

March 25, 2021

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 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

Jim Monteverde

Laura Wernick

Matina Williams

Slater Anderson

City Employees

Ranjit Singanayagam

Sisia Daglian



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3 (6:04 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Andrea A. Hickey, Jim Monteverde, Laura  
6 Wernick

7 CONSTANTINE ALEXANDER: Welcome to the March 25,  
8 2021 meeting of the Cambridge Board of Zoning Appeals. My  
9 name is Gus Alexander, and I am the Chair.

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

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

1 proceedings.

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

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

9 Generally speakers will have up to three minutes  
10 to speak. I'll start by asking the Staff to take Board  
11 member attendance and verify that all members are audible.

12 SISIA DAGLIAN: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde is here.

14 SISIA DAGLIAN: Andrea Hickey?

15 ANDREA HICKEY: Andrea Hickey present.

16 SISIA DAGLIAN: Laura Wernick?

17 LAURA WERNICK: Laura Wernick present.

18 SISIA DAGLIAN: Our transcriptionist is present.

19 Brendan?

20 BRENDAN SULLIVAN: Brendan Sullivan present.

21 SISIA DAGLIAN: And --

22 CONSTANTINE ALEXANDER: And the Chair is still

1 present.

2           Okay. We're going to start with continued cases,  
3 a couple of them. These are cases that have started at an  
4 earlier date, but for one reason or another were continued  
5 until this evening. I ask that we do that, assuming that  
6 before it's before 6:30. We'll then turn to our regular  
7 agenda.

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2 (6:04 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Laura  
5 Wernick

6 CONSTANTINE ALEXANDER: So the first continued  
7 case I'm going to call is Case Number 100 817 -- 56  
8 Churchill Avenue. Anyone here wishing to be heard on this  
9 matter?

10 SISIA DAGLIAN: They're not here.

11 CONSTANTINE ALEXANDER: Nobody's on?

12 SISIA DAGLIAN: They're not here?

13 CONSTANTINE ALEXANDER: Okay, we -- this case is  
14 going to be further continued, or there is a request to be  
15 further continued, to be precise. We received a letter from  
16 the new Council for the petitioner, and she wrote, "I am  
17 writing to request a continuance for the special permit  
18 hearing for tonight's hearing."

19 She was Councillor Morgan Kemp -- K-e-m-p -- just  
20 recently hired by the property owner, and is a new architect  
21 as well. They're asking I think for a month. Do we have  
22 room a month from now, Sisia?

1           SISIA DAGLIAN: Well, we could do -- the earliest  
2 we have is May 13.

3           CONSTANTINE ALEXANDER: May 13?

4           SISIA DAGLIAN: Mm-hm.

5           CONSTANTINE ALEXANDER: Okay. All right. The  
6 Chair moves that we continue this case as a case heard until  
7 6:30? 6:30 p.m. on May 13, subject to the following  
8 conditions:

9           One, that the petitioner sign a waiver of time for  
10 decision, and that was done with regard to the prior  
11 continuance. That condition has been satisfied.

12           Two, that a new posting sign -- or if possible a  
13 modified posting sign disclosing the new date, May 13 and  
14 the new time 6:30 -- and that sign must be maintained for  
15 the 14 days prior to the hearing in May.

16           And lastly, to the extent there are new or revised  
17 plans, drawings, legal memoranda or the like, they must be  
18 in our files, in the city's files, no later than 5:00 p.m.  
19 on the Monday before the May hearing date.

20           Brendan, how do you vote on this motion to  
21 continue?

22           BRENDAN SULLIVAN: Brendan Sullivan yes to

1 continuing.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: Jim Monteverde yes to continuing.

4 CONSTANTINE ALEXANDER: Laura?

5 LAURA WERNICK: Laura Wernick yes to continuing.

6 CONSTANTINE ALEXANDER: And Andrea?

7 ANDREA HICKEY: Andrea Hickey yes to continuing.

8 CONSTANTINE ALEXANDER: Okay. And I vote yes as  
9 well, this case is continued.

10 But I am going to ask Sisia to contact the  
11 petitioner and/or this Council. This is the second  
12 continuance on this case and we have a policy of not  
13 continuing cases more than twice. So they better be ready  
14 the next time around, because unless there are extraordinary  
15 circumstances, there will be no more continuances for this  
16 case.

17 Okay, moving onto the next case.

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2 (6:07 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Laura  
5 Wernick

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

9 SARAH RHATIGAN: Good evening. Mr. Chairman, I  
10 saw the startled expression on your face, sorry. Sarah  
11 Rhatigan here from Trilogy Law. I am actually here  
12 representing the petitioner this evening. And yes, I have  
13 not been on this case previously.

14 CONSTANTINE ALEXANDER: That's correct.

15 SARAH RHATIGAN: I'm here representing the  
16 petitioner, Jamison Rogers. Hello, everyone. Mr. Rogers is  
17 here as well, and the architect is here as well. Adam is  
18 here as well. I believe he is a panelist; I can't see him,  
19 but I think you can see him as well.

20 CONSTANTINE ALEXANDER: Okay, Sarah, you're aware  
21 of course -- maybe that's why you're in the case -- that  
22 there was neighborhood opposition, particularly to the rear

1 of the property involved.

2 SARAH RHATIGAN: Exactly, yes.

3 CONSTANTINE ALEXANDER: And I gather from the new  
4 plans in, that it would appear -- I'm asking you to confirm  
5 -- that the matters still not have (sic) been agreed to by  
6 the people in the rear; they're still -- and we have letters  
7 in our files -- new letters, objecting to what is being  
8 proposed.

9 SARAH RHATIGAN: That is what I understand as  
10 well. And yes, that is in part the reason that you're  
11 seeing me here this evening.

12 So what I was going to ask -- I understand that  
13 the matter was not actually opened as a hearing the last  
14 time, and I was hoping to just clarify that, so that this  
15 was -- it was opened as a full matter heard the first  
16 hearing.

17 CONSTANTINE ALEXANDER: Oh yes, oh yes.

18 SARAH RHATIGAN: Okay, okay.

19 ADAM GLASSMAN: It was unheard; unheard case.

20 CONSTANTINE ALEXANDER: Is it unheard? I think  
21 this was a case heard.

22 ADAM GLASSMAN: No, no, it was actually un -- you

1 advised us to continue the case without being heard because  
2 it made rescheduling more complicated.

3           CONSTANTINE ALEXANDER: Okay. Doesn't change any  
4 of the consequences tonight, anyway. Okay.

5           SARAH RHATIGAN: Yeah. And I did just want to ask  
6 that question just in terms of -- you know, kind of  
7 procedurally. You know, in terms of the posture.

8           But I do understand that the Board at least  
9 probably saw the plans and heard, you know, quite a bit of  
10 discussion from the folks in the back about concerns about  
11 the original set of plans that were filed.

12           So what I was hoping today to do -- we realize you  
13 have a long night ahead of you and we want to try to kind of  
14 streamline our discussion as best we can.

15           But what I'd like to do is to describe to you what  
16 Mr. Rogers has done in terms of both trying to develop plans  
17 for this property, the reasons for that, the reasons for his  
18 hardship and the reasons for requiring a variance and -- not  
19 requesting, requesting -- a variance of the Board.

20           And to also describe to you the public outreach  
21 that he has tried to endeavor to undertake with his  
22 neighbors, and where we understand that is today. Okay?

1           And then obviously I understand that the neighbors  
2 will want -- I'm assuming are on the call and will want a  
3 chance to speak, and I would just ask if we could have an  
4 opportunity to respond.

5           We have not been able to engage in any direct  
6 communication with them, and that's not because we haven't  
7 tried. We have actually had a lot of efforts to try to  
8 outreach, but there has not been a desire for them to  
9 communicate. So just bear with us. I know that you don't  
10 like that to have happened, but that's not been on our part.

11           So here we go. So this is a property that is, you  
12 know, preexisting nonconforming, originally built as a four-  
13 unit Workers Cottage when originally constructed. Each of  
14 these were tiny units at that time -- I can't remember the  
15 construction date but, you know, in the 1800s the unit sizes  
16 were 638 square feet, 650 square feet.

17           It was a very, very small structure with two  
18 interior staircases. So when you look at it in terms of  
19 from a construction point of view, there's not a lot you can  
20 do with it. I mean one could try to reclaim the status as a  
21 four-unit.

22           What happened at some point in the -- probably the

1 1980s, and probably as a result of rent control -- is that a  
2 previous owner had pulled out a kitchen and called it a  
3 three-unit, although we probably suspect it was being used  
4 illegally as a four-unit dwelling.

5 But at the time that Mr. Rogers purchased the  
6 home, it was sold to him as a three-unit dwelling, although  
7 it was structurally constructed -- you know, it still looked  
8 like a four-unit dwelling with these tiny, you know, four  
9 units of, you know, dwelling units.

10 This is all to say that the plan for Mr. Rogers  
11 has been to turn this into a property that would be a three-  
12 unit property for family-sized, reasonable, you know, good,  
13 solid family units that where he and his family could live.  
14 He ideally would like to be in the top unit, but also have  
15 rental income.

16 And the renovation project, that would be -- you  
17 know, historically sensitive. He chose an architect that  
18 would really what I consider to be really beautiful drawings  
19 with kind of historically sensitive context, and trying to  
20 essentially kind of match the house to its left, as you face  
21 it.

22 The constraints on the site are obvious. It's a

1 very undersized lot. So, you know, the lot lines on the  
2 side are narrow. And the first set of plans did have some  
3 rear extension, so that there was some nonconformity at the  
4 rear of the lot.

5 And so, the concerns that the neighbors who lived  
6 behind him had with respect to privacy, because of the decks  
7 that extended into the back did make quite a bit of sense.  
8 And after that hearing, there was an effort by Mr. Rogers to  
9 outreach to sort of talk about, you know, what are the  
10 concerns?

11 And as I mentioned, there wasn't a willingness to  
12 engage in dialogue, but by looking at what had been  
13 submitted in writing and listening to what had been  
14 discussed at the hearing, there was an inference that what  
15 really needed to happen is all the nonconforming at the rear  
16 of the house needed to be removed from the project.

17 So the plans that you have before you today -- and  
18 I was going to ask if Sisia, if you could put the plans up  
19 on the screen so we could just kind of walk through the  
20 images?

21 What you're going to see in terms of revisions to  
22 the project are really -- again -- all of the nonconforming

1 at the rear of the property is being removed. So this is  
2 the existing site plan. It's very hard to see, but at the  
3 back there's some -- there's like a ramp and some structure  
4 at the back that it's in the rear setback that is being  
5 removed.

6 There's also kind of an ugly fence that actually  
7 is encroaching on the neighbor's lot. That is the -- it's  
8 existing chain-link fence. That all is going to be removed.  
9 I think it's approximately a foot and a half over onto the  
10 neighbor's lot. That's all going to be removed, and then,  
11 you know, fixed with a new, nice fence that will be inside  
12 our lot line.

13 Next slide, please?

14 This is just a good image of the house, and then  
15 its surrounding houses.

16 Sisia, if you don't mind, if you could go --  
17 there's a rendering page that's -- I think Slide Number 5.  
18 So if you can just stay here for just a moment.

19 So the -- so just in terms of the, you know, the  
20 variance relief, so what we have now is the expansion of the  
21 third level, which is what is going to enable Mr. Rogers to  
22 essentially create three flat units. And this is what

1 enables essentially three family-sized units of housing.

2 And these are not grand, you know, sized units.

3 We're talking I think the unit sizes are about 1100 square  
4 feet. There are three bedrooms, but not -- you know, again,  
5 the floor plans you have in the file are what I would  
6 consider, you know, nice sized but not, you know, grandiose.

7 The basement is we're seeking special permits to  
8 exempt the basement square footage. The basement would be  
9 used really as storage. It's not an ideal situation to, you  
10 know, some developers would just blow out the basement and  
11 try to create -- you know, kind of underground apartments  
12 here.

13 And that is not the -- that's not the desire of  
14 this owner. He doesn't want to create underground, you  
15 know, subpar housing. He wants to -- you know, he wants to  
16 have, again, you know, family -- you know, solid housing for  
17 the community living at this --

18 CONSTANTINE ALEXANDER: Sarah?

19 SARAH RHATIGAN: Yeah?

20 CONSTANTINE ALEXANDER: Did I understand you to  
21 say -- maybe I misunderstood -- that you're going to be  
22 seeking a special permit with regard to the basement?



1 SARAH RHATIGAN: Yes. It is in the application  
2 material.

3 CONSTANTINE ALEXANDER: Not for this application;  
4 it's not advertised.

5 SARAH RHATIGAN: It has --

6 CONSTANTINE ALEXANDER: The only special permit  
7 that's advertised --

8 SARAH RHATIGAN: -- the language I see -- I  
9 apologize. Now, I didn't prepare the application, but I'm  
10 looking at the description. It says, "proposed exclusion of  
11 basement from a calculation of the GFA."

12 CONSTANTINE ALEXANDER: The advertisement that I  
13 have says that you're -- seeking a special permit -- your  
14 client -- a variance as well, but a special permit for the  
15 windows, the window changes.

16 ADAM GLASSMAN: Exclusion of the basement is in  
17 the application.

18 SARAH RHATIGAN: And then the -- Mr. Chairman --

19 CONSTANTINE ALEXANDER: You're right, I'm sorry --  
20 I misunderstood --

21 SARAH RHATIGAN: -- the sections --

22 CONSTANTINE ALEXANDER: You're correct. I

1 apologize.

2 SARAH RHATIGAN: Yeah, when you see the section --  
3 oh, okay, good. You see it? The last thing, Article 2,  
4 Section GFA, 16 basement exemptions for GFA?

5 CONSTANTINE ALEXANDER: Okay.

6 SARAH RHATIGAN: You did see that? Yep, okay,  
7 good. Yeah. It's not up at the top. So I'm sorry. The  
8 basement exemption.

9 So again, so the not -- you know, a suitable place  
10 to, you know, essentially create the living unit in the  
11 basement, because it is a, you know, well below- grade  
12 basement area with, you know, of questionable conditions  
13 down there.

14 Could you advance the slide, Sisia? Just another  
15 view of the rendering.

16 Thank you. You can continue just with the views.  
17 You can see the context of how this would be viewed from the  
18 street.

19 You can continue through the slides.

20 If you could stop here? This is just a good view  
21 of the changes to the roofline.

22 And then if you could, Sisia, advance to the --

1 towards the end are some shadow studies. Actually the  
2 pictures, I'm sorry. Thank you. Okay, great, this is  
3 perfect.

4 So I just want to kind of jump -- you know, jump  
5 ahead to the -- unless there are any further discussions,  
6 you will -- obviously Board members will ask any questions  
7 about the plan that you'd like to, but I think that the main  
8 events or the main attraction would be the -- you know, kind  
9 of questions about what the concerns are from the neighbors'  
10 point of view.

11 So what you see here are various angles of the  
12 concerns from the neighbor's point of view. So the brown --  
13 the dark brown house is our house, the one that's being  
14 modified. And so, you can see the views from the back  
15 behind, which is from -- the owners are the Union Street's  
16 properties.

17 And there are some shadow studies that we  
18 provided. And the change to the roofline is -- from what  
19 you can see from the shadow studies, it's frankly not going  
20 to really have much impact, if at all, on those shadows that  
21 already exist.

22 Because these -- the structures already have quite

1 a bit of shadow impact because of how they're situated and  
2 how they exist.

3 That house to the right of ours you can see how  
4 it, you know, how it sits. Our structure is essentially  
5 going to be the same as that one. And, you know, the real  
6 impact kind of already exists, if you will.

7 So the change in the roofline, you can see it  
8 pretty well from the shadow studies, doesn't have a large  
9 impact if at all. It's very difficult to see it.

10 Now the view of houses that are impacted you can  
11 see it on the top, in terms of, you know, which properties  
12 folks live in. Then you can see the conditions of the rear  
13 yard, in terms of the chain link fence that we're talking  
14 about removing. That area is going to be landscaped in a  
15 much, you know, more -- you know, lovely way, that hopefully  
16 will improve conditions.

17 Could you move along to the shadow studies?  
18 Actually, this is a good view. This one you can just see  
19 the distance that we're talking about between the buildings  
20 at the rear area, and you can also just see where the fence  
21 is going to be moved.

22 And the next view, please?

1           This is just getting a rendering of what the roof  
2 change will look like. And just to point out the changes  
3 that -- so by removing those rear decks, so what you're  
4 seeing there with the little balconies and the windows  
5 there, those are all conforming on the conforming wall.  
6 Now, they're within the setbacks, or they were outside of  
7 the setbacks, I should say.

8           Sisia, if you don't mind if you could -- yep,  
9 thank you. You can just proceed through the views. We may  
10 come back to these if we want for further discussion. Okay,  
11 thank you.

12           And with these, I'll just ask that if you don't  
13 mind, Sisia, if you could just walk through these. So these  
14 are just the -- you know, the typical different times of the  
15 year. So summer --

16           CONSTANTINE ALEXANDER: I would like to go back to  
17 the rear of the structure and the balconies -- the so-called  
18 Juliet balconies.

19           SARAH RHATIGAN: So, sure, mm-hm. The pictures --  
20 the photos or the renderings, rather? So that would be -- so  
21 maybe just after Sisia's done looking through these?

22           [Pause]

1           SARAH RHATIGAN: Thanks, Sisia. Is that a good  
2 view of it?

3           CONSTANTINE ALEXANDER: Yes. I'd like to see the  
4 plans, though. Why don't I -- let me --

5           SARAH RHATIGAN: Okay, sure. I can get to that  
6 page.

7           CONSTANTINE ALEXANDER: No, no, if you can confirm  
8 something for me.

9           SARAH RHATIGAN: Okay, sure.

10          CONSTANTINE ALEXANDER: The balconies going to be  
11 I think roughly two feet six inches deep. But it's also  
12 going to be --

13          SARAH RHATIGAN: I think that's correct, yeah.

14          CONSTANTINE ALEXANDER: -- almost 15 feet long, if  
15 I'm reading the plans right. Which means that you can't  
16 have a big party on that deck. You can have several people  
17 congregating sitting around in the chair on the deck, and  
18 that -- on each level -- and that goes to the heart of the  
19 privacy concerns and noise concerns that the people in the  
20 rear are objecting to.

21                 Why do you need -- if you want to have a Juliet  
22 balcony, why don't you have a typical Juliet balcony, where

1 you -- you know, you don't use it as a place to go out and  
2 party on, you do get sunlight and whatever architectural  
3 improvement?

4 I'm concerned about that. Maybe my fellow Board  
5 members are not, but I am concerned about the need for a 14-  
6 foot-long balcony on each level.

7 SARAH RHATIGAN: Would the idea of breaking that  
8 up be something that you would be suggesting?

9 CONSTANTINE ALEXANDER: Yeah, why not just one  
10 typical Juliet balcony is usually very small. I mean, it's  
11 not designed to have people climbing out on it and using it,  
12 as I understand it. My builder and architectural friends on  
13 the Board can tell me I'm wrong.

14 JIM MONTEVERDE: No, no -- [this is Jim  
15 Monteverde]

16 CONSTANTINE ALEXANDER: Jim.

17 JIM MONTEVERDE: A typical Juliet balcony in fact  
18 has no balcony at all. It's really a railing affixed to the  
19 façade of the building.

20 CONSTANTINE ALEXANDER: Right.

21 JIM MONTEVERDE: You can open the door, which in  
22 this case looking at the plan if I read them correctly,

1 they're sliding doors, and that you -- there is no outdoor  
2 space. So you really can't congregate outside.

3 So I think that's what the Chair is described as  
4 really the Juliet is in fact not a balcony; there is no  
5 outdoor space. Yes, the doors can open whether it's all  
6 both pair for the 15-foot or 14-foot, why or one of them; I  
7 think that's the difference that's being discussed.

8 CONSTANTINE ALEXANDER: Are other Board members  
9 concerned about the size of -- the nature of these  
10 balconies, besides myself?

11 ANDREA HICKEY: Hi. It's Andrea Hickey here. I  
12 am concerned about the length of the balcony. If I could  
13 ask Council just to refresh my memory, how deep are these  
14 proposed balconies?

15 CONSTANTINE ALEXANDER: They're two feet six  
16 inches, roughly.

17 ANDREA HICKEY: All right.

18 SARAH RHATIGAN: And I was also going to ask Mr.  
19 Glassman to chime in on that. I think that's correct.

20 ANDREA HICKEY: All right. So that really does  
21 mean to me that people could stand out there, and I --  
22 granted, you couldn't have a big party, but people could be



1 out there using that space and infringing on the privacy of  
2 the neighbor. Is there a way to pull those spaces back so  
3 that they are true Juliet balconies?

4 SARAH RHATIGAN: I -- I mean answering, I mean, of  
5 course it's difficult when we're not all in the same room,  
6 but I'm seeing texts from everybody. I'm seeing texts from  
7 Mr. Rogers saying yes, we can pull this back to make it, you  
8 know, --quote, unquote-- "more of a true Juliet balcony,"  
9 yes.

10 ANDREA HICKEY: That would be a meaningful  
11 amendment to the proposal, from my perspective.

12 CONSTANTINE ALEXANDER: And it would be from mine  
13 as well.

14 SARAH RHATIGAN: Okay.

15 CONSTANTINE ALEXANDER: That's why I raised it.

16 SARAH RHATIGAN: Yep, Mm-hm.

17 CONSTANTINE ALEXANDER: How would you -- what --  
18 we'd have, if we're going to approve this tonight, we have  
19 to -- you know, these are not on the plans now.

20 SARAH RHATIGAN: Mm-hm.

21 CONSTANTINE ALEXANDER: What would be the  
22 dimensions of this Juliet balcony?

1           SARAH RHATIGAN: Right. I think that would be --  
2 that would be, you know, something that we're happy to, you  
3 know, hear suggestions on. You know, the -- when we were  
4 looking at the two-foot-six, I think we were thinking just  
5 something where, you know, somebody can get a breath of  
6 fresh air, you know, they can stand with a coffee cup. We  
7 weren't thinking a party, honestly.

8           But not so that they could put a chair out there,  
9 right? So two-six is too small for a chair, but it's enough  
10 for standing out with a coffee cup.

11           But, you know, Adam, did you have thoughts of what  
12 --

13           ADAM GLASSMAN: Yeah.

14           SARAH RHATIGAN: -- what you would recommend as  
15 something smaller but, you know, not as big as two-six?

16           ADAM GLASSMAN: Yeah, I mean the two-six includes  
17 the guardrail. So when you get past that, there really is  
18 no room for a chair.

19           And the one benefit we saw of these not true  
20 Juliet balconies, but very shallow balconies is that there  
21 could be potted plants produced -- you know, providing  
22 another level of screening and privacy. We could pull these

1 decks back and just call it -- you know, maybe if we call it  
2 16 inches, we could still get a couple of potted plants out  
3 there, but if the Board felt strongly about creating true  
4 Juliet balconies with no occupiable deck space at all, then  
5 we can do that.

6           CONSTANTINE ALEXANDER: That's what we're all  
7 driving at, Mr. Glassman. How do we do it with respect to  
8 the plans?

9           ADAM GLASSMAN: We can call -- we can -- you can  
10 note, as Chair, you can note the two sticks to be call it  
11 six inches, just so we have some room to mount a balcony --  
12 to mount a guardrail structure in front of the --

13           CONSTANTINE ALEXANDER: I'm sorry, I didn't quite  
14 understand what you just said.

15           ADAM GLASSMAN: Where we show that the 30-inch-  
16 deep balcony, if you can note it as one foot, that would  
17 allow us to have the room we need to mount a guardrail to  
18 the side of the house.

19           CONSTANTINE ALEXANDER: So one foot deep -- I'm  
20 going to call, "deep" -- one foot from the back of the  
21 building to the edge of the railing?

22           ADAM GLASSMAN: That just means we have enough

1 space to get a guardrail. And it won't be a foot deep, but  
2 if we're just saying, you know, we have this space to get  
3 into there and put a guardrail up mounted to the side of the  
4 house.

5 CONSTANTINE ALEXANDER: And what about the length?

6 ADAM GLASSMAN: We can reduce the length.

7 CONSTANTINE ALEXANDER: I'm sorry?

8 ADAM GLASSMAN: We can reduce the length.

9 CONSTANTINE ALEXANDER: To what?

10 ADAM GLASSMAN: How's 12 feet?

11 LAURA WERNICK: You could make, or you could make  
12 two -- well, 2 six-foot, seven-foot -- 2 seven-foot --

13 ADAM GLASSMAN: That's even better. We'll break  
14 it up in half and do 2 seven-foot Juliet balconies.  
15 Because, again, they're not real balconies. We're just  
16 talking about guardrails.

17 JIM MONTEVERDE: Right, agree.

18 ANDREA HICKEY: Well, so what will divide the two  
19 spaces, then?

20 LAURA WERNICK: The railings.

21 ANDREA HICKEY: So there will be --

22 ADAM GLASSMAN: There will be a railing mount to

1 each of the -- each of the doors. So one can open the door  
2 and not fall out.

3 So the fact [is] that the doors would remain 2  
4 six-foot doors for light and sun, and we'd mount a guardrail  
5 over the front of it. So there is no more balcony, it's  
6 just a guardrail.

7 ANDREA HICKEY: Okay.

8 CONSTANTINE ALEXANDER: I for one would not like -  
9 - I think it is still too long. I think, you know, you want  
10 an area where one person can get fresh air to put out  
11 plants. We're not to have --

12 LAURA WERNICK: Gus, Gus, I think all that's being  
13 suggested here is that there would be a one-foot, not --  
14 about, we have probably with the railing less than a foot  
15 where you could put plants. And it would only be just  
16 larger than the door opening.

17 ADAM GLASSMAN: Right.

18 LAURA WERNICK: So you can open up the door, reach  
19 out, water your plants, and it's only -- the window openings  
20 are six feet. This would be -- whatever, six or eight  
21 inches either side of the door opening.

22 ADAM GLASSMAN: There will be no room for plants,

1 really. We're not even trying to accommodate plants  
2 anymore. These are true Juliet balconies. There will be no  
3 balcony deck flooring.

4 JIM MONTEVERDE: So -- this is Jim Monteverde  
5 again -- so each pair of six-foot wide slider doors will  
6 actually have its own Juliet balcony? Correct?

