mr. Brandon?

10 MICHAEL BRANDON: Good evening, good evening.  
11 This is Michael Brandon. I'm the Clerk through the North  
12 Cambridge Stabilization Committee. Thank you for hearing  
13 me. Unfortunately, I just had a computer problem. I had a  
14 nice, short, prepared statement for you, but I can't see it  
15 now. So I'll just wing it.

16 Over the years, the 20 years that this is has  
17 preceded, there have been improvements made at the time of  
18 the renewal to correct situations where the conditions have  
19 not been fully complied with. Additional conditions have  
20 been added by the Board to reflect changes in operations.

21 Oh, gosh. There are -- noncompliant signs were  
22 removed -- actually, if you look in the application, Mr.

1 Rafferty I think mistakenly included an old photograph that  
2 showed some of the signs, but really were not desirable, and  
3 possibly not complying with our sign ordinance.

4           So, you know, with input from the neighbors,  
5 that's going to improve -- the signs have been improved  
6 greatly over the years.

7           It is located within the North Cambridge -- I'm  
8 sorry, the North Mass Ave Overlay District, the property.  
9 And that prohibits new automotive uses. It was put in I  
10 believe in the mid-80s, because this section of Mass Ave had  
11 a whole bunch of kind of seedy, run-down filling stations,  
12 used car lots, open -- abandoned buildings.

13           So over the years, it's been greatly improved.  
14 There were huge pylon signs, but you folks might remember  
15 "Boyles By-Right" (phonetic) Liquor, which had this giant  
16 highway-style sign.

17           So this part of the avenue has been greatly  
18 improved, partly through these periodic check-ins. And I  
19 had hoped to send you -- I had hoped to send you copies of  
20 the previous extensions -- the Board's decisions, so you  
21 could review the actual conditions that are -- remain, and -  
22 - well, presumably those would remain if you do remove a

1 time limit.

2 But we would ask that you keep it there -- in fact  
3 I think if you look -- and I have to say that Mr. Kazazian  
4 and certainly Mr. Rafferty and Don (phonetic) Smith, who I  
5 believe is the owner of the franchise, or the company --  
6 yeah, that's been very helpful when we raise issues to work  
7 them out.

8 And when we point out noncompliance with the  
9 existing conditions to correct it, and make the site more  
10 compatible with the surrounding residential neighborhood and  
11 more --

12 CONSTANTINE ALEXANDER: Mr. Brandon, let me cut  
13 you off right there. It's very nice what you're saying, but  
14 it's irrelevant to what's before us tonight. Mr. Rafferty  
15 on behalf of his client is not seeking any reduction or  
16 change in the current conditions.

17 JAMES RAFFERTY: Correct.

18 CONSTANTINE ALEXANDER: Which as far as I know,  
19 there have been no complaints filed with the Building  
20 Department. We're simply eliminating the need every five  
21 years or some other time frame to come back.

22 If we grant the relief tonight -- and I propose to

1 make the motion -- these current conditions will stay  
2 unaffected. And so, there's no need to be concerned about  
3 this or to have a statement. It's just a matter -- if you  
4 want the petitioner to every five years or some other time  
5 frame to come back?

6 And I think with a 20-year track record that you  
7 just acknowledged of good citizenship and compliance with  
8 conditions that have been imposed, I see no reason not to  
9 continue -- to continue, I'm sorry -- no reason to continue  
10 an artificial time limit.

11 I think my position -- and I'm going to propose to  
12 my fellow Board members -- is just eliminate the five-year  
13 time frame. The conditions that are there now will stay.  
14 End of story.

15 MICHAEL BRANDON: Well, I guess I didn't make my  
16 point clear, I guess, is that the part -- although they have  
17 been cooperative and -- you know, I don't think they're  
18 deliberately -- you know, trying to not comply, but, you  
19 know, over time management changed, managers changed, and so  
20 forth, you know?

21 So, you know, one time there were issues with  
22 inadequate smoke clearance on the sidewalks.

1           CONSTANTINE ALEXANDER: Mr. Brandon, you're not  
2 hearing me. If we grant a special permit for any project,  
3 it's based on the conditions that are before us. If  
4 thereafter there have been changes, it's not a matter of  
5 having a whole new special permit application, you complain  
6 or petition the Building Department to look into it.

7           And if they agree that what is a new practice is a  
8 violation of our ordinance, the petitioner will have to come  
9 back and seek a new special permit.

10           But that's it. I mean, it's not -- what you're  
11 talking about has nothing to do with the case before us  
12 tonight.

13           MICHAEL BRANDON: Well, excuse me, but the reason  
14 the Board extended it to -- you know, previously, I think  
15 this would be the third extension -- was precisely, you  
16 know, I mean what you're saying applied the first time they  
17 applied.

18           Also, you know, I don't want to get into an  
19 adversarial relationship with this business -- you know,  
20 where we have to go file complaints -- you know, when, you  
21 know, every five years you know, I don't know if the -- Mr.  
22 Rafferty is considering retirement, but maybe that would be

1 the next -- if he has any projection that would be  
2 appropriate. One time it was extended for 10 years -- I  
3 think that's excessive.

4 But for instance now, you know, if you go through  
5 what are the existing conditions? I think one of the  
6 conditions dates back from the original permit that --

7 CONSTANTINE ALEXANDER: Mr. Brandon, one more  
8 time, we're not talking about the other conditions. Mr.  
9 Rafferty's not seeking any relief from them, there have been  
10 no complaints filed for failure to comply with them. What  
11 you're talking about is not relevant to tonight.

12 And I'm going to end this conversation; we have a  
13 long night ahead of us.

14 MICHAEL BRANDON: I'm sorry, maybe some of the  
15 other Boards will recall -- you know, who have been around  
16 for that long -- will recall how the processes work. What  
17 you're going to do is force it into an adversarial process.

18 For instance -- if you'd let me finish my sentence  
19 -- I think that one of the original conditions on the  
20 original permit -- and no, the earlier conditions were  
21 always I called when it was removed, but one that I think  
22 has slipped by may have been the hours of opening.

1 Originally, it was a negotiation and the permit -- you're  
2 closed on Sunday.

3 UNIDENTIFIED SPEAKER: Not true.

4 MICHAEL BRANDON: Well, I think -- is that not  
5 true, did somebody say? I'm sorry, but -- anyway, so, you  
6 know, what you're saying --

7 CONSTANTINE ALEXANDER: Thank you, Mr. Brandon.  
8 We're going to move on. Members of the Board, do you have  
9 anybody -- anybody else wishes to be heard on this? Sisia,  
10 anybody else?

11 SISIA DAGLIAN: No. There's no one else.

12 CONSTANTINE ALEXANDER: Okay. There are no other  
13 persons wishing to speak. I'm sorry? Okay. And as I  
14 indicated before, we have no written communications in our  
15 files. So I'm going to close public testimony.

16 Time for a discussion by Board members. Do you  
17 want to discuss, or I can make a motion to grant the relief  
18 that's being sought?

19 BRENDAN SULLIVAN: Brendan Sullivan - I would be  
20 in favor of waiving the timeframe on this, and that the  
21 existing conditions, which have been placed will be in  
22 effect, be made in effect -- that the conditions, the

1 granting of the special permit over the years -- remain in  
2 effect, basically.

3 CONSTANTINE ALEXANDER: So you want to have it  
4 continued every five years?

5 BRENDAN SULLIVAN: No, no, the conditions imposed  
6 --

7 CONSTANTINE ALEXANDER: Oh, yeah, oh, yeah --

8 BRENDAN SULLIVAN: -- on the special permit.

9 CONSTANTINE ALEXANDER: -- no, I agree with that.

10 BRENDAN SULLIVAN: And I would waive the time --

11 CONSTANTINE ALEXANDER: There's no request to  
12 change those conditions. If we grant the relief being  
13 sought tonight, those conditions will still apply, just as  
14 they've applied for the last several years.

15 JAMES RAFFERTY: Mr. Chair, might I suggest  
16 perhaps a helpful amendment to the motion that would address  
17 this? Condition Number 6 in the current special permit says  
18 that the special permit would be limited to a five-year  
19 period, following which the petitioner would need to  
20 reappear before the Board for another special permit.

21 CONSTANTINE ALEXANDER: Right.

22 JAMES RAFFERTY: I think what I hear the Board



1 saying is to incorporate all of the prior conditions with  
2 the exception of condition Number 6 that I just referred to.

3 CONSTANTINE ALEXANDER: That's the essence of what  
4 I'm saying, Mr. Rafferty. I'm just referring to it  
5 differently. We have existing conditions -- I think it's  
6 six, I think there's six -- we're going to eliminate one of  
7 them, if we vote as you requested -- we'll elimination one  
8 of them. The others will continue.

9 JAMES RAFFERTY: Understood. I think we're saying  
10 the same thing. Yes, thank you.

11 CONSTANTINE ALEXANDER: I think we are saying the  
12 same thing. Brendan? Anything further you want to add?

13 BRENDAN SULLIVAN: No.

14 CONSTANTINE ALEXANDER: Andrea?

15 ANDREA HICKEY: No. I have nothing to add except  
16 that I agree with you, Mr. Chair, that there are other  
17 procedures; that there are issues with this property such as  
18 snow removal or trash, or they put up signs that are in  
19 violation of the sign ordinance.

20 There are procedures for those issues to be  
21 addressed. And renewing every five years -- really the  
22 special permit doesn't really do anything to -- in terms of

1 the neighborhood being sure that the property is properly  
2 operated.

3 So I do agree with you and I'm in favor of doing  
4 away with the five-year recurring case.

5 CONSTANTINE ALEXANDER: Thank you, Andrea. Jason?

6 JASON MARSHALL: Thank you, Mr. Chair. I agree  
7 with what's been said already. As usual, you've done the  
8 work for the Board, and I appreciate you clarifying the  
9 record.

10 In my view, I don't see anything in the file;  
11 nothing that was heard tonight that provides a basis for  
12 treating this particular applicant in such an atypical way  
13 and requiring a five-year renewal.

14 I don't think it helps, to the extent there's any  
15 issues around noncompliance, which in any course would --  
16 you know, and can be brought to Inspectional Services.

17 So I would --

18 UNIDENTIFIED SPEAKER: I'm going to state who I  
19 am; I'm going to --

20 JAMES RAFFERTY: -- I, excuse me I hear somebody's  
21 is not on mute.

22 CONSTANTINE ALEXANDER: Who's talking in the

1 background?

2 JAMES RAFFERTY: Okay, thank you. So I agree with  
3 the comments. I'd be inclined to support the motion that  
4 would remove the time limit and keep the existing  
5 conditions. Thank you.

6 CONSTANTINE ALEXANDER: Jason? Matina?

7 MATINA WILLIAMS: Yes, Mr. Williams. I also agree  
8 that we should be able to waive the five-year condition, as  
9 long as the other conditions stay in effect.

10 CONSTANTINE ALEXANDER: Thank you. Okay. I'm  
11 going to make a motion, and sort of introductory text. The  
12 petitioner is operating his business at 2485 Massachusetts  
13 Avenue, pursuant to a previously -- to a special permit  
14 previously granted by this Board.

