

June 24, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 24, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Wendy Leiserson

Jason Marshall

City Employees

Ranjit Singanayagam

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

2 * * * * *

3 (6:34 p.m.)

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

7 CONSTANTINE ALEXANDER: Good evening, and welcome
8 to the June 24, 2021 meeting of the Cambridge Board of
9 Zoning Appeals. My name is Constantine Alexander and I am
10 the Chair.

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

20 This meeting is being video and audio recorded,
21 and is broadcast on cable television Channel 22 within
22 Cambridge. There will also be a transcript of the

1 proceedings in due course.

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, you will have up to three minutes to
10 speak, but that may change depending on the number of
11 speakers and other circumstances. It won't be longer than
12 three minutes, as far as -- if I have anything to say about
13 it, but it could be less.

14 I'll start by asking the Staff to take Board
15 member attendance and verify that all members are audible.

16 SISIA DAGLIAN: Andrea Hickey?

17 ANDREA HICKEY: Present.

18 SISIA DAGLIAN: Jason Marshall?

19 JASON MARSHALL: [Jason Marshall], I'm here.

20 SISIA DAGLIAN: Wendy Leiserson?

21 [Pause]

22 SISIA DAGLIAN: Wendy is not here. Okay, Brendan

1 Sullivan?

2 [Pause]

3 SISIA DAGLIAN: And Gus; we can hear you.

4 WENDY LEISERSON: Hello. Can you hear me now?

5 This is Wendy Leiserson.

6 SISIA DAGLIAN: Hi, Wendy. Yes.

7 WENDY LEISERSON: Okay, Thanks.

8 CONSTANTINE ALEXANDER: Welcome aboard, Wendy.

9 This is your first meeting.

10 WENDY LEISERSON: Yes.

11 CONSTANTINE ALEXANDER: And I'll bet the last,
12 after you attend one of our meetings. Okay. Everybody's
13 present and all members are audible.

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2 (6:35 p.m.)

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

6 CONSTANTINE ALEXANDER: The first case I'm going
7 to call for tonight is Case Number 118324 -- 1353 Cambridge
8 Street. Anyone here wishing to be heard on this matter?

9 ANDREW PLUMB: I'm here.

10 SISIA DAGLIAN: Andrew Plumb?

11 ANDREW PLUMB: Sorry, I'm here. I thought you
12 spoke -- we're at 145 Willow Street. Is that the one we're
13 talking about?

14 SISIA DAGLIAN: I'm sorry.

15 CONSTANTINE ALEXANDER: No, we're talking about
16 1353 Cambridge Street.

17 ANDREW PLUMB: Okay, sorry, that's not me. I'm
18 going to mute.

19 CONSTANTINE ALEXANDER: We would have -- we would
20 be hearing Willow Street if you had followed our
21 instructions and put the correct time for the meeting.

22 ANDREW PLUMB: Yes, may --

1 CONSTANTINE ALEXANDER: You left the old time,
2 which is 7:00, so we're not going to hear your case until
3 sometime after 7:00.

4 ANDREW PLUMB: My apologies.

5 CONSTANTINE ALEXANDER: Mr. Glassman?

6 ADAM GLASSMAN: Yes. Good evening, good evening.

7 CONSTANTINE ALEXANDER: Good evening.

8 ADAM GLASSMAN: Okay. I am here and I believe
9 owners Gastrointestinal Aaron and his wife, Caroline, they
10 should be in here somewhere; I don't see them. I'm here
11 representing them seeking zoning relief for nonconforming
12 rear setback and seating our allowable GFA.

13 Sisia, will you be putting up the plans, or?

14 SISIA DAGLIAN: Yes.

15 ADAM GLASSMAN: Existing Street views upper left
16 is the front view, and their property is the end unit on
17 that far right. To the upper right-hand photo you can see
18 the headshot of -- the straight-on shot of their two-and-a-
19 half-story unit.

20 The Lilypad, as you know, is a local music
21 business that they own and operate, and they also live above
22 the Lilypad with their two children, and they're in need of

1 additional living space.

2 In the lower left-hand corner, that is the photo
3 where you see the cinderblock one-story bump out. That's
4 their unit. All of this is entirely not visible from the
5 street, and we'll be proposing to put a two-story addition
6 on top.

7 And bouncing back front view, we're proposing a
8 matching cable dormer, a gable dormer to match the dormers
9 that march down the rest of the block over The Druid and the
10 insurance company.

11 I guess this is a good time to say that this is a
12 historic building, and we have support from the mid-
13 Cambridge Historical Commission.

14 Next slide?

15 A simple site plan. If you look towards the top
16 of the site plan, you'll see a setback envelope. We have a
17 required 20-foot setback, and the existing building is
18 nonconforming. There's really nothing we can do to this
19 building without seeking zoning relief.

20 Next slide?

21 Existing plans, you can see the retail space on
22 the far left, the first-floor plan. That's where they

1 operate the local music venue, and where they also provide
2 music lessons to the local students.

3 On the second floor is the first floor of their
4 unit -- not a large living space. And above, they've got
5 two bedrooms and a small bathroom. They've got a growing
6 family. They are growing out of the space available to
7 them.

8 Next slide?

9 The elevation on the left, the existing elevation
10 shows a silhouette of the proposed gable dormer in the
11 front. The rear elevation is a silhouette of a proposed
12 two-story addition on the rear in the one side; the one
13 exposed exterior wall on the right. No real work here,
14 other than changing out some windows.

15 Next slide?

16 This is a -- this page shows our GFA, FAR
17 calculations, which in a mixed-use business stay is somewhat
18 complicated, but the short of it is our FAR for both the
19 residential and business use are conforming, but we exceed
20 the allowable GFA by approximately 560 feet, and the total
21 addition that we're adding is 780 square feet.

22 So there's not much we can add without triggering

1 relief for the GFA.

2 Next slide?

3 The new plans here: no work to the first floor,
4 and on the second floor we have a family room addition. And
5 on the third floor above, adding bedroom space, deck space
6 in the rear on both levels to provide some useable out-of-
7 door space.

8 Currently, they have no connection to the outdoors
9 from their house. And with two kids, some is definitely
10 needed.

11 Next slide?

12 The elevations on the left: At the top is the
13 existing front elevation with the two adjacent properties on
14 the left, and on the lower left you can see our proposed
15 gable dormer to match the two that are existing. And on the
16 right side at the top there's an existing photo of two
17 gables that are there now.

18 And down below we've rendered in the proposed
19 gable to match, maintaining the rhythm and character and the
20 historic integrity of the architecture.

21 Next?

22 CONSTANTINE ALEXANDER: The new dormer that you're

1 adding?

2 ADAM GLASSMAN: Yes?

3 CONSTANTINE ALEXANDER: I take it it complies with
4 the dormer guidelines?

5 ADAM GLASSMAN: It does.

6 CONSTANTINE ALEXANDER: Okay.

7 ADAM GLASSMAN: Next slide, please? Just a blowup
8 of the dormer. This is part of our Historic Commission
9 presentation, and this was judged as appropriate.

10 Next slide?

11 Elevations at the rear: On the left, the existing
12 condition; on the right the two-story addition with a gable
13 roof, and conforming dormers on either side, which are set
14 back from the faces of the exterior walls and set down to
15 the roof ridge, according to the dormer guidelines.

16 Next slide?

17 A side view -- misleading in that this is a view,
18 the proposed left side you really can't see through any
19 public way. You'd have to be behind the building. But if
20 you were, this is the right-side elevation. Decks that
21 impact no abutters, dormers that impact no abutters.

22 No one would be suffering loss of privacy or

1 increased shadows.

2 Next slide?

3 More elevations -- again, from the right side
4 matches the right side of the page, the right-side elevation
5 matches the other side. Can't really see it from anywhere.

6 Next slide?

7 And I would just add if you go back, Sisia,
8 because we are utilizing the existing CMU bump out, we're
9 not increasing the footprint of the house, we're not
10 decreasing any useable space on the lot, although there is
11 none, but we're not increasing any landscaping with this
12 addition.

13 Next slide?

14 Additional rendered versions of the gabled dormer.

15 Next slide?

16 Next slide?

17 Rendered views of the existing and the proposed
18 addition.

19 Next slide?

20 Another view.

21 Next slide?

22 Another view.

1 Next slide?

2 Aerial view, maintaining the scale and character
3 of the neighboring, the scale and character of the building.

4 Next slide?

5 Another aerial view. I think everyone gets the
6 picture. You can go to the next slide.

7 And just another site plan showing the proposed
8 work and how we are nonconforming, due to the rear 20-foot
9 setback. And that concludes our presentation; open to any
10 questions.

11 CONSTANTINE ALEXANDER: Mr. Glassman? Have you or
12 your clients spoken with the abutters on either side?

13 ADAM GLASSMAN: We have. We have an extensive
14 stack of support letters that I hope you have. We got a
15 final one in today from Tim Toomey. I'm not sure if you
16 read it, but he's got unanimous support from his abutters
17 and beyond.

18 CONSTANTINE ALEXANDER: It's not in our files;
19 that's the reason I asked. There's only one or two letters
20 in our files.

21 ADAM GLASSMAN: Oh. Well, we've been uploading
22 them and recording them. We have support letters from the

1 East Cambridge Business Association, the Historic
2 Commission, Tim Toomey, other co-owners of the same block.
3 I'm not sure why you don't have them.

4 And I can also say we have no opposition.

5 CONSTANTINE ALEXANDER: Mr. Sullivan pointed out
6 to me -- I reviewed the files on Wednesday, and there were a
7 very few. But he says more have come in since then. So
8 that's the answer, I think.

9 ADAM GLASSMAN: Okay.

10 CONSTANTINE ALEXANDER: Late, but not too late.
11 Okay? I have no further questions. I'll ask other members
12 of the Board if they do.

13 Brendan? Andrea?

14 ANDREA HICKEY: I have no questions, thank you.

15 CONSTANTINE ALEXANDER: Jason?

16 JASON MARSHALL: Thanks, Mr. Chair. [Jason
17 Marshall]. Mr. Glassman, thanks for the presentation. I
18 thought the visuals were really well done. It was very
19 helpful.

20 I have just one question. It sounds like from
21 your description that any owner of this parcel would suffer
22 the hardship that you've described, not just the current

1 owners. Is that description correct?

2 ADAM GLASSMAN: Correct. Any family situation
3 would need extra space up here.

4 JASON MARSHALL: Okay.

5 ADAM GLASSMAN: And I just want to point out that,
6 you know, back in the day when these buildings were built, I
7 think it was more common for people -- for business owners
8 to live above their storefronts, which is very uncommon now.

9 And this is a great old tradition that they're
10 maintaining. It would be great to let them maintain it.

11 JASON MARSHALL: That's a great point. Thank you.
12 I have nothing further, Mr. Chairman.

13 CONSTANTINE ALEXANDER: Okay. Wendy, do you have
14 any questions you wish to ask?

15 WENDY LEISERSON: No questions, thank you.

16 CONSTANTINE ALEXANDER: Okay, thank you. I will
17 now close public testimony -- I will, I'm sorry, I will open
18 the matter up to public testimony. Any member of the public
19 who wishes to speak should now click the icon at the bottom
20 of your Zoom screen 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 few moments to see if anyone is calling in.