7 ADAM GLASSMAN: Yeah, just a guardrail for --

8 JIM MONTEVERDE: Right, correct.

9 ADAM GLASSMAN: Yeah.

10 JIM MONTEVERDE: So instead of seeing one 14-foot-  
11 8 long guardrail, it will be -- well, do you think it will  
12 be split into two segments, one for each door?

13 ADAM GLASSMAN: Probably.

14 JIM MONTEVERDE: Okay.

15 ADAM GLASSMAN: Yeah. I would say that.

16 JIM MONTEVERDE: Yep. That would seem to work.

17 It breaks up the scale of it, it basically doesn't let  
18 anyone go out there to -- if that's the privacy concern of  
19 the neighborhoods. It seems to solve a couple issues.

20 ADAM GLASSMAN: and I think it's a fair tradeoff,  
21 because this work is actually by right, and we're taking it  
22 out of the project.

1           CONSTANTINE ALEXANDER:  When we get to making a  
2 motion, I'm going to ask you, Jim, to handle that part of  
3 the balcony so we -- I'm sure I'll muff it up.  But --

4           JIM MONTEVERDE:  No, I don't know.

5           CONSTANTINE ALEXANDER:  -- but you seem to be  
6 describing, so that the Building Department will know what  
7 they're working with.

8           JIM MONTEVERDE:  Yep.

9           CONSTANTINE ALEXANDER:  Again, assuming we approve  
10 the relief being sought?

11          JIM MONTEVERDE:  Yep.

12          CONSTANTINE ALEXANDER:  Okay with you?

13          JIM MONTEVERDE:  That's fine.

14          CONSTANTINE ALEXANDER:  Okay.  Turning to  
15 something else but still in the rear yard, I was -- I must  
16 compliment you, Mr. Glassman, and your client with the  
17 seven-foot rear wood privacy fence.

18                 And I think that's a good gesture, and I'm going  
19 to incorporate that in the opinion as well; that it has to  
20 be built and maintained in connection with the structure  
21 itself.

22                 But with that, I have no other questions that I

1 want to ask. Brendan, do you have anything you want to say?

2 BRENDAN SULLIVAN: No, I don't. [Brendan Sullivan]

3 I don't have any questions at this time.

4 CONSTANTINE ALEXANDER: Okay. Jim, anything else

5 you want anything else, more you want to add?

6 JIM MONTEVERDE: Yeah. [This is Jim Monteverde.]

7 I do have a question. I don't see anywhere in this

8 submission what the height -- what the clear height in the

9 basement is.

10 I'm struggling with what the request for the

11 special permit to exclude the basement, because I assume you

12 need that reduction in the GFA square footage in order to

13 get you the third-floor addition.

14 So what I'm trying to understand is is the

15 basement less than seven-foot tall now? And I'm assuming

16 not. Otherwise, you would need to --

17 SARAH RHATIGAN: Right, it's not.

18 JIM MONTEVERDE: -- exclude it.

19 SARAH RHATIGAN: Yeah. Yeah.

20 JIM MONTEVERDE: So what I --

21 SARAH RHATIGAN: I can answer. But no, it's not -

22 - it is not less than seven feet, which is why the request



1 for the special permit --

2 JIM MONTEVERDE: Right. So the question really is  
3 -- and it's in the special permit language, but why should  
4 we be inclined to grant the exclusion if really what that  
5 allows you to do is add on the third floor?

6 Because without the exclusion, you just can't do  
7 that. You're already way over the FAR. You'd be even  
8 worse. You'd be blatantly over the FAR, and I'm sure there  
9 would be a discussion about that.

10 So -- and I see in the -- I think it was the  
11 letter from the proponent that the space will be used  
12 currently for storage, but in the future it could be  
13 improved and used as a family room, which means it then  
14 turns into FAR that just throws the whole -- you know,  
15 square footage way above the FAR allowed for the particular  
16 lot.

17 So my problem is just is there any way to limit or  
18 to restrict how that could be used in the future, or is that  
19 not possible?

20 ADAM GLASSMAN: I would say a condition could be  
21 one of the conditions of this project is that the basement  
22 will remain unfinished and un --

1 JIM MONTEVERDE: -- occupied.

2 ADAM GLASSMAN: -- unoccupied, unless a petitioner  
3 comes back to the Zoning Board.

4 JIM MONTEVERDE: Mr. Chair, is that reasonable to  
5 be able to do?

6 CONSTANTINE ALEXANDER: I have no problem with  
7 that.

8 JIM MONTEVERDE: All right.

9 CONSTANTINE ALEXANDER: I'll try to when I frame  
10 the motion, try to accomplish what you've pulled out from  
11 this. Yes, no problem.

12 JIM MONTEVERDE: Yeah, that would help me.  
13 Because otherwise my concern would be, you know, two months  
14 from now, we'll come back and do the addition for the  
15 basement apartment. Once you've already gotten the third  
16 floor, now it's actually four stories tall. And I really --  
17 that would make me extremely uncomfortable.

18 CONSTANTINE ALEXANDER: Okay.

19 JIM MONTEVERDE: So I think if we can create some  
20 language, I think that would be great.

21 CONSTANTINE ALEXANDER: Okay. I'll try my hand  
22 when we get to the motion stage.

1           JIM MONTEVERDE: All right, thank you.

2           CONSTANTINE ALEXANDER: And --

3           ANDREA HICKEY: Yeah, and Mr. Monteverde, I would  
4 also say that, you know, the petitioner would be fine with  
5 that. But in line with his intentions anyway. You know, he  
6 wouldn't want to have to pour concrete on the floor to, you  
7 know, lower the ceiling height. Because that's his  
8 intention in terms of the use of the space anyway. I think,  
9 you know, that makes a lot of sense.

10          JIM MONTEVERDE: Okay. That's the only question I  
11 had.

12          CONSTANTINE ALEXANDER: Okay. Andrea?

13          ANDREA HICKEY: No, I have no questions, just a  
14 comment along the lines of what Mr. Monteverde raised. So  
15 just to be clear, the condition that you'd be imposing  
16 regarding this basement doesn't prohibit the owner from  
17 coming back to us to request that that space be reactivated,  
18 correct?

19          CONSTANTINE ALEXANDER: Oh, sure.

20          ANDREA HICKEY: Okay. All right. I -- do you --  
21 I'm sorry, go ahead.

22          SARAH RHATIGAN: The only thing I did want to just

1 confirm with Mr. Glassman and the client is the current  
2 basement plan -- I'm just flipping through to see how it  
3 reads.

4 It currently reads, "Unfinished. Basement to  
5 remain unfinished." I'm just confirming that there wasn't --  
6 and the storage areas would be, you know, literal storage  
7 areas. So as long as the plans could essentially remain the  
8 same.

9 ANDREA HICKEY: Is there a way that we could  
10 clarify that the unfinished space may not be used for a  
11 living area?

12 CONSTANTINE ALEXANDER: Yeah, I think we can do  
13 that --

14 JIM MONTEVERDE: Yeah.

15 CONSTANTINE ALEXANDER: -- as a condition to the  
16 relief --

17 ANDREA HICKEY: Yes.

18 CONSTANTINE ALEXANDER: -- that's being sought,  
19 the exclusion. There's always a question of enforceability.

20 ANDREA HICKEY: Right. I understand that, but if  
21 this is the intention, and if we're making a tradeoff giving  
22 the top floor for taking away the use of the basement in the

1 calculations, then I'd like to clarify that it's -- our  
2 approval is conditioned on that area not being used for a  
3 living area without further relief.

4 CONSTANTINE ALEXANDER: When we get to the motion  
5 stage, I'll try my best.

6 ANDREA HICKEY: Thank you.

7 CONSTANTINE ALEXANDER: And you guys can chip in.

8 ANDREA HICKEY: Thank you. I have nothing  
9 further.

10 CONSTANTINE ALEXANDER: Laura?

11 LAURA WERNICK: Any questions, comments?

12 JIM MONTEVERDE: You need to unmute.

13 LAURA WERNICK: No, I have no further questions.

14 CONSTANTINE ALEXANDER: You're all set? Okay, and  
15 I've shot my wad already, so I have nothing more to add. So  
16 I'm going to open the matter up to public testimony. Well  
17 just, I guess Sarah, deal a little bit with the special  
18 permit, besides the exclusion of the basement from the  
19 calculation of GFA.

20 SARAH RHATIGAN: Okay, sure.

21 CONSTANTINE ALEXANDER: Talk a little bit about  
22 the new and enlarged windows, and why it should not be a

1 problem in terms of impact on the neighboring properties?

2 SARAH RHATIGAN: Okay, sure. If we could look at  
3 there's a side elevation on the right side of the structure.

4 Yeah. Perfect. Thank you, Sisia. That's great.

5 Okay. So this is the side that requires the  
6 special permit. Actually, I think the other side may have  
7 some slight modifications. So we'll look at that side as  
8 well. But this is the one that has more modifications.

9 So you can see the changes here from the -- you  
10 know, the left side is the existing, the right side is the  
11 proposed. There are less windows proposed, but centrally,  
12 you know, located.

13 I believe that these windows are -- I'm pretty  
14 sure these windows are located in the dining room area of  
15 these units?

16 ADAM GLASSMAN: That's correct.

17 SARAH RHATIGAN: And -- that's right.

18 CONSTANTINE ALEXANDER: Has the petitioner  
19 received any comments or -- regarding from the neighbors who  
20 are affected by this, given it's a densely populated  
21 neighborhood -- about impact on their privacy or -- well,  
22 mainly the privacy?

1 SARAH RHATIGAN: There's --

2 CONSTANTINE ALEXANDER: I didn't see anything in  
3 the file, so I want to know --

4 SARAH RHATIGAN: -- there's been no specific --  
5 yeah, there's no specifically about this. From observation,  
6 my understanding is that the -- you know, the houses are  
7 close. Obviously, you see from the photos the houses are  
8 relatively close.

9 And I think that folks tend to keep their shades  
10 pulled on their side of the house, as it is. I think by  
11 centrally locating them, it may actually improve privacy  
12 conditions for the neighbor.

13 CONSTANTINE ALEXANDER: Okay.

14 SARAH RHATIGAN: I know that's not answering your  
15 question. You said have you gotten any feedback? We  
16 haven't gotten any feedback. But if you see the -- you  
17 know, to the extent that on the existing conditions there's  
18 some windows towards the front of the house that will be  
19 eliminated, you know, perhaps that will improve some of the  
20 privacy concerns.

21 CONSTANTINE ALEXANDER: Yeah. I don't think  
22 neighbors would ever complain about the elimination of

1 windows.

2 SARAH RHATIGAN: Correct, yeah.

3 CONSTANTINE ALEXANDER: So I'm not concerned about  
4 that.

5 SARAH RHATIGAN: That I haven't seen before,  
6 right? And then the changes on the opposite side of the  
7 house --

8 LAURA WERNICK: Can I just ask one question on  
9 this side of the house? Is the basement window, it looks  
10 like they're relocating the most forward basement window, is  
11 that right?

12 ADAM GLASSMAN: No, that's -- it's -- I'm not sure  
13 why it looks like that, but we will not be touching the  
14 basement.

15 LAURA WERNICK: Oh, okay, thank you.

16 CONSTANTINE ALEXANDER: Okay. I think I will now  
17 open this -- unless Board members want to speak further at  
18 this time, I'm going to open the matter up to public  
19 testimony. Okay. Any members of the public who wish to  
20 speak should now click the icon at the bottom of your Zoom  
21 screen that says, "Raise hand."

22 If you're calling in by phone, you can raise your



1 hand by pressing \*9 and unmute or mute by pressing \*6. So  
2 I'll take a moment to see if there's anyone who wishes to  
3 speak.

4 [Pause]

5 I guess we have someone. Okay. Sisia?

6 SISIA DAGLIAN: Melena Caton?

7 [Pause]

8 CONSTANTINE ALEXANDER: Is he there? Maybe he  
9 left. Wouldn't be the first time we've had people do that.

10 SISIA DAGLIAN: Do you want to go on to Karen Von  
11 BISMARCK?

12 KAREN VON BISMARCK: I'm here. Can you hear me?

13 CONSTANTINE ALEXANDER: Yes, we can hear you. It  
14 would be better if you spoke up a little bit louder. We can  
15 hear you, but not that loudly.

16 KAREN VON BISMARCK: Okay. I'll send to semi-  
17 scream. Hi.

18 THE REPORTER: Name and address, please?

19 KAREN VON BISMARCK: Pardon? My address? 48  
20 Union Street.

21 CONSTANTINE ALEXANDER: Are you someone who abuts  
22 to the rear of the structure?

1           KAREN VON BISMARCK: To the rear of the structure,  
2           yes.

3           CONSTANTINE ALEXANDER: Okay. Anyway, the floor  
4           is yours. What would you like to say?

5           KAREN VON BISMARCK: Thank you. First of all, to  
6           the Chairman, I would like to thank you for your empathy as  
7           far as the privacy issues go. I appreciate your putting  
8           yourself a little bit in our gardens.

9           I would like to correct an impression I think that  
10          was perhaps left with the Board by this hearing that I and  
11          the other abutters to the rear involved have been  
12          uncooperative. I think that was the impression given. I  
13          have responded to every e-mail to the petitioners that I  
14          received.

15          I did decline to -- if you will -- negotiate with  
16          them directly, because I'm not a developer, I'm not an  
17          architect, I'm certainly not an attorney. I'm actually a  
18          writer and I run a non-profit organization. So that's my  
19          background.

20          I live at 48 Union, and when I stand in my yard  
21          and look at that building and imagine it with, let's say a -  
22          - you know, 14-foot or even 12 feet of sliding doors opening

1 straight down onto my rather pretty little garden, thanks to  
2 the people who lived here before me, with that apple tree  
3 and a grape arbor and so forth -- it just gives me the  
4 chills.

5           Also the way the roof structure will be changed is  
6 really going to blot out a lot of light, because of being --  
7 because of the proximity. You know, I mean, that's just the  
8 way perspectives work, right? If you're standing right up  
9 against something, it blots out a lot more sky than if  
10 you're -- you know, half a mile away until you're right up  
11 against it.

12           So, you know, when I looked at these plans, I was  
13 really kind of thinking, "Who, I'm going to have to move if  
14 that happens. It's just not going to be comfortable here  
15 anymore."

16           I don't -- really don't know where things stand  
17 legally. I don't understand exactly what the concept of  
18 hardship is here, either. You have a perfectly good house  
19 that could be renovated within the -- within its existing  
20 envelope.

21           So, you know, this just -- as a person who works  
22 with words rather than legalities, "hardship" to me hardly

1 seems to apply.

2 I've looked carefully at the plans and floor  
3 plans. These are going to be three apartments with three  
4 bedrooms and three baths each. Now, your average Cambridge  
5 growing family doesn't need three -- you know, a bathroom  
6 per bedroom. I certainly didn't grow up in this city that  
7 way, and I did grow up in Cambridge, actually. I went to  
8 almost every public school in this town.

9 And so, I look at that and I think, you know,  
10 these are just going to be, you know, wealthy old people or  
11 maybe graduate students splitting up spaces. The petitioner  
12 says that he wants to live there, and I think that would be  
13 great.

14 By the way, I have nothing against the petitioner  
15 or the architect, except for the fact that somebody came in  
16 to my yard and my neighbor's yard and took pictures while I  
17 was there without asking permission, without giving any  
18 warning ahead of time, and I thought that wasn't very  
19 helpful behavior under the circumstances.

20 When I saw that person, I threw on a jacket and  
21 tried to go out, because I thought, "Well, this is an  
22 opportunity for us to at least -- well, we can't shake

1 hands, we stay a foot at least face to face --" but that  
2 person was already on their way into a car. So that didn't  
3 happen.

4 I didn't care for that behavior. I also didn't  
5 care for the fact that both I and my two neighbors -- my two  
6 abutting neighbors -- feel quite certain that we were not  
7 reached out to by the petitioner before we heard from the  
8 city later on and just in a -- you know, regular mailing,  
9 which easily could have been overlooked.

10 We hadn't heard any -- we hadn't had any outreach.

11 And I'm familiar with outreach because other  
12 neighbors around here have improved their properties, and  
13 they've gone through the trouble of sending up letters and  
14 explaining what was going on. And that there has been no  
15 friction whatsoever.

16 Let me say this, it's the first time in my life  
17 that I've ever been caught up in a situation like this. I  
18 don't consider myself a spoilsport for anyone. It's just  
19 that these plans are really going to change the day-to-day  
20 feel living in my house, and that goes particularly for my  
21 neighbors losing space as well.

22 I don't want to take up a lot of your time, you

1 have the plans in front of you, we don't need to walk  
2 through them again. But that's just kind of a statement of  
3 how I feel.

4 I don't understand why the basement area, it can't  
5 actually be creatively used rather than going up a story.  
6 The house directly across the street from this house is done  
7 exactly that, it's a two-story house that has developed its  
8 basement area in order to increase the available living  
9 space, and it looks quite nice.

10 I guess that's all I have to say. Again, I  
11 appreciate the concern for privacy. I continue to feel  
12 that, you know, the third story is an intrusion. It doesn't  
13 meet my definition of what a hardship would be, and that  
14 also that the -- as the Chair correctly pointed out -- the  
15 width of those balconies, whether they're divided into two  
16 12-foot or whatever, you know, they're still going to invite  
17 people to open those sliding doors, and hang out on a summer  
18 evening.

19 That sure is heck is what I would do if I were  
20 living there.

21 Okay. I think I'm done. If you have any  
22 questions, I'd be happy to try to answer.

1           CONSTANTINE ALEXANDER: Thank you for taking the  
2 time to speak to us tonight. I would just make one comment,  
3 in that this is a dilemma our Board faces every time we have  
4 a meeting.

5           Cambridge is a densely populated city for the most  
6 part, with many older structures. And trying to update  
7 those structures, at the same time not impinging upon the  
8 privacy of the neighboring property sort of not being  
9 updated or the like, is a difficult chore for us. We try  
10 our best. And I'm sure we don't always succeed. But thank  
11 you again for taking the time to speak.

12           LAURA WERNICK: Excuse me, Mr. Chair. Could I ask  
13 Mr. Glassman a question?

14           CONSTANTINE ALEXANDER: Sure!

15           ADAM GLASSMAN: Go ahead.

16           LAURA WERNICK: Is there a solid bench between the  
17 two yards at this point, or is it just the chain-link?

18           ADAM GLASSMAN: There is definitely the chain-link  
19 fence, and then there's moments where I think there might be  
20 additional boards up, but not on our side. There's various  
21 kind of structures on the abutter's side. There's some kind  
22 of grape arbor, I think -- random material. So there is not

1 a real either landscape buffer or solid fence buffer. And  
2 we're proposing to do both.

3 LAURA WERNICK: I'm just -- in terms of the  
4 shadows --

5 ADAM GLASSMAN: Mm-hm.

6 LAURA WERNICK: -- if there was an existing solid  
7 fence there, it would appear that the house would not cast  
8 any additional shadow beyond the existing solid fence. So  
9 that's why I was asking the question.

10 ADAM GLASSMAN: It's a fence that's covered up  
11 with a lot of -- like I said -- vines and other kind of  
12 materials on the abutter's side.

13 LAURA WERNICK: So it already in fact casts a  
14 shadow onto the yard?

15 ADAM GLASSMAN: Much of it does, yeah.

16 KAREN VON BISMARCK: No!

17 LAURA WERNICK: No, it doesn't? That's what I'm  
18 trying to get at, to understand.

19 KAREN VON BISMARCK: I didn't realize I wasn't  
20 muted, excuse me.

21 ADAM GLASSMAN: Well, if we look at the photo of  
22 her back yard from Jamie's side, you can see what the fence



1 looks like and what you can see through. So there's the  
2 chain-link, and then there's a stockade fence on the  
3 abutting property.

4 LAURA WERNICK: So would the proposed fence be  
5 about the same height as the stockade fence?

6 ADAM GLASSMAN: Well, we thought a taller fence  
7 would actually be better for all, in that I would provide  
8 additional privacy, and it really wouldn't impact the  
9 shadows much.

10 And behind the fence, we were going to put a tall  
11 row of evergreens slightly taller than the fence. So --

12 LAURA WERNICK: I mean, I think that's what's  
13 going to cause the shadow. And just going back to your  
14 shadow study at the 8:00 a.m. summer morning --

15 ADAM GLASSMAN: Sure. I mean, we don't --

16 LAURA WERNICK: -- it's less --

17 ADAM GLASSMAN: -- we can take out the proposed  
18 fence and screening. I know the Chair thought it was a  
19 good idea, however, where it's not a --

20 LAURA WERNICK: Well I think it could be a  
21 discussion with Ms. Von Bismarck about an understanding that  
22 --

1 ADAM GLASSMAN: Sure.

2 LAURA WERNICK: -- there's already shadow -- the  
3 time that the shadow seems to be the worst is --

4 ADAM GLASSMAN: I mean --

5 LAURA WERNICK: -- summer mornings. And --

6 ADAM GLASSMAN: -- if you see the rightmost side  
7 of the chain-link seems to have a seven-foot-tall stockade  
8 behind it, and then the stockade drops down in the central  
9 portion of this chain-link, and then to the left you can see  
10 that there's some kind of arbor structure, and it doesn't  
11 look like it's a transparent condition on that side.

12 KAREN VON BISMARCK: Could I just --

13 ADAM GLASSMAN: Basically the short of it is we're  
14 happy to remove all the fences, we'll relocate it. We'll  
15 put up a new fence or not. I mean, it's -- we're open to --  
16 you know, the --

17 LAURA WERNICK: And I think my point to Ms. Von  
18 Bismarck is that I don't think that the shadow would be any  
19 worse than the current shadows caused by the current plan, I  
20 believe, from what I've been able to the drawings.

21 KAREN VON BISMARCK: May I say something very  
22 short to this? I really appreciate your concern about the

1 fence. I don't object to the idea of replacing the current  
2 fence. I was going to replace the one on my side of the  
3 property anyway, because it's in bad shape.

4 So, you know, I certainly appreciate you having  
5 respect for me. If Mr. Glassman has an idea, for instance  
6 it would actually be slightly only higher than what is there  
7 now.

8 I'm -- the question of the shadow, and when I go  
9 out and actually look at things, I'm not completely  
10 convinced at this computer-generated prediction of where the  
11 shadows are going to fall.

12 For one reason, the computer seems to think that  
13 the grape arbor is a fixed structure, so that doesn't play a  
14 role at all in its shot-up calculations.

15 But apart from that, the fence itself I don't  
16 think is going to make that much of a difference, say in  
17 testing. It would only cast shadow on a certain portion of  
18 my flowerbeds, and not for very long. So that's not really  
19 an issue.

20 CONSTANTINE ALEXANDER: Okay, can we move on?

21 KAREN VON BISMARCK: Yeah.

22 CONSTANTINE ALEXANDER: Laura, anything further?

1 Further questions or comments?

2 LAURA WERNICK: No, thank you.

3 CONSTANTINE ALEXANDER: Okay. Anyone else -- is  
4 there anyone else in the queue? Yes, we have others.

5 SISIA DAGLIAN: Mario Massimino.

6 MARIO MASSIMINO: Thank you, everybody for taking  
7 the time to hear me out. My name is Mario Massimino, for  
8 the record. I own 384 Windsor Street, #1, the actual  
9 property that she referenced -- directly across the street.  
10 Yes, it is a first-floor and garden-level unit. However,  
11 there were substantial complications that because of being  
12 below low grade as living space we ran into. Eventually  
13 over time we rectified them.

14 But as everyone's aware, there is a major  
15 infestation of rats in the Cambridge area, that eventually  
16 bored through brand-new foundation. And we had to resolve  
17 that issue.

18 I think aesthetically from the front, the house is  
19 beautiful, it matches the house to the left at 373 if I'm  
20 correct on the address.

21 I know the major concern here is the rear of the  
22 property, but I don't see any major issues from my

1 perspective on Windsor Street, as a lot of these homes  
2 obviously are older, and over time are going to be  
3 continually updated.

4           The nice thing about this particular unit and the  
5 layout that they are designing is it's welcoming to  
6 families, understanding that there are three full-sized  
7 bedrooms, open living areas. Where myself, I just had a  
8 newborn. We had to move out of an apartment complex to get  
9 into something with more space, and we live in the area.

10           We like the neighborhood feel of it, even though  
11 it's tight and close. We think that over time as things do  
12 get updated, it will actually kind of bring camaraderie back  
13 to the neighborhood, vs. just having major tenant turnover  
14 year after year.

15           CONSTANTINE ALEXANDER: Thank you. Are there any  
16 further comments or speakers?

17           SISIA DAGLIAN: Mel Caton?

18           CONSTANTINE ALEXANDER: Are they off?

19           SISIA DAGLIAN: Let's see. We're seeing if the  
20 first person can talk. Mel Caton?

21           [Pause]

22           SISIA DAGLIAN: I guess not, no.

1           CONSTANTINE ALEXANDER: No?

2           SISIA DAGLIAN: No.

3           CONSTANTINE ALEXANDER: Okay. Then we'll close  
4 public testimony. We do have a number of letters in our  
5 files, both in support and in opposition to the relief being  
6 sought.

7           SISIA DAGLIAN: Gus, somebody else just raised  
8 their hand.

9           CONSTANTINE ALEXANDER: I'm sorry?

10          SISIA DAGLIAN: Somebody else just raised their  
11 hand.

12          CONSTANTINE ALEXANDER: Oh, someone wants to  
13 speak? All right, one more speaker.

14          SISIA DAGLIAN: Where'd they go? Theresa Lima?

15           [Pause]

16          No, I think she lowered her hand now.

17          CONSTANTINE ALEXANDER: Okay. Again, I will close  
18 public testimony.

19          SISIA DAGLIAN: Mm-hm.

20          CONSTANTINE ALEXANDER: And I say, I'll repeat  
21 myself, we have both letters of support and opposition. I  
22 don't propose to read them into the file. They are there as

1 part of our file, and some of the issues that were raised  
2 there have been dealt with orally during the context of this  
3 hearing.

4 So -- and I'll close public testimony as well on  
5 the special permit side of the case. Time for a vote or a  
6 discussion. Anyone have points they want to make, or you  
7 want to go to a motion? Brendan, what do you think?

