

March 4, 2021

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 4, 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

City Employees

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I N D E X

CASE	PAGE
6:00 P.M. CASE: BZA-017326-2020	7
Original Hearing Date: 12/10/20 -- 2072 MASS AVENUE	

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P R O C E E D I N G S

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(6:00 p.m.)

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

CONSTANTINE ALEXANDER: Welcome to the March 4,  
2021 meeting of the Cambridge Board of Zoning Appeals. My  
name is Gus Alexander, and I am the Chair.

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

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

1 these proceedings.

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

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

10 Generally you will have -- not generally, you will  
11 have no more than three minutes to speak. But that might  
12 change in that period. Let me make clear, the purpose of  
13 this meeting, we're only going to hear one case, and the  
14 petitioner in that case has requested a further continuance.  
15 So the only business to be conducted tonight is whether to  
16 continue that case, and if so to when.

17 Any other issues, such as whether or not the  
18 relief should be granted or the special permit -- the  
19 comprehensive permit being sought, I'm going to rule that  
20 out of order and move on. It should be a routine meeting  
21 tonight.

22 Okay, I will start by asking the Staff to take

1 Board member attendance and verify that all members are  
2 audible.

3 SISIA DAGLIAN: Andrea Hickey?

4 ANDREA HICKEY: Present.

5 SISIA DAGLIAN: Laura Wernick?

6 LAURA WERNICK: Present.

7 SISIA DAGLIAN: Jim Monteverde?

8 [Pause]

9 Ah, Jim... Brendan Sullivan?

10 BRENDAN SULLIVAN: Brendan Sullivan present.

11 SISIA DAGLIAN: Gus, we can hear you. Jim?

12 CONSTANTINE ALEXANDER: Probably on mute.

13 SISIA DAGLIAN: I know you're there, but I think  
14 you're muted.

15 CONSTANTINE ALEXANDER: We could hear him a few  
16 minutes ago.

17 JIM MONTEVERDE: Sorry, I'm here.

18 SISIA DAGLIAN: Okay.

19 JIM MONTEVERDE: Yeah.

20 SISIA DAGLIAN: Great, thanks.

21 CONSTANTINE ALEXANDER: All five?

22 SISIA DAGLIAN: Yep.

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CONSTANTINE ALEXANDER: Okay. All five members  
are present.

1 \* \* \* \* \*

2 (6:02 p.m.)

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

6 The one case we're going to hear tonight, the one  
7 I'm going to call is Case Number #017326 -- 2072  
8 Massachusetts Avenue. Anyone here wishing to be heard on  
9 this matter?

10 SEAN HOPE: Yeah, Thank you, Mr. Chair. For the  
11 record, Attorney Sean Hope on behalf of CCHRE 2072 Mass Ave  
12 Tenant LLC. As the Chair had mentioned, we are here to  
13 request a continuance. We have a date proposed. We also  
14 submitted a letter in the file.

15 Just to recap for the Board, we had a hearing in  
16 early January, and prior to that we realized that there was  
17 a mistake in the drawings that we felt was substantial and  
18 needed to be corrected.

19 Also at that previous hearing, there was some  
20 instruction by the Board to look at various options. One  
21 instruction was to look at an as-of-right option to see if  
22 that was feasible, in terms of cost and practicability, as

1 well as overall looking at alternative options.

2 We took that to heart. We first started off  
3 making sure that we corrected the mistake in the existing  
4 drawings. What we seemed to find out, though, is that it  
5 wasn't just the height. We have shadow studies; we have  
6 lots of other things that were impacted by this inaccuracy.  
7 And so, one we wanted to make 100 percent sure that we were  
8 able to scrub the drawings to do that.

9 Additionally, when we exercised (sic) the cost,  
10 there are other alternative options that came up that we  
11 were reviewing. We also started meeting of CDD to start  
12 reviewing those options to make sure they were feasible.