15 Such special permit is hereby amended to eliminate  
16 its five-year term on the condition that the petitioner is  
17 currently in compliance with -- and will continue to be in  
18 compliance with -- all of other conditions of the existing  
19 special permit.

20 Brendan?

21 BRENDAN SULLIVAN: Yes to granting of the special  
22 permit and waiving the condition of the five years.

1           CONSTANTINE ALEXANDER:  Andrea?

2           ANDREA HICKEY:  Yes to granting the special permit  
3 and waiving the five-year condition.

4           CONSTANTINE ALEXANDER:  Jason?

5           JASON MARSHALL:  Yes to granting the special  
6 permit and waiving the five-year condition.

7           CONSTANTINE ALEXANDER:  Okay.  And Matina?

8           MATINA WILLIAMS:  Yes to granting the -- waiving  
9 the five-year condition.

10          CONSTANTINE ALEXANDER:  And the Chair votes  
11 likewise.

12          [All vote YES]

13          So relief granted.  Thank you.

14          JAMES RAFFERTY:  Thank you, Madam Chair and  
15 members of the Board.  Have a good evening.

16          CONSTANTINE ALEXANDER:  I'm sorry?

17          JAMES RAFFERTY:  I said thank you and have a good  
18 evening.

19          CONSTANTINE ALEXANDER:  Oh.

20          JAMES RAFFERTY:  I think we'll see you later on,  
21 though.

22          CONSTANTINE ALEXANDER:  Yeah.  We're going to hear

1 from you later on.

2 JAMES RAFFERTY: Yes. I'm looking forward to it.

3 Thanks.

4 CONSTANTINE ALEXANDER: We're not, but it's okay.

5 JAMES RAFFERTY: Thank you.

6 SISIA DAGLIAN: Sure.

7 CONSTANTINE ALEXANDER: It's actually 6:30, so I

8 think we can go to our regular agenda.

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(6:31 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 105802 -- 383 Windsor Street. Anyone here  
wishing to be heard on this matter?

ADAM GLASSMAN: Excuse me, I think the 6:30 was 31  
High Street. Is that correct?

CONSTANTINE ALEXANDER: I'm sorry, you're right.  
I apologize. I withdraw that. I'm going to call Case  
Number 105529 -- 31 High Street, #31. Now, anyone wish to  
be heard on this matter?

ADAM GLASSMAN: Good evening. Adam Glassman, and  
office at 2 Worthington Street in Cambridge. And I'm here  
with the homeowners, Aldo Sesia and his wife, Stacey Carouch  
(phonetic) -- I think they're here with us. And they've got  
an existing nonconforming structure.

It's a two-family home. They own the upstairs  
condo, and they're looking to convert their attic into a  
comfortable space, habitable space, by adding two 15-foot

1 dormers, per the dormer guidelines. It would allow this  
2 family to be more comfortable in what are cramped conditions  
3 with grandchildren. And the existing --

4 CONSTANTINE ALEXANDER: Mr. Glassman, does what  
5 you're proposing comply in all respects with the dormer  
6 guidelines or not? I know it complies with the 15-foot  
7 requirement, assuming we --

8 ADAM GLASSMAN: What we --

9 CONSTANTINE ALEXANDER: -- mini dormers.

10 ADAM GLASSMAN: Well, the mini dormers are not --  
11 do not require zoning relief. So, you know, this allows  
12 them to get a little bit more headroom in their attic that -  
13 - the mini dormers start at the five-foot level, so they're  
14 not adding any more FAR. And they would be conforming with  
15 regard to setbacks.

16 CONSTANTINE ALEXANDER: What about the 15-foot  
17 dormers? The real dormers?

18 ADAM GLASSMAN: The real dormers, the left side  
19 dormer requires the --

20 CONSTANTINE ALEXANDER: Hello? We lost you.

21 ADAM GLASSMAN: -- setback and the --

22 CONSTANTINE ALEXANDER: You went mute on us.

1       Could you go back and repeat what you said and --

2               ADAM GLASSMAN:   Sorry.

3               CONSTANTINE ALEXANDER:  -- we did not hear?

4               ADAM GLASSMAN:  Okay.  So the real dormers, the  
5  15-foot dormers, the left side is within a nonconforming  
6  setback, and we are adding a minimal amount of additional  
7  FAR to existing nonconforming FAR.

8               CONSTANTINE ALEXANDER:  Okay.  So has the  
9  condominium Association approved this?

10              ADAM GLASSMAN:  They have, as have all their  
11  neighbors.

12              CONSTANTINE ALEXANDER:  I have nothing in the  
13  files that indicates that.

14              ADAM GLASSMAN:  We did send in letters, and one of  
15  them is from the other condo owner.

16              CONSTANTINE ALEXANDER:  There are just two condo  
17  units in the property?

18              ADAM GLASSMAN:  Correct.

19              CONSTANTINE ALEXANDER:  Okay.  I thought there  
20  might be more.  My mistake.  Okay.  Anything further you  
21  want to say, state?

22              ADAM GLASSMAN:  Not at this time.  I'll take any



1 questions, if there are any?

2 CONSTANTINE ALEXANDER: Brendan?

3 BRENDAN SULLIVAN: Yeah, Brendan Sullivan. I just  
4 don't buy the argument that the mini dormers can be done as-  
5 of-right. I think that you've got a 15-foot dormer there,  
6 and that the mini dormer extends that. And I think that the  
7 dormer guidelines call for 15 feet of dormer on either side.

8 ADAM GLASSMAN: Well --

9 BRENDAN SULLIVAN: I'd say you're saying that it  
10 doesn't add any FAR because it's within that five feet.

11 ADAM GLASSMAN: But it -- I mean, the mini  
12 dormers, because they start at the side of the -- the mini  
13 dormers start at the five mark, so they're not adding FAR,  
14 they're not within any setback.

15 BRENDAN SULLIVAN: But it's a dormer. The mini  
16 dormer is a dormer. And that exceeds the 15-foot, which are  
17 part of the guidelines.

18 ADAM GLASSMAN: Okay. Well --

19 CONSTANTINE ALEXANDER: It's not a simple matter  
20 of, "okay," it's a matter of it seriously changes the nature  
21 of the case you're presenting.

22 ADAM GLASSMAN: It does. If the Board agrees that

1 the mini dormers are tied into this application, then we'll  
2 take them out.

3 CONSTANTINE ALEXANDER: Well, I believe that. I  
4 don't know if the other Board members agree -- Mr. Sullivan  
5 does. I do as well.

6 ADAM GLASSMAN: Okay. Well --

7 CONSTANTINE ALEXANDER: I would repeat what Mr.  
8 Sullivan said: A mini dormer is a dormer.

9 ADAM GLASSMAN: We hear you. We hear you. If we  
10 were not adding the 15-foot dormer, maybe that would be  
11 allowable by right. But I understand your position. We'll  
12 take them out of the plan.

13 BRENDAN SULLIVAN: Okay.

14 CONSTANTINE ALEXANDER: Okay. You're not  
15 proposing to eliminate them or change the mini dormers to  
16 keep within the 15 feet? Because now you're --

17 ADAM GLASSMAN: We'll --

18 CONSTANTINE ALEXANDER: -- not complying with the  
19 dormer guidelines in a major respect, i.e., --

20 ADAM GLASSMAN: -- right --

21 CONSTANTINE ALEXANDER: -- more than 15 foot of  
22 dormer on each side.

1           ADAM GLASSMAN: No, I understand. My position was  
2 -- and I know this is unusual that the mini dormers were a  
3 separate, by-right construction, but I understand you  
4 disagree and we'll remove the mini dormers from this  
5 proposal.

6           CONSTANTINE ALEXANDER: Okay. All right. Thank  
7 you. So no mini dormers, just the two dormers -- two real  
8 dormers, if I may be facetious? Two real dormers are what  
9 you're seeking approval for.

10          ADAM GLASSMAN: I'm sorry.

11          CONSTANTINE ALEXANDER: Okay.

12          ADAM GLASSMAN: Anything.

13          CONSTANTINE ALEXANDER: Thank you. Any other  
14 questions?

15          BRENDAN SULLIVAN: I have no other -- this is  
16 Brendan Sullivan -- I have no other comments or questions at  
17 this time.

18          CONSTANTINE ALEXANDER: Andrea?

19          ANDREA HICKEY: No. I agree that the mini dormer  
20 extends the 15-foot dormer, and that it should be removed or  
21 relief needs to be sought for them. So if the minis are  
22 being removed, I have no further questions.

1           CONSTANTINE ALEXANDER: Thank you.

2           ADAM GLASSMAN: I should just make sure; Aldo and  
3 Stacy, are you prepared to take this out of the project?

4           ALDO SEISA: Yes, we are.

5           ADAM GLASSMAN: Okay.

6           ALDO SEISA: Thank you.

7           CONSTANTINE ALEXANDER: Jason? Any questions or  
8 comments at this point?

9           JASON MARSHALL: Jason Marshall -- I have no  
10 further questions.

11          CONSTANTINE ALEXANDER: All right. Matina?

12          MATINA WILLIAMS: Matina Williams -- I have no  
13 further questions.

14          CONSTANTINE ALEXANDER: Okay. We have -- I'll  
15 open the matter up to public testimony.

16                 I would also comment that we have a number of  
17 letters of support in our files, I'm not going to read them,  
18 but they're all unanimously -- there's no dissenting,  
19 dissenters. So they all are in support of what is being  
20 proposed, including the mini dormers, which have now been  
21 withdrawn.

22                 So have I given the instructions for speaking? I

1 don't think I have. Okay. All right. Any members of the  
2 public who wish to speak should now click the icon at the  
3 bottom of your Zoom screen that says, "Raise hand." If  
4 you're calling in by phone, you can raise your hand by  
5 pressing \*9 and unmute or mute by pressing \*6.

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

8 [Pause]

9 Apparently --

10 ANDREA HICKEY: There's no one.

11 CONSTANTINE ALEXANDER: Apparently no one wishes  
12 to speak, so I'll close public testimony. Ready for a  
13 discussion or a vote? We're now voting on the plans or are  
14 considering the plans that Mr. Glassman has submitted minus  
15 the mini dormers.

16 BRENDAN SULLIVAN: Brendan Sullivan. I'm ready to  
17 vote on it.

18 CONSTANTINE ALEXANDER: Okay. Well, why don't we  
19 -- unless anybody else wishes to have discussion, why don't  
20 we proceed to a vote? Hearing nothing, I think we'll  
21 proceed to a vote. Brendan? I've got to make a motion.

22 BRENDAN SULLIVAN: A motion... I was going to say,

1 I was going to vote yes to your future motion.

2 CONSTANTINE ALEXANDER: [Laughter] The Chair moves  
3 that this Board makes the following findings with regard to  
4 the variance being sought.

5 That a literal enforcement of the provisions of  
6 the ordinance would involve a substantial hardship, such  
7 hardship being this is an this is an older building that is  
8 in need of a number of improvements and what is proposed  
9 seeks to accomplish this.