8 BRENDAN SULLIVAN: Just a couple comments. I  
9 think that the repurposing of the building -- it's a  
10 handsome building. I think that the building to the left  
11 obviously has paved the way for it, so that it's almost like  
12 a twin, but I think that allows this to fit right in.

13 If the building on the left were similar to the  
14 building on the right and this building were standing by  
15 itself, it would probably stand out, and we might take a  
16 different look at it.

17 But I think that the effect of it, the raising of  
18 it, of an additional structure on the third level, is  
19 probably not going to have an adverse impact as far as  
20 shadow is concerned. And so I generally would think that  
21 it's good repurposing of this building.

22 CONSTANTINE ALEXANDER: Thank you. Jim, anything

1 you want to comment at this point?

2 JIM MONTEVERDE: No.

3 CONSTANTINE ALEXANDER: Or are you ready for a  
4 vote?

5 JIM MONTEVERDE: I'm ready for a vote, ready for a  
6 vote.

7 CONSTANTINE ALEXANDER: Okay. Andrea?

8 ANDREA HICKEY: I have nothing to add, I'm ready.

9 CONSTANTINE ALEXANDER: Okay, and Laura?

10 LAURA WERNICK: I'm ready also.

11 CONSTANTINE ALEXANDER: All right. I'll try my  
12 hand to raise the motion with assistance from Jim, I hope,  
13 and other members of the Board if you wish. The Chair moves  
14 that we make the following findings with regard to the  
15 variance being sought:

16 That a literal enforcement of the provisions of  
17 the ordinance would involve a substantial hardship, such  
18 hardship being this is a structure that is in need of  
19 upgrading. It is an older structure, as I've said before,  
20 and the problem is not just for the benefit of the current  
21 owners, but all future owners of the property.

22 That the hardship is owing to the fact that this



1 is already a nonconforming structure, and therefore any  
2 relief requires zoning -- any relief requires zoning relief.

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

7 In favor of that, there is a good bit of  
8 neighborhood support -- by no means unanimous -- that the  
9 housing stock of the city will be improved by what is being  
10 proposed, and I think you're good with that.

11 So on the basis of all of these findings, the  
12 Chair moves that we grant the variance requested subject to  
13 the following conditions:

14 One, that the work proceed in accordance with the  
15 plans prepared by DCD -- if I've got the right name --  
16 Architects, the first -- dated, [I don't see it... There it  
17 is] -- March 20, 2021, and the first page of which has been  
18 initialed by the Chair.

19 Except that the rear balconies that are shown on  
20 the plans will be modified to have the following dimensions:  
21 And Jim, here's your --

22 JIM MONTEVERDE: Yeah.

1           CONSTANTINE ALEXANDER:  --that's your queue.

2           JIM MONTEVERDE:  Okay.  I think -- I would say  
3   that the balconies will be deleted.  That's the second floor  
4   and the third floor.  And that in their place will be a  
5   guardrail mounted to the exterior face of the building.  And  
6   that the guardrail will be in two segments, not a continuous  
7   14-foot-8-inch-long guardrail, period.

8           Laura, does that sound like English?

9           CONSTANTINE ALEXANDER:  Sounds good to me, but I -  
10   -

11          LAURA WERNICK:  Yeah, I think that's fine.

12          JIM MONTEVERDE:  Good.

13          BRENDAN SULLIVAN:  [This is Brendan Sullivan.]  
14   And Jim, could you potentially add that such guardrails  
15   shall not extend more than then six inches from the building  
16   proper?  Is that --

17          JIM MONTEVERDE:  Yeah, that's fine.  Yeah, yeah.

18          BRENDAN SULLIVAN:  Okay.

19          JIM MONTEVERDE:  And the guardrail assembly ship  
20   won't -- you know, extend further than six inches off the  
21   face of the building.

22          BRENDAN SULLIVAN:  Yeah, okay.

1 JIM MONTEVERDE: Good.

2 CONSTANTINE ALEXANDER: So that's the first  
3 condition. The second is is that the seven-foot rear wood  
4 privacy fence that is shown on the plans will be part of the  
5 project, and will be maintained in reasonable working order  
6 as the structure matures, as part of the structure. Because  
7 it does provide privacy for rear neighbors.

8 And I think that's it with regard to the variance.  
9 We have --

10 LAURA WERNICK: I think I --

11 CONSTANTINE ALEXANDER: -- conditions relating to  
12 --

13 LAURA WERNICK: Mr. Chair?

14 CONSTANTINE ALEXANDER: Yes.

15 LAURA WERNICK: Was the fence to be maintained or  
16 with the owners' permission replaced? There was some brief  
17 conversation about replacement that the owner was --

18 CONSTANTINE ALEXANDER: Well, I would like to  
19 leave it that it would -- it should be replaced certainly,  
20 and should be -- the neighbors should have the -- the owners  
21 should have the right to do that.

22 But I want to make sure that the privacy that's

1     afforded by that fence at the beginning continues to be  
2     maintained. That's what I'm trying to get at, and that's  
3     the thrust of my proposal. If you think of a better way of  
4     saying it, please.

5             LAURA WERNICK: I think that the petitioner was  
6     offering to replace it with a new fence, if the abutter was  
7     amenable to that. Is that -- am I correct?

8             CONSTANTINE ALEXANDER: I don't know. Let's hear  
9     from the petitioner on that.

10            ADAM GLASSMAN: one way to clarify it is that the  
11     petitioner will replace the existing chain-link fence with a  
12     solid, seven-foot-tall wood fence on the petitioner's  
13     property line, on the petitioner's side of the property  
14     line.

15            CONSTANTINE ALEXANDER: Okay. Laura, are you  
16     satisfied with that?

17            [Pause]

18            ANDREA HICKEY: Can't hear you, Laura.

19            CONSTANTINE ALEXANDER: All right, so that's the  
20     motion.

21            LAURA WERNICK: Yes, that's fine.

22            ANDREA HICKEY: Mr. Chair, if I could also chime

1 in and ask that you add the condition that no basement area  
2 shall be used as living area without further --

3 CONSTANTINE ALEXANDER: I plan to do that, Andrea  
4 --

5 ANDREA HICKEY: Okay.

6 CONSTANTINE ALEXANDER: -- but that's part of the  
7 special permit.

8 ANDREA HICKEY: Understood.

9 CONSTANTINE ALEXANDER: I think. That's why I'll  
10 add that to the special permit vote when we get to that.

11 ANDREA HICKEY: Thank you.

12 CONSTANTINE ALEXANDER: All right. All those in  
13 favor of the motion that I have made with the amendments  
14 that we talked through? Brendan?

15 BRENDAN SULLIVAN: Brendan Sullivan yes to  
16 granting the requested relief/variance.

17 CONSTANTINE ALEXANDER: Jim?

18 JIM MONTEVERDE: And Jim Monteverde yes in favor  
19 of the variance request.

20 CONSTANTINE ALEXANDER: Laura?

21 LAURA WERNICK: Laura Wernick yes in favor of the  
22 variance request.

1           CONSTANTINE ALEXANDER:  Andrea?

2           ANDREA HICKEY:  Andrea Hickey, yes I'm voting in  
3 favor of the variance request.

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

6           [All vote YES]

7           So the variance has been granted.

8           Let's turn now to the special permit.  The Chair  
9 moves that we make the following findings with regard to the  
10 special permit that's being sought:

11           That the requirements of the ordinance cannot be  
12 met without the special permit being sought.

13           That traffic generated or patterns of access or  
14 egress resulting from what is proposed by the special permit  
15 will not cause congestion, hazard, or substantial change in  
16 established neighborhood character; the changes that are,  
17 for which a special permit is being sought are all interior  
18 -- namely the basement space, or some window changes, which  
19 apparently do not have any objection from the neighbors  
20 affected by those window changes.

21           That the continued operation of or development of  
22 adjacent uses, as permitted in the zoning ordinance, would

1 not be adversely affected should we grant the special permit  
2 being requested.

3 No nuisance or hazard will be created to the  
4 detriment of the health, safety and/or welfare of the  
5 occupant of the proposed use, or the citizens of the city,  
6 or generally, what is being proposed will not impair the  
7 integrity of the district or adjoining district, or  
8 otherwise derogate from the intent and purpose of this  
9 ordinance.

10 So the Chair moves that we grant the special  
11 permit being requested on the following condition:

12 One, that the work proceed in accordance with the  
13 plan we referred to with regard to the variance we just  
14 granted.

15 And two, with regard to the additional -- the --  
16 with regard to the exclusion of the basement from the  
17 calculation of GFA, the special permit as to that aspect is  
18 subject to that basement area remaining in its current  
19 state, not in a finished state, and not to be used for  
20 residential purposes. It may only be used for storage, and  
21 not for occupancy by the residents of the structure or any  
22 other individuals.

1 All those in favor of granting the special permit  
2 on this basis?

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

5 JIM MONTEVERDE: And Jim Monteverde, yes with the  
6 conditions.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey, yes with the  
9 conditions.

10 CONSTANTINE ALEXANDER: Okay. And Laura?

11 LAURA WERNICK: Laura Wernick, yes with  
12 conditions.

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

15 [All vote YES]

16 The special permit is granted as well. Thank you.  
17 Case over.

18 SARAH RHATIGAN: Mr. Chairman?

19 CONSTANTINE ALEXANDER: Yes.

20 SARAH RHATIGAN: I apologize. Just as a point of  
21 clarification, I think this is what you intended, but with  
22 the conditions on the basement --



1           CONSTANTINE ALEXANDER:  Yes?

2           SARAH RHATIGAN:  I just wanted to clarify, the  
3 plans show the basement having storage areas and, you know,  
4 certain utility areas and unfinished areas.  You said for  
5 the basement to be in its current state, but I'm assuming  
6 that there's nothing to say that we can't -- you know,  
7 divide up the area?

8           CONSTANTINE ALEXANDER:  No, I don't think --

9           SARAH RHATIGAN:  -- so long as it is not, right  
10 it's not --

11          CONSTANTINE ALEXANDER:  -- I don't think that --  
12 not --

13          SARAH RHATIGAN:  -- right, it's not finished, and  
14 it's not residential space --

15          CONSTANTINE ALEXANDER:  -- I think it --

16          SARAH RHATIGAN:  Occupiable.

17          CONSTANTINE ALEXANDER:  -- can continue to be used  
18 as storage --

19          JIM MONTEVERDE:  Right.

20          CONSTANTINE ALEXANDER:  -- in different modes, but  
21 it's not to be used for living -- be it a family room or  
22 recreation room, what have you.  That ends it.  I guess now

1 the case is over.

2 SARAH RHATIGAN: Thank you.

3 CONSTANTINE ALEXANDER: Thank you.

4 SARAH RHATIGAN: Thank you for the clarification.

5 Appreciate it. Thank you very much.

6 CONSTANTINE ALEXANDER: Thank you.

7 SARAH RHATIGAN: Have a good evening. Thank you.

8 CONSTANTINE ALEXANDER: We'll try. [I'm going to  
9 hold this for now. Why don't you give me the first case?

10 Sisia, have you got the schedule?]

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2 (7:11 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Laura  
5 Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 107887 -- 11-13 Clifton Street. Anyone here  
8 wishing to be heard on this matter? Is there anyone here  
9 for Clifton Street?

10 [Pause]

11 No?

12 PATRICIA CALDWELL: Hello?

13 CONSTANTINE ALEXANDER: Hello?

14 PATRICIA CALDWELL: Hi, hi. My name's Patricia  
15 Caldwell. I'm the owner of 11-13 Clifton Street. And I am  
16 requesting a special permit because I need to rebuild two  
17 back porches, and they sit within the setback.

18 Basically, I need to rebuild these because they  
19 are deteriorating. I plan to take the first-floor porch and  
20 incorporate it into the first-floor apartment, that doesn't  
21 have a back porch.

22 Where I would like to move down -- I live upstairs

1 now, I'd like to move downstairs so that I can age in place,  
2 so to speak. The stairs are getting to be a bit much.

3 CONSTANTINE ALEXANDER: Okay. That's succinct.  
4 Any questions from members of the Board?

5 BRENDAN SULLIVAN: [Brendan Sullivan], I have no  
6 questions.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde no questions.

9 CONSTANTINE ALEXANDER: Laura?

10 LAURA WERNICK: No questions.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: No questions.

13 CONSTANTINE ALEXANDER: And the Chair has no  
14 questions as well. So I think we can -- we do have letters  
15 in the file, all in support of the project, no letters of  
16 opposition. I'll open the matter up to public testimony at  
17 this point.

18 Any member of the public who wishes to speak  
19 should now click the icon at the bottom of your Zoom screen  
20 that says, "Raise hand."

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

1 We'll take a moment to see if anyone wishes to call in on  
2 this case.

3 SISIA DAGLIAN: Lilli Smith?

4 CONSTANTINE ALEXANDER: Okay.

5 PATRICIA CALDWELL: She's in the house behind us.

6 LILLI SMITH: Hi Pat, how are you?

7 PATRICIA CALDWELL: I'm well, Lilli.

8 LILLI SMITH: Good. I don't have any problem with  
9 it, but I just wanted to see if -- what the plans were. I  
10 clicked on the link on the zoning site and I didn't see any  
11 plans.

12 So I guess my main question would just be is it --  
13 are you just going to stay in the same footprint that the  
14 existing porch is in?

15 PATRICIA CALDWELL: Yes, Lilli. And I honestly  
16 completely forgot about you. But basically what I'm going  
17 to do is if you think of it, take off the two deck porches,  
18 rebuild, but on the first floor there will be no porch.

19 The kitchen on my first-floor unit will get that  
20 much bigger, so to speak. So I'm staying well -- right  
21 within the footprint of the porches as they are now.

22 LILLI SMITH: Okay. Sounds very good. I love

1 having you as a neighbor, and I give my support.

2 PATRICIA CALDWELL: Thank you.

3 CONSTANTINE ALEXANDER: Anyone else wishes to  
4 speak? Apparently not. And again, as I mentioned, we do  
5 have some letters of support, no letters of opposition. So  
6 I'm going to close public testimony. Discussion, or are we  
7 ready for a vote?

8 BRENDAN SULLIVAN: Ready for a vote.

9 JIM MONTEVERDE: Ready for a vote.

10 LAURA WERNICK: Ready for a vote.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Ready. I'm ready.

13 CONSTANTINE ALEXANDER: Okay. And Laura, you're  
14 ready too?

15 LAURA WERNICK: Yes, I'm ready also.

16 CONSTANTINE ALEXANDER: Okay. All right. I'll  
17 make a motion, then, to grant the relief. This is a relief  
18 -- the request here is for a special permit. So the Chair  
19 moves that we make the following findings with regard to the  
20 special permit that's being sought:

21 That the requirements of the ordinance cannot be  
22 met unless we grant the special permit being requested.

1           That traffic generated or patterns of access or  
2 egress resulting from what is being proposed will not cause  
3 congestion, hazard, or substantial change in established  
4 neighborhood character. In this regard, what is being  
5 proposed is to improve the structure of one of the front  
6 porches to convert --

7           PATRICIA CALDWELL: Back porch.

8           CONSTANTINE ALEXANDER: -- Back porch, I'm sorry,  
9 you're right.

10          PATRICIA CALDWELL: Back porch.

11          CONSTANTINE ALEXANDER: Back porch -- and to  
12 convert one area of the back porch for residential living  
13 purposes.

14          That the continued operation of or development of  
15 adjacent uses, as permitted in the zoning ordinance, will  
16 not be adversely affected by what is proposed. In fact,  
17 from an exterior point of view, the building remains as it  
18 now is for the most part.

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

22          And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,  
2 or otherwise derogate from the intent and purpose of this  
3 ordinance.

4 So on the basis of all of these findings, the  
5 Chair moves that we grant the special permit requested on  
6 the condition that the work proceed in accordance with plans  
7 prepared by -- so I've got to unfold this in the folder --  
8 plans prepared by Stein S-t-e-i-n [1:24:04 indiscernible  
9 proper name Lyen] Designs dated 10/15/20, the first page of  
10 which has been initialed by the Chair.

11 Brendan, how do you vote?

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

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: Jim Monteverde yes for granting  
16 the relief. Andrea?

17 ANDREA HICKEY: Andrea Hickey yes for granting the  
18 relief.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: Laura Wernick yes to granting the  
21 relief.

22 CONSTANTINE ALEXANDER: And the Chairman votes to



1 grant relief as well.

2 [All vote YES]

3 The vote is unanimous. Special permit is granted.

4 LILLI SMITH: Thank you.

5 CONSTANTINE ALEXANDER: Good luck, petitioner.

6 COSTANZA PIEROLA: Thank you so much.

7 CONSTANTINE ALEXANDER: You're welcome.

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(7:16 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim  
Monteverde, Laura Wernick and Slater  
Anderson

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 108265 -- 77 Massachusetts Avenue. And for this  
case, the Chair is not going to sit, he's recusing himself.  
So the fifth member is going to be --

SISIA DAGLIAN: Slater.

CONSTANTINE ALEXANDER: Slater, are you on the  
line?

SISIA DAGLIAN: I think he is.

SLATER ANDERSON: I am.

SISIA DAGLIAN: Yeah.

SLATER ANDERSON: Sorry, I just had to unmute  
myself. I'm right here.

CONSTANTINE ALEXANDER: Yeah, but we need to hear  
you. Okay.

SLATER ANDERSON: I know, I know. Well, I didn't  
want you to listen to me when it wasn't my turn.

CONSTANTINE ALEXANDER: Mr. Sullivan will chair,

1 so I'll turn the mic over to him.

2 BRENDAN SULLIVAN: Okay. Kelley, if you would  
3 present the case, I think the Board has reviewed all the  
4 documents, so you can probably quickly just give us an  
5 overview and run through it.

6 KELLEY BROWN: Okay, thank you, Mr. Chair. My  
7 name is Kelley Brown. I'm a Senior Campus Planner at MIT.  
8 I did want to show -- introduce our team. If I could get  
9 the slide that shows it I won't read everything.

10 SISIA DAGLIAN: Let me bring it up.

11 KELLEY BROWN: So tonight I'm going to be joined  
12 by Laura Tenny (who's a Landscape Architect and also a  
13 Planner at MIT); Jon Alvarez; Joe Higgins, Camille Mekdeci  
14 also from MIT, in case we get into some questions that they  
15 can help with.

16 This is -- the wayfinding system really emerged  
17 out of the six years of public review for the Kendall Square  
18 Initiative that resulted in the buildings you see today on  
19 MIT's Eastern campus there on Main Street.

20 MIT had more than 70 meetings, and a regular theme  
21 in those public meetings and at the Planning Board was that  
22 it's just difficult to find your way through and around the

1 campus, and that a system of signage would help people to  
2 find open spaces and community events and everything that  
3 they were hoping to get to at the MIT campus.

4           And we heard it -- we heard it again and again  
5 that think of wayfinding was necessary. So this is a  
6 response to that. And it actually is something that's been  
7 desired for a long time, but we really got going with the  
8 so-called South of Main Street Initiative.

9           And we realized, of course, you can't just bring  
10 people to the buildings at the eastern edge of the campus;  
11 you need a system that allows them to enter the campus,  
12 especially from the Kendall Square/MIT train stop, and can  
13 find their way.

14           And so, we went through -- it was kind of an  
15 arduous internal process; took over three years of getting  
16 everybody in the MIT campus together and refining the  
17 program and finally reviewing it with the Staff from  
18 Community Development, with Traffic, Parking and  
19 Transportation staff, and finally to a point where we're  
20 here today.

21           And Laura Tenny, she's going to present this.  
22 She's really been our chief organizer and leader of this.

1 And she's I think done a great job meeting a wide variety of  
2 interests, tastes and opinions on this system.

3 Next slide, please?

4 So she's going to roll through the signage  
5 program, both for wayfinding, and we're also going to be  
6 discussing three special identity signs that are right in  
7 this new Kendall gateway area we'll show you. And then  
8 we'll summarize very briefly the zoning relief required and  
9 some of the grounds for granting the variance.

10 So next slide?

11 I'll turn this over to Laura Tenny, let her tell  
12 you about the program.

13 LAURA TENNY: Thank you. Good evening, everyone.  
14 You can go to the next slide please?

15 So our program -- this program of science builds  
16 on almost a decade of planning studies done by the city of  
17 Cambridge that called for better wayfinding in Kendall  
18 Square and around Cambridge to age in place, making --  
19 orienting people, helping them find their way to key routes  
20 and destinations.

21 Next slide?

22 These are the key audiences that our program aims

1 to serve.

2 Visitors to campus, especially those who are  
3 unfamiliar with MIT's campus, and that might include  
4 Cambridge residents, people who work in Kendall Square, and  
5 our visitors from around the corner, around the country,  
6 around the world.

7 Next slide?

8 We have several goals of the program, but the main  
9 one being answering the question, "Where is MIT" and  
10 establishing a visible and friendly presence at the edge of  
11 the campus to help people know when they've arrived on  
12 campus.

13 Also to reflect the unique spirit of MIT and make  
14 what is really a fairly urban -- excuse me, fairly complex  
15 campus more navigable for visitors, and taking our cues from  
16 the urban context and the major geographic elements that  
17 define our community.

18 I'm going to start in Kendall Square with our  
19 first phase, and we hope to eventually enable a future  
20 rollout across the entire campus.

21 Next slide?

22 So I'll talk first about the campus wayfinding

1 sign -- we should go to the next slide -- which builds on --  
2 you know, the map of our campus.

3           So this map shows how our campus is organized into  
4 districts. So you take the north, the west, the main  
5 districts and so forth. Those create the prefixes for how  
6 we name our buildings. So for example the Student Center,  
7 which is in the west district of campus, is named Building  
8 #720.

9           And for a lot of people who come to the campus for  
10 the first time, that's kind of an inscrutable system. But  
11 if you can understand the kind of overlaying border of it,  
12 it can help you navigate from district to district and  
13 across campus.

14           And then the dotted lines that you see around the  
15 district are not meant to signify, you know, the edge of  
16 campus or the campus proper, but more the bounding streets  
17 and the other geographic elements that form a campus -- the  
18 river, the railroad, Main Street, Mass Ave and so forth.

19           And all together those sort of loosely make the  
20 shape of a triangle, which is what we build our system on as  
21 a kind of mnemonic device and orienting device for people on  
22 campus.

1           Next slide?

2           I'm going to pause here for a moment and recognize  
3 our design partners. Pentagram Design out of New York City  
4 who are graphic designers and wayfinding experts, who've  
5 created this program with us.

6           Next slide?

7           These are the three types of the wayfinding  
8 signage; three-foot standing signs, and we call them the  
9 campus identifiers -- that's the one that says, "MIT." Tells  
10 you when you've arrived on campus, so it's a key gateway  
11 moment, key intersection.

12           The campus directory is virtually the same sign,  
13 but without the, "MIT" at the top. Both of these are  
14 double-sided with a map, full-scale map -- full-scale map of  
15 the entire campus.

16           And then the pedestrian beacon, which is located  
17 along primary pedestrian routes. It is the workhorse of the  
18 system. I'll show you a bit more about that.

19           Next slide, please?

20           So here's the pedestrian beacon, which has most of  
21 the messaging on it. Tells you which district you're in.  
22 You can identify that district by the colored topper on the



1 sign. It has the list of the kind of public-facing primary  
2 destinations on campus listed. It tells you -- gives you a  
3 district scale map, and the kind of exploded picture of the  
4 map on the right just shows that the map can be updated as  
5 needed as the campus evolved and changed, and then changed  
6 out.

7 And then eventually the sign would be enabled for  
8 a mobile platform, so that if you -- you know, tapped your  
9 phone or device against the sign, it could link you to an  
10 online map as well.

11 Next slide, please?

12 So starting in Kendall Square -- I think you may  
13 be familiar with this plan on the Kendall Square  
14 Development, Kendall Square Initiative. So Main street at  
15 the top, the Kendall Square T station right there between  
16 the red letters "Museum" and "Welcome Center."

17 And the two yellow tags are -- I want to call your  
18 attention to two -- the dots on the map show the placement  
19 of the signage in Kendall Square, eight signs total in this  
20 first phase.

21 And the yellow flag, I'm going to show you a  
22 couple photos coming up where we took what we're calling

1 our, "fabrication model" out. That's a full-scale sign in  
2 final materials that we felt to test some things out to put  
3 it in the open space and see how it's working -- and  
4 actually if you go up there, they're full-scale.

5 So the next slide, please?

6 Shows our pedestrian beacon out in the open space.  
7 We're standing in the open space proper looking towards MIT  
8 Medical, and you can see the open space -- for anybody who  
9 hasn't seen this part of Kendall Square lately, the open  
10 space is largely constructed, but still to come are many  
11 more trees and furnishings, including the signage.

12 Next slide?

13 Here we are looking the other way down the open  
14 space, and the Welcome Center is on the left and the  
15 graduate student housing tower.

16 Next slide?

17 Closer-up view of that sign, the closer-up view of  
18 that sign, the pedestrian beacon. Now we're looking across.  
19 Where the cement mixer is is the location of the T head  
20 house and looking across to the Marriott.

21 Next slide, please?

22 And this just shows a rendering -- same location,

1 same sign as we envision it once it's fully planted out, and  
2 it's populated with people and all the activities that we  
3 hope to host.

4 Next slide?

5 Now, this is the other sign type. So this is the  
6 campus identifier. Now we're standing on Main Street  
7 looking towards the river and the T station. This sign is  
8 roughly its final location, but we couldn't get quite there  
9 because it will ultimately go on the other side of that blue  
10 fence, which is around the -- the big hole around right now  
11 where the head house is --.

12 Next slide?

13 Now we're standing across Main Street, then back  
14 to kind of where the Coop used to be looking back. And  
15 again, we're -- we've got it out there, so we're kind of  
16 running a test how it fits in the urban context, how it is  
17 at scale, and how the map is up close.

18 Next slide?

19 Just a closer view of that. And as I said, it  
20 will go on the other side of the blue fence, further back  
21 from the sidewalk when it is finally in.

22 Next slide?

1           So this is a rendering showing that sign. Again,  
2 this is an approximate location, but it will be a two-sided  
3 sign with room to walk around it to the head house. We're  
4 standing in a crosswalk at Main Street looking back towards  
5 the Site 5 building, which will ultimately -- MIT].