2 [Pause]

3 CONSTANTINE ALEXANDER: No. I'm advised that no
4 one wishes to speak, so I will close public testimony. As
5 mentioned, there are letters -- I saw only a few letters of
6 support, but I gather there are many more that are now in
7 our files.

8 So I'm ready for a motion, unless members of the
9 Board wish to speak.

10 [Pause]

11 CONSTANTINE ALEXANDER: Hearing nothing, I will
12 make a motion. The Chair moves that we make the following
13 findings with regard to the variance that's being sought:

14 That a literal enforcement of the provisions of
15 the ordinance would involve a substantial hardship, such
16 hardship being that -- and it's a hardship that runs with
17 the property, not just to the current owners, in that the
18 building is an older building constructed at a time when it
19 was common for business owners to have the business on the
20 street level and to live above the store.

21 And so that is the physical configuration we have
22 before us tonight.

1 That the hardship is owing to the fact that this
2 is already a nonconforming structure zoning wise, and
3 therefore any modifications to it would require zoning
4 relief.

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

9 And in that regard, the Chair would note that
10 there is unanimous neighborhood support, that it will foster
11 and allow to continue a needed business in this area, and
12 without any detriment that I can see, and I don't think any
13 Board members can see -- to the public good.

14 So based on all of these findings, the Chair moves
15 that we grant the variance that's requested on the condition
16 that the work proceeds in accordance with plans prepared by
17 GCD Architects, dated April 15, 2021, the first page of
18 which has been initialed by the Chair.

19 Brendan, how do you vote?

20 BRENDAN SULLIVAN: Brendan Sullivan yes to granting
21 the variance.

22 CONSTANTINE ALEXANDER: Andrea?

1 ANDREA HICKEY: Yes in favor.

2 CONSTANTINE ALEXANDER: Jason?

3 JASON MARSHALL: Jason Marshall yes in favor of
4 the variance.

5 CONSTANTINE ALEXANDER: Then Wendy?

6 WENDY LEISERSON: Wendy Leiserson yes in favor.

7 CONSTANTINE ALEXANDER: And the Chair votes yes in
8 favor as well.

9 [All vote YES]

10 It's unanimous. Variance granted.

11 ADAM GLASSMAN: Thank you. Good night.

12 CONSTANTINE ALEXANDER: Good night.

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(6:53 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Wendy Leiserson and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will next call
Case Number 118270 -- 25 Brewster Street. Anyone here
wishes to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Anyone there?

LIBBY HALSTEAD: Yes. Hello. I'm Libby Halstead.
I'm one of the homeowners. Our architect, Jessica Snare, I
know, is trying to get on the line. So just bear with us
just a moment?

CONSTANTINE ALEXANDER: Okay. Take your time.

LIBBY HALSTEAD: Thank you. We've got two
homeowners here and looking for our presenter. Just a
second.

CONSTANTINE ALEXANDER: Let us know when you're
ready.

LIBBY HALSTEAD: We appreciate your patience.
Thank you.

1 [Pause]

2 JESSICA SNARE: Can you hear me now?

3 CONSTANTINE ALEXANDER: Yes, we can.

4 JESSICA SNARE: Okay. I don't see my name up
5 there. I'm the architect, Jessica Snare. I did register.
6 Are you hearing the Jessica Snare voice?

7 ANDREA HICKEY: Yes, we can hear you.

8 JESSICA SNARE: Okay. All right. So you can't
9 see me, but that's okay. I'm representing Libby Halstead
10 and Lori Jones (phonetic), who live at 25 Brewster Street.
11 And we are requesting a special permit to redesign the
12 access to the basement stair and their side door landing and
13 stairs.

14 We do have some photos and drawings that were
15 submitted. I don't know if a good point to bring them up.
16 Lovely.

17 Currently, there is a metal bulkhead door with a
18 typical steep wooden stairs to the basement. To the right
19 of that is a door landing unfortunately built practically on
20 top of the bulkhead doors, rendering the bulkhead doors
21 difficult to stay open and be used properly.

22 Both stairs, as you can see, have been in need of

1 repairs since the Clydes bought the home approximately eight
2 years ago.

3 The property has existing nonconforming
4 conditions, which are the building height and the side yard
5 setback, which requires us to get a special permit in order
6 to modify these stairs and landings in any meaningful way.
7 These conditions set the stage for tight parameters for the
8 design.

9 We are proposing a concrete and stone veneer,
10 below-grade stair with mahogany and IPE treads in a
11 configuration that also modifies the existing landing and
12 stairs to the side door.

13 Are these -- hm. There are some other photos that
14 were -- yeah. So if you see the circle, you can see the
15 post on the existing stairs sitting on the concrete wall at
16 the lower right-hand corner.

17 You can see the railings and the landing railings
18 are nonconforming. The stairs have a variety of riser
19 heights, ranging from three inches to a little over six to
20 seven something.

21 The -- we informally proposed several alternatives
22 to the Zoning Board, and landed on the plan that involved

1 the least amount of waivers of dimensional requirements.

2 Maybe we could look at the plan?

3 On the upper right, you can see that there is a
4 10-foot setback requirement to the accessory structure,
5 which is the garage. By encroaching upon that, it was a
6 little bit easier to resolve this problem, but we chose not
7 to add that to the waivers that we were requesting.

8 Therefore, that is how we ended up with this plan.
9 It does require us, though, to reduce the left side setback
10 in the house.

11 What you're -- the landing that you see, where it
12 says, "Change door swings," that is the new modified landing
13 that used to be deeper and shorter. And the stairs have
14 moved towards the garage.

15 The egress out of the basement actually occurs at
16 the existing location underneath the side door, and -- well
17 not directly -- and uses the underside of the landing for
18 some of the stair. But then, of course, by the time we get
19 out to the open, we are further into our side yard setback.

20 And on the left is a schematic section of the
21 stair egress out of the basement, and the exist but modified
22 landing and roof above. The roof over the old landing will

1 stay as is, it is just the landing itself that will get
2 narrower but wider.

3 The proposed wood framed landing and stair to the
4 side door actually improves the setback a little due to the
5 new landing dimension and a more efficient stair design.

6 The below-grade stair, of course, though, would require us
7 to use additional setback dimensions, as mentioned before.

8 In addition, we were required to recalculate the
9 building height, using the new lower landing at the open
10 stair. The existing building height average is currently
11 39.4 feet, which is 4.4 over the allowable.

12 The proposed is 39.6 feet, which is a 0.2-foot
13 difference. We believe these improvements to be both safer
14 as well as a visual improvement to the rest of this very
15 lovely home and garden. We appreciate your thoughts and
16 decisions. Thank you.

17 CONSTANTINE ALEXANDER: Mr. Chair -- excuse me --
18 as I will mention later again, we have a number of letters
19 in our files, abutters and neighbors, what have you. And
20 they're generally in support.

21 However, there are two letters opposed, or at
22 least seriously questioning what you propose to do. And the

1 reason for that is they say -- and one of these persons is
2 the direct abutter most directly affected by what you're
3 proposing, concerned that a second dwelling unit will be
4 created and having an adverse impact on them and on the
5 neighborhood.

6 I believe you've represented to the neighbor --
7 correct me if I'm wrong -- that you do not have any
8 intention of creating a second dwelling unit, if we grant
9 you the relief tonight. Am I correct?

10 JESSICA SNARE: I have seen that letter. My
11 clients and I amongst ourselves have never discussed this as
12 a second dwelling unit because under our impression, it is
13 not permitted to have a second dwelling unit. This was
14 intended to be a combination great room, media room, TV room
15 and an extra guest room for their use.

16 So I can't speak to what they might have said,
17 because I certainly would never ask the client or suggest to
18 a client that they would make a verbal suggestion about how
19 things might get used in the future, if that makes sense.

20 ANDREA HICKEY: This is Andrea Hickey speaking.
21 Could we ask the applicants to speak to that question
22 directly, please?

1 CONSTANTINE ALEXANDER: Yes, thank you, Andrea.

2 JESSICA SNARE: Libby?

3 LIBBY HALSTEAD: Yeah, I'm trying. Can you hear
4 me? Hello?

5 JESSICA SNARE: Yes.

6 ANDREA HICKEY: Yes.

7 LIBBY HALSTEAD: Yeah. So the intent of this
8 space is extra living space for us and for guests to visit
9 us. There's a wet bar with a fridge and a sink. It doesn't
10 really constituent a second dwelling, and we don't intend to
11 have it be a second dwelling.

12 So we'd like to have friends and family visit us,
13 and we think it would be a lot easier and safer for them to
14 get into the basement through this than our -- the current
15 bulkhead.

16 So I hope that can -- but I know the letter said,
17 "What about the people who live in the house after us, after
18 we sell it?" So it's difficult to imagine what people would
19 do in the future. So I hope that's helpful, but we want
20 more living space.

21 We have two home offices. We both work from home
22 full-time. We have one guest room for people who want to

1 visit us, and we've been hoping for years to increase our
2 living space in the basement. So that's the best I can say.

3 ANDREA HICKEY: Thank you. This is Andrea Hickey
4 again. So you have no intention to sort of use this space
5 for Airbnb or folks that are not related to you to be using
6 it in that respect?

7 LIBBY HALSTEAD: Well, can friends and family
8 visit? I mean, they're not related.

9 ANDREA HICKEY: Let me --

10 CONSTANTINE ALEXANDER: The difference -- what
11 Andrea's getting at --

12 LIBBY HALSTEAD: Okay.

13 CONSTANTINE ALEXANDER: If you own a single-family
14 home -- own a residence, you will have guests, and the
15 guests will stay at a guest room or part of the dwelling
16 unit, the apartment unit. The difference between that --
17 and that's not a problem, to my mind --

18 LIBBY HALSTEAD: Right.

19 CONSTANTINE ALEXANDER: -- the difference between
20 that and a separate rental unit; someone else is going to
21 get to have a separate apartment --

22 LIBBY HALSTEAD: Right.

1 CONSTANTINE ALEXANDER: -- be it for Airbnb
2 purposes or just simply additional income and additional use
3 of the property, that's a concern that your neighbors have.
4 Frankly, it's a concern that I have.

5 LIBBY HALSTEAD: Right.

6 CONSTANTINE ALEXANDER: And I'm going to propose
7 to my fellow Board members -- up to them to see if they
8 agree -- but I'm in support of the relief you're seeking.

9 But I'm going to condition it on the grounds that
10 no separate dwelling unit will be created as a result, and
11 that includes the unit that would be used for Airbnb
12 purposes.

13 I want to keep this as a single-family home as it
14 is now, with more living space.

15 LIBBY HALSTEAD: So I'm fine with that. It's just
16 -- we might live there a long time. And I don't want to be
17 dramatic, but I can't say what's going to happen in the
18 future. Two people in my family just died. I mean, I could
19 become a widow someday. I may need additional income. I
20 may live there for 30 years.

21 I mean, I can't promise that for the rest of my
22 life, I'll never need to -- you know, get a bit of

1 additional income, if it becomes necessary.

2 So it's not our intent, it's not our plan. But I
3 mean, are you asking me to promise that for the rest of my
4 ownership that I'll never have that need? I mean, it seems
5 a bit extreme, I think.