10 That the hardship is owing to basically the shape  
11 of the structure and the fact that it is a nonconforming  
12 structure as it is, so relief, any relief being sought would  
13 require the variance.

14 And desirable relief may be granted without either  
15 substantial detriment to the public good, or nullifying or  
16 substantially derogating from the intent or purpose of this  
17 ordinance.

18 In this regard, the Chair would again note that  
19 there is unanimous neighborhood support. That what is being  
20 sought would be to upgrade an older structure and make it  
21 useable or more useable by citizens of the city, current or  
22 future.

1           And that the hardship is owing -- I dealt with  
2 that -- and that relief may be granted without substantial  
3 detriment to the public good, or nullifying or substantially  
4 derogating from the intent or purpose of this ordinance.

5           So on the basis of all these findings, the Chair  
6 moves that we grant the variance being sought on the  
7 condition that the work proceed in accordance with plans  
8 prepared by --

9           BRENDAN SULLIVAN: I'm looking for the address --

10          CONSTANTINE ALEXANDER: -- by GCD Architects dated  
11 January 10, 2021, the first page of which has been initialed  
12 by the Chair, but subject to the changes that the mini  
13 dormers that are shown on such plans will be eliminated. So  
14 the only dormers that will be erected will be the two 15-  
15 foot dormers, on each side.

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

18          ANDREA HICKEY: Andrea Hickey yes to granting the  
19 comprehensive permit.

20          CONSTANTINE ALEXANDER: Jason?

21          JASON MARSHALL: Jason Marshall yes to the  
22 variance.

1           CONSTANTINE ALEXANDER: And Matina?

2           MATINA WILLIAMS: Matina Williams yes to the  
3 variance.

4           CONSTANTINE ALEXANDER: And the Chair votes yes to  
5 the variance as well.

6           [All vote YES]

7           Variance granted.

8           COLLECTIVE: Thank you [s].

9           CONSTANTINE ALEXANDER: Okay.

10          BRENDAN SULLIVAN: Wait a couple minutes.

11          CONSTANTINE ALEXANDER: Oh, yeah, we moved very  
12 quickly.

13          CONSTANTINE ALEXANDER: Three minutes. So our  
14 next case isn't scheduled until 6:45 and we're not quite  
15 there yet. So we're going to delay for a few minutes and  
16 resume recess for a few minutes, then resume at 6:45, at  
17 which time we'll take up 383 Winter Street.

18          [BREAK]

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(6:45 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: Okay. It's now 6:45 and  
we'll resume this hearing. The Chair will now call Case  
Number 105802 -- 383 Windsor Street. Anyone here wishing to  
be heard on this matter?

ADAM GLASSMAN: Good evening. This is Adam  
Glassman, 2 Worthington Street in Cambridge. And I'm here  
with the building owner, Jamie Rogers. We're here seeking  
relief, both a variance and a special permit. Should we  
start with the special permit?

CONSTANTINE ALEXANDER: Up to you.

ADAM GLASSMAN: All right.

CONSTANTINE ALEXANDER: Whichever way you want to  
do it.

ADAM GLASSMAN: Let's start with the special  
permit, which is seeking relief to discount the basement  
from the gross square footage which in a three-family  
requires a special permit and new window openings in walls

1 within setbacks. This ties very closely into our  
2 application for the variance.

3 Maybe I should just walk you through the whole set  
4 of plans.

5 CONSTANTINE ALEXANDER: And you have to --

6 ADAM GLASSMAN: So --

7 CONSTANTINE ALEXANDER: -- for the special permit  
8 you have to address what is required -- what are the  
9 provisions of Section 216 of our ordinance.

10 ADAM GLASSMAN: Yeah, so excluding the basement  
11 for a special permit will -- you know, cause no detriment to  
12 the community. The use of this structure and abutting  
13 structures will remain unchanged. There will be no change  
14 to parking patterns or traffic patterns.

15 And actually, we'd like to keep it unfinished;  
16 we're not looking to convert it.

17 CONSTANTINE ALEXANDER: You also have to address  
18 [59:55 simultaneous speech] which has a separate -- for  
19 relief.

20 ADAM GLASSMAN: -- calculable FAR.

21 CONSTANTINE ALEXANDER: Specifically, if I can  
22 find it -- one second, let me -- I'm trying to pull it out

1 of the ordinance -- we have to make a finding that the uses  
2 occupying such exempted GFA support the character of the  
3 neighborhood or district in which the applicable lot is  
4 located.

5 ADAM GLASSMAN: Agreed. And the basement, which  
6 is currently unfinished, supports the use of this structure  
7 as a place for mechanical and storage and that won't change.

8 CONSTANTINE ALEXANDER: Okay. Thank you. And you  
9 were going through the other list -- wont cause -- the  
10 other requirements of special permit before I interrupted  
11 you. Why don't you finish your description of that?

12 ADAM GLASSMAN: All right, essentially we're  
13 causing no detriment to the community. There will be no  
14 change in the traffic patterns, no increase in noise or  
15 light pollution, use of structure remains unchanged, ability  
16 of adjacent properties to maintain their use remains  
17 unchanged.

18 CONSTANTINE ALEXANDER: Okay. People -- anyone  
19 have any questions at this point regarding the special  
20 permit, before we move on to the variance? Brendan?

21 BRENDAN SULLIVAN: Brendan Sullivan, I have no  
22 questions.

1           CONSTANTINE ALEXANDER: No questions. Andrea?

2           ANDREA HICKEY: No questions.

3           CONSTANTINE ALEXANDER: Jason?

4           JASON MARSHALL: Jason Marshall, no questions.

5           CONSTANTINE ALEXANDER: Matina?

6           MATINA WILLIAMS: Matina Williams, no questions.

7           CONSTANTINE ALEXANDER: I don't have any questions  
8 either. But let's move on to the variance part of the case.  
9 Mr. Glassman?

10                   [Pause]

11           Mr. Glassman?

12           ADAM GLASSMAN: Can you hear me?

13           CONSTANTINE ALEXANDER: Now I can.

14           ADAM GLASSMAN: Yeah. You've been going in and  
15 out. I don't know if it's me or you, so I'm sorry.

16           CONSTANTINE ALEXANDER: I'm sorry. I didn't catch  
17 what you just said, sir.

18           ADAM GLASSMAN: So would you like me to walk you  
19 through the entire set of plans?

20           CONSTANTINE ALEXANDER: Your presentation, you've  
21 got to supply --

22           ADAM GLASSMAN: Okay, let's do that.

1           CONSTANTINE ALEXANDER: Excuse me. Keep in mind -  
2 - I'm sure you're aware of it -- there is opposition to what  
3 you're proposing with regard to the variance. And it is  
4 from your owner's --

5           ADAM GLASSMAN: The pictures -- I can't -- you're  
6 going in and out.

7           SISIA DAGLIAN: Adam, you can use your telephone  
8 and call in as well.

9           ADAM GLASSMAN: All right. I'll try that. I'm  
10 sorry. Can you hear me now?

11          SISIA DAGLIAN: Yep.

12          CONSTANTINE ALEXANDER: Yes.

13          ADAM GLASSMAN: So did you start to say that there  
14 were letters of opposition?

15          CONSTANTINE ALEXANDER: What about the letter of  
16 opposition? You want to hear it?

17           [Pause]

18           Hello?

19          ADAM GLASSMAN: I'm going to try to call in.

20          CONSTANTINE ALEXANDER: Well -- the joys of remote  
21 hearings.

22           [Pause]

1 ADAM GLASSMAN: Sisia, can you e-mail me the  
2 number?

3 SISIA DAGLIAN: Sure.

4 ADAM GLASSMAN: Okay. I think I got it. Okay. I  
5 got it. I'm here.

6 KAREN VON BISMARCK: Hello? Can anyone there hear  
7 me?

8 ADAM GLASSMAN: I'm here. Can you hear me?  
9 Sisia?

10 KAREN VON BISMARCK: Mmm...

11 ANDREA HICKEY: Adam, this is Andrea Hickey. I  
12 can hear you, but no one else is responding.

13 BRENDAN SULLIVAN: We can hear.

14 JASON MARSHALL: I also hear you.

15 BRENDAN SULLIVAN: Yeah -- Brendan Sullivan -- we  
16 can hear you up here.

17 ANDREA HICKEY: Okay.

18 CONSTANTINE ALEXANDER: We can hear.

19 BRENDAN SULLIVAN: Yeah. So just go ahead, Adam.

20 ADAM GLASSMAN: Okay. One second here.

21 BRENDAN SULLIVAN: I think the question was about  
22 the -- regarding the letter of opposition. Is that correct?

1 ADAM GLASSMAN: Yeah, actually we --

2 CONSTANTINE ALEXANDER: Do you want me to read the  
3 letter of opposition Mr. Glassman?

4 ADAM GLASSMAN: We didn't know there was  
5 opposition.

6 CONSTANTINE ALEXANDER: I'm sorry.

7 ADAM GLASSMAN: We did not know there was  
8 opposition.

9 SISIA DAGLIAN: He didn't know there was  
10 opposition.

11 BRENDAN SULLIVAN: One more time.

12 SISIA DAGLIAN: Oh, there was opposition.

13 CONSTANTINE ALEXANDER: Oh. Well, I can read the  
14 letter now, or I can read it later. What would you prefer,  
15 Mr. Glassman? Or do you want to continue the case until you  
16 can consider the letter of opposition and talk to the  
17 opposing neighbor? It's up to you.

18 KAREN VON BISMARCK: Hello? Can anyone hear me?

19 CONSTANTINE ALEXANDER: Who just spoke?

20 KAREN VON BISMARCK: My name is Karen Von Bismark,  
21 and I wrote one of two opposing letters. Hello, everyone.

22 CONSTANTINE ALEXANDER: I think only saw one in

1 our files.

2 KAREN VON BISMARCK: I think the other only went in  
3 yesterday when I alerted my neighbor to this situation and  
4 he said that he hadn't received any notification at all. I  
5 have a copy of the letter that he sent in to Maria Pacheco,  
6 but it may have gone too late to reach your client.

7 CONSTANTINE ALEXANDER: It's not in our files. I  
8 have two letters of support, and then we have your letter of  
9 opposition.

10 KAREN VON BISMARCK: Mm-hm. Well, another has been  
11 written and sent, because I have that in my hand. I can --

12 CONSTANTINE ALEXANDER: All right. Why don't you  
13 read --

14 KAREN VON BISMARCK: -- forward --

15 CONSTANTINE ALEXANDER: -- to us that other letter  
16 which we don't have, and we therefore haven't seen?

17 KAREN VON BISMARCK: Okay. I'd be happy to. Let  
18 me just have a look in my e-mail. Could take a second.  
19 Here we go. Yes, I have it here.

20 "Dear Maria Pacheco [if I'm pronouncing that  
21 correctly] and Cambridge BZA,

22 "We own the property at 50 Union Street behind the



1 385-383 (sic) Windsor Street Property under discussion. We  
2 have not received any notice -- [oh, shoot, "dispute it"?  
3 Where did that come from? Patience, people, please. I'm  
4 kind of nervous about this whole thing. Okay] -- in  
5 reference to the petition filed for any addition proposed by  
6 the owner of 383-385 Windsor Street property.