6           Next slide?

7           Now we've moved further back into the gateway  
8 plaza. We're looking back towards Main Street in the  
9 Marriott. You can see the MIT campus identifier in the  
10 distance, and closer in is the directory sign, which will be  
11 standing outside the Welcome Center, which is just offscreen  
12 to the right.

13           Next slide, please? So I'm going to pull back out  
14 to the full campus in this next slide. You can go ahead.  
15 Thank you.

16           So just wanted to give you a sense of the overall  
17 once the full program is installed, and this will be over  
18 some period of time. But the first Phase I Kendall Square  
19 is -- you see it in the black box there, but over time this  
20 is the density and placement of the signs, as we imagine  
21 them across campus. So it's 130 signs total.

22           Next slide?

1           And next I'm going to turn to the special identity  
2 sign to take us back to Kendall Square.

3           And next I'm going to turn to the special identity  
4 signage to take us back to Kendall Square for a moment, and  
5 just talk about a couple more signs that help us establish  
6 an MIT-friendly presence to the gateway.

7           So now we're looking at these simple bars on the  
8 plan, and this slide is -- here? Yep. So on the left it  
9 says, "Museum" and on the right, "Welcome Center." Those are  
10 two large window bracket signs. And then I'm going to show  
11 you a logo, what we call our "selfie wall."

12           All of these are kind of facing each other across  
13 the plaza or onto the open space, not going towards Main  
14 Street.

15           Next slide, please?

16           So here is the Welcome Center. This is just, kind  
17 of, you know, cartoonish rendering of the Welcome Center  
18 from earlier on.

19           But the idea is that there are large, translucent  
20 letters that are applied to the inside case of the glass.  
21 And when you come up out of the station, you immediately see  
22 on the one side, "Welcome."

1           And the next slide kind of talking across the  
2 plaza to the word, "Museum" in the museum building. So both  
3 of these the intent is that you -- they tell you, you know,  
4 in a very legible way that kind of beckons you in what their  
5 purpose is, and that they are inviting visitors in, but also  
6 that you can see proof of the activities and displays  
7 inside.

8           Next slide?

9           And then our last special identity sign here is  
10 our -- what we call, "our selfie spot." This is you've gone  
11 through the Welcome Center from the T head house. You're  
12 going out the side facing onto the open space proper, and if  
13 you just had a -- you know, an Admissions tour, or you went  
14 in for a public event and you come out on an open space, you  
15 have this moment to take your picture at kind of a playful  
16 version of our MIT logo with these colorful edges around it.

17           And that's just facing the open street -- excuse  
18 me, the open space.

19           So I'm going to turn it back over to Kelley to  
20 talk you through the variances requested. Thank you.

21           KELLEY BROWN: Thank you. Thank you, Laura. I'll  
22 kind of hit this at a pretty high level. But I'm happy,

1 obviously, to discuss all the variance issues in more  
2 detail.

3           So for the wayfinding signs, we do have 103 across  
4 the campus. 10 of them are exempt because they're not  
5 visible from a public way, and two of them manage to be  
6 conforming.

7           But 91 signs do require relief -- all 88 in the  
8 residential district, it has stricter rules that are visible  
9 -- will need relief, as do three of the signs in the  
10 business districts.

11           Next slide, please?

12           So in the residential district, it's really across  
13 four of the attributes of the signs, regulations for the  
14 residential districts. First of all, the height. There's  
15 only -- these are all freestanding signs, and they're only -  
16 - the four-foot height limit in residential districts is  
17 below what our signs will require.

18           The area is the limit within residential  
19 districts; it's only 20 square feet, and two of our sign  
20 types are larger than that. There's 20 of those throughout  
21 the campus that need relief.

22           There's 73 wayfinding signs. We'd like to put

1 near the MIT lot lines, which is closer than the sign.  
2 There's a special sign in the front yard setback that we  
3 would violate if we put them close to the sidewalk where  
4 people can read them.

5 And lastly, the wayfinding signs are not assigned  
6 with any particular building at MIT. And the entire system  
7 of residential signage for nonresidential uses like our  
8 institutional use are organized around parcels and specific  
9 buildings.

10 We need to separate the needs of the buildings,  
11 which we follow, according to the rules of the residential  
12 district, even on our campus typically. And it -- but for  
13 the wayfinding signs, we really need to be able to install  
14 them and use them to guide people to where they're going,  
15 even though they're not associated with any particular  
16 building.

17 Next slide?

18 The wayfinding signs in the business districts,  
19 it's a good deal simpler. There are five that we have  
20 there, and three of them are larger than the 30-square-foot  
21 limit to signs in those districts for freestanding signs.

22 Next, please?



1           And similarly, the wall graphics that you saw and  
2 the -- what we call the "selfie sign" are both also both  
3 larger than the limit for business rules for signage.

4           Next, please?

5           So this is just the summary and the attributes  
6 that are needing relief for both the wayfinding signage and  
7 the special identity signage.

8           Next, please?

9           So we think the literal enforcement does cause a  
10 hardship that this kind of wayfinding sign program is  
11 essential to the MIT campus. And it really can be achieved  
12 with the literal enforcement of the Section 7 rules that  
13 govern signage.

14          Next, please?

15          It's really the use of residential and commercial  
16 districts -- primarily residential, that's certainly the  
17 most strict. But also commercial district signage rules to  
18 govern signage for an institutional use. There is no such -  
19 - there is no such institutional use category in the  
20 Cambridge zoning.

21          And it's hard because we aggregate our land  
22 parcels and buildings.

1           We don't use street signs, and address aren't  
2 helpful. A lot of buildings on the interior of the campus,  
3 and -- you know, we're trying to orient visitors to a large  
4 number of destinations, rather than to kind of identify a  
5 single building or use.

6           And our need is just very different than the rules  
7 that govern those districts.

8           Next, please?

9           We do think that it supports the intent and  
10 purpose of the ordinance, and I think particularly looking  
11 to the purpose of the sign regulations in Section 7, you  
12 know, it says "to preserve and enhance the appearance,  
13 aesthetics and amenities of the city."

14           And we do believe that this kind of a wayfinding  
15 system responds directly to that purpose and intent, as well  
16 as some of these Urban Design guidelines that we find in  
17 Article 19

18           Next, please?

19           And, you know, as we've said, we think in general  
20 it's a good -- a public good, better that doesn't derogate  
21 from but actually a public good. It answers that, whereas  
22 MIT question, it helps visitors, it's going to be

1 attractive, it's going to be at the right kind of size and  
2 density for the campus environment, and its urban  
3 surrounding. And it is directly responsive to so much of  
4 the public commentary and planning guidance that we've  
5 gotten over the years.

6 Next, please? I think that's it? Yes. So thank  
7 you. Thanks for bearing with us there, and we're happy to  
8 answer any questions.

9 BRENDAN SULLIVAN: Thank you. Any questions by  
10 members of the Board? Andrea or Jim?

11 ANDREA HICKEY: This is Andrea. For me it's a lot  
12 to take in. And I'm trying really to distinguish between  
13 branding of MIT versus true need for wayfinding. And it's  
14 just -- it's a big ask. It's a lot. I don't know whether  
15 any of the presenters care to address what I'm feeling, in  
16 terms of --

17 LAURA TENNY: Let's see if I can answer your  
18 questions. I think as far as the need and, you know, when  
19 signs say MIT, the majority of the signs do not say MIT in a  
20 large way but a few of them do, fewer than 10 of them.

21 And we feel there are moments when you get to the  
22 campus when you're not really sure you're there, and so just

1 wanting to announce MIT in kind of a friendly way, but then  
2 the vast majority -- you know, 90 or so of the signs are  
3 really to provide a map and to provide a list of  
4 destinations, public-facing destinations that can help  
5 people navigate through campus.

6 I know when I walk through campus after having  
7 been there a number of times, I still take my phone with me  
8 and look up building numbers and -- you know, I know the  
9 routes, but I don't always remember the building number or  
10 name that I'm looking for.

11 So it is a fairly complex campus that we just want  
12 to have a more legible and friendly presence, starting with  
13 the gateway.

14 JIM MONTEVERDE: Yeah, this is -- sorry, this is  
15 Jim Monteverde. When I went through the presentation  
16 previously -- so I previewed the show and tell -- it is a  
17 lot of signage. And there are a lot of components. But I  
18 think it's extraordinarily well done, and very nicely not  
19 just distributed but hierarchy of signs.

20 So, you know, of the three sign types the larger  
21 ones you don't have that often. There are key moments, the  
22 middle one -- you know, that's the next level down and then

1 the smaller one that I assume there will be more of that  
2 gets you right to an individual location.

3 They all seem to be very nicely done, very cleanly  
4 done, sit in the landscape nicely everywhere around their  
5 campus, and I just think it's a very well-organized, very  
6 well-done wayfinding.

7 And I'm surprised it's taken until 2021 for anyone  
8 to get through that campus without it. Like I said, I think  
9 in the advent of the smartphone, I don't see anyone found  
10 their way around.

11 So I think there is a lot there, but I think when  
12 you peel through it in layers, it's actually nicely  
13 organized in the hierarchy.

14 LAURA WERNICK: And I would agree with what Jim  
15 just said. I think that it's a good system, a good-looking  
16 system, a much-needed system, and if you were in a more  
17 rural campus this -- another large campus, this type of  
18 system would be a natural fit.

19 Here you are getting intersected with city  
20 streets, so you're constantly having these entry points and  
21 intersections with urban -- other urban activities. So it  
22 almost becomes more important to identify which direction is

1 the entry point to the campus. And there are a number of  
2 them.

3 So for a very complex location within a complex  
4 urban area, I think it accomplishes a lot. And it seems to  
5 be in a very nice, simple and direct way.

6 So I was quite -- there's a lot there. Lots to  
7 absorb, and certainly it would be wonderful to kind of work  
8 through every intersection, but I think that the general  
9 approach and the necessity for it and the appearance of it  
10 are all very impressive.

11 BRENDAN SULLIVAN: Slater, any comments?

12 SLATER ANDERSON: Well, I would just say that, you  
13 know, if with our sort of one-size-fits-all signage  
14 regulations, I mean this to me is the kind of university  
15 overlay or option that should exist for doing something like  
16 this, and it does provide continuity and, you know, it has a  
17 safety element to it. I think there's a lot of value,  
18 obviously -- very well-conceived in design.

19 And it makes sense to me that it should be there  
20 and, you know, the fact that it hasn't been there, and, you  
21 know, the fact that it hasn't been there for this long is  
22 the only surprising thing for me. So I'm supportive.

1           BRENDAN SULLIVAN: The thought that occurred to me  
2 is for all of us when we leave the continental United States  
3 and travel abroad, that as we go to other cities, especially  
4 in Europe, how well they do with their directions, and how  
5 eager you need to find those directions or signposts in  
6 order to get around, even though you may have a Fodor's or a  
7 travel guide or something like that... and how poorly I think  
8 we do in this country to allow foreigners or visitors from  
9 other states to meander around our own city and state. So I  
10 think they do a better job of that.

11           This is a major step up, I think. MIT has always  
12 been sort of a -- for me to get around, because everything  
13 is numbered. And so, I think it's a plus. Anyhow, with  
14 that said, I will open it up to public comment.

15           Any member of the public who wishes to speak  
16 should now click the button that says, "Raise hand." And  
17 then click the button that says, "Raise hand."

18           If you are calling in by phone, you can raise your  
19 hand by pressing \*9 and unmute or mute by pressing \*6. And  
20 we will allow you up to three minutes to speak. There is a  
21 letter in the file which I will read, unless the writer  
22 wishes to speak herself.

1           ANDREA HICKEY: And who is that writer, please?

2           So that person knows. Are they --

3           BRENDAN SULLIVAN: Ms. O'Hare.

4           SISIA DAGLIAN: We don't have any hands up. Oh,  
5           there's one.

6           BRENDAN SULLIVAN: Carol? No?

7           SISIA DAGLIAN: Phone number ending 8311?

8           HEATHER HOFFMAN: Hi. It's Heather Hoffman, 213  
9           Hurley Street.

10          BRENDAN SULLIVAN: Hi.

11          HEATHER HOFFMAN: And I had another engagement, so  
12          I did not see the whole presentation. But I am certain that  
13          the Board has heard me in the past begging for something  
14          along these lines for campuses, instead of the giant,  
15          flashy, too high, too big signs on top of the buildings.

16                 So I happily defer to the Board as to the  
17          specifics, but as to the general idea of having signage to  
18          help you figure out where you are and where you're going, I  
19          mean MIT already has at least some of these. They've got  
20          maps in a couple of places.

21                 And I think that it is something that others  
22          should copy. Please, please, please. So make it be good,



1 but as to the concept, I give three cheers if not four.

2 Thank you.

3 BRENDAN SULLIVAN: Thank you. Thank you, Heather.

4 SISIA DAGLIAN: I think that's it. I think that's  
5 it.

6 BRENDAN SULLIVAN: If there are no other callers,  
7 there is a letter in the file from Ms. Carol O'Hare to the  
8 Board.

9 "You may be surprised that I applaud MIT's  
10 proposed and long-awaited campus wayfinding system. What an  
11 effective for insiders and outsiders, coherent, thoughtful  
12 and just plain good-looking plan it is.

13 MIT has obviously spent the time, effort and money  
14 necessary for a high-quality and community sensitive system.  
15 This system should help both insiders and outsiders get  
16 around MIT's spread out, confusing campus.

17 I even support their three oversized wall signs  
18 that require zoning variances. MIT's representatives  
19 explain that all three wall signs face inward towards MIT's  
20 campus, not towards a Cambridge public way.

21 My attachment that MIT sent me showed these three  
22 signs campus-facing locations with lilac-colored shading;

1 "Museum" highlighted, white letters on glass; "Welcome"  
2 highlighted white letters on glass and "MIT," a colorful  
3 logo on the selfie wall.

4 I think that MIT has cleared the legal and  
5 practical hurdles, including the substantial hardship test  
6 for zoning variances, for BZA approval of their campus  
7 wayfinding systems.

8 Their huge, spread-out in six different zoning  
9 districts of campus makes MIT's property clearly  
10 distinguishable for signage purposes for other unusual --  
11 from other unusual lots in MIT's zoning districts.

12 For these purposes, MIT's campus is more like a  
13 mini municipality. Thank you as always for your time,  
14 service and efforts.

15 Sincerely,

16 Carol O'Hare, 172 Magazine Street."

17 That is the sum substance of the correspondence.

18 I will now close public comment. Kelley Brown, I  
19 don't know if there's anything for you to rebut, any to add.  
20 You're welcome to do it at this time?

21 KELLEY BROWN: No. It sounds like -- silence is  
22 golden. Yeah, I mean I think we've done what we need to,

1 and we'd leave it to the Board.

2 BRENDAN SULLIVAN: Great, okay. Board members,  
3 any other comments or a vote?

4 LAURA WERNICK: Vote.

5 JIM MONTEVERDE: Ready for a vote.

6 ANDREA HICKEY: -- for a vote.

7 BRENDAN SULLIVAN: Let me make a motion to grant  
8 the relief requested to install the 91 (sic) wayfinding  
9 signs and three special identity signs as per the proposal  
10 that has been submitted.

11 The Board finds that a literal enforcement of the  
12 provisions of the ordinance would involve a substantial  
13 hardship to the petitioner, because it would preclude the  
14 petitioner, the Massachusetts Institute of Technology, from  
15 creating an adequate in size number and location of  
16 wayfinding signs to serve the large MIT community, the  
17 general citizenry and visitors to our city from around the  
18 globe, vendors and first responders.

19 The campus, covering some 168 acres, is made up  
20 entirely of institutional uses and there's no residential  
21 uses. However, the campus is zoned overwhelmingly in  
22 residential districts. And as such, it's encumbered by a

1 rather rigid Section 7.16.21 b) of the sign ordinance  
2 prohibiting the proposed wayfinding sign program.

3 The hardship is owing to the fact that the sign  
4 ordinance address certain conditions which adequately apply  
5 to residential districts, but are quite inadequate when it  
6 is applied to a multibuilding, mostly internal campus such  
7 as MIT, which over time has become a labyrinth of castaways  
8 connecting buildings, and is at times difficult to navigate.

9 The Board finds that desirable relief may be  
10 granted without detriment to the public good. The Board  
11 finds that Cambridge planning studies and recommendations  
12 for Kendall and across the city support wayfinding signage  
13 to assist visitors in gaining orientation and information  
14 regarding locations of interest, such as major institutions,  
15 parks and open space and other attractions.

16 MIT campus wayfinding system, as per our proposal,  
17 is an answer to that municipal planning desire.

18 The Kendall SOMA -- South of Mass Avenue -- was  
19 directed by the Planning Board to include a wayfinding  
20 system for the PUD-5 development. The SOMA development is  
21 adjacent and integrated into the overall campus.

22 The Board finds that relief may also be granted

1 without nullifying or substantially derogating from the  
2 intent and purpose of the ordinance. The Board finds that  
3 the many Cambridge Planning Studies and Guidelines for  
4 Kendall Square recommend wayfinding as directly applicable  
5 to the MIT campus.

6 The campus wayfinding project is not subject to an  
7 Article 19 Project Review special permit, but the citywide  
8 Urban Design Objective 19.30 provides a guide to the broad  
9 purpose and intents of the zoning ordinance. The Board  
10 finds that this proposal before us address that concern.

11 Any other conditions posed by the Board?

12 COLLECTIVE: No.

13 BRENDAN SULLIVAN: Hearing none, I will make a  
14 motion that we grant the relief requested on the -- and also  
15 accept the supporting statements as additional language  
16 supporting the granting of this relief; also the photo  
17 simulations as part of that, and accept the plan with the  
18 location and the size and design of such signage and  
19 granting of this relief.

20 One question I might ask for Kelley and Laura is,  
21 I know this has been a long, arduous planning program for  
22 you people.

1           And I don't want to make it any harder on you  
2 people should in the implementation of this plan that you  
3 want to tweak it one way or the other as far as location. So  
4 if it's okay with the Board, I would like to give a little  
5 bit of relaxation to how strict it has to be as pertinent  
6 plans submitted.

7           So between Laura and Kelley, do you see any way  
8 that you may change this, or that it may get tweaked  
9 somewhere along the line? I don't want you to have to come  
10 back. That's where I'm sort of going with this.

11           KELLEY BROWN: Yes, Thank you, Mr. Chairman. We  
12 have thought about that, and I think -- you know, we'd  
13 certainly be --, you know, if we were doing something that  
14 really pushed the boundaries of kind of substantial  
15 conformity to the locations and structures as we've had them  
16 -- well, we hope will be approved here tonight -- you know,  
17 we would come back.

18           But I think if there's a way you can incorporate,  
19 you know, some guidance for Inspectional Services to  
20 understand that, you know, minor shifts. These are dots on  
21 maps, not locations.

22           We -- you know, we haven't gone to every location

1 and found out, "Oh, well, there's a utility line here that  
2 we can't deal with" [or our thoughts on that are dots on top  
3 of a manhole.] You know, so that kind of adjustment is  
4 possible.

5 But I think we can live within the substantial  
6 conformity with the map.

7 BRENDAN SULLIVAN: Substantial general compliance.  
8 Any member of the Board wish to chime in and add to this?

9 LAURA WERNICK: Is that why; it's general  
10 compliance?

11 BRENDAN SULLIVAN: Yeah, general compliance.  
12 Okay. And that the transcript of this also will be  
13 sentiment (sic) to the Inspectional Services that  
14 potentially some deference or some relaxation of the  
15 strictness of the decision can be -- you know, be relaxed, I  
16 guess would be -- okay.

17 KELLEY BROWN: We appreciate that very much.

18 BRENDAN SULLIVAN: So on the motion -- yes, Jim?

19 JIM MONTEVERDE: No, wasn't me. I'm good.

20 BRENDAN SULLIVAN: No? You're good? Okay. Then  
21 on the motion to grant the relief, Jim Monteverde?

22 JIM MONTEVERDE: Jim Monteverde votes in favor of

1 the relief?

2 BRENDAN SULLIVAN: Andrea?

3 ANDREA HICKEY: [Andrea Hickey], yes I'm in favor  
4 of the relief.

5 BRENDAN SULLIVAN: Slater?

6 SLATER ANDERSON: Yes, Slater Anderson in  
7 agreement of the relief.

8 BRENDAN SULLIVAN: Laura?

9 LAURA WERNICK: Laura Wernick in favor of the  
10 relief.

11 BRENDAN SULLIVAN: And Brendan Sullivan yes to  
12 granting relief. Thank you, MIT, and good luck.

13 COLLECTIVE: Thank you very much.

14 CONSTANTINE ALEXANDER: And thank you, Brendan.  
15 We'll return to our agenda, and I'll continue as Chair until  
16 the next time I recuse myself.

17

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1 \* \* \* \* \*

2 (7:58 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 108519 -- 9 Oakland Street, Unit #1. Anyone  
8 here wish to be heard on this matter?

9 SISIA DAGLIAN: We need a minute to switch over.

10 CONSTANTINE ALEXANDER: I'm sorry? Oh, okay.  
11 We're going to have to take a brief break for technical  
12 switchover on the system. So just bear with us for a few  
13 more moments.

14 SLATER ANDERSON: Hey Gus, can you confirm for me  
15 that I'm not on this one? This is a case not heard?

16 SISIA DAGLIAN: Yes, that's correct.

17 CONSTANTINE ALEXANDER: Yeah, there are two cases  
18 on this address. One is a case heard that's been continued.  
19 We're hearing the new petition, which is --

20 SLATER ANDERSON: I missed the continuance on the  
21 other one. That must have been before 7:00.

22 CONSTANTINE ALEXANDER: No, no, we haven't had

1 that. We deferred hearing the continued cases --

2 SLATER ANDERSON: Oh.

3 CONSTANTINE ALEXANDER: -- until we heard this  
4 case. So if that's the case --

5 SLATER ANDERSON: Okay, so I'm not --

6 SISIA DAGLIAN: Slater, you are on this one.

7 SLATER ANDERSON: I am on this one? Okay.

8 SISIA DAGLIAN: Yeah, and Matina. Matina, you're  
9 here, right?

10 MATINA WILLIAMS: Yes, I'm here.

11 SISIA DAGLIAN: Okay.

12 CONSTANTINE ALEXANDER: So we have sitting on this  
13 -- so we're all clear -- Matina's sitting, Slater's sitting,  
14 I'm sitting, Brendan you're sitting, right?

15 BRENDAN SULLIVAN: Yes.

16 CONSTANTINE ALEXANDER: And who's -- and Laura,  
17 you're not sitting, am I right? Is it Andrea's not sitting?

18 SISIA DAGLIAN: Jim is not sitting.

19 CONSTANTINE ALEXANDER: Jim's not sitting, he's  
20 one, but what is the other one not sitting?

21 SISIA DAGLIAN: I don't know, it's just --

22 CONSTANTINE ALEXANDER: Otherwise, we have six

1 people.

2 SISIA DAGLIAN: Right.

3 SLATER ANDERSON: I can sit this one out. I --  
4 you know, I'm not supposed to be here for the whole night  
5 anyway.

6 SISIA DAGLIAN: Okay. I don't know.

7 CONSTANTINE ALEXANDER: Okay. So you're not going  
8 to sit on this case?

9 SLATER ANDERSON: But I am on the continued one  
10 that was heard, if that happened.

11 CONSTANTINE ALEXANDER: Yeah.

12 SLATER ANDERSON: So I'll listen in.

13 CONSTANTINE ALEXANDER: We'll see if it happens.

14 SLATER ANDERSON: Okay.

15 CONSTANTINE ALEXANDER: Okay. I'm sorry, but  
16 let's be sure we are on the same page.

17 ANDREA HICKEY: So Mr. Chair --

18 CONSTANTINE ALEXANDER: Sitting for this case is  
19 myself, Brendan, Matina, Andrea, and Laura. You got it?

20 SISIA DAGLIAN: Okay.

21 CONSTANTINE ALEXANDER: Now we can proceed. The  
22 Chair again will call Case Number 108519 -- 9 Oakland

1 Street, Unit #1. Anyone here wishing to be heard on this  
2 matter?

3 SEAN HOPE: Yes. Good evening Mr. Chair and  
4 members of the Board. For the record, Attorney Sean Hope,  
5 Hope Legal Offices in Cambridge. I'm here on behalf of the  
6 petitioners. We have the owners of 9 Oakland. We have  
7 Patrick Mascia and Molly Wolf. We also have Project  
8 Architect Frank Shirley. We thank you for having us this  
9 evening.

10 This is an application requesting zoning relief to  
11 construct a two-story dwelling on a lot that actually  
12 extends a full block to Oakland Street to go through for the  
13 record the specific elements of relief.

14 So for the variance we are seeking dimensional  
15 relief for a setback on the new proposed structure. We're  
16 also seeking a variance on the landscaping requirement in  
17 the side yard setback. And we also are seeking a special  
18 permit for tandem parking, and also, to locate vehicles  
19 within the five-foot setback as well.

20 CONSTANTINE ALEXANDER: So how -- you mentioned,  
21 of course you're right, that you're seeking landscape relief  
22 under our zoning ordinance. I saw nothing on the plans that

1 dealt with landscaping.

2 SEAN HOPE: Yeah. You know, this is -- so we're  
3 proposing tandem parking and we're seeking a special permit  
4 to park along that side of the setback. I have done these  
5 cases before.

6 I -- and actually a close reading of Article 6, I  
7 realize that if you are going to be seeking a waiver for  
8 that five-foot buffer setback, technically there is a  
9 landscape requirement that requires that five-foot buffer.

10 So when you're parking a car, when you have a  
11 driveway and car, you can't have landscaping in effect. So  
12 just by having our vehicles parked along that side yard  
13 setback, we weren't able to satisfy that five-foot landscape  
14 buffer.

15 Frankly, I don't think that section is always  
16 cited in cases where you're going to be parking within the  
17 five-foot strip, but it is an element of relief, and we did  
18 list it.