6 CONSTANTINE ALEXANDER: I must say, your response
7 troubles me.

8 LIBBY HALSTEAD: Okay.

9 CONSTANTINE ALEXANDER: I think what you're
10 looking for is you want to preserve the right -- six months,
11 a year from now, whatever, to create a second dwelling unit.

12 And I -- given your neighborhood opposition --
13 some neighborhood opposition, I'm not in support of the
14 relief you're seeking, unless we take steps to provide that
15 that will not happen.

16 LIBBY HALSTEAD: Okay.

17 CONSTANTINE ALEXANDER: And that would be by way
18 of a condition through the relief that we grant tonight,
19 since we're --

20 ANDREA HICKEY: And this is Andrea again. If I
21 could also add, if down the line it turns out that that's
22 something you wanted to request, I suppose you could always

1 come back with that.

2 LIBBY HALSTEAD: Okay, that's fine.

3 CONSTANTINE ALEXANDER: Exactly. Not forever.

4 ANDREA HICKEY: Mr. Chair, I didn't mean to
5 overstep here.

6 LIBBY HALSTEAD: We'd be fine with that.

7 CONSTANTINE ALEXANDER: Okay. Any other members
8 of the Board have any questions or comments you want to make
9 at this point? Brendan?

10 BRENDAN SULLIVAN: [Brendan Sullivan] I have a bit
11 of a concern.

12 COLLECTIVE: Brendan, I can't hear you. Your mic
13 is off.

14 BRENDAN SULLIVAN: Am I on? Yes, no?

15 COLLECTIVE: Get closer. The light is on.

16 [Technical difficulties conversation.]

17 BRENDAN SULLIVAN: This is Brendan Sullivan. I
18 think Andrea and Gus have covered what my concerns were. In
19 the dimensional form it is stated as an existing single-
20 family. It proposes a single-family, so will take that at
21 face value, that it is for the purpose of the residents of
22 the dwelling of the house. And at the comings and goings of

1 the family and friends and so on and so forth are fine.

2 Down the road, if it were to be converted into
3 another unit, they would have to come back to the Board for
4 that, and the neighbors would be notified of that.

5 As far as the Airbnb and what have you, that there
6 is a legal vehicle potentially available, but that also
7 requires some sort of city overview and also some city
8 regulations.

9 So I'm comfortable with approving what is before
10 us tonight, and the presentation of the owner.

11 CONSTANTINE ALEXANDER: Thank you. Jason, do you
12 have any questions?

13 ANDREA HICKEY: Gus, now we can't hear you.

14 JASON MARSHALL: It was very faint, Mr. Chairman.

15 THE REPORTER: Yeah, you both need mics.

16 CONSTANTINE ALEXANDER: We're sharing a microphone
17 here. We had some technical problems. I'm sorry. Jason,
18 you were about to speak?

19 JASON MARSHALL: Yeah. Thanks, Mr. Chair. I
20 think the back and forth probably assuaged my concerns as
21 well.

22 I was listening very intently to the discussion

1 among my fellow Board members and trying to discern why --
2 really trying to understand what the nexus is between the
3 application before us and the question around an accessory
4 unit, which I think I understand to be relevant in terms of
5 other sections of the by-laws.

6 And I think as Brendan noted there are other sort
7 of legal standards that go to those issues.

8 So I guess I was seeing them as separate, and
9 looking at this application as seeking in my view pretty
10 minimal increases to the nonconformity.

11 But in light of the applicant's agreement to the
12 condition, I don't have a problem with it. I don't have
13 anything further to say beyond that.

14 CONSTANTINE ALEXANDER: Thank you. Thank you,
15 Jason. Wendy? Any questions or comments at this point?

16 WENDY LEISERSON: I agree with the discussion of
17 the conditions that are proposed for issuing the relief
18 sought.

19 I do have one question, just to satisfy my
20 curiosity and other concerns. In the proposed kitchenette
21 in the basement, I can't quite tell from the diagrams, is
22 there a cooking unit also installed there?

1 JESSICA SNARE: No.

2 WENDY LEISERSON: Okay. Thank you.

3 TREVOR HARDY: Mr. Chair, it's Trevor Hardy from
4 29 Brewster. Can I ask a question?

5 CONSTANTINE ALEXANDER: Yes.

6 TREVOR HARDY: I would just like to understand --
7 and as we said in our letter, we are supportive of the
8 changes that Libby and Lori want to make to the stair and
9 the access. We are very concerned about the units becoming
10 -- and they assured us that the unit would never be rented
11 out.

12 We'd like to understand how -- does the City
13 enforce that if Libby and Lori sell the house and move out,
14 that they've assured us that they would never rent it out,
15 but how does the City enforce that going forward -- you
16 know, either if Libby and Lori change their minds or a
17 subsequent owner buys the house and we're then living
18 effectively sharing a driveway with a multifamily home, as
19 opposed to a single-family.

20 So I'd like to just understand how this will
21 actually be enforced on a longer-term basis.

22 CONSTANTINE ALEXANDER: Let me try to answer your

1 question.

2 TREVOR HARDY: Thank you.

3 CONSTANTINE ALEXANDER: Should we grant relief
4 tonight; the work will go ahead. I think you're going to --
5 I think the sense of the Board is we'll grant the relief on
6 the condition that a second dwelling unit will not be
7 created in the area or in the basement area where that's
8 going to be affected by the relief we're granting. So there
9 is -- it will be forbidden.

10 Now, if whoever owns the property, be it the
11 current owners or a successor owner, if they go ahead and
12 create the second dwelling unit, neighbors like yourself
13 will have the right to go to the City and the Building
14 Department and shut it down, on the grounds that it doesn't
15 conform to the conditions that we granted, that we imposed
16 when we granted the relief there that's being sought.

17 And then the case will be heard. At that point,
18 if the then owner of the property still wants to go ahead,
19 he or she or it will have to come before the Board and seek
20 a change to the condition that we will be imposing tonight.

21 So there is ample recourse by -- certainly by
22 abutters, and perhaps others in the city, should the

1 condition that we were planning to impose not be honored.
2 We'll get it -- it runs with the land. Does that answer
3 your question?

4 TREVOR HARDY: Thank you. Yes. I have one other
5 clarifying question. What does it take to constituent that
6 as a separate dwelling unit? Is it putting in a full
7 kitchen or, like, how does that --

8 CONSTANTINE ALEXANDER: You'll have to speak --

9 TREVOR HARDY: -- how does one cross over?

10 CONSTANTINE ALEXANDER: Speak to the Building
11 Department. Certainly, a kitchen with a stove would -- I
12 believe the building -- I believe, you'll have to check with
13 Ranjit -- but I believe that would constituent creation of a
14 separate dwelling unit.

15 So to the refrigerator down there, I believe that
16 that would not be a separate unit.

17 SISIA DAGLIAN: Well, yeah. They'd need parking
18 and two means of egress -- independent means of egress.
19 Yes, and a full kitchen.

20 CONSTANTINE ALEXANDER: We're not in a position to
21 -- I don't want to get into the position of advising you or
22 anyone else about what the rights are should you feel that

1 the relief we grant tonight and the conditions that are
2 imposed are not honored.

3 Take it up with the Building Department. They are
4 the ones who enforce our decisions and enforce the building
5 laws of the city. There's where your answer will be.

6 TREVOR HARDY: Thank you.

7 CONSTANTINE ALEXANDER: Anyone wish to speak on
8 this matter, now that we seem to have jumped off the rails.
9 Let me open up to public testimony, and give everybody else
10 an opportunity to speak.

11 Any members of the public who wish to speak should
12 now click the icon at the bottom of your Zoom screen that
13 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.
16 We'll wait a few moments to see if anyone else wishes to
17 speak.

18 [Pause]

19 CONSTANTINE ALEXANDER: Apparently not. So we're
20 going to close public testimony and move on to the merits of
21 the case. I think from the discussion we've had so far; I
22 think the sentiment -- maybe I'm wrong -- I think the sent

1 me is clear that I think we're in favor of granting relief,
2 but we want a condition that prevents without further legal
3 action creation of a second dwelling unit.

4 So I'm going to make a motion for the special
5 permit, and then we'll take a vote and have discussion on
6 the motion.

7 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey.
8 Could we add to the motion that that space not be used as
9 income-producing space? Because I think the second dwelling
10 wouldn't prohibit Airbnb type use.

11 CONSTANTINE ALEXANDER: I was -- that's a good
12 suggestion. I was proposing when I made my motion that
13 specifically said that this area could not be used for
14 Airbnb purposes, as well as a separate dwelling unit. \I
15 was proposing to put both in the motion. If you think that
16 doesn't work, then I'll do whatever you think, Andrea?

17 ANDREA HICKEY: No. I think that that works, but
18 we don't want to limit it to Airbnb, because there are other
19 --

20 CONSTANTINE ALEXANDER: No, no, you're right,
21 you're right.

22 ANDREA HICKEY: Right. That allow that use. So

1 Airbnb or other similar platforms. That works for me.

2 CONSTANTINE ALEXANDER: Okay. Okay. So I guess
3 now we're ready for the motion. So I'll make a note of what
4 Andrea just said.

5 TREVOR HARDY: And is it possible to limit it to
6 any form of rental?

7 CONSTANTINE ALEXANDER: Yeah. I think the idea is
8 that we want this to remain a single-family dwelling.

9 TREVOR HARDY: Yes.

10 CONSTANTINE ALEXANDER: The building. And if
11 there's another income-producing aspect of this building,
12 we're going to be a two-family, or alternatively have uses
13 for Airbnb or other forms of short-term rental.

14 TREVOR HARDY: Thank you.

15 CONSTANTINE ALEXANDER: All right. Here's the
16 motion. The Chair moves that we make the following findings
17 with regard to the special permit that's being sought:

18 That the requirements of the ordinance as such,
19 that you cannot -- the relief being sought cannot be
20 effected without special permit.

21 That traffic generated or patterns of access or
22 egress resulting from the granting of the special permit

1 will not cause congestion, hazard, or substantial change in
2 established neighborhood character.

3 And this assumes with regard to this finding that
4 a condition I'm going to suggest at the end of the motion is
5 part of the motion, part of the relief. That will prevent
6 the change in established neighborhood character.

7 That the continued operation of or development of
8 adjacent uses, as permitted in the zoning ordinance, will
9 not be adversely affected by the nature of the proposed use.
10 And again, that assumes the adoption of the condition that
11 we've been discussing so far.

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 again, that assumes the creation of the
16 condition I'm yet to get to.

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

21 So on the basis of these findings, the Chair moves
22 that we grant the special permit that's being sought subject

1 to the following conditions:

2 One, that the work proceed in accordance with
3 plans prepared by Springhill Design, Somerville,
4 Massachusetts. The date of those plans are April 1, 2021
5 and the first page of which has been initialed by the Chair.

6 And second, that no second dwelling unit -- no
7 additional dwelling unit will be created as a result of the
8 relief being sought and the impact on the structure and by
9 additional dwelling unit, that includes any short-term
10 rentals such as Airbnb or similar arrangements. The goal
11 here is to remain as a single-family dwelling.