7 "Our property at 50 Union Street will suffer with  
8 negative impact, due to new proposed height and a new deck.  
9 I do not see enough setback to yield privacy and a noise  
10 barrier for the proposed projects.

11 "The proposed construction of the third floor will  
12 also cause blockade of the morning sun.

13 "This project will also affect the value of our  
14 property at 50 Union Street. We pay our taxes and abide by  
15 all the rules and regulations by the city of Cambridge. We  
16 expect a careful impact review of this project. We also  
17 propose the addition on the three decks of proposed."

18 And that, if I can just get my mail to --

19 CONSTANTINE ALEXANDER: Okay, we have your letter,  
20 or the Board does, but I take it the petitioner, or the  
21 petitioner's architect has not seen that letter? Therefore,  
22 I'm wondering -- I hate to do this -- I'm wondering whether

1 we should continue this case to allow, well two things; one,  
2 to get the letter that we haven't received into our files,  
3 and two --

4 KAREN VON BISMARCK: Mm-hm.

5 CONSTANTINE ALEXANDER: -- to allow the petitioner  
6 to review both of these letters, and if he decides to, to  
7 meet with you and to see if you can work things out.

8 I think that's better than trying to do it on a  
9 basis where everybody seems to be at a little bit of a  
10 disadvantage. Mr. Glassman's at a disadvantage, and to some  
11 extent we are at a disadvantage.

12 Mr. Glassman, do you have a problem with that?

13 [Pause]

14 Hello?

15 SISIA DAGLIAN: Adam, you're muted.

16 BRENDAN SULLIVAN: He's on mute. This is Brendan  
17 Sullivan. Mr. Rogers --

18 ADAM GLASSMAN: Hello?

19 BRENDAN SULLIVAN: You're audible.

20 ADAM GLASSMAN: Hello?

21 SISIA DAGLIAN: We can hear you.

22 CONSTANTINE ALEXANDER: Yes.

1           ADAM GLASSMAN: Okay. So this is what I want to  
2 say. A lot of effort went into this proposal, and Jamie did  
3 reach out to all the abutters, including the woman who just  
4 spoke. I'm sorry they didn't -- they weren't able to  
5 connect.

6           The board has been posted in public view as  
7 required, so I think before we go right to a continuance, it  
8 might be fair for us to make our presentation and receive  
9 some feedback from the Board.

10          CONSTANTINE ALEXANDER: We'll go forward. That  
11 would mean if this case is continued, it's a case heard. So  
12 it may complicate when we can reschedule, as you know. The  
13 other thing is, is I'm not sure what you gain by that.

14          It seems to me what would make more sense would be  
15 you and/or your client to talk to the opposing abutters and  
16 finding out maybe they're misinformed, maybe you can reach  
17 some accommodation.

18          It certainly would enhance your ability to get  
19 zoning relief --

20          ADAM GLASSMAN: Okay.

21          CONSTANTINE ALEXANDER: -- which is not to say we  
22 would not grant this if you don't do that --

1 ADAM GLASSMAN: Yeah.

2 CONSTANTINE ALEXANDER: -- but that's usually the  
3 way people proceed --

4 ADAM GLASSMAN: All right.

5 CONSTANTINE ALEXANDER: -- in situations like  
6 this.

7 ADAM GLASSMAN: Okay. We will continue with the  
8 abutter and continue the case.

9 CONSTANTINE ALEXANDER: Okay. So we'll continue  
10 this case as a case not heard. We never got into any of the  
11 merits. Sisia, did we have -- what's the next, not two  
12 weeks, four weeks?

13 SISIA DAGLIAN: That's the -- March 25, we can do  
14 one more.

15 CONSTANTINE ALEXANDER: March --

16 SISIA DAGLIAN: Twenty-fifth.

17 CONSTANTINE ALEXANDER: Twenty-fifth. Okay, March  
18 25 work for you, Mr. Glassman?

19 ADAM GLASSMAN: It does. Jamie, are you here? Is  
20 there anything you want to say?

21 JAMIE ROGERS: Yes. I'm here. Hi, everyone.  
22 I'm Jamie Rogers. That date works fine for me, and I'm very

1 interested in hearing the concerns of the neighbors and  
2 working to an agreeable solution for those.

3 I think the contact information that I had I get  
4 was not accurate. So I think there -- in the proposal,  
5 there is Adam's e-mail address and phone number in there.  
6 So perhaps the neighbors could send a message there with  
7 their contact information so that we could follow up  
8 directly, so we don't have the challenges of obtaining each  
9 other's contact info.

10 CONSTANTINE ALEXANDER: I'm going to make a motion  
11 for the Board to consider. The Chair moves that this case  
12 be continued as a case not heard, which means that we don't  
13 have to have the same five people who are on the call  
14 tonight be present at the continued case, which is March 25.

15 So with that by way of background, the Chair again  
16 moves that we continue this case as a case not heard until  
17 6:00 p.m. on March 25, subject to the following conditions:

18 One, that the petitioner or his representative  
19 assign a waiver of time for decision. That waiver must be  
20 in our files or in the files of the Zoning Department no  
21 later than 5:00 p.m. on a week from Monday. If that is not  
22 done, then this case will be automatically dismissed and the

1 relief will be denied -- the relief being sought will be  
2 denied.

3 That's Condition Number 1. So make sure, sir,  
4 that you see Maria Pacheco or someone else in the Zoning  
5 Department and get that waiver of time for a decision  
6 signed.

7 And Mr. Glassman can -- if you have questions  
8 about what this is all about, I think Mr. Glassman is  
9 sufficiently experienced to answer that. It's a standard  
10 requirement -- I just will say it's a standard requirement  
11 in the continued cases.

12 Second, that the posting sign that you have  
13 maintained so far must be modified or a new one obtained,  
14 and to modify simply you can just change the date. And I  
15 don't even think you have to change -- and the time -- on  
16 the sign, you can do it with a magic marker, if you will.

17 And that modified sign, or the new modified sign,  
18 it must be maintained for the 14 days before March 25, just  
19 as you maintained the sign for the 14 days prior to  
20 tonight's hearing.

21 And lastly, to the extent as a result of the  
22 discussions with neighbors or otherwise, we want to make

1 some revisions to the plans, drawings, specifications or  
2 other information. That must be in our files no later than  
3 5:00 p.m. on the Monday before March 25. Mr. Glassman's  
4 familiar with those requirements. They're standard for  
5 continued cases.

6 Brendan, how do you vote?

7 BRENDAN SULLIVAN: Brendan Sullivan, yes to the  
8 continuance.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: Andrea Hickey yes to the  
11 continuance.

12 CONSTANTINE ALEXANDER: Jason?

13 JASON MARSHALL: Jason Marshall yes to the  
14 continuance.

15 CONSTANTINE ALEXANDER: Matina?

16 MATINA WILLIAMS: Matina Williams yes to the  
17 continuance.

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

20 [All vote YES]

21 So this case is continued until March 25.

22 [CASE CONTINUED]

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We'll speak again. Thank you.

JAMIE ROGERS: Thank you. Take care, everyone.



1 \* \* \* \* \*

2 (7:02 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 103314 -- 2615 Massachusetts Avenue. Anyone  
8 here wish to be heard on this matter?

9 JESSIE SCHOMER: Yes, Mr. Chair. My name is  
10 Attorney Jesse Schomer. I represent the applicant.

11 CONSTANTINE ALEXANDER: Before -- this is our  
12 night. Before we talk further about this case, I'm going to  
13 tell you we have to continue it for a number of reasons.

14 First of all, the office -- Ms. Pacheco required --  
15 - requested -- at the request of one of the members of the  
16 Board that we be provided with photo simulations for the  
17 proposed canopies, and they should show the proposed color  
18 in any lettering on the canopies.

19 And someone -- a Jesse Schomer -- replied, "I have  
20 requested renderings of the canopies, and will try to get  
21 those to you ASAP." This was about a week ago. We never got  
22 them. So we haven't had a chance to review them as part of

1 our file. That's one reason to continue the case.

2 The second is I don't understand your application.  
3 You're applying for a variance and a special permit? What  
4 is this, take your choice? What are you? We don't proceed  
5 that way, sir. You tell us whether you want a special  
6 permit or a variance, and we'll act on that request. But  
7 we're not going to choose the form of relief for you. We  
8 had this before, and that's our policy.

9 And lastly, there's a memo in the file regarding a  
10 case which would suggest that if that case is applied or the  
11 standards of that case, that you don't need any relief. So  
12 you've put on the table three different forms of relief.  
13 And again, as I said before, that's not how we go about it.  
14 Take your case and get us those photo simulations, decide  
15 which way you're going to go, and argue your case on that  
16 basis.

17 Any other members of the Board --

18 BRENDAN SULLIVAN: This is Brendan Sullivan. The  
19 other condition that was requested is that you reach out and  
20 submit all your materials to the North Cambridge  
21 Stabilization Committee. According to the reply to Ms.  
22 Pacheco, that has been done. And I don't know if you e-

1 mailed it over to them or not, but you really should have  
2 dialogued conversation with them.

3 And I would ask the member of the North Cambridge  
4 Stabilization Committee who is listed again that they should  
5 send us a written correspondence regarding the fruits of any  
6 of those discussions.

7 So there are two things: Number one is we need  
8 the photo simulations showing color and any lettering, and  
9 also, contact with the North Cambridge Stabilization  
10 Committee, before I'm willing to go forward and hear the  
11 case.

12 CONSTANTINE ALEXANDER: Any questions, sir, the  
13 Counsel for the petitioner before I make my motion to  
14 continue the case?

15 JESSIE SCHOMER: No, no questions, Mr. Chair, just  
16 to respond very briefly. We are in the process of getting  
17 the photo simulations that the Board had requested. I had  
18 hoped to have those before the hearing, and unfortunately  
19 that didn't come through.

20 And we have been requesting those, actually, from  
21 the manufacturer of the canopies that we're proposing since  
22 November. So we're as frustrated as the Board is with the

1 delay.

2           CONSTANTINE ALEXANDER: I accept that. Do you  
3 have any -- we're going to have to set a specific date. I  
4 don't want to have a date -- pick a date and find out the  
5 photo simulations are not available. Do you want to take a  
6 longer date? How much time would you like to continue this  
7 case?

8           JESSIE SCHOMER: My suggestion, Mr. Chairman, was  
9 going to be the first meeting in April. I think that would  
10 be enough time. And we are in conversations with the North  
11 Cambridge Stabilization Committee and we had a good  
12 conversation with them last night and we hope to iron out  
13 any issues.

14           I would, if I may I'd like to address the issue of  
15 the relief that we're requesting?

16           CONSTANTINE ALEXANDER: Yes. Go right ahead.

17           JESSIE SCHOMER: Thank you. I admit that the  
18 application is somewhat confusing. And that's -- what we're  
19 requesting in this case is actually a Section 6 finding  
20 under Mass. General Laws Chapter 40a Section 6. And this is  
21 how we originally filed this application. However, when it  
22 was received by the ISD, they didn't understand what it was

1 that we were requesting. And so, they had requested that we  
2 file applications for a special permit and a variance under  
3 the local bylaw.