13 In that time, it become pretty clear that we were  
14 not able to finish our review, get feedback from CDD, have a  
15 community meeting and get to the Planning Board without the  
16 process feeling rushed.

17 In our conversations with the community, they were  
18 also asking that there was at least two weeks in between --  
19 you know, community meeting and the Planning Board meeting.

20 So all of those factors together, we quickly  
21 realized that was we were not going to be able to get to the  
22 Board and do everything and give it the time it deserved



1 without rushing on such an important project.

2           So we have been continuing working. We do plan to  
3 post some revised plans for our website next week. We have  
4 been in touch with CDD Staff to get to the Planning Board.  
5 So this is all in motion. But again, we were not going to  
6 be able to make this timeline.

7           So we respectfully ask that we can continue this  
8 case, so that we can complete the necessary work to be ready  
9 to be in front of you. And we are looking -- we're  
10 requesting a date -- so we're looking at the second week in  
11 may as the earliest that we would be prepared to meet.

12           CONSTANTINE ALEXANDER: I'm sorry, the second -- I  
13 didn't catch that.

14           SEAN HOPE: The second week in May. So that would  
15 be --

16           CONSTANTINE ALEXANDER: May, okay, thank you.

17           SEAN HOPE: May 10 is that Monday. We recognize -  
18 - one, this is a special meeting. All the Zoning Board  
19 members need to be available. So really any time after  
20 that, we would be prepared to meet at your schedule.

21           CONSTANTINE ALEXANDER: Sisia, what do we have?

22           SISIA DAGLIAN: Well, we already have a regular

1 meeting on the thirteenth. So the following week --

2 CONSTANTINE ALEXANDER: We're going to have a  
3 separate meeting --

4 SISIA DAGLIAN: -- yeah. It would be May 20 is  
5 really the only --

6 CONSTANTINE ALEXANDER: The twentieth --

7 SISIA DAGLIAN: -- date in May after the second  
8 week.

9 CONSTANTINE ALEXANDER: Okay.

10 SISIA DAGLIAN: That would be a Thursday, May 20.

11 CONSTANTINE ALEXANDER: May 20 work for you, Sean?

12 SEAN HOPE: It does.

13 SISIA DAGLIAN: How about the rest of the Board?

14 CONSTANTINE ALEXANDER: And this will be at 6:00  
15 p.m. on May 20?

16 SISIA DAGLIAN: Correct.

17 CONSTANTINE ALEXANDER: All right. Everybody  
18 agree?

19 ANDREA HICKEY: Do we --

20 CONSTANTINE ALEXANDER: I'm sorry --

21 ANDREA HICKEY: -- anticipate that meeting being a  
22 Zoom meeting? I might be out of state that day, but could

1 attend by Zoom.

2 SISIA DAGLIAN: We're assuming so at this point,  
3 yes.

4 CONSTANTINE ALEXANDER: What was the rest -- pick  
5 another date, Andrea. You shouldn't have to make life  
6 difficult for yourself.

7 ANDREA HICKEY: No, it's not difficult. The  
8 likelihood of my traveling is probably very slim. But as  
9 long as the meeting will be Zoom, I'm happy to go with that  
10 date.

11 SISIA DAGLIAN: We're assuming so at this point.

12 ANDREA HICKEY: Ok.

13 SISIA DAGLIAN: And that's fine with me.

14 CONSTANTINE ALEXANDER: Laura, is May 20 okay with  
15 you?

16 LAURA WERNICK: I think so, yes.

17 JIM MONTEVERDE: And [Jim Monteverde], it works  
18 for me.

19 CONSTANTINE ALEXANDER: And Brendan?

20 BRENDAN SULLIVAN: Brendan yes. Still not going  
21 anywhere.

22 CONSTANTINE ALEXANDER: Okay. We're looking at

1 6:00 p.m. on May 20. It will be the only case, presumably,  
2 on our agenda for that evening.