19 CONSTANTINE ALEXANDER: Thank you.

20 SEAN HOPE: So the landscape requirement is just  
21 within that five-foot, it can be shrubs, mulch and the like.

22 But as I was refreshing the Board's recollection,

1 there is a companion case of this that was filed back in  
2 November. This was to locate a second dwelling on the lot.  
3 Just to refresh the Board, this is a lot that is 4300 square  
4 feet.

5 So the lot is nonconforming. It's smaller than  
6 required by the ordinance. And also, it's a long and narrow  
7 lot. And it's one of the only lots that extends a whole  
8 block from Oak to open street on the lot. The lot is  
9 unique, and it is narrow.

10 In the previous proposal, the petitioners wanted  
11 to construct a second dwelling for the purpose of really  
12 multigenerational living. They're a growing family. They  
13 have grandparents that live out of state, and in order to  
14 accommodate them on site, they chose to propose this  
15 dwelling.

16 The previous proposal exceeded the FAR, and it was  
17 asking for a much larger house than an ordinance would  
18 allow. And in consult with the neighbors -- and we have a  
19 slide to speak to that -- we were able to reform the project  
20 to be in greater conformance with the ordinance. So  
21 essentially you have a modest sized house that meets the  
22 front yard setback.

1           One of the objections to the previous proposal was  
2 that we had garage parking, so there was going to be parking  
3 underneath the building, which forced the building to be  
4 higher.

5           So as Mr. Shirley walks through the plans, you'll  
6 see that this is a much more modest house, significantly  
7 smaller, and we believe that we've gotten substantial  
8 neighborhood support on this proposal.

9           I'll now turn it over to Mr. Shirley to walk  
10 through the plans.

11           FRANK SHIRLEY: Good evening, everyone. Can you  
12 hear me okay?

13           CONSTANTINE ALEXANDER: Yes.

14           FRANK SHIRLEY: Okay, great. We submitted a  
15 PowerPoint slideshow. Is it possible to pick that up?

16           [Pause]

17           CONSTANTINE ALEXANDER: We're having a little  
18 technical difficulties.

19           FRANK SHIRLEY: I know all about technical  
20 difficulties, no worries.

21           [Pause]

22           SISIA DAGLIAN: Frank?

1 FRANK SHIRLEY: Yes.

2 SISIA DAGLIAN: We're having some difficulties  
3 opening up your PowerPoints on the machine I'm on. I'm  
4 wondering if you can show it? We've given you access to be  
5 able to do that.

6 FRANK SHIRLEY: So I am --

7 PATRICK MASCIA: We can try, we can get involved.  
8 Hang on just one second.

9 FRANK SHIRLEY: That would be great because now  
10 I'm on a different laptop.

11 SISIA DAGLIAN: Yeah. Emmy Pale (phonetic) should  
12 be able to --

13 PATRICK MASCIA: Just give us one second. Sorry.

14 JIM MONTEVERDE: This is Jim Monteverde. Sisia,  
15 can I share my Zoom screen? I have two screens, I can --

16 SISIA DAGLIAN: Yeah. I mean --

17 JIM MONTEVERDE: -- bring it up?

18 SISIA DAGLIAN: You can do it.

19 JIM MONTEVERDE: Can I take it?

20 SISIA DAGLIAN: Yep.

21 JIM MONTEVERDE: Let's see if I can do that.

22 [Share] tell me if you can see my screen?



1           SISIA DAGLIAN: Yes.

2           FRANK SHIRLEY: That's good.

3           PATRICK MASCIA: Yeah.

4           JIM MONTEVERDE: Yeah, Frank just tell me where  
5 you want to be and I'll drive.

6           FRANK SHIRLEY: Thank you. Sure, sure. You want  
7 to just -- actually we're not fleshing out the presentation,  
8 Jim, thank you. But that's just the plans themselves. We  
9 had a --

10          JIM MONTEVERDE: Oh.

11          FRANK SHIRLEY: So just hang on one second if you  
12 could. I think we've -- we'll sit on it.

13          JIM MONTEVERDE: Oh, okay.

14          FRANK SHIRLEY: Yeah.

15          JIM MONTEVERDE: Do you want me to stop [Share]?

16          PATRICK MASCIA: I think so, just because that's  
17 just the PDF, which is helpful, but the presentation is a  
18 bit broader.

19          JIM MONTEVERDE: Ok.

20          FRANK SHIRLEY: Thank you, by the way.

21          PATRICK MASCIA: Okay. I believe I've got it. Do  
22 I have the ability to [Share] myself now? Let's see here --

1 how's that, folks? Can you see it?

2 FRANK SHIRLEY: Yeah, that's good, Patrick.

3 PATRICK MASCIA: Okay, thank you. Thank you, Jim.

4 FRANK SHIRLEY: Great. I think Sean went through  
5 everything there, so yeah, I can start here.

6 First, for introductions my name is Frank Shirley.  
7 My firm is Frank Shirley Architects at 40 Pearl Street in  
8 Cambridge. So Mr. Chair and fellow Board members, thank you  
9 very much for your willingness to hear our case this  
10 evening; much appreciated.

11 I'll go through this relatively quickly, because  
12 there was a fair amount of information about this project  
13 last fall. It has changed dramatically in terms of the  
14 building being proposed. The concepts remain intact.

15 So this is a neighborhood GIS map, and the red  
16 rectangle kind of in the center of the screen is a proposed  
17 dwelling. That small, that little skinny, red rectangle is  
18 a proposed conforming, fully conforming one-story addition  
19 the house.

20 Patrick, do you want to go to the next one?

21 Okay. And with this slide, the left-hand image,  
22 this is actually a Google Review. The site is highlighted

1 in red, and the right-hand image, that is the existing  
2 conditions as seen from Polk Street. The blue house beyond  
3 is 9 Oakland, which is here Patrick and Molly reside.

4 Okay, we can go to the next one.

5 Okay. So I think this -- yeah, this drawing is  
6 quite important. For colors, just to give everyone a sense  
7 of what they're looking at, the blue hatch is private open  
8 space, and the green is the common open space. We meet  
9 those requirements from both. That's what those colors  
10 represent.

11 The proposed house is on the left-hand side of the  
12 screen. It's 685 square feet per GFA. It is 15 feet wide,  
13 and about 20 -- I think it's 22 feet? Yeah, 22 feet-7, 22-6  
14 and three-quarters in length.

15 The house is shifted towards the south, or toward  
16 the bottom of the screen, encroaching upon the seven-and-a-  
17 half-foot required setback.

18 So it's a five-foot-setback on that side of the  
19 property, in order to allow students to park on the north  
20 side of the property, where you see a 10-foot-wide driveway  
21 dimension.

22 Next slide?

1           So this is a very small house. Each floor plane  
2 loops roughly 340 square feet. So this is the first-floor  
3 plan. It's an open plan, obviously. It's so small dividing  
4 it up would be unsuccessful as a living experience. So it's  
5 comprised of a large open area, which is the living room and  
6 small kitchen and the powder room.

7           And then as we see on the north side of the plan,  
8 the stairs up in the second floor and down to the basement.  
9 And here's the proposed second floor plan, comprised of a  
10 bedroom and a bath, and then an open office area at the top  
11 of the stairs.

12           And we are proposing a finished basement, which is  
13 another bedroom, a bath, and then a rec -- kind of a general  
14 rec room, finished area.

15           These are the -- the right-hand image has the west  
16 elevation. That is the elevation that is proposed to face  
17 Oak Street. The building is dimensioned, and it's 27 feet  
18 one inch up from grade to the bridge, which is well below  
19 what the allowed maximum is of 35 feet.

20           The intent of the building design is to capture  
21 the vernacular of Cambridge Workers Cottages that were

th

22 prevalent in the second half of the 19 century. So those

1 were quiet structures that capture, you know, in a very  
2 discreet way the Italian influence, et cetera. So that  
3 elevation is intended to be a part of that Workers Cottage  
4 fabric that is throughout our city.

5 The left-hand elevation, the north elevation is --  
6 that faces the driveway side, and a row of just windows  
7 where windows are needed to serve the rooms behind.

8 In terms of materials, it's a collaborative  
9 building and painted trim, asphalt shingle roof. It's -- you  
10 know, it's intended to be an attractive and contributing  
11 member to the architectural fabric of this neighborhood and  
12 the city as a whole.

13 Okay. These are the other elevations, the east  
14 elevation with -- the elevation actually faces Patrick and  
15 Molly's house. And the south elevation is -- that faces the  
16 one abutter that is proximate to our site at 9 Oak Street.  
17 And that is actually a blank façade, as you can see, except  
18 for a small window well basement. In order to maintain  
19 privacy for the abutting property.

20 This is just a design concept that we had done  
21 earlier when Patrick and Molly were going to reach out to  
22 the neighborhood. And those kind of three bullet points to

1 the right there are just some of the things that the  
2 neighborhood had voiced opinions on in terms of what they  
3 would like to see achieved in the proposed design.

4 It's probably clear, but we had in the previous  
5 case back in November asked for a variance for FAR. This  
6 does not require that; this is a completely conforming  
7 proposal when it comes to FAR.

8 I think I'm going to turn it over I think now to  
9 Patrick and Molly, but if anybody on the Board has questions  
10 regarding the architectural proposal, I'm happy to take  
11 those. If not, we can move on to Patrick.

12 CONSTANTINE ALEXANDER: I have none. Other  
13 members, any questions?

14 BRENDAN SULLIVAN: No, I have -- [Brendan  
15 Sullivan], no questions at this time.

16 MOLLY WOLF: Hi, everyone.

17 CONSTANTINE ALEXANDER: Oh, okay.

18 MOLLY WOLF: Go ahead.

19 CONSTANTINE ALEXANDER: Okay.

20 MOLLY WOLF: Hi, everyone. Thank you for taking  
21 the time to consider this case with us. My name is Molly.  
22 I'm here with Patrick and our daughter, Eleanor. To refresh

1 the Board's memory, we're a family.

2 We bought this home a couple years ago, and we're  
3 seeking to building a second structure to full-time house my  
4 mother, and then to have a place for Patrick's family to  
5 come for extended stays also in the city.

6 As Sean and Frank both mentioned, this is our  
7 second hearing. So we previously presented plans in  
8 November for a larger, different structure. There was not  
9 unanimous support for the structure, and we received a  
10 continuance from the Board to keep working on it. So in the  
11 meantime, we've been pretty hard at work with Frank and with  
12 our neighbors to find a solution that works for everyone.

13 So as Frank mentioned, these were really the  
14 guiding principles that we used to design the structure.  
15 This was based on the feedback that we heard both from our  
16 neighbors, and then also from the BZA at the November  
17 hearing.

18 So we were trying to add green space and trees to  
19 Oak Street, leave that front yard setback, stay within FAR  
20 and then have no garage in favor of tandem parking, which  
21 much more fits the style of the neighborhood around us. So  
22 this is what we used to design our structure.

1           So we spent a couple of months working with frank  
2 and trying to understand the zoning to the best of our  
3 limited abilities. And then we had some pretty detailed  
4 communications with the neighbors. This was kind of the  
5 culmination of the neighbor outreach. This was the group of  
6 neighbors that had been opposed to our proposal back in  
7 November.

8           And this was the agreement that we came to at the  
9 end of January outlining the dimensions of the structure  
10 that would be acceptable. And we're very grateful to have  
11 reached this agreement.

12           And again, we used this to design the structure  
13 that we submitted this time.

14           So we moved forward with the structure. We're --  
15 again, really grateful to have pretty board support in the  
16 neighborhood. We put on this map a bird's eye view of all  
17 the addresses in green. We have either -- we have letters  
18 submitted to the Board of either support and/or approval.  
19 And we did not include 24 Oak, which is also actively  
20 supporting the proposal.

21           So we just hope this gives the Board some context  
22 about our thought process and some insight into the



1 neighborhood negotiations that we had leading up to this new  
2 proposal. We're happy to take any questions. Otherwise,  
3 we'll hand it up over to Sean.

4 SEAN HOPE: And I think that concludes our  
5 presentation. We can open it up to public comment, or we  
6 can answer any questions.

7 CONSTANTINE ALEXANDER: Sean, I have a question  
8 for you or for your client. As we know, and we've touched  
9 upon already, when the petition was first brought before us,  
10 there was substantial neighborhood opposition. And you  
11 asked to continue the case to go back to the drawing boards,  
12 which you did.

13 And the proposal that's before us tonight is --  
14 some already said, I think -- a more modest proposal -- the  
15 one that seems to have neighborhood acceptance, unlike the  
16 first one.

17 But we do have a letter in our files signed by  
18 five individuals, who live on Oak Street. And I think, as I  
19 recall, they were more vocal opponents the last time. And  
20 their letter says, "We approve of the relief sought -- "  
21 they're talking about tonight's case " -- for minimal  
22 expansion of the existing unit and for new construction of a

1 two-story unit, but only so long as all of the following  
2 conditions are met."

3 Is it your representation that's what's being  
4 proposed tonight do meet all of these conditions?

5 MOLLY WOLF: Yes. And we reviewed that with Frank  
6 and a zoning specialist also.

7 CONSTANTINE ALEXANDER: I'm sorry, could you just  
8 repeat that?

9 MOLLY WOLF: Yes. That is our understanding, and  
10 we reviewed that pretty intensely with Frank's office as  
11 well.

12 CONSTANTINE ALEXANDER: Okay. So with that, you  
13 have unanimous now neighborhood support. I wanted to get  
14 that off the record, or get that cleared up.

15 MOLLY WOLF: Thank you.

16 CONSTANTINE ALEXANDER: Thank you. And I think  
17 are we ready to open the matter up to public testimony,  
18 unless Sean, do you have anything more you want to say at  
19 this juncture?

20 SEAN HOPE: No further comments at this juncture.

21 CONSTANTINE ALEXANDER: Okay. The Chair will now  
22 open this matter up to public testimony. I'm looking for

1 the rules here, how it works.

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

5 If you're calling in by phone, you can raise your  
6 hand by pressing \*9 and unmute or mute by pressing \*6. So  
7 we'll take a moment to see if anyone is calling in or  
8 Zooming in who wishes to address us.

9 Sisia, anything coming through?

10 SISIA DAGLIAN: I'm not seeing anyone, no.

11 CONSTANTINE ALEXANDER: Okay. Apparently there is  
12 no one who wishes to give public testimony.

13 SISIA DAGLIAN: Oh, one person. Sorry.

14 CONSTANTINE ALEXANDER: -- orally. And as I said  
15 before, we do have a number of --

16 SISIA DAGLIAN: We do have somebody that raised  
17 their hand, yeah.

18 CONSTANTINE ALEXANDER: I'm sorry, we do have  
19 someone who wishes to speak.

20 SISIA DAGLIAN: Giovanni Scorza?

21 GIOVANNI BERLANDA SCORZA: Yep. Can you hear me?

22 SISIA DAGLIAN: Yeah.

1           GIOVANNI BERLANDA SCORZA: So Good evening,  
2 everybody. My name is Giovanni Berlanda Scorza. I am the  
3 owner of the building on 7 Oakland Street, who is bordering  
4 the 9 Oakland Street lot, and I just want to let everybody  
5 know that I support the proposed request that Molly and  
6 Patrick are doing.

7           I think they have come up with a good, balanced  
8 solution for the whole neighborhood, and I'm really happy  
9 that they have come with this layout. So I'm really happy  
10 to see them trying to achieve the goal of building a second  
11 structure on their property. Thank you.

12           CONSTANTINE ALEXANDER: Thank you for taking the  
13 time to speak and to support your neighbors. Anyone else  
14 wish to speak?

15           SISIA DAGLIAN: I don't see other hands, no.

16           CONSTANTINE ALEXANDER: Nope? No one else. So  
17 I'm going to close public testimony. As I've indicated, we  
18 do have a number of written communications, all of which are  
19 in support. I don't propose to read them all.

20           So, Mr. Hope, do you have anything further you  
21 wish to say at this point?

22           SEAN HOPE: No, I just would -- just for the

1 record would want to establish that the hardship is due to  
2 the narrowness of the lot. And the idea is without relief  
3 it would be impractical to build a reasonable sized  
4 structure.

5 And so, the structure that you see here with the  
6 modest zoning relief is really the -- really about the bare  
7 minimum to have for a practical house, a functional house.  
8 And I just wanted to highlight that hardship for the record.

9 CONSTANTINE ALEXANDER: Thank you. I'm going to  
10 rephrase a little bit of that as I make my motion. But it  
11 is important as you have done to touch upon the requirements  
12 for a variance, because that's what drives this bus. In any  
13 event, the Chair moves that we make the following findings  
14 with regard to the variance being sought:

15 That a literal enforcement of the provisions of  
16 the ordinance would involve a substantial hardship, such  
17 hardship being is that this is a very odd-shaped lot, narrow  
18 to the nth degree, and that the only way this -- it wouldn't  
19 matter who owns this property, it would be difficult to best  
20 use this lot without obtaining a variance.

21 That the hardship is owing to the shape of the  
22 lot. As Mr. Hope has pointed out, it's a very narrow lot,

1 and includes much of the construction that you might expect  
2 for a house in Cambridge.

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

7 In this regard, the Chair notes that what will  
8 result from the variance should we grant it is a  
9 construction of another building residence on the lot. It's  
10 a building that -- it's consistent with how the neighbor is,  
11 and it allows land that could not otherwise be -- should we  
12 say gainfully used, at least for residential purposes -- to  
13 be used for residential purposes.

14 So on the basis of all these findings, the Chair  
15 moves that we grant the variance requested on the condition  
16 that the work proceeds in accordance with plans prepared by  
17 Frank Shirley Architects, dated October 9, 2020, the first  
18 page of which has been initialed by the Chair. Mr.  
19 Sullivan?

20 BRENDAN SULLIVAN: Brendan Sullivan no to granting  
21 the variance.

22 CONSTANTINE ALEXANDER: What did you say?

1 BRENDAN SULLIVAN: Hm?

2 CONSTANTINE ALEXANDER: Did you say no?

3 BRENDAN SULLIVAN: No.

4 CONSTANTINE ALEXANDER: Oh. One vote, I'm sorry,  
5 keep going. Jim? No, Jim's not sitting on this. Matina.

6 MATINA WILLIAMS: Matina yes to granting the  
7 variance.

8 CONSTANTINE ALEXANDER: Okay. Laura?

9 LAURA WERNICK: Laura Wernick yes to granting the  
10 variance.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes to granting the  
13 variance.

14 CONSTANTINE ALEXANDER: And the Chair will vote  
15 yes to granting the variance as well.

16 [FOUR VOTE YES, ONE NO]

17 So four out of five votes in favor. The variance  
18 is granted.

19 So before we lose you, Mr. Hope, we have the old  
20 coordinated case. I take it I have a motion from you to  
21 withdraw the case?

22 SEAN HOPE: Mr. Chair, before we get to that

1 motion, there is a special permit that I believe the Board  
2 needs to vote on as well?

3 CONSTANTINE ALEXANDER: Oh, you're right; the  
4 other half of the relief being sought. Thank you.

5 BRENDAN SULLIVAN: No problem.

6 SEAN HOPE: Would you like me to talk about --

7 CONSTANTINE ALEXANDER: Talking about the special  
8 permit to construct new and enlarged window openings --  
9 sorry, I have the wrong case -- to add a mudroom addition  
10 and windows in a nonconforming dwelling.

11 Now, I have the -- I'm sorry, it's a bad night.  
12 The special permit is to park cars in tandem and within the  
13 side yard setback.

14 With regard to the special permit, the Chair moves  
15 that we make the following findings: That the requirements  
16 of the ordinance cannot be met without the granting of the  
17 special permit.

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

22 In this regard, it is not substantial change in



1 established neighborhood character -- the kinds of parking,  
2 the tandem parking too close to the lot line are consistent  
3 with the housing situation and parking provisions of the  
4 area in general.

5 That the continued operation of or development of  
6 adjacent uses, as permitted in the zoning ordinance, will  
7 not be adversely affected.

8 Again, the Chair would refer back to the letters  
9 of support and the lack of any opposition to support the  
10 notion that the continued operation of adjacent uses will  
11 not be adversely affected.

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

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

19 So on the basis of all these findings, the Chair  
20 moves that we grant the special permit being requested,  
21 subject to the work proceed in accordance with the plan that  
22 we've just referred to and accepted with regard to the

1 variance.

2 Brendan, how do you vote?

3 BRENDAN SULLIVAN: No to granting this.

4 CONSTANTINE ALEXANDER: Brendan votes no, okay.

5 Matina?

6 MATINA WILLIAMS: I vote yes to granting the

7 variance.

8 CONSTANTINE ALEXANDER: Okay. Andrea?

9 ANDREA HICKEY: I vote yes to granting the

10 variance.

11 CONSTANTINE ALEXANDER: Laura?

12 LAURA WERNICK: I vote yes to granting the

13 variance.

14 [FOUR VOTE YES, ONE NO]

15 CONSTANTINE ALEXANDER: Okay. The Chair votes yes

16 as well. So again, we have a four to one vote. The four is

17 sufficient to meet the requirements of our ordinance to

18 grant the relief. So the special permit has been granted.

19 Now, since you reminded me, Mr. Hope, are you

20 going to make a motion to withdraw, or are you going to

21 withdraw your original petition that was filed some months

22 ago?

1 SEAN HOPE: Yes. We'd like to formally request to  
2 withdraw the originally filed case. I don't have the Case  
3 Number in front of me, but it was a case filed in November.  
4 We'd like to withdraw that, please.

5 CONSTANTINE ALEXANDER: Okay. The Chair moves  
6 that we make the motion that we accept the requested  
7 withdrawal by the petitioner for this case, and that the  
8 petition is withdrawn.

9 Brendan?

10 BRENDAN SULLIVAN: Yes to accepting the  
11 withdrawal.

12 CONSTANTINE ALEXANDER: Okay. Matina?

13 MATINA WILLIAMS: Yes to accepting the withdrawal.

14 CONSTANTINE ALEXANDER: Laura?

15 MATINA WILLIAMS: Yes to accepting the withdrawal.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: Yes to accepting the withdrawal.

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

20 [All vote YES]

21 So the whole case is withdrawn. The new case has  
22 been approved. Good luck.

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COLLECTIVE: Thank you so much.

CONSTANTINE ALEXANDER: Okay. All right.

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(8:30 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Jim Monteverde, Laura Wernick, and Andrea  
Hickey

CONSTANTINE ALEXANDER: All right. The Chair will  
now call Case Number 109125 -- 66 Reed Street, Unit #1.  
Anyone here wishing to be heard on this matter?

MATINA WILLIAMS: I believe I'm off of this case.

CONSTANTINE ALEXANDER: That's right. I think  
we're back to the original panel for this case.

MATINA WILLIAMS: Okay. Have a good evening.

COLLECTIVE: Bye, Matina.

CONSTANTINE ALEXANDER: Anyone here wishing to be  
heard on this case, 66 Reed Street, #1? Maybe nobody wishes  
to be heard.

JIM MONTEVERDE: There is.

BRENDAN SULLIVAN: Judy Silvan.

CONSTANTINE ALEXANDER: I'm kidding.

KEVIN RICHARD: Hi. Can you hear me? This is  
Kevin Richard.

BRENDAN SULLIVAN: Yes.

1 KEVIN RICHARD: Hi. The petitioning team is  
2 myself, Kevin Richard, Cambridge craftsman; Christopher  
3 Royer, Architect; and Jeannie Silvan, homeowner.

4 And we're petitioning for relief, where we filled  
5 in 24 square feet of the stairwell that the purpose of was  
6 to provide additional workspace for the homeowner.

7 There was no access to a window that was located  
8 against the wall in front of the drop-off. It was a safety  
9 hazard as well. And it added 24 square feet to a  
10 nonconforming. The space was already over the FAR, and so  
11 this was the purpose for the variance.

12 CONSTANTINE ALEXANDER: I have to say this is one  
13 of the more unusual cases that I've seen before our Board,  
14 but I understand the position you're taking. I have no  
15 questions. Members of the Board? Brendan has none. Jim?

16 JIM MONTEVERDE: Jim Monteverde no questions.

17 CONSTANTINE ALEXANDER: Andrea?

18 ANDREA HICKEY: No questions.

19 CONSTANTINE ALEXANDER: And Laura?

20 LAURA WERNICK: I'm just curious. Tell me again  
21 what the use is?

22 CONSTANTINE ALEXANDER: I'm sorry?

1           LAURA WERNICK: No, I'm just curious what --  
2 again, what is the use of this open space?

3           KEVIN RICHARD: Oh, well the -- there are three  
4 people, mostly because of the COVID quarantining where the  
5 homeowner is a psychologist. She needed more privacy for  
6 her client calls. And it was an open stairwell.

7           LAURA WERNICK: Right. Okay. I understand, I  
8 just was curious about that. Thank you.

9           CONSTANTINE ALEXANDER: Okay. I will close public  
10 testimony. I mean, I'll open the matter up to public  
11 testimony. Sorry. Any members of the public who wish to  
12 speak now should now click the icon at the bottom of your  
13 Zoom screen that says, "Raise hand."

14           If you're calling in by phone, you can raise your  
15 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
16 take a second to see if anyone wishes to speak?

17           [Pause]

18           Apparently not. So I will report that we do have  
19 letters of support in favor of the project and also, the  
20 Condominium Association, which owns the building, has also  
21 submitted an approval that the Condominium Association  
22 approves of the changes that are subject to the case before

1 us tonight.

2 So, ready for a vote, or do people want to have a  
3 discussion?

4 BRENDAN SULLIVAN: I'm ready for a vote, [Brendan  
5 Sullivan].

6 CONSTANTINE ALEXANDER: Okay.

7 JIM MONTEVERDE: Ready for a vote, yep.

8 CONSTANTINE ALEXANDER: Okay. Looking for the  
9 plans that I had a second ago. Here they are. Okay, the  
10 Chair moves that we make the following findings with regard  
11 to the variance being sought:

12 That the -- let me get the text out -- that a  
13 literal enforcement of the provisions of the ordinance would  
14 involve a substantial hardship, such hardship being is that  
15 because of the unusual nature of the structure, there is  
16 living space that could be used and it's not being used, or  
17 not be permitted to be used without a variance.

18 The hardship is owing to nature of the lot and the  
19 location of the structure on the lot.

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           So on the basis of all these findings, the Chair  
2 moves that we grant the relief being sought on the condition  
3 that the work proceed in accordance with the plans prepared  
4 by Royer, R-o-y-e-r Architects, dated December 11, 2020, the  
5 first page of which has been initialed by the Chair.