4 So what we're requesting is a Section 6 finding  
5 under Chapter 40A 6, and --

6 CONSTANTINE ALEXANDER: Understood. Thank you for  
7 that explanation. I think for the hearing, since it will be  
8 the first one in April, I think you want to modify your  
9 application to be more specific than we have right now.

10 JESSIE SCHOMER: Happy to do so.

11 CONSTANTINE ALEXANDER: Sisia, when is the first  
12 hearing in April that we have room?

13 SISIA DAGLIAN: April 8, and we actually have  
14 room.

15 CONSTANTINE ALEXANDER: Okay. April 8 work for  
16 you, sir?

17 JESSIE SCHOMER: Yes, Mr. Chair.

18 CONSTANTINE ALEXANDER: Okay. The Chair moves  
19 that we continue this case as a case not heard until 6:00  
20 p.m. on April 8, subject to the following conditions:

21 One, that the petitioner sign a waiver of time for  
22 decision, and that's required to avoid complications under

1 Massachusetts General Laws. That waiver, which is a  
2 standard document that we use, and I think you'll find it's  
3 not controversial -- if we had an in-person meeting I would  
4 hand it to you, but we don't have that.

5 In any event, that waiver of notice must be signed  
6 and returned to the Inspectional Services Department no  
7 later than 5:00 p.m. a week from Monday. If that is not  
8 done, this case will be ipso facto terminated, and that will  
9 be it for two years.

10 So just make sure you work with Ms. Pacheco and  
11 get that waiver of time for decision to be signed.

12 Second, that the posting sign that you need to  
13 post for the new hearing date -- you can do one of two  
14 things: You can get a new sign, which I would prefer,  
15 because the old sign is in bad condition, the last time I  
16 looked -- but again, a new sign with the new date and new  
17 time; or alternatively, you can mark up the existing sign to  
18 reflect the new date and the new time.

19 That sign, that marker must be readable.  
20 Otherwise, they will not satisfy the requirements of the  
21 ordinance, and we will not hear the case on April 8.

22 And lastly, to the extent you're going to submit,

1 as we requested, photo simulations, and any other  
2 modifications to the specifications -- data or the like  
3 regarding the relief you're seeking, that must be in the ISD  
4 files no later than 5:00 p.m. on the Monday before April 8.

5 That is to allow Board members and interested  
6 citizens of the city time to review those changes from what  
7 are now the facts, and formulate whatever conclusions they  
8 want or don't want to formulate.

9 So those are the conditions. Brendan, how do you  
10 vote?

11 BRENDAN SULLIVAN: Yes to the continuance --  
12 Brendan Sullivan.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: Andrea Hickey yes to the  
15 continuance.

16 CONSTANTINE ALEXANDER: Jason?

17 JASON MARSHALL: Jason Marshall yes to the  
18 continuance.

19 CONSTANTINE ALEXANDER: Matina?

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

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 So this case will be continued until April 8. See  
4 you then -or- hear you then! Thank you.

5 JESSIE SCHOMER: Thank you.

6 CONSTANTINE ALEXANDER: Our next case is scheduled  
7 for 7:15, and it's now 7:11, so we're going to take a quick  
8 four-minute break, it would appear.

9 [BREAK]

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(7:11 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

JAMES RAFFERTY: Good evening Mr. Chair and  
members of the Board. James Rafferty present on behalf of  
the applicant. The applicants are also present -- Ron Witte  
and his wife, Sarah Whiting -- W-h-i-t-i-n-g.

CONSTANTINE ALEXANDER: Okay. The floor is yours.

JAMES RAFFERTY: This is an application to allow  
for the conversion of a commercial building at 33 Bristol  
Street in a resident's (sic) district to accommodate a  
dwelling unit which Ms. Whiting and Mr. Witte intend to use  
as their home, and also to allow for an architectural office  
in the building as well.

The applicant --

CONSTANTINE ALEXANDER: That office will comply  
with the zoning requirement? I mean, you know, if it's an  
accessory office or whatever it's called?

JAMES RAFFERTY: No, and that's why the variance  
addresses the use issue. It doesn't quite fit the home

1 office exception.

2 CONSTANTINE ALEXANDER: Okay.

3 JAMES RAFFERTY: So -- so the application seeks  
4 relief from the parking requirements associated with the  
5 office. The office is sized at approximately 900 square  
6 feet. The property has never had parking associated with  
7 it.

8 For the last 35 years, it's been the home of  
9 Adam's Lighting, which was a light design and manufacturer.  
10 They relocated. Prior to their ownership, it was the  
11 longtime home of The Cambridge Bottling Company back in the  
12 1960s.

13 I don't imagine any members of the Board are old  
14 enough to have been around Cambridge in the 1960s, but it  
15 was a long-standing investor use in the neighborhood.

16 And the applicant that recently moved to  
17 Cambridge, Ms. Whiting, was appointed last year as the Dean  
18 of the Graduate School of Design at Harvard University, and  
19 Mr. Witte this year joined her as a Professor.

20 But in addition to Mr. Witte's -- professor  
21 Witte's academic work, he also maintained a small  
22 architectural practice. The building is uniquely compatible

1 for what they're proposing. The relief doesn't involve any  
2 additional GFA to the existing building. In fact, by  
3 turning a portion of the building into a one-car parking  
4 space and applying the definitions of GFA, the size of the  
5 GFA of the building actually becomes reduced by the  
6 introduction of the parking space.

7 The relief here involves just a few items from a  
8 dimensional perspective -- most notable among them, and the  
9 reason this isn't an as-of-right project when we explored  
10 the zoning here, it's obviously a conforming use. And all  
11 the work is occurring within the building.

12 But there is a dimensional requirement concerning  
13 open space that exists for residential uses that does not  
14 exist for commercial uses.

15 So even though there's no change occurring here,  
16 the absence of the open space requires a variance to allow  
17 for a waiver of the open space.

18 In the same way that the building's never had any  
19 parking, it's never had any open space. However, you may  
20 note under this redesign there's actually a deck being  
21 created, which meets a portion of the definitions of open  
22 space, and it's an amenity for the dwelling unit.

1           The dwelling unit itself is average size for  
2 Cambridge. It's about 1600 to 1700 square feet. It's a  
3 two-bedroom space. As I noted, the office -- the building  
4 itself has a distinctive masonry form. It's a two-story  
5 building which will occupy the residents, and a one-story is  
6 going to serve as the office.

7           And that's the way the building had been used by  
8 the Lighting Company. We believe they had an office on the  
9 side of the building as well.

10           So I'll return to the principal use here to a  
11 conforming residential use, a single-family dwelling. There  
12 is this office use, which in some areas might be considered  
13 a home office, but in this location, the home office  
14 restriction cannot be met because of the size of the space.

15           So it's for that reason that the application seeks  
16 approval to allow for the waive of the open space  
17 requirements, for conversion of the building to residential  
18 use, a reduction in the required amount of two spaces; it  
19 will be one space for the dwelling unit, but the two spaces  
20 required for an office use in this district will not be met.

21           So they will be a continuation of the  
22 nonconforming parking for the building, but we have

1 identified it as an area where we're seeking a special  
2 permit, or the Board can allow for a reduction in space.

3 The site itself on Bristol Street is within easy  
4 walking distance of Kendall Station, rapid transit and not  
5 that far a walk from Central as well. The expectation is  
6 there's only two or three employees that work with Mr. Witte  
7 at his practice, so impacts on neighborhood parking and  
8 congestion should be de minimis.

9 Happy to have Mr. Witte. Not often we have an  
10 Architectural Dean and an Architectural Professor at a  
11 hearing. I'm sure they'd like to give a lecture on the  
12 design they've done on the building, but I'm mindful of the  
13 Board's time, and particularly impressed with the efficiency  
14 with which you have been following your time.

15 So to have a 7:15 case come on at 7:15 is  
16 impressive, so I will conclude now, lest I say too much.

17 CONSTANTINE ALEXANDER: Flattery will get you  
18 everywhere, Mr. Rafferty. I just have one thing that's  
19 troubled me a little bit -- just me, and I say, "a little  
20 bit" is the terrace that's going to be created on the -- I  
21 guess on the rooftop of the garage. It's a large terrace.

22 And I'm concerned a little bit about maybe impact

1 on the privacy of the neighborhood.

2 I mean, at some point some other people will own  
3 this property besides your current clients, and that could  
4 lead to parties or a lot of noise that would impact the  
5 privacy of neighbors.

6 We've been -- as you know, this Board has been  
7 tough on terrace, roof decks and the like because of the  
8 congested nature of Cambridge and the impact on neighboring  
9 properties.

10 You want to -- how big is that? What are the  
11 rough dimensions of that terrace?

12 JAMES RAFFERTY: I bet before I get to it, Mr.  
13 Witte could tell me. But I understand the concern. The  
14 terrace itself, as you know from the photos and location: It  
15 is on a corner. So the terrace fronts on the two public  
16 ways, and oftentimes these terraces are much higher, and  
17 they have close adjacency to nearby residences.

18 I imagine that the applicants would be prepared to  
19 expect a condition involving some kind of screening or  
20 scaling back. We discussed the terrace, and I did mention  
21 the Board's concern about the privacy impacts often in cases  
22 like this. And I think if the Board felt that there needed

1 to be a reduction in that footprint, it could be addressed.

2 But it is the only open space that the dwelling  
3 unit would have. So it is a much sought after and desirable  
4 amenity for a residence, and it is only a single-family  
5 residence that's being proposed here.

6 And I would think that it could be made quite  
7 appealing and not have much in the way of impact. Lots of  
8 residential structures in this neighborhood have --  
9 particularly three-family dwellings have decks, porches,  
10 open space and the like.

11 But I'm certain in this case sometimes setting the  
12 terrace back a bit can provide that buffer between abutters.  
13 And you'll notice on the plan that that's exactly what's  
14 been done on the portion of the terrace that's closest to  
15 the abutting residential building. It's appearing in the  
16 top form of the plan.

17 CONSTANTINE ALEXANDER: My -- I'm sorry, I  
18 shouldn't have interrupted you. Keep going, sir.

19 JAMES RAFFERTY: No, I was concluding. I think I  
20 anticipate your question. That has been pulled back out of  
21 deference to privacy concerns to the abutter. But maybe  
22 Professor Witte could tell us what is the current setback on

1 that edge of the terrace?

2           CONSTANTINE ALEXANDER: And I'd like to know how  
3 big the deck -- the useable deck will be?

4           RON WITTE: The deck is pulled back about -- I  
5 think it's six and a half or seven feet from the edge of the  
6 building there. And that was for privacy. Our aim was to  
7 do two things: one is to allow for an outdoor space, but  
8 also to beautify that deck because there's a triple-decker  
9 right next door that's looking onto it.

10           So we saw it as a better scenic circumstance for  
11 the neighbors. They actually are aware of what we're doing  
12 there; they are completely supportive of it. But we don't  
13 have a letter from them, so I apologize for that.