12 Brendan, how do you vote?

13 BRENDAN SULLIVAN: Yes.

14 CONSTANTINE ALEXANDER: Andrea?

15 ANDREA HICKEY: I vote yes in favor of granting.

16 CONSTANTINE ALEXANDER: Jason?

17 JASON MARSHALL: Jason Marshall yes in favor of
18 the special permit, noting my understanding that the
19 applicant has agreed to the condition?

20 CONSTANTINE ALEXANDER: I'm sorry. Could you
21 repeat that? You're cut off.

22 JASON MARSHALL: I want to note my understanding

1 that the applicant has agreed to the condition.

2 CONSTANTINE ALEXANDER: Thank you. Wendy?

3 WENDY LEISERSON: Wendy Leiserson, yes in favor of
4 granting with the conditions explained.

5 CONSTANTINE ALEXANDER: And the chair votes as
6 well in favor of granting the relief sought, subject to the
7 conditions that have been imposed. Relief granted.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: Case over.

10 WENDY LEISERSON: Thank you.

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(7:19 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Wendy Leiserson and
Jason Marshall

CONSTANTINE ALEXANDER: Okay. We will now pause
in consideration of our regular agenda to hear a continued
case. This is a case that started at an earlier time, and
for one reason or another, I guess at the request of the
petitioner, has been continued until tonight.

And then after we finish that case, we'll return
to our regular agenda as published.

So the Chair will now call Case Number 117337 --
145 Little Street #1. Anyone here wishing to be heard on
this matter?

ANDREW PLUMB: Yes, good evening. This is Andrew
Plumb, and my associate, Tiffany Cogell. I am the architect
and developer for the project before you.

I'd like to request that the first thing we put up
on the presentation is the community presentation. Is that
Sisia, who's pulling that up?

[Pause]

1 Thank you. I'd like to just start this evening by
2 first thanking the Chairman and the members of the Board for
3 hearing this. And I apologize for the mishap with the time
4 on modifying our sign. Thank you for hearing us now.

5 I wanted to let you know who we are and what we're
6 trying to do. We are architects and builders that run
7 Design Build's practice in Cambridge, who want to leverage
8 what Design can do for communities by building housing.

9 And so the project before you is our first foray
10 into development. And the goal behind it is to build
11 housing that encourages long-term residents in their
12 communities. It encourages families to come to the
13 community.

14 And we also -- the mission of our company is to
15 build what we call good clean and fair housing, which is to
16 say using nontoxic materials and fair labor and good design
17 that lasts the generations.

18 So we believe that development really should start
19 with the community within which you are working, and put
20 together this presentation that's before you here that we
21 conducted several meetings voluntarily with the community,
22 which Tiffany will speak to in a moment about that process.

1 If we could go down a couple of slides, maybe
2 start at 17 -- thank you. As you know, this is Willow
3 Street. The building that's one down on the right from the
4 three-decker is the property in question.

5 And if you could go to the next slide? Thank you.

6 You know, when we looked at this project, the
7 options before us were we could look at developing this as a
8 single-family, which would -- you know, be a very luxurious
9 unit in Cambridge for the size.

10 We weren't interested in that. It could also be
11 developed as a two-family with two sort of above-market
12 sized units, also quite expensive.

13 What you have before you tonight is a three-family
14 proposal, with three market-rate units. But I want to say
15 that where we started in our own internal process was a
16 four-family, the idea being that we could build three
17 market-rate units and one affordable unit, and affordable
18 through the City of Cambridge Inclusionary Housing Program
19 and Affordable Housing Trust.

20 Through, you know, through our community process
21 and some of the -- the extent of the relief that would need
22 to be required for the four-family, we decided to back down

1 to the three-family approach that we'll talk about tonight.

2 But I do want to say that I know that there's a
3 larger conversation going on in the city about the Middle
4 Housing, and whether or not there's different opinions about
5 that and about whether or not it's equitable or not.

6 We had no knowledge of that conversation actually
7 while we were developing this ourselves, and only -- the
8 reason we asked for the continuance was because that same
9 night as when we were first scheduled to appear was the City
10 Councillor Ordinance Commission discussing the Middle
11 Housing Petition. And I felt like I needed to understand
12 the larger discussion there.

13 In any case, this project requires, or is asking
14 for relief -- is asking for variance relief and special
15 permit relief -- to build a three-family dwelling that's
16 within front, side and rear setbacks.

17 It increases FAR and reduces the minimum lot area
18 per dwelling, and it's also requesting relief for the
19 parking requirements.

20 You know, we will build something here. And the
21 opportunity here is to build more housing in Cambridge.

22 And before I go further in terms of the design, I

1 would like to just -- could we just scroll down a little bit
2 on this presentation? If you could just go -- start with
3 19?

4 So, you know, and we talked about this with the
5 community. And maybe Tiffany, would you like to just talk
6 briefly about the community process that we went through?
7 Tiffany is our Director of Diversity and Community
8 Engagement.

9 TIFFANY COGELL: Good evening, everyone. So
10 community engagement is very important to us, because it was
11 evident that this community had lots of ideas and input as
12 to what they wanted in their neighborhood.

13 And coming in as a developer -- albeit we are a
14 small developer -- there are lots of development projects
15 going on in the area, not all of which the residents are
16 amenable to.

17 So we thought it was very important to not just
18 tell the community the residents what we had planned, but
19 also to ask them their opinion and what they felt the
20 neighborhood needed.

21 And we used that feedback not just as, you know,
22 something to put on a piece of paper, but rather to allow it

1 to guide us for design.

2 And so we did multiple runs of fliering as well as
3 some door-to-door engagement, and as Andrew had mentioned,
4 this slide -- this PowerPoint presentation here that you see
5 on your screen, we also offered community -- the residents
6 to be able to be connect with us on the Zoom, so that we
7 could explain the project to them.

8 What we found was that most people were very happy
9 to hear that we wanted to offer a fourth unit that would be
10 an affordable unit.

11 We also discussed the option of having a three-
12 family that due to our values and how we look at the right
13 for all to be able to be have housing that is good, clean
14 and fair, decided as a tenet upon our values to offer these
15 homeownership opportunities at a lower profit margin to
16 ourselves, but as a more affordable purchase price for
17 people who would be purchasing these homes.

18 We also asked what people felt about parking as
19 opposed to green space. And although everybody was very
20 happy with the fact that we would be providing green space,
21 there was a very contentious issue about parking. So that
22 wasn't something that we wanted to --

1 ANDREW PLUMB: If we could just -- sorry to
2 interrupt, Tiffany -- if we could go to one of the last
3 slides, we have a slide that showed -- yeah, 24.

4 TIFFANY COGELL: Mm-hm.

5 ANDREW PLUMB: I'll just for one second jump in.

6 TIFFANY COGELL: Mm-hm.

7 ANDREW PLUMB: We originally were proposing no on-
8 site parking and developing the what is now a tandem
9 driveway as a communal garden space. That's what's
10 represented as green here. But the feedback we received was
11 that parking was a concern.

12 We did conduct a parking study, the conclusion of
13 which was that there is parking available in the
14 neighborhood; however, it was very top of mind for the
15 neighbors.

16 And the four-unit approach is one that would not
17 allow for on-site parking. Hence the three-unit approach,
18 which, as you can see is on Slide 21. And that one allows
19 us to maintain one official hotspot but tandem parking for
20 three.

21 If we could go to Slide #21? This one, yeah.

22 TIFFANY COGELL: Mm-hm.

1 ANDREW PLUMB: Tiffany, did you have anything
2 further there?

3 TIFFANY COGELL: I guess just to end by saying
4 that, you know, although we weren't required to engage with
5 the community, we did so out of good faith and because of
6 our values. And so we want to be able to provide a dense
7 building offer.

8 And so we're looking for the relief for this
9 three-family, so that we can provide more families with the
10 opportunity for affordable homeownership.

11 CONSTANTINE ALEXANDER: Could I interject at this
12 point? This is the Chair.

13 ANDREW PLUMB: Sure.

14 CONSTANTINE ALEXANDER: First of all, I want to
15 congratulate you. I think this is a good presentation. You
16 are going to create better housing, at least a three-family
17 that you're proposing, and it's in service to the community,
18 and good for you.

19 My question, though, is three units in this
20 building? It's a small building in a tight lot. If you had
21 a two-family house, I think I don't have the slide in front
22 of me, but the units would only be 1500. Where's the one

1 that shows if you want to do a two-family how big the units
2 would be?

3 ANDREW PLUMB: It's a little further down in the
4 deck there. There, 18 -- slide 18.

5 CONSTANTINE ALEXANDER: Yep. You only have -- in
6 a two-family, the units would be 1500 square feet each.
7 That's not a big unit. That's not one, you know, a luxury
8 unit as you described a single-family.

9 And I'm trying -- that doesn't mean I'm going to
10 vote against it, but I'm troubled by this. I would be much
11 more comfortable if this was a two-family. And I suspect
12 what's driving this is profit.

13 We want to -- you start with a very philanthropic
14 point of view, and I think you still have it, but what I'm
15 seeing creeping into this is profit; profit, profit, profit.

16 ANDREW PLUMB: It --

17 CONSTANTINE ALEXANDER: I would like to see -- I'm
18 not going to say I'm going to vote against what you're
19 proposing -- not yet, anyway, but I would like to have seen
20 a two-family, not a three-family.

21 ANDREW PLUMB: May I respond to that?

22 CONSTANTINE ALEXANDER: By all means.

1 ANDREW PLUMB: Thank you. In fact, these three
2 options -- these four options before you, there is not an
3 advantage financially to building a three-family over a two-
4 family.

5 In fact, I would argue the two-family is more
6 profitable than the three. We're working with realtors to
7 understand the market rate in this area, and conservatively,
8 new construction is selling at about \$900 a square foot.

9 SISIA DAGLIAN: Thank you. You know, that puts
10 each two-family unit at almost \$1.4 million dollars, which I
11 think is quite out of reach for most people. And our desire
12 is to build -- it's true, it is a small lot.

13 However, if you look one property to the south,
14 it's a three-family on an almost identical sized lot. This
15 is the level of density that exists in Cambridge and has
16 been built to just -- it's just not allowed to be built
17 currently with the current zoning without relief.

18 And if I could just -- if we could go to the floor
19 plans for a moment, I would like to just speak about that.

20 It's sort of -- except for the four-family
21 approach, the single two or three are all around 3000 square
22 feet. And so they're all -- and they're all going for \$900

1 a foot. However, in Cambridge, it's such a desirable market
2 the larger space is worth even more.

3 So, you know, I would argue that the two-family
4 will sell for more than the three-family.

5 If we could -- okay, thank you. Could we go to
6 slide #6?

7 So I just wanted to show you what we're proposing.
8 And, you know, the reason that we're asking for as much
9 relief as we are with the FAR is because we felt it was
10 extremely important to provide a unit with sufficient size
11 that it would attract and support families for the long-
12 term.

13 And so what you see is a two-bedroom plus study
14 unit with a sort of kitchen, dining/living space and a
15 recessed outdoor porch that's sort of embedded into the
16 middle of the plan, which provides private outdoor space and
17 light and ventilation in the core of the layout.

18 And we feel that this all taken together is an
19 extremely efficient and compact design, but one that, you
20 know, gives -- works very well. I live in a 100 plus-year-
21 old house that is not special, except that the layout is
22 just rock solid, and it's just -- it just always works. And

1 that's what we're trying to do here.