6           Brendan?

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

9           CONSTANTINE ALEXANDER: Jim?

10          JIM MONTEVERDE: And Jim Monteverde yes for the  
11 variance.

12          CONSTANTINE ALEXANDER: Andrea?

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

15          CONSTANTINE ALEXANDER: Laura?

16          LAURA WERNICK: Laura Wernick yes in favor of the  
17 variance.

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

20          [All vote YES]

21          CONSTANTINE ALEXANDER: Relief granted.

22          COLLECTIVE: Thank you very much.

1 \* \* \* \* \*

2 (8:36 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Laura  
4 Wernick, Andrea Hickey and Slater Anderson

5 CONSTANTINE ALEXANDER: The Chair will now call  
6 Case Number 108723 -- 135 and 137 Elm Street. The Chair is  
7 not going to sit on this case, and Mr. Sullivan will again  
8 be the Chair -- will Chair the hearing of this case. And  
9 who is replacing me on this case? Slater?

10 SLATER ANDERSON: I'm here. Oh, Slater. That's  
11 right. Okay, Brendan, the floor is yours.

12 BRENDAN SULLIVAN: Okay. Mr. Ellsworth?

13 [Pause]

14 Campbell?

15 CAMPBELL ELLSWORTH: I'm mute. Good evening.  
16 There I am, okay. Thank you so much. Mr. Chairman, and  
17 members of the Board, my name is Campbell Ellsworth. I'm  
18 the Architect for the two families who are requesting relief  
19 tonight.

20 I'm joined by these two families from 135 Elm  
21 Street -- that is Elizabeth and Jordan Bolman; and from 137  
22 Elm Street. I'm joined by the owners Heather Pierce, P-i-e-

1 r-c-e and her husband, Eric Lee, L-e-e.

2 We're here before you tonight to request two  
3 variances from Cambridge ordinance; one for GFA and one for  
4 setbacks. I'll try to address the technical issues around  
5 the request, and I'm going to leave the personal experiences  
6 and the description of the need to the owners themselves.

7 The summary of the request is that there are two  
8 young families that are growing who want to stay in the  
9 neighborhood, who have established routes in the  
10 neighborhood through work and through neighborhood schools,  
11 and are liked and loved by the community.

12 They have -- like many families -- been strongly  
13 affected by the COVID virus forcing work from home, a lack  
14 of available child care, essentially using their homes in  
15 more intense and more uses than ever imagined.

16 The existing story -- the existing structure is a  
17 two-story building, but visually it is effectively two and a  
18 half. It has an unusually high, flat-roofed structure. It  
19 has an unusually high parapet on the roof.

20 The property and that building also was developed  
21 in about 10 years ago, at which time that was a two-family  
22 structure then. It was still a two-family structure at that

1 time. 10 years ago, the structure was instead of flat, it's  
2 one over another, it was split down the middle.

3 Sisia, if you're there, perhaps you could run some  
4 of the drawings that are there?

5 SISIA DAGLIAN: Yep. We're going to bring them  
6 up.

7 CAMPBELL ELLSWORTH: Okay. I'm trying to -- there  
8 we go. Okay. Great. Before that, can you back up a little  
9 bit? Do you have the plans? Well okay, great. So that's  
10 the existing structure on the street. You know, from sort  
11 of from the left, from head on, from the right to the right  
12 just to point out there is a driveway area.

13 This property was developed in 2011. There were  
14 four homes created -- two in this building, two in a new  
15 structure in the back. It's great success. Three out of  
16 four of the owners are the original owners and there are a  
17 lot of children -- I think six children among these four  
18 homes.

19 And actually they use that driveway, just to point  
20 out -- for open space and play space. And in fact they just  
21 installed -- if anyone has been able to drive by and take a  
22 look at the property, they recently installed a gate to -- I

1 think essentially, they can correct me if I'm wrong, to keep  
2 the kids in, kind of corral them in there. Because they use  
3 that so much, and they really enjoy it.

4 So the two families in question have really run  
5 out of space. You've seen that in the description in the  
6 supporting statements. And they are looking to add to their  
7 third floor. You can see in those -- right.

8 So here are two images. On the left is a model of  
9 the existing structure. On the right is the model of those  
10 added rooms; one room and -- one bedroom and one bathroom on  
11 top.

12 You can see that those additions will not go, will  
13 go about six inches higher only than that center stair tower  
14 if you will, and that also given access to the roof for  
15 mechanical equipment and the families have used that.

16 And there's sort of a benefit because of that very  
17 high parapet wall, which is about three and a half or almost  
18 close to four feet tall when you're up there.

19 These are two models -- again on the left the  
20 existings, and on the right the proposed.

21 Sisia, if you could go to the plans, that might be  
22 helpful.

1           So -- yeah, so what we're looking at there is the  
2 existing conditions. So we have the second-floor plan.  
3 Those don't change.

4           These are very, very modest-sized bedrooms, to say  
5 the least, and each of these families has two children, and  
6 so they are really filling up.

7           On the right of that, the existing third floor is  
8 looking down on it, but it's actually looking also down on  
9 that stair bulkhead, if you will, that is on that roof.

10          Sisia, could you go to the next drawing as well?

11          So these are the existing conditions again. Top  
12 left, you can see that's the view from the driveway. You  
13 can see how that stair tower goes up and accesses that roof  
14 area.

15          You can also see there the dashed lines there that  
16 show how much lower that roof level is. The top right  
17 drawing is also relevant. That's the elevation from the  
18 street.

19          And so you can see that that stair tower actually  
20 takes quite a bit of space. And then of course you get the  
21 other elevations as well.

22          All right, if you could go to the next drawing?

1           So now this is what we're proposing. Again, top  
2 left in the drawing is the second floor, which has no change  
3 to that. Top right of this drawing is the proposed addition  
4 of the room.

5           So whereas before these were larger, open decks  
6 that they'd used, now we leave the stair tower, in the  
7 middle we add these two, they get much smaller decks and  
8 they're able to add one bedroom and one bath, while still  
9 being able to access -- trying not to move all the  
10 mechanical equipment, which is all the HVAC, Mitsubishi HVAC  
11 stuff. That's in the middle between the two units, and of  
12 course the bottom right is the flat roof of the -- of that  
13 addition, of those additions.

14           Right. If you go to the next?

15           And then these would be -- again, comparable for  
16 elevations -- again top left from the driveway and, as I  
17 said, we're trying to hold down the height of that addition  
18 and we can, so that it's only about six inches or so above  
19 that existing walkout that's up there.

20           I think that I want to hand this off, but I just  
21 want to say that, you know, the four units on this lot were  
22 created about 10 years ago to great success.

1           Now after 10 years, the pressures that have been  
2 put on, and these folks are generally, you know, in  
3 technology fields which are working from home to be sure,  
4 but working from home for actually what may be a rather  
5 indefinite period of time.

6           So with that, I would like to hand off to Heather  
7 Pierce [all names phonetic], who is one of the owners -- or  
8 Heather and Eric, who are owners of 137.

9           [Pause]

10          Actually, can you still hear me? I think so. Let  
11 me actually just point out in terms of public outreach, I do  
12 want to point out that the owners wrote a letter and sent it  
13 to everyone and more -- I'll talk about that in a second --  
14 and more on Maria's abutters' list.

15          You have in your file quite a number of letters of  
16 support, and they also dealing -- you know, given that there  
17 would -- you also have letters from the other two  
18 condominiums in the back at 139 and 141 Elm Street, which is  
19 part of that ensemble. They've signed off and supported.

20          And the one abutter to the south at 133 Elm, who  
21 is essentially the most affected by this, is also in full  
22 support and you have a letter of support from them in your



1 file now as well.

2 BRENDAN SULLIVAN: Campbell, this is Brendan  
3 Sullivan. In reading the pleadings, I sympathize with the  
4 applicants and their need for additional space, and it's  
5 somewhat minor in that it's a bedroom and a bathroom,  
6 obviously.

7 What I can't get past is the design. And so it's  
8 sort of clouds the whole application for me, anyhow. I just  
9 don't like it, plain and simple. There's no other way of  
10 being cute about it, I just -- I know it's not nice to  
11 criticize or to critique architects' work, but I just -- I  
12 just don't like it.

13 So I don't know, any other members of the Board  
14 have any input on their thoughts? Laura, do you have any?

15 LAURA WERNICK: Well, I agree with you Brendan,  
16 it's not certainly what I would do. It's interesting.  
17 It's, you know, obviously done in contrast to what is there.

18 I'm not sure -- it's a little bit of an odd duck  
19 because they're trying to keep the scale of it down as low  
20 as possible and not -- there's no way I don't -- it would be  
21 very challenging to try to replicate what's below when  
22 you're dealing with such a, you know --

1                   \*BACK TO REGULAR RECORDING\*

2                   -- band of space. Could it be done more  
3 sensitively? Maybe there's another approach that's not  
4 quite as high contrast. But I understand that the kind of  
5 challenge that they're facing there, with a very different  
6 floor height or apparent floor to floor height on that top  
7 layer there. So it's a little bit of a hat that's been put  
8 on top of the house.

9                   I'm not sure --

10                  BRENDAN SULLIVAN: And I think looking at it, you  
11 know, frontal, is that the addition is obviously off-  
12 centered, because you want to preserve some decking space up  
13 there. And, you know, I don't know if eliminating that  
14 decking space up there and moving it -- you know, to the  
15 left as we face the top right drawing there would soften it.

16                  Maybe it's the windows. You know, I don't know.  
17 There's just something about it that -- I just, I can't get  
18 past that.

19                  JIM MONTEVERDE: This is Jim.

20                  BRENDAN SULLIVAN: I understand their need and --  
21 you know, emphasize with all of that. But it's a tough one  
22 for me to -- hurdle to get over.

1 Jim, any thoughts?

2 JIM MONTEVERDE: Yeah, this is Jim Monteverde. I  
3 was -- before you spoke, Brendan, I was trying to figure out  
4 how to express a similar sentiment, but in a way that maybe  
5 kind of led to -- I don't want to say a solution, but I'm  
6 looking at the rendered version. It has the proposed -- the  
7 existing condition, the proposed, and then the two front  
8 elevations.

9 And when I compare the existing building -- and I  
10 understand that renderings kind of make these things flatten  
11 out and get a bit simpler -- but the top just looks...

12 And I understand Laura's point about  
13 differentiating yourself from the -- you know, the addition  
14 from the space below, but the addition above just looks  
15 really -- I'll call it undeveloped, compared to the  
16 character of the building below in terms of the scale, the  
17 coloration, the detail of it.

18 And it just seems -- you know, as much as the  
19 stair tower seems to be of a different language but it  
20 works, the top floor addition just seems to not relate to  
21 either the stair tower or the building itself. And it just  
22 seems to compete.

1           And in fact, to me it just overwhelms it. Can't  
2 take my eye off it. So -- and I can't see how it's in  
3 character with the neighborhood with the adjacent  
4 structures. And again, it's not trying to be repetitive or  
5 contextual, just more in sympathy with the existing  
6 building.

7           So I share the same thing. I think some of it may  
8 be coloration. You know, I scratch -- I'm just looking here  
9 trying to color the top a different color to see if you  
10 could make it recede.

11           But I think just the pattern, the regular pattern  
12 of the square windows, you know, even though the space  
13 beyond not relating to how the space may be used beyond just  
14 seems to be unreconciled with the existing building.

15           So Brendan, I share your discomfort with how that  
16 top floor is handled, in terms of its detailing and its  
17 materiality.

18           BRENDAN SULLIVAN: Andrea? Any --

19           ANDREA HICKEY: Yes. So I share sort of similar -  
20 - I won't say concerns; they're really sort of design issues  
21 that I have. I'm wondering -- sort of the horizontal nature  
22 of the windows is not sort of congruent with the vertical

1 windows below in either the purple tower or on either side.

2           Is there a way to perhaps have fewer windows and  
3 have them be more vertical?

4           CAMPBELL ELLSWORTH: The short answer is yes,  
5 absolutely. And let me just address it. The contrast was  
6 intentional, clearly.

7           This building -- and Sisia, if you go up to the  
8 existing photos for a second, if you can zoom in? This  
9 building has a -- it's very powerful, I think,  
10 architecturally. It has a very deep cornice -- unusually  
11 deep. That's what was there on the original building.

12           It was potentially all of those brackets were -- I  
13 know, because I was the architect on that project 10 years  
14 ago -- were sort of painstakingly either refinished or  
15 actually rebuilt.

16           The addition that we are proposing I wanted it to  
17 try to be as nondescript. I was thinking sort of simple  
18 detailing, simple corners, a light material. In my drawings  
19 I call out a vertical standing, see metal again -- something  
20 reflective, something that would reflect the sky. But a  
21 rework of the windows is certainly possible if that might  
22 tie it.

1           I mean, of course the clients are interested in  
2 the space, and desperately need the space. So we are  
3 absolutely open to trying to satisfy or perhaps create some  
4 better renderings -- you know, that are more accurate, or --  
5 I think Jim, you said that the center...

6           I think it was Jim -- that said the center column  
7 of stairs on that driveway side, which you can see on that  
8 right-hand image there -- those are done in a shingle, and  
9 obviously with a sort of a playful coloration...

10           In order to set them off against the mass of the  
11 basic townhouses themselves, that material -- that shingle  
12 material, could be brought up and wrapped around. And  
13 perhaps that might simplify, so instead of having sort of  
14 three events on this building, perhaps there could be two.  
15 I could definitely see that as --

16           And then to Andrea's point to sort of work with  
17 the windows, perhaps make them more in the same language,  
18 and perhaps relating. You know, it's just one room behind  
19 them, essentially. So those windows would in that room  
20 would be high up -- again, given the height of the parapet,  
21 given the fact that those windows are already set high  
22 they're going to be very -- you know, nobody's going to be

1 looking into that room, and someone would have to sort of  
2 walk right up to the window to look out. They are fairly  
3 high up.

4 But the short answer is yes. We'd be happy to try  
5 to come up with some other solutions that were more  
6 palatable to the Board.

7 BRENDAN SULLIVAN: What about -- Campbell, what  
8 about shifting it to the left?

9 LAURA WERNICK: I think it wants to be symmetrical  
10 around the stair tower.

11 BRENDAN SULLIVAN: I'm sorry?

12 LAURA WERNICK: The two -- the two spaces are  
13 symmetrical with the stair tower in the center?

14 CAMPBELL ELLSWORTH: They are indeed.

15 LAURA WERNICK: We don't want to shift it.

16 BRENDAN SULLIVAN: Well, they are on the driveway  
17 side. I'm saying that the front of the building -- you  
18 know, front on, you -- it's shifted to the right. What I'm  
19 saying is if you shift it to the left, you balance it. So -  
20 - again, you know, I'm not going to try to redesign your  
21 project for you, it's just that it's sort of like one of  
22 those things, the eye of the beholder.

1           And again, in reading your pleadings, I fully  
2 understand, sympathize with your need and the trials and  
3 tribulations of trying to balance home and work and  
4 everything, but to me it was just kind of -- I don't know.  
5 I can't get by the design of it.

6           And again, if you look at the bottom right, see  
7 how that is shifted off to the right as opposed to sort of  
8 more centered?

9           CAMPBELL ELLSWORTH: Right. And I didn't -- I  
10 didn't exactly know. I mean, we're happy, Mr. Sullivan, if  
11 you think that by filling in across, in my mind it simply  
12 increases the mass that's on the street, as opposed to sort  
13 of cutting it back with that small deck, which you can see.

14           That little shift to the right creates that little deck  
15 up on the top left. That could easily be filled in and yes,  
16 you would have a more balanced mass up on top of the body of  
17 the building, albeit there is a bay that -- you know, that  
18 two-story bay.

19           We didn't want to kind of fill in that bay and  
20 replicate that. That would have been quite literal, and --

21           LAURA WERNICK: I think that you're hearing the  
22 Board's desire to see another version rather than us trying



1 to design it.

2 CAMPBELL ELLSWORTH: Sure, sure, sure.

3 LAURA WERNICK: I did like the notion -- now that  
4 I've said that, I'm going to make a suggestion -- you know,  
5 you're making the two materials rather than having three  
6 materials. There's no indication certainly in the rendering  
7 here that that top is metal, which I think is very  
8 interesting.

9 And maybe instead of having the purple and green  
10 clapboard, that the metal comes down the stairs rather than  
11 the clapboard wrapping around. I like the idea of having  
12 contrast --

13 CAMPBELL ELLSWORTH: Mm-hm.

14 LAURA WERNICK: -- to my mind. To be able to --  
15 perhaps the end walls, the short end walls could -- the  
16 metal could actually angle in, to make it appear less --

17 ANDREA HICKEY: Severe, maybe?

18 LAURA WERNICK: -- less severe from the street?  
19 Working with the windows. Certainly, I think you could  
20 simplify the -- or, not simplify but make the windows a  
21 little bit more compatible.

22 I think it is very different from what's below.

1 And I think to try and think that we're going to replicate  
2 what's below is not what you should be doing.

3 I think from my perspective, it's a -- the house  
4 is based on a certain amount of Victorian detail and  
5 proportions, and those proportions just don't exist up  
6 above. And it would be a falsehood to kind of pretend that  
7 they did.

8 So I think maybe there may be some tweaking to set  
9 back slightly, to angle it back slightly, adjust the windows  
10 a little bit, think about materials again. And --

11 CAMPBELL ELLSWORTH: Happy to do it, happy to do  
12 it.

13 BRENDAN SULLIVAN: Okay. One thing: Slater, do  
14 you have any thoughts, comments?

15 SLATER ANDERSON: Yeah. No, I tend to concur with  
16 everybody. I mean, what I see is either you go the path of  
17 you make it more a vernacular, like a three-decker and you  
18 raise -- the cornice is an obstacle to what you're trying to  
19 do -- or you do, like a mansard kind of design above the  
20 cornice that, as Laura was saying, sort of softens the shape  
21 of it. It's communication with the windows below.

22 It's just -- as designed it does look like it was

1 just dropped on top of the house, and it doesn't -- I  
2 sympathize with the intent. I just, I think that  
3 architecturally it's a little bit of Tower of Babel.

4 BRENDAN SULLIVAN: Okay. On that note, then,  
5 you've heard our comments. And should I make a motion then  
6 to continue this matter?

7 JIM MONTEVERDE: Could I ask one question?

8 BRENDAN SULLIVAN: Sure.

9 JIM MONTEVERDE: -- please? [This is Jim  
10 Monteverde.] Do you have an issue -- we relief for the side  
11 yard setback on the third floor to your west?

12 CAMPBELL ELLSWORTH: To the north, south, east,  
13 west, no.

14 JIM MONTEVERDE: Not the driveway, the opposite  
15 side.

16 CAMPBELL ELLSWORTH: The bottom? Yeah, I'm going  
17 to call that the south, I believe.

18 JIM MONTEVERDE: Yeah, you -- I'm sorry, the  
19 drawing -- I was just looking at your drawing, where it  
20 calls out that you need such, and I don't see it. And I  
21 read -- it's on your drawing A1.1, I think.

22 Yeah, it's on the roof plan. There's a note that

1 basically says there's a seven-and-a-half foot -- not that  
2 one, nope, keep going -- not the existing, the new; the  
3 A1.1.

4 CAMPBELL ELLSWORTH: Yeah, we --

5 JIM MONTEVERDE: That one, there. There.

6 BRENDAN SULLIVAN: Right there, yeah.

7 CAMPBELL ELLSWORTH: Sure.

8 BRENDAN SULLIVAN: And the bottom one, if you look  
9 at the bottom one there, or it just says -- see the note in  
10 the upper right-hand corner, minimum 7.5 required setback?

11 CAMPBELL ELLSWORTH: Yes, that's correct.

12 BRENDAN SULLIVAN: So --

13 CAMPBELL ELLSWORTH: I mean, right.

14 JIM MONTEVERDE: You need relief for that, don't  
15 you?

16 CAMPBELL ELLSWORTH: Yes, we do. We need relief.

17 JIM MONTEVERDE: Okay.

18 CAMPBELL ELLSWORTH: So that --

19 JIM MONTEVERDE: I couldn't read that clearly in  
20 the zoning statement.

21 CAMPBELL ELLSWORTH: I see. Okay, yes. I mean --

22 JIM MONTEVERDE: So that's a variance request for

1 to be able to be built or however you want to submit. You  
2 need relief to be able to build that piece of it on the  
3 third floor, correct?

4 CAMPBELL ELLSWORTH: Into the setback. And that  
5 of course -- so that would be the minimum. That would be  
6 the minimum required setback in the C-1 zone.

7 JIM MONTEVERDE: Yep.

8 CAMPBELL ELLSWORTH: So that's the line that I've  
9 established there on that plan. So you can see that those  
10 two pieces of the plan that extend into it -- those are the  
11 bathrooms.

12 JIM MONTEVERDE: Yeah. So you just, you need that  
13 relief, I believe.

14 CAMPBELL ELLSWORTH: Right. And there is -- if  
15 you take a look on the left-hand side?

16 JIM MONTEVERDE: Oh, right, yeah, yeah, yeah.

17 CAMPBELL ELLSWORTH: There's another similar one.  
18 There's a 10-foot-setback, and we're slightly into that as  
19 well.

20 JIM MONTEVERDE: Right. So it's your front yard  
21 and side yard setback you need relief for?

22 CAMPBELL ELLSWORTH: That is correct. And those

1 are the bases -- well, that and GFA. Those are the setback  
2 reliefs that we're looking for.

3 JIM MONTEVERDE: Okay.

4 CAMPBELL ELLSWORTH: Side, and then GFA.

5 JIM MONTEVERDE: Okay, okay.

6 CAMPBELL ELLSWORTH: I would just ask, but  
7 Chairman I'll sort of defer to you, but I promised my client  
8 I've had their children in their arms (sic) -- that they  
9 would be able to speak. I don't know if that is necessary  
10 at this point for you?

11 BRENDAN SULLIVAN: Yeah, I would save it until we  
12 come back, actually.

13 CAMPBELL ELLSWORTH: Okay. May I just ask, I  
14 think -- I think it was Slater or perhaps Ms. Warner who  
15 said that -- I think Ms. Warner you had suggested at some  
16 point sort of tilting the walls in. Are you -- does that --  
17 and then someone said mansard?

18 Was that what you were thinking when you --

19 SLATER ANDERSON: I was thinking mansard with  
20 maybe the dormer to the windows, you know, like, pop out  
21 like mansard dormers, you know?

22 CAMPBELL ELLSWORTH: Right, right.

1 SLATER ANDERSON: To capture maybe some of the  
2 verticality of the windows below.

3 CAMPBELL ELLSWORTH: Yeah, yeah, yeah.

4 SLATER ANDERSON: That was one idea, but you're  
5 the architect.

6 CAMPBELL ELLSWORTH: Okay. Well, I just -- I  
7 didn't -- I wasn't quite sure about the mansard or the  
8 tilted wall part. That's always intriguing.

9 BRENDAN SULLIVAN: Okay. So I'm going to make a  
10 motion, then, to continue this matter -- Sisia when?

11 SISIA DAGLIAN: I think May 13 is the next  
12 available date.

13 BRENDAN SULLIVAN: May what?

14 SISIA DAGLIAN: May 13.

15 BRENDAN SULLIVAN: May 13. Campbell, will that  
16 give you enough time?

17 CAMPBELL ELLSWORTH: Yes. Oh, absolutely. More  
18 than --

19 BRENDAN SULLIVAN: May 13?

20 CAMPBELL ELLSWORTH: May 13.

21 BRENDAN SULLIVAN: Okay. Petitioners are  
22 available? Dolmans (phonetic) yes? Okay.

1 CAMPBELL ELLSWORTH: Dolmans.

2 BRENDAN SULLIVAN: Okay. Board members available  
3 May 13?

4 JIM MONTEVERDE: Yes, this is Jim Monteverde.

5 SLATER ANDERSON: Are we doing 6:00 or 7:00 p.m.  
6 on these?

7 LAURA WERNICK: 6:00.

8 JIM MONTEVERDE: 6:00 p.m.

9 BRENDAN SULLIVAN: 6:00 p.m. On the motion to  
10 continue this matter to May 13 at 6:00 p.m. on the condition  
11 that the petitioner change the posting sign to request the  
12 new date of May 13 and the time of 6:00 p.m.

13 That the petitioner sign a waiver to the statutory  
14 requirement for a hearing and rendering -- and a decision to  
15 be rendered thereafter within five business days from  
16 tonight. Should be at the hand of the Inspectional Services  
17 Zoning Secretary, Maria Pacheco.

18 And also that should there be new drawings, to  
19 resubmit any other dimensional forms that it be in the file  
20 on the Monday prior -- by 5:00 p.m. on the Monday prior to  
21 the May 13, 2021 hearing.

22 On the motion, then, to continue this matter,



1 Andrea?

2           ANDREA HICKEY: Yes, I vote in favor of the  
3 continuance.

4           BRENDAN SULLIVAN: Jim?

5           JIM MONTEVERDE: Jim Monteverde yes in favor of  
6 the continuance.

7           BRENDAN SULLIVAN: Slater?

8           SLATER ANDERSON: Slater Anderson in favor of the  
9 continuance.

10           BRENDAN SULLIVAN: And carrying up the Ws, Laura  
11 Wernick?

12           COLLECTIVE: [Laughter]

13           LAURA WERNICK: Always at the end. Laura Wernick  
14 in favor of the continuance.

15           BRENDAN SULLIVAN: And Brendan Sullivan yes to  
16 continuing.

17           [All vote YES]

18           See you on the May 13.

19           CAMPBELL ELLSWORTH: Thank you very much.

20           BRENDAN SULLIVAN: Yep.

21           SLATER ANDERSON: All right. I think that's it  
22 for me, Brendan. Does that sound right?

1                   CAMPBELL ELLSWORTH: Yes.

2                   BRENDAN SULLIVAN: Well, we hate to see you go,  
3 but I think so, yes. Thank you.

4                   CONSTANTINE ALEXANDER: Thank you for coming.

5                   BRENDAN SULLIVAN: Thanks, Slater.

6                   SLATER ANDERSON: Well, we just made a date for  
7 May 13.

8                   BRENDAN SULLIVAN: There we go.

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2 (9:08 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 109095 -- 143 Hamilton Street. Anyone here  
8 wishing to be heard on this matter?