14           The deck is about 900 square feet -- I believe,  
15 the square footage. It's also off of the private part of  
16 the house, meaning it's actually not meant for  
17 entertainment; it's meant for a kind of respite from inside  
18 to get to the outside. It would be somewhat awkward in  
19 terms of the arrangement of the house to use it for that  
20 kind of event with any kind of significant party there.

21           CONSTANTINE ALEXANDER: I'm sorry, I didn't quite  
22 catch the last part of what you said, but let me give you my



1 question, maybe you've already answered it. How will people  
2 -- you and your wife -- access that terrace or leave that  
3 terrace? Is there a door to a hallway?

4           RON WITTE: There's a door to a relatively open  
5 floor plan. Actually you can see it here right -- I don't  
6 know if I can point here, let me see if I can get a -- if I  
7 can't do any marking here -- I don't know if you can see my  
8 cursor, but on the screen there's a door -- well, actually,  
9 you're looking the wrong way there. You're looking at a  
10 cross-section through.

11           But basically there's a window in the wall between  
12 the terrace and the main space there. And there's a door  
13 that's in the equivalent of that. Here you can see the  
14 door.

15           Next to the large window, just to the left of the  
16 large window, that's the door, yes.

17           CONSTANTINE ALEXANDER: Okay. So there will be a  
18 doorway from the to and from the -- well, that connects the  
19 terrace to the living area?

20           RON WITTE: Yes.

21           CONSTANTINE ALEXANDER: -- other living area?

22           RON WITTE: Yes. There's one door onto it.

1           CONSTANTINE ALEXANDER: Okay. I have no further  
2 questions. Members of the Board? Brendan?

3           BRENDAN SULLIVAN: Yeah, no, Brendan Sullivan.  
4 Actually I was quite impressed with the repurposing of this  
5 building. I think it's very tastefully done. And I envy  
6 you.

7           I think it's a very nice plan, and I think that  
8 the fact, as Mr. Rafferty points out, that the deck terrace  
9 is on the corner of the lot I think will really have minimal  
10 impact on the surrounding residences. And that you have  
11 pulled it down a bit to sort of soften that edge of it.

12           And I think generally that the plan was well done.  
13 And anyhow, I would support it.

14           CONSTANTINE ALEXANDER: Thank you. Andrea?

15           ANDREA HICKEY: I have no questions or comments at  
16 this time.

17           CONSTANTINE ALEXANDER: Thank you. Jason?

18           JASON MARSHALL: Thank you, Mr. Chair, Jason  
19 Marshall. I agree with Brendan's comment that it is a very  
20 attractive structure. I'm relatively new to the Board. I  
21 haven't been part of roof deck or roof terrace wars that  
22 have -- it sounds like they maybe have occurred over the

1 years. I probably will get into that at some point.

2 You know, that being said, I did flag that as an  
3 issue, as the Chair did. I do know this street. I know  
4 it's pretty tight, and this roof deck was pretty close to  
5 the street. So I'd like to sort of reserve comment and see  
6 if there's any public comment, comment from abutters. After  
7 that, I'm likely inclined to support it.

8 CONSTANTINE ALEXANDER: Okay, good. Just for your  
9 information, we have no written communication.

10 MATINA WILLIAMS: I do have one question.

11 CONSTANTINE ALEXANDER: We do?

12 MATINA WILLIAMS: It's Matina.

13 CONSTANTINE ALEXANDER: Oh, Matina, I'm sorry. I  
14 know. I just want to finish my --

15 MATINA WILLIAMS: Okay.

16 CONSTANTINE ALEXANDER: -- response to Jason. So  
17 anyway, we don't have any written comments, but we'll have a  
18 chance to get back to this question when we get to take a  
19 vote.

20 I'm sorry, Matina, I interrupted you.

21 MATINA WILLIAMS: Oh, I'm sorry. I didn't see  
22 you. I just didn't -- I didn't hear where you said the door

1 from the inside, where is it coming off of?

2 RON WITTE: Do you have a second-floor plan by any  
3 chance, Sisia? This is still first-floor. This -- here's  
4 the second floor. You can see the door on this plan.

5 CONSTANTINE ALEXANDER: Right.

6 RON WITTE: At the top of the stairs --

7 MATINA WILLIAMS: Mm-hm.

8 RON WITTE: -- there, exactly.

9 MATINA WILLIAMS: Okay, okay. All right. Thank  
10 you. That's it.

11 RON WITTE: You're welcome.

12 CONSTANTINE ALEXANDER: Thank you, Matina. I will  
13 now open this matter up to public testimony. I'm looking  
14 for the instructions -- there. Any member of the public who  
15 wishes to speak should now click the icon at the bottom of  
16 your Zoom screen that says, "Raise hand." If you're calling  
17 in by phone, you can raise your hand by pressing \*9 and  
18 unmute or mute by pressing \*6. We'll take a moment to see  
19 if anyone's called in, or is calling in.

20 [Pause]

21 SISIA DAGLIAN: There's no one.

22 CONSTANTINE ALEXANDER: Apparently no one wishes

1 to speak, and as I think I've indicated already, we have no  
2 written communication from interested parties or maybe not  
3 interested parties. So I'll close public testimony.

4 Discussion, or are we ready for a vote? I'm ready for a  
5 vote.

6 BRENDAN SULLIVAN: I'm ready for a vote -- Brendan  
7 Sullivan, I'm ready for a vote.

8 CONSTANTINE ALEXANDER: Okay. I'm going to make a  
9 motion, then, unless somebody shouts out that they want to  
10 talk.

11 BRENDAN SULLIVAN: Mr. Chair, just -- Brendan  
12 Sullivan again -- I'd be interested in Andrea's comments,  
13 and hear her speak on it.

14 CONSTANTINE ALEXANDER: Yeah.

15 ANDREA HICKEY: Yes. So I generally am not in  
16 favor of elevated decks on residential properties, but where  
17 this property really doesn't have outdoor space, I'm  
18 inclined to consider approving it.

19 I asked the applicants whether there was any  
20 consideration to pulling the decks further back from the  
21 edge on the side where it comes right to the edge. Is there  
22 any way that that could be done, so that the appearance from

1 the street isn't just so in your face?

2 RON WITTE: We could do that. We're also trying  
3 to hide it behind the parapet there. So there will be a  
4 restored parapet at the top of the building. So much of it  
5 will already be behind that. However, if that's necessary,  
6 we can pull it back.

7 I find it a little bit awkward -- and this is a  
8 design observation -- I find it a little bit awkward to pull  
9 back that line too much. I think that actually does more  
10 harm than good, and actually if you think of the perspective  
11 from the intersection. However, I realize that's a very  
12 subjective point of view.

13 ANDREA HICKEY: Right. So what is the total area  
14 of that deck again, if you don't mind?

15 RON WITTE: I believe it's -- I can actually give  
16 you -- I think I can give you a number here.

17 CONSTANTINE ALEXANDER: It's 900 feet.

18 RON WITTE: 900 square feet.

19 ANDREA HICKEY: Yeah. That -- to me, that's a  
20 lot. I'd like to see it pulled back. But I'm very much  
21 open to hearing what my fellow Board members have to say.

22 RON WITTE: The only thing I might add to that is

1 that we see it more in the landscape to look at then in the  
2 event space to use, if you see what I mean. So it really is  
3 meant to be somewhat scenic.

4 SARAH WHITING: And I would just -- this is Sarah  
5 Whiting -- and just seconding Ron's comment about if you  
6 pulled the line in -- because we have to have the railing,  
7 obviously, for safety considerations that will alter the  
8 alignment in the building. And so, from an aesthetic point  
9 of view, the purity of the building, that will correct it.

10 RON WITTE: It's a quite beautiful little  
11 building, in fact.

12 CONSTANTINE ALEXANDER: It is. How high off the  
13 ground will this terrace be?

14 RON WITTE: I believe -- I'm going to do this a  
15 little bit off the top of my head, I apologize. I'm going  
16 to guess it's about 11 or so, 11-and 11-and-a-half feet, 12  
17 feet off the ground.

18 CONSTANTINE ALEXANDER: 12 feet off the ground?

19 RON WITTE: Yes.

20 CONSTANTINE ALEXANDER: So it's almost at ground  
21 level, in a sense. In other words, if there had been a  
22 garage there and a yard or open space you'd have the same --

1     okay.

2                   I'm not speaking only for myself, and I'm not --  
3     like Andrea, I'm not a fan of decks and rooftops like this,  
4     but this is a unique structure, and the neighborhood is one  
5     where I do not you're going to have a lot of problems.

6                   And I think that's illustrated by the fact that no  
7     neighbor has chosen to comment on this case. And I can tell  
8     you sitting on this Board over the years, everybody in  
9     Cambridge has an opinion about everything. And so, the fact  
10    that it has no comments just gives me some level of comfort  
11    that the terrace --

12                   SISIA DAGLIAN: But there is someone who wishes to  
13    speak. We have -- we have one person who wishes to speak.

14                   CONSTANTINE ALEXANDER: I'm sorry?

15                   SISIA DAGLIAN: Is that okay?

16                   CONSTANTINE ALEXANDER: Sure. Go ahead.

17                   SISIA DAGLIAN: Kristine.

18                   CONSTANTINE ALEXANDER: I haven't, I'm sorry. Go  
19    ahead.

20                   KRISTINE PEREIRA-VIEW: Yeah, actually --

21                   CONSTANTINE ALEXANDER: And then we'll open the  
22    matter up to public testimony.



1 KRISTINE PEREIRA-VIEW: Hi.

2 CONSTANTINE ALEXANDER: Any member of the public  
3 who wishes to speak should now click the icon at the bottom  
4 of your Zoom screen that says, "Raise hand." If you're  
5 calling in by phone, you can raise your hand by pressing \*9  
6 and unmute or mute by pressing \*6.

7 SISIA DAGLIAN: Kristine View?

8 KISHORE VARANASI: Yes, hi. Can you hear me?

9 BRENDAN SULLIVAN: Yes.

10 CONSTANTINE ALEXANDER: Yes.

11 KRISTINE PEREIRA-VIEW: So I am the neighbor right  
12 next door, 8 Brookshire Street, and I just have been  
13 listening, and I didn't raise my hand because I'm not in  
14 opposition of what is going on, but I actually did want to  
15 offer my support for the roof deck, because the building  
16 itself has no back yard and no outdoor space whatsoever.

17 Their building is immediately on our property  
18 line, and they have maybe a foot on our side, and then on  
19 the back probably a foot and a half on the opposite end. So  
20 this -- residents would literally have nowhere to go to have  
21 any outdoor space.

22 So I fully support the roof deck.

1           CONSTANTINE ALEXANDER: Thank you for taking the  
2 time to give us your comments. Anyone else?

3           SARAH WHITING: If I can add one thing -- and I  
4 want to thank our neighbor for that input -- obviously in  
5 this time of the pandemic, we have all learned to value the  
6 importance of outdoor space, and neither one of us is  
7 actually very keen on tending a garden. And so, we weren't  
8 that upset to not have a yard.

9           But I think the ability to enjoy the weather here  
10 and get fresh air is ever more critical. So the ability to  
11 go out there and work on a laptop to escape is very  
12 valuable.