2 And we find that to make the footprint much
3 smaller than what we see before us here is to sacrifice, you
4 know, these sort of basic components of a unit that is
5 suitable for a family over the long-term.

6 The design could have been something that slices
7 and dices it into smaller units, which would support, you
8 know, sort of a more transient population that -- you know,
9 with a studio or one-bedrooms and things like that. That's
10 not what we're trying to do.

11 If we could just zoom out a little bit onto this
12 --

13 BRENDAN SULLIVAN: Andrew, this is Brendan
14 Sullivan. What is the size of the building, outside
15 dimensions?

16 CONSTANTINE ALEXANDER: It should be in our files,
17 actually.

18 BRENDAN SULLIVAN: Yeah.

19 ANDREW PLUMB: Oh, the outside dimensions? Or --

20 BRENDAN SULLIVAN: Yeah.

21 CONSTANTINE ALEXANDER: Yeah.

22 BRENDAN SULLIVAN: Of the building.

1 ANDREW PLUMB: 24 feet wide by basically 60 feet
2 long.

3 BRENDAN SULLIVAN: Yeah, okay. I guess what I
4 share somewhat the Chair's concern about a three-family, but
5 then I have a three-family. And, you know, it's 25 x 40.
6 And I think that you just alluded to another three-family on
7 the same block.

8 I'm just wondering if -- and you said on a similar
9 sized lot, and I was just wondering is that sort of a
10 typical three-family in the neighborhood? And that usually
11 they're 24 something by 38 or 40 feet, or something like
12 that so that you come up to around that thousand feet --

13 ANDREW PLUMB: Yes, but --

14 BRENDAN SULLIVAN: -- square footage. And --

15 ANDREW PLUMB: I could tell you what the
16 difference is.

17 BRENDAN SULLIVAN: -- and that it's an adequate
18 apartment; two bedrooms and a bathroom, living room down
19 here and this has an open floor plan. I think it works
20 well. It's kind of a small lot, but then again, my three-
21 family's on a small lot, was built in -- you know, 1920,
22 which was the normal back then.

1 In the neighborhood, on Willow Street, what is a
2 typical apartment that is -- going for square footage wise?

3 ANDREW PLUMB: I'm afraid I don't have that
4 information. I don't know what the typical --

5 BRENDAN SULLIVAN: But a 1500 square foot, which
6 is what a two-family would have to be built for, would be
7 considered I think a very large unit in the area. Is --

8 ANDREW PLUMB: Yes.

9 CONSTANTINE ALEXANDER: -- am I correct in that,
10 or --

11 ANDREW PLUMB: Yes. But what we're proposing is
12 three 1100-square foot units.

13 BRENDAN SULLIVAN: Three 1000-square foot or 1100?

14 ANDREW PLUMB: Yeah.

15 BRENDAN SULLIVAN: Yeah.

16 ANDREW PLUMB: And the reason -- what's driving
17 the length over the maybe more typical types that you
18 referenced is the embedded porch. If we were to remove
19 that, which I think is to the detriment of, you know, the
20 people that would be living here, you could certainly
21 compact the plan.

22 But as the site is tight, and there's not a lot of

1 opportunity for outdated space, we felt that we would -- you
2 know, make up for that by putting it into the plan, the
3 floor plan, of the units themselves.

4 So that's what's driving the length to be 59 feet,
5 as opposed to the 40 or whatever, you know, that you
6 referenced.

7 BRENDAN SULLIVAN: Yeah, okay. All right. That's
8 all I have at the moment.

9 CONSTANTINE ALEXANDER: Thank you, Brendan.
10 Andrea?

11 ANDREA HICKEY: Yeah. I would just like to ask
12 about in your presentation you talked about sort of building
13 three units that are good, clean, fair and affordable. But
14 these are market-rate units, unless I missed something. So
15 how did -- how are these affordable?

16 ANDREW PLUMB: Right. So let's maybe clarify the
17 terminology. In the four-unit scheme that I referenced in
18 the beginning, we had an officially affordable in the
19 language of the city and that it would be a part of the
20 Cambridge Housing Trust.

21 ANDREA HICKEY: Right. And I like that idea,
22 although I don't like four units in this space.

1 ANDREW PLUMB: Right.

2 ANDREA HICKEY: But three market-rate units seems
3 to me along the lines of the Chair's comments to be sort of
4 a financially motivated decision, and not something that is
5 necessarily good for the community, where they're three
6 market-rate units that can go for --

7 ANDREW PLUMB: -- Yeah.

8 ANDREA HICKEY: -- as high as folks are willing to
9 bid.

10 ANDREW PLUMB: Well, I think the point I was just
11 trying to make was that because with three units each one
12 will necessarily be smaller, it will be at a price point
13 that is less expensive than what the two-family units are.
14 There is no profit motive here for the three-family over the
15 two-family.

16 As I said before, the two-family will sell for the
17 same and perhaps more than the three-family will.

18 And that's because the space in Cambridge is at such a
19 premium. So I hope that answers your question.

20 ANDREA HICKEY: It does. I'm still concerned with
21 the density of three units in this space. And also, I'm
22 concerned with the parking.

1 We can get to the parking later in your
2 presentation. But I am not a fan of tandem parking. And I
3 know it's not something that this city promotes. But I'll
4 let you speak to parking when you're ready to do that in
5 your presentation. Thank you.

6 ANDREW PLUMB: Sure.

7 CONSTANTINE ALEXANDER: Jason, do you have any
8 questions or comments you want to make at this point?

9 JASON MARSHALL: Yeah, Thank you, Mr. Chair. I
10 just want to follow up really quickly on Andrea's last point
11 on tandem parking and just to get some clarity on that,
12 because I didn't -- I don't recall seeing anything in the
13 application that discussed that, but maybe I missed it.

14 Would the proposal have tandem parking for three
15 vehicles?

16 ANDREW PLUMB: Sure, yeah. If we could go to
17 slide 5, please?

18 So there would be one -- you know, by the
19 definitions of the city one spot, and then space for two
20 additional cars to be parked in tandem beyond that. That's
21 the proposal. And maybe now's a good time to park to our
22 parking study, if the Board is interested.

1 JASON MARSHALL: Well, that's the only question I
2 had. I defer to the Chair on whether to do that or whether
3 to go to other members or questions. But that's the only
4 question I had for now. Thank you.

5 ANDREA HICKEY: Hi. It's Andrea Hickey speaking
6 again. So is relief for parking part of your petition?

7 ANDREW PLUMB: It is, it's just --

8 ANDREA HICKEY: Okay.

9 ANDREW PLUMB: -- requesting special permit relief
10 for one spot instead of three.

11 ANDREA HICKEY: Right. And do you have a plan
12 that shows the proposed parking spaces' dimensioned?

13 ANDREW PLUMB: Yes. If you zoom in on the side
14 yard here towards the street, it's 8 foot 6 -- sorry, 8-
15 foot-6 x 18 is that rectangle you see there, which we
16 identify as the one off-street parking space.

17 And there is additional space beyond that that
18 would be in tandem, but it's not recognized as official
19 parking spaces; hence the request for relief.

20 ANDREA HICKEY: Thank you. That's all I have at
21 the moment.

22 CONSTANTINE ALEXANDER: Thanks, Andrea. Jason, I

1 forget, did you get your question answered, or are you
2 wanting anything further?

3 JASON MARSHALL: Thank you -- I'm satisfied for
4 now, Mr. Chairman, thank you.

5 CONSTANTINE ALEXANDER: Thank you. Wendy?

6 WENDY LEISERSON: I have some questions, but I'm
7 going to hold until the end of the presentation. Thank you.

8 ANDREW PLUMB: Okay. If I might continue, I have
9 a few more things to say about this site plan, and then I
10 could go through the parking study that we conducted?

11 CONSTANTINE ALEXANDER: Yes. Let's proceed on
12 that basis. Go ahead, sir.

13 ANDREW PLUMB: Great, thank you. If we could just
14 slide up on this same sheet -- or sorry, zoom out so you can
15 see the whole thing? Yeah.

16 I wanted to point out that the first-floor unit
17 first-floor unit is proposed to be accessible ready, meaning
18 it can be converted to be accessible, and it's designed as
19 such, including a ramp off of the sidewalk that you see at
20 the bottom of the drawing.

21 The existing building is directly on the front
22 property line, and we are proposing to push the building

1 five feet back, which is another reason why we're feeding so
2 much into the rear setback.

3 At the rear of the property, we're prospecting
4 enclosed trash and recycle storage, and then long-term
5 bicycle parking. We've got spaces for four spaces there.

6 And the intention with the design of the building
7 is that it's a Net Zero building where, you know, all
8 appliances will be electric, and there is proposed space for
9 solar array.

10 If we could -- I think it's now towards the end of
11 this PDF -- get to the parking? Okay. Yep, yep. If we
12 could go up one slide to start?

13 So the area in the yellow is the site, that's 145
14 Willow. The sort of highlighted zone is the neighborhood
15 that we looked at.

16 And if we go down one slide?

17 So what we did is we counted all of the spaces in
18 that area. Something is a little strange with this image.
19 The key on the upper left seems to be not aligned. But it's
20 standard parking spaces -- areas where there's no parking,
21 areas where there is handicapped parking, and these are the
22 totals that we found on all of those streets.

1 And then if we go to the next slide, please?

2 Okay. So what we did is we went on three separate
3 days at three times each day and identified when we had the
4 peak demand. And the peak demand occurred at 8:00 a.m. when
5 we had 58 spaces vacant and were available for residential
6 use.

7 Now, it is true that Willow had some of the lower
8 points on the Saturday morning and Saturday evening. There
9 was -- we counted one space that was free.

10 So partly this -- even though we feel that the
11 neighborhood at large definitely supports having reduced
12 parking on the site, you know, given that what we heard from
13 tenants and the fact that Willow itself is maybe more so
14 than some of the other streets, we felt like offering one
15 official spot plus tandem, if desired by tenants, would be a
16 good kind of balance.

17 And I forgot to mention this before, but as you
18 may or may not know, this location is -- you know, an
19 extremely walkable, bikeable, transit-friendly zone.

20 And so our hope is that -- and I think that the
21 trends are that in general people will be less dependent
22 upon having their own vehicle in the future. You know,

1 we're a 10-minute walk from the future Green Line Union
2 Square T stop.

3 Okay. And if we could just scroll down a little
4 bit further and see if there's more to talk about here. No,
5 okay.

6 So I think this really -- I could go up to the
7 building elevations if it's interesting to the Board -- just
8 two quick slides here. We could do -- yeah. So the drawing
9 on the right-hand side is the south elevation.

10 This is the elevation that faces on the drive, and
11 there are sort of two driveways adjacent to each other
12 between this property and the property to the south.

13 And so we were using that southern exposure to
14 create the recessed porches. It would be a nice place to be
15 able to be let light into the units. The entry itself is on
16 the corner here, as you see.

17 And otherwise it's -- you know, a pretty
18 straightforward design for a three-family that we think is
19 quite contextual and will fit in quite well to the
20 neighborhood and in a way more so than the existing single-
21 family, which feels very out of place in its context in my
22 opinion.