9 SEAN HOPE: Good evening Mr. Chairman and members  
10 of the Board. For the record, Attorney Sean Hope, Hope  
11 Legal Law Offices in Cambridge. I am here on behalf of the  
12 petitioner. We have Matt Marshall. And we are here  
13 proposing decks on part of a renovation of a two-family  
14 structure.

15 This is a straightforward case in many ways. This  
16 is a renovation that is including two rooftop decks. The  
17 proposal meets the dimensional requirements of the  
18 ordinance.

19 The reason why we're requesting a special permit  
20 is because the decks are above the second floor; therefore  
21 they count as gross floor area. So we are at that 25  
22 percent of a nonconforming structure.

1           So just for some context, this site is located in  
2 a C-3 district, which is pretty rare for Cambridgeport. And  
3 so a C-3 district allows for a 3.0 FAR. The proposal is far  
4 below that, due to the constraint of the site. But the  
5 decks themselves are a part of that, and they trigger that  
6 25 percent relief.

7           Oftentimes the Board with decks are concerned  
8 about privacy. This lot is situated in such a position that  
9 it's adjacent to the rear yard of the LBG affordable housing  
10 development.

11           So on the right side of this property is a very  
12 large rear yard, and to the left is a driveway. So that the  
13 decks are not going to impact the privacy, to the extent  
14 that that's a concern.

15           So this image on the screen here is the proposal.  
16 On the left side of the structure is a driveway and an  
17 entrance. And as you can see these decks are pulled back  
18 from the side.

19           This is also a condo setup building. So although  
20 there is some yard area, there's very little outdoor open  
21 space for this condo. The other unit in the rear has  
22 exclusive rights to most of the yard area. So this would be

1 the only functional private open space for the occupants of  
2 each of the dwelling units.

3 So that the -- I believe that the other unit  
4 owner, in order to file the application, had to consent to  
5 this application. There was some outreach during this -- if  
6 you went by the site, you'll see that the property is being  
7 renovated under a building permit. So there have been some  
8 neighbors who have been involved.

9 The developer has reached out to them in  
10 preparation for this application, and as far as we've been  
11 reported, there hasn't been any stated opposition.

12 So the architect is also here as well, and is here  
13 to answer any questions on the proposal. But the special  
14 permit is on the decks. And the other parts of the  
15 renovation are as-of-right, under a validly issued building  
16 permit.

17 CONSTANTINE ALEXANDER: The size of the decks, the  
18 floor area?

19 BRENDAN SULLIVAN: Do you want to speak to that,  
20 Nick?

21 NICK LANDRY: Yes, can you hear me?

22 CONSTANTINE ALEXANDER: Yes.

1           NICK LANDRY: So each one of the decks is about  
2 165 square feet. So the total is about 330 for both of  
3 them. And the extra private --

4           CONSTANTINE ALEXANDER: 330 square feet on the top  
5 of the building?

6           NICK LANDRY: Correct.

7           CONSTANTINE ALEXANDER: Thank you. I'll just make  
8 a comment at this point, and particularly for your benefit,  
9 Mr. Landry, this Board generally does not look with favor  
10 upon roof decks. We've generally denied them, and we do it  
11 because -- I think -- because this is a densely occupied  
12 city, and in dense neighbors, roof decks can cause  
13 disruption to the peace and quiet and tranquility of  
14 neighboring properties.

15           They may be great in the South End, but they don't  
16 usually fit well in Cambridge.

17           And in fact, with regard to what you're proposing,  
18 we have neighborhood opposition, for the reason I've just  
19 cited. And I'll read those letters at an appropriate time.

20           But I'm very -- I can only tell you I'm one of  
21 five -- I cannot support relief for this.

22           It also should be pointed out you do have yard

1 area -- not like it's cheek to jowl, so you don't need  
2 outdoor space only on the roof. There's yard area to be  
3 used. Maybe it's not as much as people would like, but  
4 that's Cambridge. So anyway, that's my view.

5 SEAN HOPE: Understanding that, Mr. Chair. And  
6 maybe it might be helpful to walk through the site a little  
7 bit. So I do think, and understanding that privacy is  
8 always an issue, and we would be informed by whatever  
9 letters of opposition. But I do think there are particular  
10 keys to this site which I think might soften the Board.

11 Is it possible to flip through the slides?

12 CONSTANTINE ALEXANDER: Sure.

13 SEAN HOPE: Okay. So the house is -- on the left-  
14 hand screen the house is front and center, right? And so to  
15 the right is the rear yard of the LBGA, LBG apartment. So  
16 there's probably about a 40-foot rear yard that is the back  
17 yard of a 50-foot apartment.

18 That apartment building has 40 plus units in it,  
19 and they all have rear balconies. So in terms of privacy,  
20 there's actually more people who are looking on this  
21 property than this property looking on outside areas.

22 On the left of the property -- and maybe you can

1 go to the next slide, Nick or Sisia, please?

2 Right, so on the picture on the left is the left  
3 side. That's the existing entrance. And there's a driveway  
4 that services the rear house that is part of this two-unit  
5 development. That rear yard house, based on the condo docs  
6 has exclusive use of the yard area, and that is how the  
7 condo docs are written.

8 And so, although there is -- as the Chair  
9 specified, it's not cheek to jowl as you rightly pointed  
10 out. That back condo unit owns exclusive rights to all that  
11 yard area, which is one of the reasons why we're proposing  
12 these upper decks.

13 If you can go to the next slide, Nick or Sisia?

14 Right. And so, we've already seen the decks. Is  
15 it possible to go to a site plan? I think that may be  
16 helpful to look at how the lot is laid out.

17 [Pause]

18 Yeah. Okay. This is a good one. So as you see,  
19 the lot is triangular in the back. And so, you would see  
20 from not seeing the condo docs that that whole back yard  
21 area would be open for use of the occupants. So that rear  
22 yard area in the back of the house is primarily in that --



1 if you want to speak in more detail, but that is exclusive  
2 use for that back yard.

3 So these decks -- and this is also a good view,  
4 because you can see these decks are looking onto a driveway,  
5 and also looking onto a rear yard of a 40-foot -- excuse me  
6 a 40-unit, a very large LBJ building.

7 So I'd be interested to hear the letter, but in  
8 terms of privacy, there's an open yard on one side that is  
9 part of a large, multifamily development. And then the  
10 other part of the yard and the driveway is owned by the  
11 other condo owners of the property. And then there's a  
12 street.

13 So as far as I can see, I do think that the  
14 privacy issues, which are prevalent in Cambridge --  
15 especially when you have very tight lots -- this is a  
16 situation where you don't have a tight lot, you don't have  
17 ample open space.

18 And -- you know, I would think unless there's  
19 concerns and I'm willing to listen, it seems like the  
20 project issues wouldn't be as prevalent as they would even  
21 across the street or in other parts of Cambridgeport.

22 CONSTANTINE ALEXANDER: Thank you. Anything else,

1 or any questions from members of the Board? Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan no questions  
3 at this time.

4 CONSTANTINE ALEXANDER: No questions. Jim?

5 JIM MONTEVERDE: [This is Jim Monteverde.] I just  
6 have a question. How do you access the roof? Is that what  
7 I would call a coffin cover door that gets you up to the  
8 deck?

9 NICK LANDRY: Yes.

10 JIM MONTEVERDE: So you avoid a head house that  
11 way?

12 NICK LANDRY: Correct, yep.

13 JIM MONTEVERDE: And is the Commissioner on the  
14 line -- at the hearing? My question is, I had no idea how  
15 to use that myself in my own architectural practice, but I  
16 was a long time ago. And I couldn't do it since. I always  
17 had to use a head house to get up to a deck.

18 And I was curious if there was any code, which is  
19 not the purview of this group, but building code that says  
20 you actually can't do that? Or -- yeah. Do you know, Mr.  
21 Landry?

22 SISIA DAGLIAN: Jim, people have been using it

1 successfully. There have been railings incorporated into  
2 it.

3 JIM MONTEVERDE: Okay.

4 SISIA DAGLIAN: When it comes to permitting, we  
5 worked it out.

6 JIM MONTEVERDE: Okay, okay. Thank you. That's  
7 all.

8 CONSTANTINE ALEXANDER: Andrea?

9 ANDREA HICKEY: Well, I agree with you, Mr. Chair,  
10 that we generally don't look favorably upon roof decks. You  
11 know, the area that is exclusive use outdoors to the other  
12 unit, my comment to that would be that the petitioner knew  
13 that when he bought into this project.

14 And there's nothing stopping him from maybe  
15 negotiating with the other unit owner to get some use of  
16 outdoor space.

17 But in general, we don't look favorably on these  
18 roof decks, and so far I've not been swayed that this is  
19 something that's really necessary.

20 CONSTANTINE ALEXANDER: Thank you. Laura?

21 LAURA WERNICK: I guess I'm more sympathetic  
22 because of the apartment building that's already looking

1 down over all of this area with balconies. This is not a  
2 huge roof deck. It's about the size of a relatively small  
3 bedroom at each side.

4 So I guess I -- without the yard area, and given  
5 the last year that we've gone through, I'm somewhat more  
6 sympathetic to the need to provide some help and mental  
7 wellness being able to have some outdoor space that someone  
8 can take advantage of.

9 And in this type of area, where there seems to be  
10 lots of balconies, I'm not sure that the noise issues that  
11 are usually such a concern are quite as valid. I'd like to  
12 hear the abutters. But that's where I am at this moment.

13 BRENDAN SULLIVAN: Thank you.

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

18 If you're calling in by phone, you can raise your  
19 hand by pressing \*9 and unmute or mute by pressing \*6. So  
20 we'll take a few moments to see if anyone's calling in or  
21 wishes to speak.

22 [Pause]

1           Nope? There is no indication that anyone wishes  
2 to speak. We do have letters in our file -- two, to be  
3 precise. And I will read those into the record. One is  
4 from Bob Binstock, who resides at 157 Hamilton Street.

5           "I have owned and lived at 157 Hamilton Street for  
6 almost 30 years. The proposed roof deck would be directly  
7 visible from our bedroom window, and more importantly would  
8 be a potential source of noisy disturbances in the warm  
9 weather.

10           "The houses from 143 to 161 Hamilton and around  
11 the corner to 204 Pearl Street are at extremely close  
12 quarters, and it takes a lot of neighborly consideration  
13 to maintain reasonable peace and quiet. At 157, we now have  
14 two new houses under construction behind us at 196 Pearl.

15           "I am all for new housing units in Cambridge. We  
16 put one into our house. But I am quite concerned about  
17 maintaining that peace and quiet.

18           "143-145 does have significant outdoor space  
19 behind it, and a roof deck does not seem to be a necessity.  
20 I will defer to the residents of the houses closest to 143-  
21 145, or at 147, 149, 151. If they support the roof deck, I  
22 will -- I do not object. But if there is not clear support

1 for it among those closest, I do not support it either."

2 And I will just comment that we do not have any  
3 written communications from the residents of 147, 149, 151.

4 We also have another letter from a Johnathan  
5 Delgado -- D-e-l-g-a-d-o, who resides at 136 Appleton  
6 Street.

7 "In regard to the Board of Zoning Appeal case --  
8 " -- this is our case -- "-- where the petitioner, 143-145  
9 Hamilton Street, LLC, proposes adding a roof deck to the  
10 structure that is 143 and 145 Hamilton Street, I would like  
11 to state that I am opposed to this petition.

12 "The current structure is a side-by-side two-  
13 family. It is quite close to the street, and three stories  
14 tall, which would only be made larger if it gets converted  
15 to a flat roof.

16 "Three stories seems to be the typical max height  
17 in our neighborhood. And I have never seen a three-story  
18 structure which also has a roof deck on top of it. I feel  
19 this is out of line with the feel of the neighborhood.  
20 Housing here is admittedly dense and only getting denser, it  
21 seems.

22 "But with the exception of the LBJ Apartments, the

1 structures aren't looming higher on the streets."

2 And there is another comment where the person  
3 speculates another purpose for the roof deck. I don't think  
4 it's relevant to our case tonight. And that's all the  
5 written communications I have in our file.

6 So I'll close public testimony. Ready for a vote  
7 or discussion?

8 SEAN HOPE: Gus, could I make a couple of  
9 comments? And they will be brief. So one, I -- the  
10 objection about the 136 Hamilton, I would like to point out,  
11 you know, that is across the street. And it's pretty clear  
12 to me based on the letter that his objection is about the  
13 size of the dwelling.

14 Whether or not you granted the special permit,  
15 that would not change the size of the three-story structure.  
16 This actually -- it could actually -- this site could  
17 actually take a much taller structure, because of the C-3  
18 zoning, but that's not what we're proposing.

19 I would also say too maybe except for the privacy  
20 screen, the deck itself is not going to be visible. So  
21 frankly, the objection to 136 Hamilton to me sounds like  
22 they're more to do with the building than what we're

1 actually applying for, the special permit for the deck.

2 To Mr. Binstock's comment, so he isn't a direct  
3 abutter. Frankly I used to live a street over on Erie  
4 Street, so I know Mr. Binstock and I know this area very  
5 well. But I would say that he's got 40 plus balconies that  
6 are facing his property on Hamilton Street.

7 I really don't believe that these two decks the  
8 way they're set back is going to get to add to the ambient  
9 noise or privacy in such a way that would preclude the  
10 Board from approving this.

11 And then lastly -- and I agree with the Board,  
12 this is not a claim that this is a necessity. If we were  
13 requesting a hardship or a variance or setback, then we  
14 would have to prove somehow that this was needed, and  
15 there's a substantial hardship. But this is not. This is a  
16 special permit, and I believe that we meet the requirements  
17 of the special permit.

18 So I just -- and I know the Board knows this, but  
19 I would just like to establish this for the record that  
20 there's no impact on traffic generated or patterns of access  
21 or egress that would cause congestion, hazard, or  
22 substantial change to the neighborhood character.



1           If you want to object to the size of the building,  
2 I could say that would be -- but that again, is not the  
3 focus of our application. It's solely on the decks.

4           The continued operation of adjacent uses: This is  
5 an area with substantial decks. Mr. Binstock talked about a  
6 property next to his on 196 Pearl Street. That is going to  
7 have a deck on it as well.

8           So again, I don't believe that this is going to  
9 change substantially the character of the neighborhood.

10           Nuisance or hazard created to the detriment of the  
11 health, safety and/or welfare of the occupant of the  
12 proposed use: that is not the case.. or the citizens of  
13 the city.

14           Again, I would say that this is because of the  
15 location next to LBJ this is not going to be a negative  
16 impact, it's pulled away. And I don't believe we're going  
17 to be adding any kind of substantial detriment to the public  
18 good.

19           And lastly, I would like to add although we know  
20 that COVID-19 will not be here forever, there is a reality  
21 that the developer and the owner does not have the right  
22 unilaterally to change the condo docs. And I do believe

1 that private open space and fresh air is at a premium. I do  
2 think that even though outdoor space, which is common, is  
3 going to be less effective than people looking to have  
4 private outdoor space. And I think that the roof deck  
5 serves that.

6 So I think solely based on the Special Permit  
7 Criteria, not the fact that this is a necessity, I would say  
8 that we do meet the Special Permit Criteria. I do believe  
9 that decks are consistent throughout the neighborhood.

10 And lastly, I would contend the -- one of the  
11 letters of opposition said that if the other condo unit  
12 owner I believe didn't object, they wouldn't object. And  
13 Matt Marshall, who is the developer, have you had  
14 conversations with that unit owner that was referenced in  
15 Mr. Binstock's letter?

16 MATT MARSHALL: So I've had conversation with Unit  
17 #3 and also the condo owner to the left, where the driveway  
18 is. I had a lengthy conversation with her outside of the  
19 property. It was great. There were no issues. I actually  
20 ended up calling her, because she requested for us to help  
21 her re-point part of her property.

22 So I've had no issues, no opposition from either

1 of those condo owners.

2 SEAN HOPE: But just to be clear, is this the same  
3 owner that was referenced in the letter? Because there was  
4 a specific address, and I just want to be clear that if you  
5 had talked to that owner who was referenced in Bob  
6 Binstock's letter?

7 MATT MARSHALL: That's correct, yes, at 149.

8 SEAN HOPE: And you're representing that she did  
9 not any opposition to the proposal?

10 MATT MARSHALL: I didn't get into lengthy  
11 discussion about the roof decks, but I did mention that we  
12 were applying. And there was no issue behind that, yes.

13 SEAN HOPE: Okay. I think that's it, Mr. Chair.  
14 But I do believe in retrospect, it would have been helpful  
15 to have a letter from her to speak directly to that.

16 Because if we did have evidence that she was in  
17 support, then there would only be one letter of opposition.  
18 It would be from the direct abutter at 136 Hamilton.

19 And I think for reasons that I've argued  
20 previously, I think his objection is based more on the size  
21 of the building, and less --

22 CONSTANTINE ALEXANDER: Nope, I'm not -- I don't

1 think we should speculate --

2 SEAN HOPE: Fair enough.

3 CONSTANTINE ALEXANDER: -- or qualify. The  
4 letters are what they are.

5 SEAN HOPE: Fair enough.

6 CONSTANTINE ALEXANDER: But two different people  
7 took the time to write letters, and they've written the  
8 letters that we -- I read. Anyone else, I don't know what  
9 their attitudes are, for or against or what have you.

10 I do know that they were not involved enough to  
11 write a letter, and you know as well as I that many, many  
12 people in this city do take the time to write letters when  
13 they are concerned about a zoning proposal.

14 SEAN HOPE: Understood.

15 MATT MARSHALL: I think my only point was I felt  
16 the focus of the letter was not specific towards the roof  
17 deck, but that was my interpretation and I respect them for  
18 their own opinions.

19 CONSTANTINE ALEXANDER: Okay, thank you. So we're  
20 back to where we were before. Do we want to have further  
21 description, or do you want me just to make the motion and  
22 we vote on it? What's the pleasure of the Board?

1           BRENDAN SULLIVAN: I'm ready for [Brendan  
2 Sullivan] I'm ready for a vote.

3           CONSTANTINE ALEXANDER: You're ready for a vote?

4           JIM MONTEVERDE: Yep. Time for a motion.

5           CONSTANTINE ALEXANDER: Okay.

6           ANDREA HICKEY: Mr. Chair?

7           CONSTANTINE ALEXANDER: Everybody else ready for a  
8 vote?

9           ANDREA HICKEY: Mr. Chair, are we sure that  
10 there's nobody from the public that wishes to be heard?

11          CONSTANTINE ALEXANDER: I'm turning to Sisia.

12          SISIA DAGLIAN: Yeah, no one wants to be heard.

13          CONSTANTINE ALEXANDER: No. No one wishes to be  
14 heard.

15          ANDREA HICKEY: Thank you.

16          CONSTANTINE ALEXANDER: Okay. I will make the  
17 motion to grant the special permit. And we'll take our  
18 vote. Let me just get my papers together.

19                 The Chair moves that we make the following  
20 findings: That the requirements of the ordinance cannot be  
21 met without the special permit that's being sought.

22                 That traffic generated or patterns of access or

1 egress which would result from the proposed roof decks will  
2 not cause congestion, hazard, or substantial change in  
3 established neighborhood character.

4 That the continued operation of or development of  
5 adjacent uses, as permitted in the zoning ordinance, will  
6 not be adversely affected by the nature of what is being  
7 proposed.

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

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

15 So on the basis of all these findings, the Chair  
16 moves that we grant the special permit requested on the  
17 condition that the work proceed in accordance with plans  
18 prepared by -- geez -- DRT, three letters -- DRT LLC dated  
19 January 27, 2021, the first page of which has been initialed  
20 by the Chair.

21 Brendan, how do you vote?

22 BRENDAN SULLIVAN: Brendan Sullivan opposed to

1 granting the special permit.

2 CONSTANTINE ALEXANDER: Sorry?

3 BRENDAN SULLIVAN: Opposed.

4 CONSTANTINE ALEXANDER: Opposed. Jim?

5 JIM MONTEVERDE: Jim Monteverde no to granting the  
6 relief.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey no to granting the  
9 relief.

10 CONSTANTINE ALEXANDER: Laura?

11 LAURA WERNICK: Laura Wernick in favor of granting  
12 the relief.

13 CONSTANTINE ALEXANDER: Okay. And the Chair vote  
14 not to grant relief.

15 [BRENDAN SULLIVAN AGAINST OPPOSED; JIM MONTEVERDE  
16 NO; ANDREA HICKEY NO; LAURA WERNICK YES; CONSTANTINE  
17 ALEXANDER NO.]

18 So four votes against, and four votes to grant the  
19 relief that's required. The special permit is denied. We  
20 need one more vote to express the reason for those who voted  
21 against the special permit.

22 I'll make a motion for everyone's consideration

1 that this proposal could have an adverse effect on the  
2 neighborhood, as witnessed by testimony that those in the  
3 neighborhood who took the time to get involved in this case  
4 have written an objection to the relief being sought.

5 That there could be a change. This all could open  
6 the door for a substantial change in established  
7 neighborhood character could lead to further roof decks, and  
8 that that does have an adverse impact on this densely  
9 occupied section of the city.

10 That -- I think those are the two that I would  
11 cite. Anyone want to add to that, or is that sufficient?

12 BRENDAN SULLIVAN: No, I think that's sufficient.

13 JIM MONTEVERDE: That's good.

14 CONSTANTINE ALEXANDER: Okay, Brendan, you voted

15 --

16 BRENDAN SULLIVAN: I would agree with the counter.

17 CONSTANTINE ALEXANDER: I'm sorry?

18 BRENDAN SULLIVAN: I would agree with your  
19 countermotion, yes.

20 CONSTANTINE ALEXANDER: Okay, Jim?

21 BRENDAN SULLIVAN: And the reason.

22 JIM MONTEVERDE: [Jim Monteverde], I'd agree.



1                   CONSTANTINE ALEXANDER:   Okay, Andrea?

2                   ANDREA HICKEY:   I have nothing to add, I'm in  
3 agreement.

4                   CONSTANTINE ALEXANDER:   And the Chair has not  
5 chosen to disagree with what you just said, so I agree as  
6 well.

7                   [All vote NO TO THE SPECIAL PERMIT]

8                   Those are the reasons why we've denied the  
9 special permit.   Case over.

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2 (9:34 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 96217 -- 173 Coolidge Hill. Anyone here wishing  
8 to be heard on this matter?

9 THEODORE SCHWARTZ: Yes.

10 CONSTANTINE ALEXANDER: The floor is yours, sir.  
11 Hello, thank you. I just want to thank the Board  
12 for the time tonight to hear our petition. And --

13 BRENDAN SULLIVAN: You can introduce yourself for  
14 the record, sir.

15 THEODORE SCHWARTZ: Oh, I'm sorry. I'm Ted  
16 Schwartz from Conia Construction, and I'm presenting tonight  
17 on behalf of my client, Giovanni Parmigiani, who is also in  
18 attendance, or I think he is. And he may chime in if I end  
19 up leaving something out. But we'll see how this goes.

20 Giovanni is seeking a special permit and a  
21 variance for a nonconforming structure. The special permit  
22 is for adding four windows along the western side elevation

1 of the residence, and the variance is for 75 square-foot  
2 entryway roof. I've been --

3           CONSTANTINE ALEXANDER: Am I correct -- I'm sorry  
4 to interrupt you.

5           THEODORE SCHWARTZ: That's all right.

6           CONSTANTINE ALEXANDER: The entryway structure is  
7 there; you're just talking about adding the roof to it?

8           THEODORE SCHWARTZ: Correct.

9           CONSTANTINE ALEXANDER: You're not expanding --  
10 not that it makes, may not make a difference -- you're not  
11 expanding the size of the entryway, are you?

12           THEODORE SCHWARTZ: No, no. So we're not  
13 increasing, like any square footage of, like, inhabitable  
14 space. We're just taking a roof that -- a flat roof that's  
15 on top of a little bump out, and we want to extend it over  
16 the entry walkway to protect the entry door.

17           CONSTANTINE ALEXANDER: Okay, thank you.

18           THEODORE SCHWARTZ: Okay. So I've been working  
19 with Giovanni since he moved into his new residence with his  
20 family a few years ago, and we've been renovating it.

21                   And one of the things that we've done is we took  
22 the old kitchen and we moved it to the back of the house,

1 and the area that was the old kitchen is now the new living  
2 room.

3 And the elevation of that exterior wall works well  
4 enough for that kitchen, because there is just one bay  
5 window above the old kitchen sink.

6 But for a new living room, it really doesn't work  
7 out well and doesn't relate to the living room and  
8 furnishings, and really as you're sitting enjoying that as  
9 you're sitting enjoying that space, how you communicate with  
10 the outdoors, and the lack of daylighting and ventilation  
11 through that very deep, deep room.

12 And it's shown on the plans, the three windows  
13 that we're hoping to add in that area. They're highlighted  
14 in, like, a pinkish color.

15 So we're looking for three casement windows in  
16 that room, and those three casement windows are set back  
17 from the property line 14.8 feet. The requirement in that  
18 zoning district is 15 feet, so -- you know, we're very near  
19 the cusp, but we're inside of the setback, so we definitely  
20 need to request a special permit.

21 And that elevation of the house benefits already  
22 both my client's point of view and the neighbor's point of

1 view, because there's sheds along the property line, along  
2 with shrubbery and evergreens. So there's a good amount of  
3 screening already from my client's side yard to the  
4 neighboring property's back yard.

5 So that elevation we're looking for those three  
6 casement windows in the living room, along with one casement  
7 window that would be placed in the new kitchen above the new  
8 kitchen sink, if that makes sense.

9 I don't know if it would help to pull up the  
10 plans, and just -- there we go, I'm looking at it now. So  
11 if you look on the top edge of the -- the top line of the  
12 plans, you'll see that there's three new windows called out,  
13 that's the living room.

14 And you can see just by the shape and scale of  
15 that living room it's a very big kind of spacious room with  
16 not a lot of windows along that whole elevation. And it has  
17 low ceilings, sub eight feet. So it's kind of dark there in  
18 the daytime.