13           CONSTANTINE ALEXANDER: Thank you for the comments  
14 from the Board. No one else wishes to speak, I'm advised by  
15 our technical staff. So I will close public testimony.  
16 Discussion, members of the Board? Ready for a vote?

17           BRENDAN SULLIVAN: Brendan Sullivan no, I'm ready  
18 to vote on the matter.

19           CONSTANTINE ALEXANDER: Okay, I think from the  
20 comments I've heard, I think we're ready to vote. Brendan,  
21 how do you vote on this matter?

22           BRENDAN SULLIVAN: I will support the --

1           CONSTANTINE ALEXANDER: I've got to make a motion.  
2 I keep forgetting to do that, sorry. The Chair moves that  
3 we make the following motion with regard to the relief being  
4 sought -- that's two votes; one on the variance and one on  
5 the special permit.

6           BRENDAN SULLIVAN: Right.

7           CONSTANTINE ALEXANDER: So I'll start with the  
8 variance -- that we make the following findings with regard  
9 to the variance being sought:

10           That a literal enforcement of the provisions of  
11 the ordinance would involve a substantial hardship, such  
12 hardship being, and it's not peculiar to the current  
13 petitioners -- the hardship is this is a nonconforming  
14 structure, an office, warehouse structure in a residentially  
15 zoned neighborhood, and that provides difficulties with  
16 regard to the use of the structure.

17           The hardship is owing to the fact that this  
18 structure precedes zoning -- our zoning ordinance, and  
19 therefore any change requires zoning relief.

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

1 In fact, what is proposed will not be substantially  
2 detrimental to the public good, but it will bring this  
3 structure in compliance from a zoning point of view with the  
4 district in which it is located; i.e., it will create one  
5 more residential structure in a residentially zoned  
6 district.

7 So on the basis of all of these findings, the  
8 Chair moves that we grant the variance requested on the  
9 condition that the work proceed in accordance with plans  
10 prepared by WW Architecture dated January 20, 2021, and the  
11 cover page of which has been initialed by the Chair.

12 BRENDAN SULLIVAN: Brendan Sullivan yes to  
13 granting of the variance.

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

16 CONSTANTINE ALEXANDER: Jason?

17 JASON MARSHALL: Jason Marshall yes for the  
18 variance.

19 MATINA WILLIAMS: Matina Williams yes to granting  
20 the variance.

21 CONSTANTINE ALEXANDER: The Chair votes yes as  
22 well.

1 [All vote YES]

2 So the variance is granted. Let's turn to the  
3 special permit now. You've touched on it already, Mr.  
4 Rafferty. Just briefly, since we've talked about other  
5 things in the meantime, review the arguments why we should  
6 grant the special permit to reduce the required amount of  
7 parking for the office use?

8 JAMES RAFFERTY: Yes, Mr. Chair. The reduction  
9 request -- the reduction in two parking spaces is consistent  
10 with the historical use of the property, which did not have  
11 parking.

12 But pursuant to the criteria in the ordinance,  
13 there's reasonable adjacency or proximity to transit,  
14 including buses along Broadway and walking distance to rapid  
15 transit in Kendall and Central Square.

16 CONSTANTINE ALEXANDER: Okay. That's short and  
17 sweet. Questions from members of the Board? Brendan?

18 BRENDAN SULLIVAN: I have no questions.

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: No, I have no questions.

21 CONSTANTINE ALEXANDER: Jason?

22 JASON MARSHALL: Jason Marshall no questions.

1           CONSTANTINE ALEXANDER:  Matina?

2           MATINA WILLIAMS:  Matina Williams no questions.

3           CONSTANTINE ALEXANDER:  I don't have any questions  
4 either.  So I'm going to make a motion with regard to the  
5 special permit.  The Chair moves that we make the following  
6 findings with regard to the special permit that's being  
7 sought:

8                   That the requirements of the ordinance cannot be  
9 met unless we grant the special permit.

10                   That traffic generated or patterns of access or  
11 egress resulting from this reduction of parking will not  
12 cause congestion, hazard, or substantial change in  
13 established neighborhood character.  In fact, the nature of  
14 the use of the structure isn't that that intense that it  
15 would require full compliance with our parking requirements  
16 -- our being the City of Cambridge.

17                   That the continued operation of or development of  
18 adjacent uses, as permitted in the zoning ordinance, will  
19 not be adversely affected by the reduction in parking.  And  
20 again, the petitioner has addressed that.  There's ample on-  
21 street parking to benefit the neighborhood.

22                   That no nuisance or hazard will be created to the

1 detriment of the health, safety and/or welfare of the  
2 occupant of the proposed use, or the citizens of the city.

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

7 So on the basis of all these findings, the Chair  
8 moves that we grant the requested special permit, again on  
9 the condition that to the extent relevant, the work proceed  
10 in accordance with the plans that we identified in  
11 connection with the granting of the variance. Brendan?

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

14 CONSTANTINE ALEXANDER: Andrea? Andrea, are you  
15 muted?

16 ANDREA HICKEY: Yes, I'm here. Yes to granting  
17 the special permit.

18 CONSTANTINE ALEXANDER: Thank you. Jason?

19 JASON MARSHALL: Jason Marshall yes in favor of  
20 the special permit.

21 CONSTANTINE ALEXANDER: Matina?

22 MATINA WILLIAMS: Matina Williams yes in favor of

1 granting the special permit.

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

4           [All vote YES]

5           Special permit is granted as well. Thank you.

6           JAMES RAFFERTY: Thank you very much.

7           CONSTANTINE ALEXANDER: You're welcome.

8           COLLECTIVE: Thank you.

9           BRENDAN SULLIVAN: Good luck.

10          RON WITTE: You too. Stay well.

11          CONSTANTINE ALEXANDER: It's not quite 7:45 yet.

12          SISIA DAGLIAN: There's so many not heard cases.

13          CONSTANTINE ALEXANDER: I know. We have to wait  
14 until 7:45 to take on -- to hear our next case. So a few  
15 minutes shy of that -- two minutes, to be exact.

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(7:44 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: Okay. The Chair will now  
call Case Number 106662 -- 599-605 Mass Ave and 2-12 Essex  
Street. Anyone here wishing to be heard on this matter? I  
suspect there's no one here wishing to be heard because we  
are in receipt of a communication from the petitioners' -- I  
believe counsel, and I'll read it.

"Verizon Wireless needs to undertake some  
revisions to the design of the proposal to modify the  
existing wireless facility, and therefore pursuant to  
General Laws 40A Section 15, the applicant hereby  
respectfully requests that the Board of Appeals consent to  
the withdrawal of the application [and it cites the numbers]  
without prejudice."

I think the petitioner has been educated in the  
meantime, if you withdraw the petition under our ordinance,  
they cannot refile for two years, unless they file something

1 substantially different than what has now been proposed, and  
2 that they go through a procedure where they have to get the  
3 zoning -- Planning Board approval, formal approval, and our  
4 approval acknowledging this is a new plan, a different plan.  
5 And then we can hear the new plan.

6 I believe the petitioner was told this and decided  
7 it wants to continue this case, which doesn't trigger all of  
8 these adverse results I just identified. So do we have a  
9 date that they want?

10 SISIA DAGLIAN: Yes, May 27.

11 CONSTANTINE ALEXANDER: May 20 --

12 SISIA DAGLIAN: -- twenty-seventh.

13 CONSTANTINE ALEXANDER: Okay, thanks.

14 SISIA DAGLIAN: And we have no other cases that  
15 day.

16 CONSTANTINE ALEXANDER: Okay it isn't a case not  
17 heard, so we can go forward without having to check people's  
18 calendars. The Chair moves that we continue this case as a  
19 case not heard until 6:00 p.m. on May 27, subject to the  
20 following conditions.

21 One, that the petitioner sign a waiver of time for  
22 decision, which will allow the case to continue until May

1 27. This waiver must be signed and returned to the zoning  
2 office no later than 5:00 p.m. a week from Monday. If that  
3 is not done, the case will automatically be dismissed, and  
4 that will be the end of the case.

5 So the petitioner is not on the phone, I don't  
6 believe. Should be advised it's a very standard form that  
7 Cambridge uses that he needs, or it needs, to sign this by  
8 5:00 p.m. -- this form -- by 5:00 p.m. on a week from next  
9 Monday.

10 Second, that to the extent -- that the petitioner  
11 needs to put up a new posting sign or a modified posting  
12 sign, and this sign must be maintained for the 14 days  
13 before May 27, just as the petitioner did with regard to the  
14 sign for tonight's hearing.

15 If the petitioner wishes to use the existing sign,  
16 it may do so by -- with a magic marker or what have you --  
17 marking up, changing the date and time on the sign, or  
18 preferably getting a new sign from the Inspectional Services  
19 Department.

20 And lastly -- and this case could be applicable --  
21 to the extent that as a result of this continuance there  
22 will be modified plans, specifications, drawings or the

1 like, these must be in our files no later than 5:00 p.m. on  
2 the Monday before May 27.

3 And I would -- this is not part of the motion, but  
4 I would remind the petitioner that it should go back to the  
5 Planning Board to see what comments it may have or not have  
6 with regard to the revised plans. Brendan? How do you vote  
7 on this?

8 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
9 continuance.

10 CONSTANTINE ALEXANDER: Andrea?

11 ANDREA HICKEY: Andrea Hickey yes to the  
12 continuance.

13 CONSTANTINE ALEXANDER: Jason?

14 JASON MARSHALL: Jason Marshall yes to the  
15 continuance.

16 CONSTANTINE ALEXANDER: Matina?

17 MATINA WILLIAMS: Matina Williams yes to the  
18 continuance.

19 CONSTANTINE ALEXANDER: The Chair votes yes as  
20 well.

21 [All vote YES]

22 Case continued until May 27.

1 \* \* \* \* \*

2 (7:47 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 106149 -- 169 Bent Street. Anyone here wishing  
8 to be heard on this matter?

9 JAMES RAFFERTY: Yes, good evening, Mr. Chair.  
10 For the record, James Rafferty appearing on behalf of the  
11 applicant. Also present this evening is Evan Stellman, the  
12 Project Architect.

13 CONSTANTINE ALEXANDER: Okay. The floor is yours.

14 JAMES RAFFERTY: Mr. Chair, this is a very unique  
15 case, and candidly I spent a lot of effort trying to  
16 understand why the Commissioner believes a variance was  
17 required. Potentially what exists here --

18 CONSTANTINE ALEXANDER: I'm sorry, I had the same  
19 question; I was going to ask you that question. Why do you  
20 need relief? Why did the commissioner think you need  
21 relief?

22 JAMES RAFFERTY: Well, the answer is -- and I was

1 not successful persuading the commissioner otherwise -- is  
2 that because the -- these are two structures on a single  
3 lot, on a lot that has frontage the lot runs from front to  
4 back on Charles Street and Bent Street, and the applicant  
5 wishes to combine the lots -- the structures.

6 There's an eight-foot separation between the two  
7 structures. There's plenty of GFA -- not even close, you  
8 know, 20,000 square feet. But what the setbacks in this  
9 area are -- the front setbacks are zero, but the side  
10 setbacks are based on a formula.