1 And I think that's the extent of our presentation,
2 so I'm happy to take more questions.

3 CONSTANTINE ALEXANDER: I have no questions at
4 this point, do you? Brendan?

5 BRENDAN SULLIVAN: Well -- Brendan Sullivan -- the
6 only question I guess I would have is would it work with two
7 market-rate and one affordable unit?

8 ANDREW PLUMB: No, unfortunately not. We did look
9 at that, but it's just not possible.

10 BRENDAN SULLIVAN: Okay.

11 CONSTANTINE ALEXANDER: Andrea, do you have
12 anything you want to say?

13 ANDREA HICKEY: Yes. Could you guide me through
14 where the first-floor windows are with respect to the one
15 sort of dimension parking space that is not tandem? How
16 close would that car be parking to any window?

17 ANDREW PLUMB: Right. So it would be -- I don't
18 know, is my pointer visible?

19 ANDREA HICKEY: No.

20 ANDREW PLUMB: Well, if we look at the right-hand
21 elevation -- that's the south elevation -- there's a, you
22 see the door, which is the door to the building on the left.

1 ANDREA HICKEY: Right.

2 ANDREW PLUMB: And then that -- so the car would
3 be partially in front of that, and then this first window
4 that you're seeing to the right of that entry door. That's
5 sort of the zone of where that car would be.

6 ANDREA HICKEY: And how close would that car be to
7 the building, the face of the building?

8 ANDREW PLUMB: Um--

9 ANDREA HICKEY: So your space was 18 feet long and
10 was it eight-and-a-half?

11 ANDREW PLUMB: It was eight-and-a-half, and then
12 it's 11 feet from the property line to the face of the
13 building. So we've got about two and a half feet in
14 addition to the eight-foot-six.

15 That's -- you know, some of it's on the one side,
16 and some of it's on the other. The cars are not exactly
17 eight-foot-six-wide, but that's what the space is.

18 ANDREA HICKEY: Right. So just to clarify, how
19 close would the car be parking to that side, of that face of
20 the building? Two feet, did you say?

21 ANDREW PLUMB: Yeah. It's probably in the realm
22 of a couple feet, maybe a little more.

1 ANDREA HICKEY: Yeah. We get concerned sometimes
2 about exhaust from cars and noise from cars with windows
3 that open. So that's why I raise that. I don't have any
4 further questions at this time, thank you.

5 CONSTANTINE ALEXANDER: Okay, I'll just add on to
6 what Andrea's pointed out. It's actually in our ordinance
7 there's a minimum distance between the windows of the
8 building -- the residential building -- although I think it
9 may be only one or two families, not a three-family, as
10 proposed.

11 But I suspect what you're proposing is too close
12 per our zoning ordinance, and you may have a problem, should
13 we grant relief tonight when you get your building permit
14 and the Building Department takes a closer look at what
15 you're proposing to do.

16 ANDREW PLUMB: Okay.

17 CONSTANTINE ALEXANDER: Keep that in mind.

18 ANDREW PLUMB: Okay.

19 ANDREA HICKEY: Could I ask Mr. Plumb is there
20 parking there now? Has there historically been a car sort
21 of parked in that area?

22 ANDREW PLUMB: Yes. I think we have in a

1 different PDF existing photos of the property. I could show
2 you what's there now is a chain-linked fence and gate and
3 sort of like two concrete other -- yeah, that's it.

4 You can kind of see it on the right-hand side
5 there. There's a gate and, you know, the sort of concrete
6 tire tracks.

7 ANDREA HICKEY: Thank you. That's helpful. It
8 gives me some actual context. Thank you.

9 ANDREW PLUMB: Sure.

10 CONSTANTINE ALEXANDER: Thank you, Andrew. Jason,
11 anything further you want to say now?

12 JASON MARSHALL: You know, I appreciate the
13 exchange on the parking. I think an additional visual or
14 two would have been helpful to get a better sense of that.

15 And Mr. Chair, your comment about whether or not
16 the proposal as we understand it would violate the
17 requirement around the space between the parked car and the
18 unit.

19 I mean, I guess I -- you know, depending on what
20 we do here, I would be concerned that we'd be approving a
21 proposal, and effectively approving an additional relief
22 with respect to that requirement. So I think we'd have to

1 be really careful there.

2 But I don't want to get too far ahead. I'd like
3 to listen to the public comment. So that's all I'll say for
4 now.

5 CONSTANTINE ALEXANDER: Okay, thank you. Wendy?

6 WENDY LEISERSON: Thank you. Yes, Wendy
7 Leiserson. I have some questions. Just maybe you can help
8 me to recap a little bit of my understanding of the whole
9 scope of this project.

10 So first, I just want to say I appreciate the
11 values with which your company is approach development in
12 Cambridge. So I am glad to see that that is the approach
13 you're taking to helping our city expand its housing
14 options.

15 What we have here, though, is a single-family that
16 you're proposing to convert to a three-family. And
17 obviously we'll agree that we need more housing in our city.
18 And so the question is the nature of that housing.

19 And for families versus young professionals, I do
20 agree with the concerns that some of my other Board members
21 have raised that 1100 square feet with a two-bedroom, two
22 plus bedroom only accommodates a certain size of family,

1 even though affordability -- obviously it's a tradeoff for
2 getting a bigger unit.

3 So that's just one observation, if you will, as I
4 work through my consideration of this matter.
5 and then you said that the first-floor unit is accessibility
6 ready.

7 But where the parking spot is located is adjacent
8 to the door, and I'm wondering where is the means of entry
9 and egress should there be someone, could you show me that
10 slide?

11 ANDREW PLUMB: Yeah, if you could go to slide 5.
12 Or actually, better would be slide 6 and zoom in on the
13 floor plan there. So you can see that there's the door and
14 a landing, and then the accessible path wraps around down
15 the ramp on the front side.

16 WENDY LEISERSON: Okay.

17 ANDREW PLUMB: And there are steps to the sidewalk
18 or to the drive from that sort of main landing. So it
19 doesn't require anyone in a wheelchair to pass through the
20 driveway area.

21 WENDY LEISERSON: Okay, thank you. And the
22 sacrifice of going from a single family to three units is

1 enlarging the building footprint, reducing the setbacks,
2 losing the opportunity for open space and decreasing
3 parking, is that pretty much my understanding of what's
4 going on there?

5 ANDREW PLUMB: I think that if we go to --
6 actually, it might be useful to look at the zoning analysis
7 sheet, which overlays the existing footprint with the
8 proposed. Yeah, slide 2. Thank you.

9 So if we could zoom in on the -- so the sort of
10 solid gray patch is the current footprint, and the bold line
11 represents the footprint of the proposed building. So we
12 have that kind of cross hatch is where there's additional
13 building on the property.

14 So it's maintaining the property line location on
15 the north side as the existing. It's shifting it back off
16 the street the five feet in order to allow for that
17 accessible access.

18 And then it's -- you know, building into the rear
19 setback more than the existing building is currently.

20 And so what all that results in is yeah, it's more
21 than the current, which is also over and above what is zoned
22 for. It reduces the amount of square footage of lot area

1 per unit.

2 But I would say in line with what's present in the
3 neighborhood anyway. I think many units are in a similar
4 situation. And it is removing some potential green space
5 from the rear yard, but we're trying to -- you know, make up
6 for that by including this private sort of outdoor space, as
7 we saw in the floor plans.

8 WENDY LEISERSON: So yes. I understand you're
9 going to be offering the open-air options of the embedded
10 porches, which is nice by design. I don't necessarily think
11 it's equal to green space, however, which was the tradeoff
12 in expanding the footprint of the building, correct?

13 ANDREW PLUMB: I suppose you could put it that
14 way. I mean, our point of view was that yes it won't have a
15 lawn in it, but it is something that is a part of the daily
16 life of the people who live there to have the air and light
17 and the ability to have their living space spill out into an
18 open-air thing, which I would argue gets used vastly more
19 than, you know, a kind of garden in the back for your sort
20 of every now and then barbecue and so on and so forth.

21 So -- but I think that's -- I imagine that depends
22 on the family, I think.

1 ANDREW PLUMB: Yeah, I guess that's probably true,
2 yea.

3 WENDY LEISERSON: And also the ages of the
4 children.

5 ANDREW PLUMB: Right, right.

6 WENDY LEISERSON: Really thinking families, as
7 opposed to young professionals, yeah.

8 And then I had another question, which is the
9 basement, it's all mechanical, correct?

10 ANDREW PLUMB: Correct.

11 WENDY LEISERSON: So is there no -- and, you know,
12 I'm sure this affects all the calculations. But I'm just
13 really thinking from a family point of view versus a young
14 professional or transient population.

15 The lack of storage, or the lack of other
16 potential space down there, you know, I know that there have
17 been some developments -- for example I could name an
18 address -- but it was a unit that was created into four
19 condo units, and they have a sort of extra room that's a
20 livable room in the basement for an office or -- as well as
21 storage.

22 And I just wonder if you've thought about anything

1 like that for quality of life for -- to encourage families
2 to stay in the city?

3 ANDREW PLUMB: Yeah. We actually -- we started
4 when dedicated storage areas -- not like living space, but
5 storage areas. I lived for years in a three-family that had
6 that.

7 And the thing that we got hung up on was our
8 reading of the code was that in order to provide that, you
9 had to provide an accessible means of access to the
10 basement, and we have no way of doing that in the absence of
11 an elevator, which I don't -- I just, I don't think this
12 project can support.

13 So we're not providing -- you know, that storage.
14 I mean, I suppose that could be some relief that we request.
15 I didn't think about that. I think it would be great.
16 Frankly, I would love to build dedicated storage for each
17 unit down there.

18 WENDY LEISERSON: Okay, thank you. I just wanted
19 to make sure I had an understanding of the scope of the
20 project.

21 ANDREW PLUMB: Yeah.

22 WENDY LEISERSON: That answers my questions for

1 now.

2 CONSTANTINE ALEXANDER: Thank you, Wendy. I'm
3 going to now close -- I'm going to open the matter up to
4 public testimony, see if anyone wishes to speak. Any
5 members of the public who wish to speak should now click the
6 icon at the bottom of your Zoom screen that says, "Raise
7 hand."

8 If you're calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6.
10 We'll take a few minutes to see if anyone -- for people who
11 wish to speak.

12 Go ahead, Sisia.

13 SISIA DAGLIAN: Philip Miller? (phonetic)

14 UNIDENTIFIED SPEAKER: Yes. Yes.

15 SISIA DAGLIAN: Go ahead.

16 UNIDENTIFIED SPEAKER: No, I'm sorry, I --

17 THE REPORTER: Give your name and address, please?

18 UNIDENTIFIED SPEAKER: No, I don't have a comment.

19 I'm sorry, I accidentally pressed unmute. I'm all set.

20 Thank you.

21 CONSTANTINE ALEXANDER: Thank you. Anyone else?

22 SISIA DAGLIAN: Allan Sadun?

1 ALLAN SADUN: Hi. Thank you so much. My name is
2 Allan Sadun. I'm about to live at 24 Union Street, a few
3 blocks away from the proposed home.

4 I urge you to grant their requested zoning relief,
5 as to not do so presents an unsurmountable hardship to their
6 goal of providing reasonably sized, reasonably priced
7 housing to Cambridge families.