3 I'm now going to open the matter up to public  
4 testimony. Any members of the public who wish to speak  
5 should now click the icon at the bottom of your Zoom screen  
6 that says, "Raise hand." If you're calling in by phone, you  
7 can raise your hand by pressing \*9 and unmute or mute by  
8 pressing \*6.

9 Now, before I ask the Staff to unmute speakers one  
10 at a time, first of all if you are going to speak, you  
11 should begin by saying your name and address, and the Staff  
12 will confirm that we can hear you.

13 But more to the point, the only subject I'm going  
14 to entertain comments on tonight -- there are two -- one,  
15 that should we continue to May 20? And two, should the time  
16 be 6:00 p.m. on that date?

17 So with that, anyone wishes to speak? I've given  
18 the instructions.

19 SISIA DAGLIAN: Young Kim.

20 CONSTANTINE ALEXANDER: Mr. Kim?

21 SISIA DAGLIAN: I think he needs a minute to  
22 unmute.

1           YOUNG KIM: Thank you. This is Young Kim, 17  
2 Norris Street in Cambridge. What I'd like to ask is that  
3 for the continuance of this hearing, I'd like to ask if --

4           CONSTANTINE ALEXANDER: Excuse me, sir, I'm having  
5 trouble understanding you. Can you just speak --

6           YOUNG KIM: Yes, I'd like to request the BZA to  
7 give CC HRE certain conditions. Because they have not so  
8 far -- they have not followed the guidelines of the state  
9 handbook and the comprehensive permit process.

10           So first of all, I'd like -- they'd like -- I want  
11 the CC HRE to fully answer your request of the original  
12 continuance, and that if they prefer the option is still the  
13 nineteenth option, then they should fully give us financial  
14 reasons why they're still fishing for the ninth.

15           And also, the next condition is --

16           CONSTANTINE ALEXANDER: Sir, I would suggest if  
17 you think there are conditions we should impose, and we  
18 often do -- and I can't conceive of us not agreeing if we do  
19 approve this comprehensive permit that there will not be  
20 conditions -- I suggest you put your suggested conditions in  
21 writing, get it to this Board by the 5:00 p.m. on the Monday  
22 before the requiring of the petitioners, and we'll take them

1 up --

2 YOUNG KIM: Yeah.

3 CONSTANTINE ALEXANDER: -- at the meeting on May  
4 20.

5 YOUNG KIM: My -- what I'm trying to suggest is  
6 that you put this condition on the continuing this hearing.  
7 Because so far, they have not followed the CDD guidelines.

8 CONSTANTINE ALEXANDER: I'm sorry, sir. It's me.  
9 I'm having trouble understanding what you're saying. We  
10 will -- anybody can suggest conditions, or why they think we  
11 should approve, why we should not approve. And those  
12 conditions will be discussed presumably on May 20.

13 And we may impose conditions that are suggested,  
14 we may not. And then we'll take our final vote. So I'm  
15 sorry --

16 YOUNG KIM: Yeah.

17 CONSTANTINE ALEXANDER: If you have -- if you want  
18 us to consider, put it in writing, get it to us before 5:00  
19 p.m. on the Monday before May 20.

20 YOUNG KIM: I'm very sorry, but I guess I'm not  
21 making my case clear. I would like to suggest conditions  
22 for continuing this case, not conditions for --

1           CONSTANTINE ALEXANDER: No, I'm sorry, sir. I  
2 will not -- I don't -- I will not -- thank you for your  
3 comments. I will not entertain that. The condition -- May  
4 20 is the date. You have conditions as to the relief that's  
5 being sought, that's fine, given the process I described  
6 already.

7           But we're not putting conditions tonight on  
8 whether to continue the case, or how to continue the case.  
9 But thank you very much. Anyone else, Sisia?