19 And then in the top right-hand corner of the plan,  
20 you'll see that's where we're requesting the one new  
21 casement window above the kitchen sink. And I think that --

22 CONSTANTINE ALEXANDER: Am I correct that this

1 neighborhood, Coolidge Hill, that your client's structure  
2 looms over the road, actually? It's on a hillside?

3 And that it's very irregular, the lot is very  
4 irregular, so there is no privacy issues that might arise  
5 from the window changes, that often arise in other sections  
6 of Cambridge?

7 THEODORE SCHWARTZ: It doesn't seem like it'll be  
8 a problem from -- again, from our perspective in the yard  
9 that the windows look out to, there's -- you know, there's  
10 already a good amount of screening in between that and the  
11 neighbor's expansive rear yard that it abuts.

12 And then from the road, the three new windows in  
13 the living room are barely able to be seen -- just at  
14 certain angles as you look through the lattice of the fence.

15 And then the kitchen window is just you can't see  
16 it from the road, and the neighbors wouldn't have a clear  
17 view of that either.

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

20 BRENDAN SULLIVAN: No questions from me.

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: Jim Monteverde no questions.

1           CONSTANTINE ALEXANDER:  Laura?

2           LAURA WERNICK:  No questions.

3           CONSTANTINE ALEXANDER:  Andrea?

4           ANDREA HICKEY:  No questions.

5           CONSTANTINE ALEXANDER:  And the Chair has no  
6 questions as well.  So I'll now open the matter up to public  
7 testimony.  Any members of the public who wish to speak  
8 should now click the icon at the bottom of your Zoom screen  
9 that says, "Raise hand."

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

13           [Pause]

14           Apparently not.  So there is -- no one wishes to  
15 comment.  We do have several letters of support for the  
16 proposition, the two forms of relief that are being sought.  
17 No letters of opposition; the letters of support, no letters  
18 of opposition.

19           I will now close public testimony.  I think we're  
20 ready for a vote?

21           BRENDAN SULLIVAN:  Yes.

22           JIM MONTEVERDE:  Yes.

1           CONSTANTINE ALEXANDER: Okay. The Chair moves  
2 that -- we've got to votes to take, let me get my notes out  
3 -- with regard to the variance being sought, the Chair moves  
4 that we make the following findings:

5           That a literal enforcement of the provisions of  
6 the ordinance would involve a substantial hardship, the  
7 hardship being is that there is a need to have a covered  
8 entryway, given the location of the building on the site and  
9 the nature of the site generally. And this need is not  
10 peculiar to the current occupant of the structure, it runs  
11 with the structure itself.

12           The hardship is owing to really nature of the lot  
13 -- the shape and the soil conditions and the -- or  
14 topography more than anything else, such that there is a  
15 need for a change with regard to the front entryway.

16           And relief may be granted without substantial  
17 detriment to the public good, or nullifying or substantially  
18 derogating from the intent or purpose of this ordinance. In  
19 this regard, the relief being sought is rather modest in  
20 nature, it improves the inhabitability of the structure,  
21 particularly with regard to the covered entryway, and it has  
22 neighborhood support and apparently no neighborhood



1 opposition.

2           So on the basis of all these findings, the Chair  
3 moves that we grant the variance requested on the condition  
4 that the work proceed in accordance with plans prepared by  
5 American Dural, D-u-r-a-l Residential Design dated July  
6 20,2020.

7           Brendan?

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

10          CONSTANTINE ALEXANDER: Jim?

11          JIM MONTEVERDE: And Jim Monteverde yes to  
12 granting the variance.

13          CONSTANTINE ALEXANDER: Laura?

14          LAURA WERNICK: Laura Wernick yes to granting the  
15 variance.

16          CONSTANTINE ALEXANDER: Andrea?

17          ANDREA HICKEY: Andrea Hickey yes to granting the  
18 variance.

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

21          [All vote YES]

22          Unanimous vote, the variance is granted.

1           Turning to the special permit, the Chair moves  
2 that we make the following findings with regard to the  
3 special permit -- the special permit relating to the  
4 relocation of windows.

5           That the requirements of the ordinance cannot be  
6 met without the special permit:

7           That traffic generated or patterns of access or  
8 egress that would result from the window change will not  
9 cause congestion, hazard, or substantial change in  
10 established neighborhood character.

11           And again, I would cite the fact that this is an  
12 unusual -- for Cambridge anyway -- this topography of this  
13 site is very unusual; hilly, rocky on a side of a hill and  
14 not a lot of houses all around, compared to many of the  
15 parts of Cambridge.

16           That the continued operation of or development of  
17 adjacent uses, as permitted in the zoning ordinance, will  
18 not be adversely affected by the nature what is being  
19 proposed. Again, the windows speak for themselves given the  
20 nature of the structure and its location on the lot.

21           No nuisance or hazard will be created to the  
22 detriment of the health, safety and/or welfare of the

1 occupant, or the citizens of the city.

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

6 In this regard, the relief from the special permit  
7 is modest in nature. It's essential to -- not essential,  
8 but important for the continued viability of the structure  
9 for residential purposes. And again, it has no neighborhood  
10 opposition.

11 So the Chair moves that we grant the special  
12 permit being requested on the condition that the work  
13 proceed in accordance with plans that were referred in the  
14 variance we just granted.

15 BRENDAN SULLIVAN: Brendan Sullivan yes to  
16 granting the special permit.

17 JIM MONTEVERDE: And Jim Monteverde yes to  
18 granting the special permit.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: Laura Wernick yes to granting the  
21 special permit.

22 ANDREA HICKEY: Andrea Hickey yes to granting the

1 special permit.

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

4           [All vote YES]

5           The Chair -- the special permit is unanimously  
6 granted. Case over. Congratulations, petitioner.

7           COLLECTIVE: Thank you.

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2 (9:45 p.m.)

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

6 CONSTANTINE ALEXANDER: We have one last case.  
7 The Chair will call Case Number 109452 -- 56 Creighton  
8 Street. Anyone wishing to be heard on this matter?

9 ROBERT LINN: I do.

10 CONSTANTINE ALEXANDER: Name and address, sir.

11 ROBERT LINN: My name is Robert Linn, and I am the  
12 architect working on this project along with Katherine  
13 Signell, and we are representing Duncan MacArthur.

14 CONSTANTINE ALEXANDER: Okay. Keep going.

15 ROBERT LINN: We are here -- I'm sorry --

16 CONSTANTINE ALEXANDER: No, I said keep going.

17 ROBERT LINN: Okay, thank you. So we're here  
18 again. We've presented this project to the Board back on  
19 the nineteenth of November, and we're here sort of hat in  
20 hand, somewhat embarrassed to be back again because we found  
21 out as we got deeper into the sort of existing conditions --  
22 preconstruction work inside the building, that the existing

1 certified plot plan that we had been using was actually  
2 incorrect.

3 We had used the surveyor's perimeter of the  
4 building to calculate our GFA, and to sort of lay out the  
5 interior and the head houses of the building assuming that  
6 the entire structure was essentially 14 inches bigger on two  
7 sides than what it actually was.

8 So that sent us somewhat back to the drawing board  
9 in terms of kind of trying to maintain the integrity of our  
10 original scheme and reworking the interior somewhat, but  
11 primarily reworking the head houses, so that the net result  
12 would be ultimately the same GFA that we were approved for  
13 under the last hearing, with the only exterior changes being  
14 changes to the head house.

15 The benefit of what's happened is we do have a  
16 little bit more open space, and it actually allowed us what  
17 we think is maybe a better configuration of the head houses.

18 Before we had them spread out into two different  
19 sections on the roof, and we realized at one point that we  
20 actually had some space on the roof where one unit from Unit  
21 #3 could walk over the roof of Unit #2.

22 So by actually pulling them altogether, each of

1 the head houses now is only above -- the space of the roof  
2 deck and the head houses is only above the unit that's  
3 directly below it. So they're not going to be hearing  
4 somebody above their heads.

5 We felt that there's really no substantial change  
6 to this. No change in height. We're not asking for any  
7 change in setback or requesting a GFA change. It's really  
8 just a reconfiguration of the head houses, and we've added  
9 some square footage to the head houses in order to keep the  
10 GFA that we had originally been approved for.

11 We felt that the neighbors most affected by this  
12 would be the ones directly behind, that are the back of the  
13 structures adjoining their back yard. And so, we met with  
14 them. We showed them the plans. They were completely fine  
15 with the change. And so, I think that we're -- I'm hoping  
16 that we're, really this is more of a technicality.

17 But that's it. I'm happy to sort of walk through  
18 the plans if we need to go through it in more detail. But  
19 that's the gist of why we're back again.

20 CONSTANTINE ALEXANDER: I don't think that's  
21 necessary, but answer a question for me, and that is to  
22 confirm what I don't think it's necessary. The plans that

1 you've presented for tonight's hearing, are they  
2 substantially the same plans that we approved when we  
3 granted the variance the last time around?

4 ROBERT LINN: They're substantially the same plans  
5 with changes primarily to the head house level.

6 CONSTANTINE ALEXANDER: I have no questions or  
7 complaints.

8 BRENDAN SULLIVAN: Brendan Sullivan no questions  
9 at all.

10 CONSTANTINE ALEXANDER: Jim?

11 JIM MONTEVERDE: Jim Monteverde no questions.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: Andrea Hickey no questions.

14 CONSTANTINE ALEXANDER: Laura?

15 LAURA WERNICK: No questions.

16 CONSTANTINE ALEXANDER: Okay. I'll open the  
17 matter up to public testimony. Any members of the public  
18 who wish to speak should now click the icon at the bottom of  
19 your Zoom screen that says, "Raise hand."

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

22 We'll take a moment to see if anyone's calling in.



1 [Pause]

2 SISIA DAGLIAN: C. Pierola?

3 COSTANZA PIEROLA: Hi. Hi, [Costanza Pierola]

4 Hello?

5 CONSTANTINE ALEXANDER: Yes.

6 COSTANZA PIEROLA: Can you hear me?

7 CONSTANTINE ALEXANDER: We can hear you, yes.

8 COSTANZA PIEROLA: Hi. Well, I'm a neighbor from  
9 Fordham (phonetic) Road, and I went to the --

10 THE REPORTER: I'm sorry, what's your name?

11 COSTANZA PIEROLA: Costanza Pierola, and the --

12 CONSTANTINE ALEXANDER: Maybe you better spell  
13 that. Excuse me, ma'am, could you spell that for our  
14 stenographer, please?

15 COSTANZA PIEROLA: It says here right on my -- it  
16 says, "C. Pierola." It's right there in my iPad thing.

17 THE REPORTER: Yeah, your first name, please?

18 COSTANZA PIEROLA: Costanza.

19 THE REPORTER: Again, please?

20 COSTANZA PIEROLA: Costanza -- C-o-s-t-a-n-z-a.  
21 She was the daughter of Constantine.

22 CONSTANTINE ALEXANDER: Ha, ha, ha. I'm the

1 Constantine.

2           CONSTANZA PIEROLA: Right, but I'm talking about  
3 the big guy, the --

4           CONSTANTINE ALEXANDER: [Laughter]

5           CONSTANZA PIEROLA: -- emperor.

6           CONSTANTINE ALEXANDER: [Laughter]

7           ANDREA HICKEY: He is a big guy.

8           CONSTANTINE ALEXANDER: Moving on.

9           JIM MONTEVERDE: Start calling him, "Emperor." I  
10 like it.

11           CONSTANTINE ALEXANDER: Really nice.

12           CONSTANZA PIEROLA: I did go to the meeting -- I  
13 think maybe it was a year ago or something, where he -- oh,  
14 I forget his name -- MacArthur I guess, he presented this  
15 project and it's great that they are converting it into  
16 homes there. I walk by there all the time, several times a  
17 day and it would make it a lot safer to have homes there,  
18 that's for sure.

19           But I notice there's some changes being done in  
20 terms of the envelope which we promised at that meeting we  
21 brought up a couple of issues, and the -- Mr. MacArthur  
22 suggested that there was going to be no change to the

1 envelope.

2           Right now it seems like there is a change. So  
3 it's a little bit of a change. And maybe it's an  
4 opportunity to really establish his second promise, which  
5 was to maintain the right of way.

6           There's a permanent, public right of way for many  
7 of us who have been using it for over 40 years, I guess --  
8 at least in my case. Maybe there's people who have used it  
9 longer -- right in between, right to the side of the  
10 building in between there and the railroad tracks.

11           So it goes down to Regent Street, and that right  
12 now has some Jersey barriers, and it's a little hard to get  
13 through. But, you know, that's okay. We know it's  
14 construction.

15           But I think it's -- this is a real opportunity to  
16 formalize this promise by putting this -- registering this  
17 in the deed to make sure that the permanent public right of  
18 way is in the deed so if this property gets sold, we don't  
19 lose it, or we don't have to go through this again.

20           So that's my main issue here -- that I'm hoping  
21 that you'll make that a condition of giving this variance,  
22 if you are inclined to give a variance.

1           CONSTANTINE ALEXANDER: I understand what you're  
2 saying -- I think I understand what you're saying. But I  
3 don't think that we can condition a variance on what you  
4 want to happen. That's a separate issue.

5           And here we have really a technical case, as you  
6 heard, that we granted a variance before -- did once before,  
7 and because of an error that's not attributable to the  
8 petitioner, they have to come back and get new relief.

9           So I'm sure the owner of the property will take  
10 your comments into consideration. But I do not want to put  
11 any condition on any variance we might grant tonight, as you  
12 requested.

13           Thank you anyway, though.

14           CONSTANZA PIEROLA: Can I -- okay.

15           ROBERT LINN: I could just speak to that quickly.  
16 There's no intent to block off that walkway. So the -- what  
17 we discussed in the public hearing still holds true. People  
18 will still be able to walk through the site and access, get  
19 around to Regent Street or, you know, people cut through  
20 there to get to the Porter Square T, which is great.

21           We've also worked with Community Development to  
22 allow passage for what we would hope will be a bike path

1 that will run along the tracks.

2 And in our inner plans that are part of what we're  
3 presenting to the Board, we're showing where we will have a  
4 public access through the site to allow access for a future  
5 -- potential future bike path, which would provide you with  
6 something very much like what you're talking about in a very  
7 formal way through the city.

8 So I think you're going to be fine, regardless of  
9 whether it's in the deed or not. You're -- what you have  
10 requested is part of what we've designed in our project.

11 ANDREA HICKEY: Hi --

12 CONSTANZA PIEROLA: If it's designed, does that  
13 mean it's enforceable? I'm just not -- I don't quite  
14 understand that.

15 ANDREA HICKEY: It's --

16 CONSTANZA PIEROLA: Like, when you sell the  
17 property. That's what I'm worried about.

18 CONSTANTINE ALEXANDER: -- if I could ask a  
19 question, this is Andrea Hickey -- Mr. Linn, who owns that  
20 walkway of that land?

21 ROBERT LINN: So the actual land right up against  
22 the track is part of MBTA property. And then the land

1 that's between the building and that property is owned by  
2 Duncan MacArthur, the developer. That's what we're using  
3 for our open space and parking as part of this whole  
4 project, which is something that we've been through multiple  
5 hearings with now two with the Planning Board -- one with  
6 the Planning Board and two with BZA, and I feel like we've  
7 sort of covered all of the exterior stuff.

8 And we really tried very hard to listen to the  
9 needs of the neighbors. And I think their needs are going  
10 to be met.

11 ANDREA HICKEY: Again, just so that I'm  
12 understanding: The pathway that Ms. Pierola is talking  
13 about, that land is owned by the petitioner, Mr. MacArthur?

14 ROBERT LINN: Yeah.

15 ANDREA HICKEY: Thank you. I just wanted some  
16 clarity on that. Frankly, I don't think we have the ability  
17 to sort of implement any deed writers in connection with any  
18 relief that we might award tonight. So I'm not sure that  
19 with what Ms. Pierola is requesting is even possible within  
20 our powers. So I'll defer to the Chair.

21 CONSTANTINE ALEXANDER: Thank you, Andrea. Anyone  
22 else wishes to comment.

1           SISIA DAGLIAN: No.

2           CONSTANTINE ALEXANDER: There are no other  
3 comments, so I'll close public testimony.

4           SISIA DAGLIAN: Yeah, sorry. Sorry.

5           CONSTANTINE ALEXANDER: I'm sorry?

6           SISIA DAGLIAN: Michael Brandon.

7           CONSTANTINE ALEXANDER: Michael Brandon?

8           SISIA DAGLIAN: Yeah.

9           CONSTANTINE ALEXANDER: I guess so.

10          SISIA DAGLIAN: Michael, go ahead.

11          CONSTANTINE ALEXANDER: Mr. Brandon?

12          BRENDAN SULLIVAN: three minutes.

13          MICHAEL BRANDON: All right. Thank you, Mr.  
14 Chairman and members of the Board. Thank you for your  
15 stamina. I'll try not to tax you too much.

16          CONSTANTINE ALEXANDER: Thank you. Michael  
17 Brandon, 27 Seven Pines Avenue. I'm the clerk of the North  
18 Cambridge Stabilization Committee. We did -- shortly after  
19 Mr. MacArthur bought the property that had him and Mr. Linn,  
20 the Architect, appear before us, and we did discuss various  
21 issues.

22                   At that point, they weren't even sure how many

1 units they were going to propose in this conversion. And I  
2 gather they've now -- what we were told was they were going  
3 to get a special permit, but would not be expanding down the  
4 existing building envelope.

5 Now, I gather from the discussion tonight that  
6 they did ultimately obtain a special permit from the  
7 Planning Board? As well as then a variance from this Board.  
8 And as I understand it, what's before you now is a new  
9 variance, although the plans are similar to what happened  
10 before.

11 So I guess I'm confused about what is happening on  
12 this at the top level. The discussion of a head house; when  
13 I think of a head house, I think of like an elevator head  
14 house or stairway head house to get, to access a roof.

15 But as I look through the plans, it looks to me  
16 like there's actually living space, enclosed living space on  
17 the roof now -- or at least proposed on the roof now.

18 And so I don't know. Maybe that can be clarified  
19 so I understand better what is being proposed.

20 As far as there's -- and I don't know if it's,  
21 Sisia if you can put up the roof plan, maybe? Maybe I'll  
22 make more sense, but I did hear the Board's comments about



1 roof decks, and it appears that fairly substantial ones --  
2 three separate, private decks are being proposed here. And,  
3 you know, for the reasons the Board discussed, those could  
4 be problematic.

5 But what particularly disturbed me was they were  
6 showing, well, soaking tubs. And I don't think that's going  
7 to cause any problems for neighbors, but there's also grills  
8 and a fire pit shown. There's a different detailed drawing,  
9 Sisia, if you can look around. It has labels that show the  
10 fire pits and the grills and where they're proposed.

11 Anyway, my point is that I'm not sure that -- I  
12 know Somerville doesn't allow fire pits I don't think, even  
13 if --

14 CONSTANTINE ALEXANDER: Mr. Brandon, come on.  
15 Just stick to the subject and come to a conclusion, please?

16 MICHAEL BRANDON: Yes, sir. The point is if you  
17 grant this, please make sure that the rooftop cooking and  
18 fire pits are legal.

19 CONSTANTINE ALEXANDER: If they're not, the Fire  
20 Department will -- or maybe the Police Department -- will  
21 take action. It's not for us to -- we're not going to make  
22 a judgment on that tonight.

1           MICHAEL BRANDON: Well, you're -- you know, fine.  
2 If you're comfortable with these rooftop roof decks but not  
3 others that were before you, even tonight, that's your  
4 decision. That's fine.

5           ROBERT LINN: These roof decks are in a very  
6 different situation than the ones that were proposed before.  
7 They're actually set down below the parapet, and they're  
8 above the -- they're on the roof of the second floor, not on  
9 the third floor.

10           So it's the -- they're actually not technically --  
11 if it was the same as the one that they just saw before,  
12 they would be on top of the head houses, which we're not  
13 proposing here.

14           We've gone through all of this with the Planning  
15 Board, with all of the neighbors. We've really litigated  
16 this over and over again. And I think everyone's  
17 comfortable with the situation that we have now.

18           MICHAEL BRANDON: Well, that may be, but it is a  
19 public hearing. You know, I'd appreciate a chance to just  
20 make my few more points without being interrupted or  
21 contradicted.

22           Well, I was going to ask if Sisia can show what

1 the 3D elevations I think they're described as, and the ones  
2 showing Creighton Street?

3 [Pause]

4 No, that's not it.

5 [Pause]

6 There. I think that -- yeah, I think that's it.  
7 Yeah, that's it. There might be another one, but it's  
8 facing the top view. There's another version of that, I  
9 think. It's from a little farther away. Maybe not. Go  
10 back, that may be the best there is.

11 But I -- what I was hoping that Robert could  
12 confirm, though you can't see it here, there is a drawing  
13 that has it. But that -- well maybe, actually if you could  
14 just zoom in a little bit, it's the top drawing I'm  
15 interested in. That's great.

16 So I just want to confirm with Robert that indeed  
17 there will be a raised curb installed, where there is none  
18 now. And that if possible, if the Board were willing --  
19 because Creighton Street neighbors are very concerned about  
20 on-street parking and its availability -- and so, if  
21 anything that the Board could do or the developer could do  
22 to ensure that those are turned into residential parking

1 spaces, so folks on Creighton can do it.

2           Also on -- area, you see it off there to the  
3 right, I was going to suggest because this is on the edge of  
4 the flood zone, and I'm told that there are already flooding  
5 and stormwater flow problems; that rather than using  
6 permeable pavement, that they install impervious -- instead  
7 of impervious paving, I'd ask that they consider installing  
8 permeable pavement.

9           The other thing that came up at our meeting that I  
10 don't think was addressed, the landscaping plans in this  
11 application are still not very detailed, and some mature  
12 trees were removed to open up the curb cut there at the end  
13 of Creighton Street.

14           And I would just ask that to the extent that you  
15 can, please -- and if there's not room for street trees,  
16 perhaps in some large trees could be added to the  
17 landscaping that you're planning.

18           Finally, I would just support what Costanza had  
19 said. And I understand the Board cannot require a deed  
20 restriction or an easement to be created, but the main  
21 concern that we heard at our meeting was people wanted to  
22 retain this passageway.

1           And Sisia maybe, you know, that was -- the  
2 discussion was a little hard to follow tonight, because we  
3 didn't have the drawing. If you could go to the drawing  
4 that shows the walkway, that would be helpful.

5           [Pause]

6           Yeah, there you go. You just went past it. There  
7 you go, and if you could zoom in a little bit on that. So  
8 that's great.

9           So there are actually two -- the walkway that you  
10 see there running along the building -- oops, my screen just  
11 crashed, hold on -- okay, that's I think what Costanza was  
12 talking about.

13           Currently, there's kind of through the parking  
14 area there, there's a passageway that's wide enough for both  
15 pedestrians and bicycles.

16           And I understand that's been open for many, many  
17 decades. It's -- not for many, many, but for a substantial  
18 time. And neighbors want to retain that pass-through so  
19 people on Creighton can cut through and get onto Regent's,  
20 and vice versa.

21           So it's apparently fairly heavily used by at least  
22 residents of those streets. So that's what they'd like

1 retained in perpetuity, ideally. If you cannot compel an  
2 easement, I would think that you could perhaps just impose a  
3 condition that that should be kept over. And I have no  
4 doubt that the current owner intends to allow that.

5 But when these condos are sold, those individual  
6 owners may not appreciate the public walking through what at  
7 least part of which, part of what will be their land, you  
8 know, and their property.

9 So if you could think about that and maybe come up  
10 with a way to create a condition that would protect that.

11 Then just finally -- and I'm sorry for going on so  
12 long, I know it's late -- but the pathway that Robert  
13 discussed is -- the city's been planning this for years.  
14 You can see at the lower left, it's, "access to future bike  
15 path." Well, that bike path was, you know, intended to run  
16 from, like, Porter Square all the way on that side of the  
17 railroad tracks out to Alewife, creating a -- you know, a  
18 heavily used desire line for bikes and pedestrians, joggers  
19 and so forth.

20 And so, what Robert was describing I think is if  
21 you see the dotted line that the city did request that they,  
22 you know, create a passage through their property so people

1 would be able to access this bike path, and also then leave  
2 the bike path and pedal up Creighton Street.

3           CONSTANTINE ALEXANDER: Mr. Brandon, I'll tell you  
4 I'm done, I'm done.

5           MICHAEL BRANDON: Thank you for your time. I  
6 apologize for going on. I appreciate any consideration you  
7 can give me. Thank you.

8           BRENDAN SULLIVAN: Okay, ready for a vote.

9           CONSTANTINE ALEXANDER: Okay. The Chair moves  
10 that we make the following findings with regard to the  
11 variance being sought: In fact what is being proposed now  
12 is not in any way substantially different than what was  
13 approved the last time around. It's a deal with an  
14 administrative error.

15           So I would simply propose that we just incorporate  
16 the findings we made for the prior variance into this case.  
17 So we don't have to go through the whole megillah about  
18 these conditions.

19           And so, the Chair moves that we -- based on these  
20 findings, that we grant the variance requested on the  
21 condition that the work proceed in accordance with the plans  
22 prepared by Moskow Linn Architects -- let me see the date,

1 it's here somewhere -- dated February 17, 2021, the first  
2 page of which has been initialed by the Chair.

3 Brendan?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to  
5 granting the relief to the modification for the drawings.

6 JIM MONTEVERDE: And Jim Monteverde yes for the  
7 relief.

8 ANDREA HICKEY: Andrea Hickey yes for the relief.

9 LAURA WERNICK: Laura Wernick yes for the relief.

10 CONSTANTINE ALEXANDER: Thank you. And the Chair  
11 votes yes as well.

12 [All vote YES]

13 Variance granted. Case over. The night's over at  
14 least with regard to the Zoning Board. Thank you all.

15 COLLECTIVE: Thank you, goodnight

16 [10:10 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

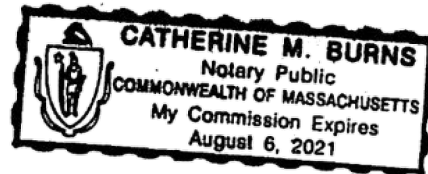
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

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 7th day of April, 2021.

  
Notary Public

My commission expires:  
August 6, 2021



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