8 I hear the discussion about making sure this
9 housing is available to families, and not only suitable for
10 small households, but just to put this into context,
11 according to recent census data, 72 percent of households in
12 Cambridge are one or two people, and that's a trend that's
13 only increasing.

14 But unit sizes and new construction are also
15 increasing, which is the opposite of what should be
16 happening given these demographic trends.

17 So, you know, insisting on only very large units
18 is not an effective way to ensure that families can live in
19 Cambridge. You're just going to end up with small
20 households in large units.

21 I think these units are a very reasonable, middle-
22 of-the-road proposal -- definitely appropriate for families.

1 I think -- well, I think I know lots of families that can
2 exist in 1100 square foot units.

3 And I want to underscore that if the zoning relief
4 is not granted, they have to build a much more expensive,
5 much less contextual structure.

6 Just an example of that new construction, at the
7 end of Union Street on 55 and 65, they don't fit in with the
8 neighborhood at all, and I think that this is a much better
9 proposal that they're offering. So I'm speaking in support.
10 Thank you.

11 CONSTANTINE ALEXANDER: Thank you. Anyone else,
12 Sisia?

13 SISIA DAGLIAN: No.

14 CONSTANTINE ALEXANDER: Okay. I'm going to now
15 close public testimony. We have two -- obviously we have
16 two petitions before us, one for the parking -- that's a
17 special permit, and before that a variance to construct the
18 building itself. I will make a motion to -- I'll start with
19 the variance. We'll make a motion to grant the variance,
20 and then we'll take a vote. People can discuss and say yes,
21 they support that, no or I think we need to following
22 changes.

1 So with that procedure, the Chair -- let me find
2 the -- the Chair moves that we make the following findings
3 with regard to the variance being sought:

4 That a literal enforcement of the provisions of
5 the ordinance would involve a substantial hardship -- such
6 hardship financial or otherwise -- to the petitioner.

7 The hardship result seems to me from the size of
8 the lot. It's very much and undersized lot relative to the
9 minimum requirements of our city. And that's would be for
10 whoever wishes to build on this lot.

11 That the hardship is owing to the fact that this
12 is already a nonconforming lot, and therefore any further
13 modifications require zoning relief.

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

18 In this regard, what is being proposed will add
19 additional housing -- affordable housing for the city of
20 Cambridge, which, as we all know, is in need of more such
21 housing.

22 So on the basis of all of these findings, the

1 Chair moves that we grant the variance requested on the
2 condition that the work proceed in accordance with plans
3 prepared by AAMODT -- I think I pronounced it right --
4 AAMODT, A-a-m-o-d-t- Plumb Architects, LLC. I don't see a
5 date on the plans, but the first page of which has been
6 initialed by the Chair.

7 I think we should take a vote on the variance
8 before we get to the special permit. So Brendan, how would
9 you vote?

10 BRENDAN SULLIVAN: Yeah, I would support the
11 variance. Somewhat mixed feelings on this, but generally I
12 think if you have to say yes or no, I would say yes for
13 granting the variance.

14 CONSTANTINE ALEXANDER: Thank you. Andrea?

15 ANDREA HICKEY: I am exactly where Brendan is. I
16 would prefer to see an affordable unit. I'd also prefer if
17 we can't have that to see two units instead of three. But I
18 guess we'll get to the parking later. But with what's on
19 the table, I can support it.

20 CONSTANTINE ALEXANDER: [Laughter] She says
21 enthusiastically.

22 ANDREA HICKEY: Well --

1 CONSTANTINE ALEXANDER: I'm kidding. I'm just
2 teasing. Jason?

3 JASON MARSHALL: I think it's a thoughtful design.
4 I agree with Wendy; I think the proposal is well thought
5 out. You clearly put a lot of sweat equity into getting
6 neighborhood support and clearly from what we heard tonight
7 a lack of opposition anyway.

8 So agree with the ends and the designs, and as
9 long as the parking issue we discussed earlier in terms of
10 the proximity in the cars to the unit can be addressed, I
11 would also be inclined to support the variance.

12 CONSTANTINE ALEXANDER: Thank you. Wendy?

13 WENDY LEISERSON: I am with Brendan and Andrea in
14 having some reservations, and I just want to say to the
15 person who spoke about the trend of one- to two-person
16 households being the case, I think we don't know what is the
17 cause and what is the effect in the numbers that were cited.

18 And so my concern remains that the housing that is
19 being built that is so-called more accessible in price is
20 causing the trend of the one- to two- person households as
21 opposed to --

22 CONSTANTINE ALEXANDER: So I take it you are

1 voting in favor --

2 WENDY LEISERSON: -- it being catered for the
3 naturally [25:02 audio unclear] population. But I am
4 despite that soapbox I just put myself on -- yes, voting in
5 favor.

6 CONSTANTINE ALEXANDER: Okay. And the Chair; I've
7 already expressed my reservations about this project --
8 namely the fact that it's three-family.

9 So I join in with Andrea and Brendan, two of my
10 fellow Board members saying that I'll vote in favor, but
11 with a great deal of reluctance.

12 [All vote YES]

13 CONSTANTINE ALEXANDER: So with that, the variance
14 is granted.

15 Moving onto the special permit, looking for the
16 section in the ordinance that deals with special permits or
17 reduction of parking -- here it is -- there's a Section
18 6.35.1: a special permit as to reduce parking shall be
19 granted only if the Board determines and cites evidence in
20 its decision that the lesser amount of parking will not
21 cause excavate congestion, endanger public safety,
22 substantially reduce parking availability or otherwise

1 adversely impact the neighborhood. So that's sort of the
2 framework.

3 I would note that when this provision of the
4 ordinance was drafted many years ago, Cambridge had a
5 different policy with regard to parking.

6 Now the parking is something the City Council
7 doesn't seem to be as concerned about as it once was. And
8 so parking relief is not nearly as difficult to obtain in my
9 opinion as it once was.

10 So, Brendan, how do you vote on the special permit
11 to reduce the parking?

12 BRENDAN SULLIVAN: There are two things:
13 Exempting the basement floor area and the parking, and I
14 would vote to grant the special permit.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: I am not in favor of the parking
17 as proposed, due to two factors. One, the proximity of the
18 single space that is properly dimensioned as a stand-alone
19 space to the building. And I'm not in favor of tandem
20 parking. So I cannot vote in favor of this.

21 CONSTANTINE ALEXANDER: Of the special permit?

22 ANDREA HICKEY: Yeah.

1 CONSTANTINE ALEXANDER: Thank you. Jason?

2 JASON MARSHALL: Thank you, Mr. Chair. I just
3 want to -- can you help me understand a little bit if we
4 vote to grant the relief, does that mean we would be
5 approving the tandem parking proposal that we heard tonight?
6 And what would happen if we did not vote in favor of the
7 special permit?

8 CONSTANTINE ALEXANDER: Well, if we don't -- if we
9 vote in favor of the special permit, yes it would be -- I
10 believe it would be approving or authorizing or permitting
11 tandem parking.

12 If we don't vote and grant the special permit
13 tonight, the petitioner has got to come up with a different
14 parking solution, or a different approach, because we do
15 need to have -- I believe, to get a building permit, you've
16 got to provide off-street parking.

17 And they don't have any permission to do so.
18 Because the only thing they proposed is not approved by our
19 Board. I think that's how it works.

20 ANDREW PLUMB: May I offer a point of
21 clarification?

22 CONSTANTINE ALEXANDER: Sure.

1 ANDREW PLUMB: What we're requesting is the
2 reduction of required spaces from three to one. We're not
3 requesting approval of tandem parking. We're just
4 requesting approval of one parking space instead of three,
5 based on --

6 ANDREA HICKEY: But if tandem parking is shown on
7 the plan and we approve the plan, then we've --

8 ANDREW PLUMB: Tandem parking is -- what's shown
9 on the plan is one space, and then a garden beyond. It's
10 not -- I mean if it's not clear enough on the plan, I'm
11 happy to update that. But what we're requesting is one
12 parking space, instead of three.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: Then I think the motion would have
15 to be reframed. Because as I understood the motion, it was
16 for parking as shown on the plan, and perhaps I
17 misinterpreted there being a tandem space on the plan.

18 CONSTANTINE ALEXANDER: Let me rephrase the
19 motion.

20 The relief that's being sought is to only have one
21 off-street parking space, although our ordinance would
22 require three, because we have three dwelling units.

1 Anything beyond that, if there is a zoning problem, would
2 require additional zoning relief at a different time.

3 JASON MARSHALL: That's helpful to me, Mr. -- this
4 is Jason Marshall -- that's helpful to me, Mr. Chair,
5 because I did not want to vote to approve a parking space
6 where it wasn't meeting the spatial requirements between the
7 car and the building. So that's helpful. I could support
8 that kind of a motion.

9 CONSTANTINE ALEXANDER: Okay. Andrea, are you
10 still -- where are you now?

11 ANDREA HICKEY: All right. Now, again, as with my
12 first vote on the overall three-unit building, I can
13 reluctantly support one space.

14 So I would be in favor of that proposal that there
15 be one space as shown on the plan with no additional parking
16 on site, tandem or otherwise.

17 CONSTANTINE ALEXANDER: Thank you. Wendy?

18 WENDY LEISERSON: I think I'm with Andrea on this
19 one. So the bottom line is I'm in favor.

20 CONSTANTINE ALEXANDER: Okay. And the Chair is in
21 favor as well. I think the relief again is consistent with
22 where the city is today, with off-street parking.

1 It's less than the ordinance requires, but the
2 ordinance is behind the times if you will in terms of where
3 the City Council is with regard to promoting parking, or
4 requiring parking.

5 More and more, we're seeing relief being granted,
6 or we grant relief to reduce the required parking to reflect
7 the spirit or the will of the City Council. I vote in
8 favor.

9 BRENDAN SULLIVAN: Okay, and --

10 CONSTANTINE ALEXANDER: So five in favor of the
11 special permit to reduce parking -- off-street parking. One
12 space has been granted.

13 BRENDAN SULLIVAN: Okay, [Brendan Sullivan], and
14 also to exempt the basement floor.

15 CONSTANTINE ALEXANDER: That's right. Thank you
16 for mentioning that. And to exempt the basement, pursuant
17 to Section 2.16 of our ordinance.

18 ANDREA HICKEY: Thank you. And this is Andrea
19 speaking again. I would just like to thank Mr. Plumb. I
20 thought his presentation was really comprehensive and
21 thoughtful. We don't always see that.

22 So -- and I also appreciate your outreach to the

1 community. So thank you for such a good and thorough
2 presentation.

3 ANDREW PLUMB: My pleasure. Thank you very much.

4 CONSTANTINE ALEXANDER: The case is over. Thank
5 you again.

6 ANDREW PLUMB: Okay. Thanks very much.

7 CONSTANTINE ALEXANDER: Moving on.

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2 (8:14 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 119050 -- 39 Kelley Street. Anyone here wishing
8 to be heard on this matter?

9 RICHARD FRIERMAN: Hello, my name is Richard
10 Frierman. With me is my wife, Lynn Gervens. We're the
11 owners of the building at 3941 Kelley Street. We've been --
12 we purchased this building in 1984.

13 Today we're seeking relief so we can rebuild our
14 front porch with some minor modifications. The relief we
15 need is for a very modest increase in floor area ratio, and
16 to make some changes within the front yard setback.