10          SISIA DAGLIAN: Just give it a minute, no.  
11 Michael Brandon?

12          CONSTANTINE ALEXANDER: Mr. Brandon?

13          MICHAEL BRANDON: Thank you, Mr. Chairman. It's  
14 Michael Brandon, 27 Seven Pines Avenue. I'm the Clerk for  
15 the North Cambridge Stabilization Committee. I've late  
16 today sent an e-mail to the Board. I don't know if you  
17 received it.

18          CONSTANTINE ALEXANDER: I saw your letter. Thank  
19 you very much.

20          MICHAEL BRANDON: Thank you.

21          CONSTANTINE ALEXANDER: I've already described  
22 what we're going to talk about tonight, and it's simply

1 whether to continue this case, and if so to what date and  
2 time. Anything else, Mr. Brandon, is not -- I'm going to  
3 rule out of order.

4 MICHAEL BRANDON: I understand that and made that  
5 very clear, Mr. Chairman. And I appreciate it. On the  
6 issue of the requested continuance, I would ask the Board  
7 deny another continuance. There's already been at least one  
8 that I recall.

9 The purpose for that was supposedly to correct the  
10 improper drawings, mistaken drawings that the architect had  
11 presented. They've had many weeks to correct those.

12 At the last meeting of the Affordable Housing  
13 Trust, it was suggested by the Staff that the actual reason  
14 a continuance was going to be sought tonight was that the  
15 developers who also developed the Frost Terrace project were  
16 very busy because of the demand and the many applications  
17 that were submitted. And they were focused on that project,  
18 rather than this one.

19 I think it's very unfair to the public and the  
20 many hundreds of neighbors who have objected to this project  
21 as it's currently been presented to have to keep dragging  
22 this out. And I don't know if perhaps the rationale is



1 partly that people burn out and stop coming to these  
2 meetings, and voicing their concerns and objections.

3           So I would just ask that you say no. You've had  
4 plenty of time to submit the revised drawings. Now they're  
5 saying they need additional shadow studies. Their architect  
6 could do that very quickly by just, you know, putting in  
7 some new numbers.

8           CONSTANTINE ALEXANDER: Mr. Brandon, as you well  
9 know as an avid follower of our proceedings over the years  
10 that we routinely grant conditions -- a continuance. If  
11 someone is abusing the process, we will not confer the  
12 continuance.

13           I don't -- I personally -- other members of the  
14 Board may feel differently -- I don't see this to be the  
15 case. This is a complex project. There is a number of pros  
16 and cons. And the petitioner has only continued it once.  
17 This will be the second continuance. And that's not out of  
18 the -- we have many times continued cases more than once for  
19 good reason. And I think there are good reasons, as I've  
20 just identified.

21           So thank you for your comments. But we're going  
22 to move on.

1           MICHAEL BRANDON: Mr. Chairman, just the other  
2 last point I would make, and it's certainly up to you and  
3 the other members of the Board, but --

4           CONSTANTINE ALEXANDER: I'm going to ask the  
5 members of the Board if they want to take a vote. If  
6 members of the Board don't want to continue, they'll vote  
7 no.

8           MICHAEL BRANDON: Can I just give you my view?  
9 May I make my final point?

10          CONSTANTINE ALEXANDER: If it's relating to the  
11 two subjects I've identified, yes. If not --

12          MICHAEL BRANDON: Please. Another --

13          CONSTANTINE ALEXANDER: -- you're not, I'm going  
14 to rule you out of order.

15          MICHAEL BRANDON: Okay. Well, you can't -- the  
16 other point is the reason to not continue this is that it's  
17 not properly before the Board because the 40B process has  
18 not been followed, and the Board's own rules: This  
19 shouldn't be before you, because the site approval letter  
20 from the state was not timely submitted to the Board. In  
21 fact, you've never received -- as near as I can determine --  
22 you've never been notified by the state funding agency that

1 a site approval letter has been issued.