11 And the conclusion or the determination by the  
12 Commissioner was that when the two structures are joined,  
13 and there's a wall at either end of this separation now to  
14 keep people from entering that area, but it is unroofed, as  
15 you may note from the photos -- when these two areas are  
16 joined, then the length of the building changes, so the  
17 height plus length formula also changes.

18 Now there is no physical change in the side yard  
19 setback. The sides of the building are not moving. The  
20 setback that's there today will be the setback when the work  
21 is done. But the determination was because the building now  
22 will have a single length, and that length will have been

1 increased when it becomes a single structure, that it's no  
2 longer compliant with the setback -- the side yard setback  
3 It hasn't been compliant -- it's never been compliant with  
4 the side yard setback.

5 But at any rate, that formula, the infill of the -  
6 - in the middle of the lot -- so the space between the two  
7 buildings -- the conclusion was that that had an effect on  
8 what the setback requirement was at either end of the  
9 building, even though there's no physical change in the  
10 location of those walls, and their long-standing positions.

11 That's the conclusion, as explained to me. That's  
12 the purpose for the application, to allow for a variance for  
13 the side yard setbacks that have changed due to a change in  
14 the length of the building.

15 CONSTANTINE ALEXANDER: Okay. Well, Ranjit's much  
16 smarter than I am. So if he feels that's the way it's got  
17 to be?

18 JAMES RAFFERTY: Yeah. No, I've accepted that a  
19 long time ago. And I -- candidly I -- it does strike me as  
20 unusual when we don't have any change in the wall or the  
21 existing setback. So the setbacks aren't changing. The  
22 setback requirements have changed, to be candid. And with

1 those requirements being increased, I mean I understand how  
2 he reached the determination, and I would say it's a rather  
3 simple issue before the Board.

4 I think the hardship has everything to do with the  
5 lot and the existing structures on it. And I think the  
6 Board could easily conclude that there's nothing about this  
7 application that would be contrary to the intent of the  
8 ordinance.

9 CONSTANTINE ALEXANDER: I have one other question,  
10 the name of your client. Did Alexander Graham Bell actually  
11 form this Trust? Where did that name come from?

12 JAMES RAFFERTY: Is that because -- that's an  
13 homage, I would say, to the inventor of the telephone. The  
14 proponent had a family business that was involved in  
15 electric motors and owns a fair bit of property in the East  
16 Cambridge outer Kendall Square neighborhood.

17 So yeah, this has been a long-named realty trust  
18 associated with property owned by -- yeah, but it is a  
19 notable name. No, this is not the Bell family.

20 CONSTANTINE ALEXANDER: Okay. Thank you.  
21 Brendan, any questions?

22 BRENDAN SULLIVAN: Brendan Sullivan no questions.



1           CONSTANTINE ALEXANDER:  Andrea?

2           ANDREA HICKEY:  Andrea Hickey no questions.

3           CONSTANTINE ALEXANDER:  Jason?

4           JASON MARSHALL:  Jason Marshall no questions.

5           CONSTANTINE ALEXANDER:  And Matina?

6           MATINA WILLIAMS:  Matina Williams no questions.

7           CONSTANTINE ALEXANDER:  And I've asked my  
8 questions.  I have no further questions.  Okay.  I will  
9 close -- I will open the matter up to public testimony.

10           JAMES RAFFERTY:  Mr. Stellman's compensation is  
11 related to his speaking, but I guess in this case we would  
12 waive that presentation, given the Board's inclination.

13           CONSTANTINE ALEXANDER:  I'm sorry, say that again?  
14 I missed that, Mr. Rafferty.

15           JAMES RAFFERTY:  I was being irreverent.  I said  
16 that Mr. Stellman's compensation was related to how much  
17 speaking he does at the hearing, and I didn't know if the  
18 Board wanted an architectural description of what's taken  
19 place.

20           CONSTANTINE ALEXANDER:  I think we can pass.

21           JAMES RAFFERTY:  Okay.

22           CONSTANTINE ALEXANDER:  And even though we have a

1 very quick night tonight, thanks to everything being  
2 continued, but no -- not necessary. Thank you. I will open  
3 the matter up to public testimony. I'll just have to read  
4 the instructions.

5 Any members of the public who wish to speak should  
6 now click the icon at the bottom of your Zoom screen that  
7 says, "Raise hand." If you are calling in by phone, you can  
8 raise your hand by pressing \*9 and unmute or mute by  
9 pressing \*6.

10 Waiting to hear if anybody's calling in.

11 SISIA DAGLIAN: There's no --

12 CONSTANTINE ALEXANDER: I'm being told no one is  
13 calling in. That's a surprise. So I'll close all public  
14 testimony. But we have nothing -- if I haven't mentioned  
15 it, I'll mention it now, -- we have no written  
16 communications one way or another with regards to this  
17 matter. I think we're ready for a vote. Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan yes. And I  
19 would add -- Mr. Sullivan -- that your work on this project  
20 speaks volumes.

21 CONSTANTINE ALEXANDER: Well, I've got to make a  
22 motion.

1 BRENDAN SULLIVAN: So you need not to --

2 CONSTANTINE ALEXANDER: Excuse me, I've got to  
3 make a motion so you can say yes to that. My mistake.

4 BRENDAN SULLIVAN: Thank you.

5 CONSTANTINE ALEXANDER: The Chair moves that this  
6 Board make the following findings with regard to the  
7 variance being sought:

8 That a literal enforcement of the provisions of  
9 the ordinance would involve a substantial hardship,  
10 financial or otherwise. That a literal enforcement -- truly  
11 literal, from my point of view, but in any event, it would  
12 require -- if we don't grant the variance -- the maintenance  
13 of this little alleyway between the two structures that  
14 serves no purpose, and it's just wasted space.

15 That the hardship is owing to the shape of the  
16 structure or the two structures; that they're separated by  
17 this alleyway, which I'm going to call an alleyway, and that  
18 will be eliminated by granting the variance.

19 And that relief may be granted without substantial  
20 detriment to the public good, or nullifying or substantially  
21 derogating from the intent or purpose of this ordinance. I  
22 think the facts speak for themselves that there's no impact

1 on the public good from joining the two structures -- the  
2 necessity for zoning relief is very technical in nature, and  
3 without any dramatic or any impact on the public good.

4 So on the basis of all of these findings, the  
5 Chair moves that we grant the variance requested on the  
6 condition that the work proceed in accordance with plans  
7 prepared by Khalsa, K-h-a-l-s-a, the cover page dated  
8 February 1, the cover page of which has been initialed by  
9 the Chair.

10 Now, Brendan.

11 BRENDAN SULLIVAN: Brendan Sullivan yes to  
12 granting the relief requested.

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

15 CONSTANTINE ALEXANDER: Jason?

16 JASON MARSHALL: Jason Marshall yes to the relief.

17 CONSTANTINE ALEXANDER: And Matina?

18 MATINA WILLIAMS: Matina yes to granting the  
19 relief.

20 CONSTANTINE ALEXANDER: So there's no suspense, I  
21 will grant yes as well.

22 [All vote YES]

1           Variance granted. Thank you.

2           JAMES RAFFERTY: Thank you very much. Have a good  
3 evening now.

4           CONSTANTINE ALEXANDER: Thank you. A short  
5 evening.

6           JAMES RAFFERTY: Yes.

7           CONSTANTINE ALEXANDER: Congratulations. We've  
8 had almost -- this is a night of continuation, except for  
9 your cases.

10          JAMES RAFFERTY: It's a testament to the  
11 preparation, no doubt, Mr. Chair. Appreciate the  
12 compliments.

13          CONSTANTINE ALEXANDER: You're welcome. It's not  
14 quite 8:00 when we have our last case, so we'll still wait  
15 until 8:00. We've got three minutes to go.

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2 (8:00 p.m.)

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

6 CONSTANTINE ALEXANDER: All right. It's now 8:00.  
7 Now, moving around, cut the suspense for the last case. The  
8 Chair will call Case Number 106913 -- 33 Gore Street. Is  
9 there anyone here wishing to be heard on this matter? No  
10 one wishes to be heard? That's probably because we are in  
11 receipt of a letter from Sarah Rhatigan, as counsel for the  
12 petitioner. And the letter states,

13 "This matter -- " [referring to the case we have  
14 right now] "-- is scheduled to be heard by the Board of  
15 Zoning Appeal, a public hearing on Thursday, February 25,  
16 2021. On behalf of the petitioners, I hereby respectfully  
17 request a continuance, and ask that this matter be  
18 rescheduled for a public hearing on Thursday, April 8,  
19 2021."

20 And this is a case not heard, so the five of us  
21 don't necessarily have to be present on April 8. We do have  
22 room on our calendar for this, to continue this case until

1 April 8. So I will -- the Chair proposes to make the  
2 following motion.

3 The Chair moves that this case be continued as a  
4 case not heard until 6:00 p.m. on April 8, subject to the  
5 following conditions:

6 One, that the petitioner sign a waiver of time for  
7 decision. Such waiver must be signed and returned to the  
8 Inspectional Services Department -- I think we have it in  
9 the file, wait a minute. The petitioner -- counsel, who's  
10 experienced in these matters. Yeah, she signed one already,  
11 so we don't need that. Eliminate that condition.

12 The second is that a new posting sign or a  
13 modified posting sign must be maintained for the 14 days  
14 prior to April 8, just as the sign for tonight's hearing was  
15 maintained.

16 I should mention -- and it should be conveyed to  
17 the petitioner's counsel -- that when I checked for the sign  
18 it was in bad condition, barely hanging on. They should  
19 take better steps to maintain a readable sign than was the  
20 case before, particularly given the fact there seems to be  
21 some issues on the merits of this case.

22 So that sign, I think the current sign is not in

1 condition to be modified. So our new sign should be  
2 obtained and maintained for the 14 days prior to April 8.  
3 And lastly to the extent there are going to be new or  
4 modified plans, specifications, drawings or the like, they  
5 must be in our files no later than 5:00 p.m. on the Monday  
6 before April 8. Brendan, how do you vote?

7 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
8 continuance.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: Andrea Hickey yes to the  
11 continuance.

12 CONSTANTINE ALEXANDER: Jason?

13 JASON MARSHALL: Jason Marshall yes to granting  
14 the continuance.

15 CONSTANTINE ALEXANDER: Matina?

16 MATINA WILLIAMS: Matina Williams yes to granting  
17 the continuance.

18 CONSTANTINE ALEXANDER: And I vote continue as  
19 well. Case continued. Meeting is over. Thank you,  
20 everybody.

21 COLLECTIVE: Good night.

22 CONSTANTINE ALEXANDER: Good night.



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[08:02 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.

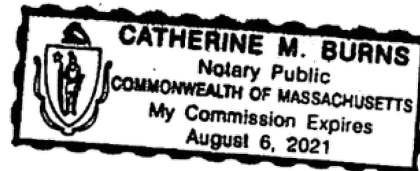
In witness whereof, I have hereunto set my hand this 4th day of March, 2021.



Notary Public

My commission expires:

August 6, 2021



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