2 So I mean you can continue the process, and if  
3 that's what the Board wants, I agree there should be a full  
4 hearing. But first, they should properly submit the project  
5 and what project -- now they got two on the table.

6 CONSTANTINE ALEXANDER: Thank you, Mr. Brandon.

7 MICHAEL BRANDON: Follow the process!

8 CONSTANTINE ALEXANDER: Anyone else wish to speak?

9 BRENDAN SULLIVAN: All right. This is Brendan  
10 Sullivan.

11 MICHAEL BRANDON: Thank you.

12 CONSTANTINE ALEXANDER: Anyone else wish to speak

13 --

14 BRENDAN SULLIVAN: If that is the case, and that  
15 they have not submitted, this is even more reason why it  
16 should be continued, so that that can be submitted in our  
17 file. Regarding your first point about what was discussed  
18 at the Affordable Housing Trust, which is just conjecture  
19 about their being inundated with trying to get Frost Terrace  
20 underway, I would think that that is a valid reason also.

21 That is a worthwhile endeavor on their part, and I  
22 think that in order to do this project justice, that the

1 developer -- the petitioner -- needs to be I think ready to  
2 present their case in a lucid and a complete fashion. So  
3 both the points that you make I think are valid reasons to  
4 continue this matter.

5 CONSTANTINE ALEXANDER: Thank you, Mr. Sullivan.  
6 Anyone else wish to speak?

7 SISIA DAGLIAN: I don't see any other hands.

8 CONSTANTINE ALEXANDER: So we have no one else?  
9 So I think I'm going to make a motion now to continue the  
10 case until 6:00 p.m. on May 20, subject to the usual  
11 conditions that we impose when we continue a case, and which  
12 I will of course recite in a second.

13 So the Chair moves that we continue this case as a  
14 case heard until 6:00 p.m. on May 20 subject to the  
15 following conditions:

16 First, that the petitioner sign a waiver of notice  
17 for decision, and the petitioner has already done has that  
18 in connection with the first continuance. So that condition  
19 is satisfied.

20 Second, that the new or modified posting sign must  
21 be maintained for the 14 days prior to May 20. Failure to  
22 do that will mean we will not hear that case on May 20, and

1 could subject the petitioner to having his -- its petition  
2 dismissed.

3 And lastly -- and this is very important -- to the  
4 extent that there are going to be new or modified plans,  
5 drawings, specifications or other data relevant to our  
6 decision -- shadow studies for example -- all of those or  
7 each of those must be in our file no later than 5:00 p.m. on  
8 the Monday before May 20.

9 How do we vote? Brendan?

10 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
11 continuance.

12 CONSTANTINE ALEXANDER: Jim? Monteverde.

13 JASON MARSHALL: Jim Monteverde yes to the  
14 continuance.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Andrea Hickey yes to the  
17 continuance.

18 CONSTANTINE ALEXANDER: Laura?

19 LAURA WERNICK: Laura Wernick yes to the  
20 continuance.

21 CONSTANTINE ALEXANDER: And the Chair votes yes as  
22 well.

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[All vote YES]

This case is continued until 6:00 p.m. on May 20.

And that being all of the business on our agenda for tonight, the meeting is over. Thank you all.

COLLECTIVE: Thank you. Stay well.

[06:20 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts  
Middlesex, ss.

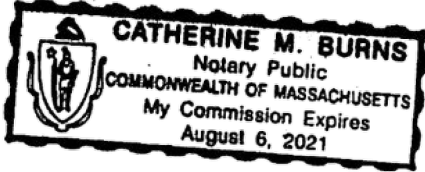
I, Catherine Burns, Notary Public in and for the  
Commonwealth of Massachusetts, do hereby certify that the  
above transcript is a true record, to the best of my  
ability, of the proceedings.

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

In witness whereof, I have hereunto set my hand this  
11th day of March, 2021.

  
Notary Public

My commission expires:  
August 6, 2021



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