17 If we could bring up our presentation document?

18 Next page, please?

19 So this shows the existing conditions. And what
20 I'd like to point out on this -- and you can see the
21 existing front porch with side entry steps, and you can see
22 in the FAR calculation that what we're talking about doing

1 is increasing the nonconforming FAR from 1.021 to 1.023. So
2 it's a very, very modest increase in floor area ratio.

3 If you can go to the next page, please?

4 The changes we're talking about will help us
5 address a few different problems with the existing porch.
6 First, the existing stairs and treads are not up to code.
7 Right now they -- the risers exceed the seven inches, and
8 treads are below 11-inch minimum.

9 Also, the other notes on this page, you can see
10 that we have this very awkward -- this acute angle where the
11 porch meets the house. It's always been kind of problematic
12 when it comes to any kind of maintenance, painting, ceiling
13 issues.

14 The struts on the doors are on the left-hand side,
15 that's the entrance to our unit at 39, is very close to the
16 existing railing. And on the right-hand door, that's the
17 entrance to 41, where we have two tenants. The strike
18 side's very close to the steps down.

19 The walkway to the existing steps, which we
20 propose we're moving is a concrete slab that is being pushed
21 up by roots of a very nice oak tree on the next property.
22 And it's created a slope in the concrete, and it's also --

1 doesn't seem to be too healthy for the tree.

2 Next page, please?

3 This is existing conditions. The picture on the
4 right is before we just did some temporary repairs, so that
5 we wouldn't have any problem while we were waiting to move
6 forward with the construction.

7 We removed the railing on the second floor, since
8 it wasn't structurally sound anymore -- I didn't want it
9 falling off on someone -- and temporarily shored up the
10 left-hand post.

11 Next slide, please?

12 In this you can see the right-hand picture, the
13 out-of-level walkway. The bit of black asphalt patch just
14 showed up one day compliments of the DPW crew. They were
15 fixing a pothole on the street, and they noticed how bad
16 this edge was, and it was becoming a trip hazard.

17 So without asking, they put in this temporary
18 patch, and it just gives -- and you can also see the
19 cobblestones along the side, to get an idea of how much this
20 tree is pushing up everything around it.

21 So we -- with our proposal, we take that concrete
22 back to the corner of the house and landscape this stretch.

1 Next slide, please?

2 This is the proposed footprint for the new porch.
3 We would move the stairs to the front and bring them down
4 towards the street and add a 14-square-foot section to bring
5 the -- extend the porch out to the first corner, the first
6 corner of the bay. And that lets us -- this plan lets us
7 put in the stairs up to code, old treads at 11 inches and
8 risers seven inches at most.

9 And landing on granite -- a piece of granite as
10 part of the landscaping, but that would constitute the
11 bottom step, and meet the same code requirements.

12 Next slide, please?

13 This is the proposed elevation, and I think it is
14 self-explanatory. And now, frankly, parts of it we're
15 hoping we'll also just make it a better-looking porch.

16 Next slide?

17 This is showing five other houses on the street
18 that all have the steps coming down to the sidewalk -- in
19 some cases with no space at all. Just to give you an idea -
20 - excuse me, this would be consistent with the neighborhood.

21 And as we've been working on this design, we've
22 spent many a walk around the neighborhood, become kind of

1 connoisseurs of front porches. What we're proposing is
2 pretty consistent with many other houses in the neighborhood
3 -- the porch with steps, you know a more welcoming approach
4 to the house with steps down to the front, and just
5 generally a better-looking structure.

6 And the final page is just the plot plan. We also
7 submitted 11 letters of support from our neighbors on RC
8 Kelley Street.

9 And I think that takes it to where it is. Our
10 architect, John Titman, is also standing by, if there are
11 any questions you want to direct to John or to me.

12 Next slide?

13 CONSTANTINE ALEXANDER: Okay, thank you. Brendan,
14 do you have any questions?

15 BRENDAN SULLIVAN: Brendan Sullivan no questions.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: I have no questions. Thank you.

18 CONSTANTINE ALEXANDER: Jason?

19 JASON MARSHALL: Jason Marshall no questions.

20 CONSTANTINE ALEXANDER: Wendy?

21 WENDY LEISERSON: Wendy Leiserson no questions.

22 CONSTANTINE ALEXANDER: The Chair has no questions

1 either, so I will now open the matter up to public
2 testimony. Any members of the public who wish to speak
3 should now click the icon at the bottom of your Zoom screen
4 that 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. I'll
7 take a few moments to see if anyone wishes to speak.

8 [Pause]

9 Apparently, we have no one wishing to speak.
10 There are letters of support, as mentioned by the
11 petitioner. And with that, I'll close public testimony.
12 I'll make a motion, if we need further discussion. Let me
13 make a motion and we can have the discussion in the context
14 of the motion.

15 So the Chair moves that we make the following
16 findings with regard to the variance being sought:

17 That a literal enforcement of the provisions of
18 the ordinance would involve a substantial hardship, such
19 hardship being -- and it runs with the property in its
20 current format -- that the access to the front of the
21 structure has seriously been damaged over the years by
22 erosion, and to rebuild requires zoning relief.

1 That the hardship is owing to the fact that this
2 was already a nonconforming structure, and therefore any
3 modification requires zoning relief.

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

8 In fact, what would result should we grant the
9 variance is to improve the access and egress from the
10 structure for the occupants of the structure.

11 So on the basis of these findings, the Chair moves
12 that we grant the variance sought on the condition that the
13 work proceed in accordance with plans that were submitted by
14 the petitioner -- I see two pages -- and I've initialed both
15 pages.

16 Brendan, how do you vote?

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

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: Andrea Hickey yes in favor of
21 granting the variance.

22 CONSTANTINE ALEXANDER: Jason?

1 JASON MARSHALL: Jason Marshall yes in favor of
2 the variance.

3 CONSTANTINE ALEXANDER: Wendy?

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

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

8 [All vote YES]

9 CONSTANTINE ALEXANDER:
10 Variance granted. Good luck.

11 RICHARD FRIERMAN: Thank you.

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2 (8:23 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 119627 -- 44 Kinnaird Street. Anyone here
8 wishing to be heard on this matter?

9 TAL LEVY: Yes, hi. Just starting the video. Hi,
10 good evening. My name is Tal Levy. I'm here with my wife,
11 Irina Izovskaya. We're the owners of 44 Kinnaird. Thank
12 you for hearing our case. We will be --

13 CONSTANTINE ALEXANDER: We have no choice. You
14 made an application; we've got to hear it.

15 TAL LEVY: Fair enough. We will first describe
16 the high level of the project, and then our architect,
17 Alberto, will provide more details.

18 So we purchased the house in March and are
19 converting it into a single-family home for our growing
20 family.

21 We currently live very close to 44 Kinnaird, just
22 a few blocks away on Putnam Ave. I also work quite close in

1 Harvard Square.

2 We love the neighborhood, and are excited we found
3 a house to make into a long-term home. We hope to stay in
4 44 Kinnaird for many, many years to come -- a really long
5 time.

6 And as such, we're here requesting a special
7 permit to construct a half-story Mansard roof addition, and
8 also just relocate one window within the setbacks to help
9 align the windows.

10 The extra space will allow for home offices and a
11 guest room for Irina's mother, who lives in Siberia. And
12 for her trip is -- well, for anyone the trip is three days
13 each way, so it's quite a trek, and therefore the visits
14 need to be extended, and we would plan and would like for
15 her to visit frequently to help with child care.

16 The resulting home will remain under the FAR and
17 height requirements of the neighborhood, and will not create
18 any new zoning violations.

19 We will also be increasing the green space by
20 removing a few small additions in the rear of the building.
21 Both of us really love being outside and enjoy gardening,
22 and we plan to turn the back yard into even nicer garden and

1 open green space.

2 In terms of the exterior aesthetics, we
3 prioritized the house maintaining Cambridge's older
4 architectural style, and thus we went with the Mansard roof
5 for the addition.

6 We also believe the project will improve the
7 overall curb appeal of the street in addition to just the
8 looks of our building.

9 Additionally to improve the privacy between
10 buildings, we're actually removing the number of windows on
11 both the right and left side of the building. For public
12 outreach, we've talked to many of our neighbors, and we've
13 received several letters of support and no opposition.
14 Those should be on the file.

15 Thank you. Our architect, Alberto, will now
16 review the details of the special permit and architecture.

17 ALBERTO CABRE: Good evening, Board. Can you hear
18 me?

19 CONSTANTINE ALEXANDER: Yes, we can hear you.

20 ALBERTO CABRE: So tonight thank you for having us
21 tonight. We just want to go over a brief special permit for
22 our clients. Right now it's an existing two-family. On the

1 nonconforming side, the side is 4000 square feet, and the
2 required height is 5000.

3 The existing property is inside the setback on the
4 north side of the property, or on the left side if you're
5 looking at the floor plan right now.

6 Can we go to the next slide?

7 The proposed plan basically keeps the same
8 footprint. We're not adding any footprint, we are just
9 changing elevations from the north façade.

10 And we can go to the other slide, where we can
11 explain the setback. All right, slide number 3, please.

12 You can see the setback on the north façade, just
13 to get it to the seven feet six inches -- basically the
14 prior north façade, based on that setback.

15 If you go to the next slide, we can see that is a
16 two-story vinyl siding, two-family. Each level is a family.

17 The whole special permit is to add a mansard roof
18 inside the required 35 feet allowed by code, and eliminating
19 some of the windows that are on the neighbor's north
20 elevation.

21 The next slide?

22 What we're trying to do is enhance the streetscape

1 of the house by adding the details of what the neighborhood
2 -- other single-family and two-families with the bay windows
3 more detailed... better exterior material; the addition of a
4 better porch entrance and second-floor porch.

5 Next slide?

6 This is a rendering that shows the existing
7 housing as it is. It's a two-story, and the lower rendering
8 shows the addition of the mansard roof to the house. It's
9 not going to go above 35 feet, and it's basically inside the
10 three-family, two-story buildings that are on the neighbors'
11 properties.

12 Next slide, please?

13 This is a couple more views of the front façade,
14 changing the colors of the exterior of the building and the
15 back, that (sic) we are cleaning the rear of the building.

16 Next slide?

17 This is the existing floor plan.

18 And we can just go straight to the

19 Next slide, please?

20 And next one?

21 So the property will get completely on the inside,
22 will be configured as a single-family, just to merge the two

1 levels. And as Irina as Tal said, making the office space
2 on the mansard area and the family room on the third floor.

3 For the -- if we go to slide number four, please?

4 You can see that we are -- basically all the
5 windows will get new windows. The bay windows will get
6 larger windows, and that's what also the special permit you
7 can see on the north bay window we need to -- it's inside of
8 the setback. So we need to request a special permit for
9 those windows.

10 And also, on the back of the building, we're just
11 cleaning all the little additions that were on the back and
12 making this a full single, two-story addition and aligning
13 all the windows.

14 And the next slide?

15 You can see on the top that we have four windows
16 on the north façade. And we're changing to only one window
17 in the neighborhood façade.

18 And on the south that is outside of the scope of
19 the special permit. We're just deleting two windows on the
20 side and just leaving the existing on the same location on
21 the lower level.

22 And then the addition of the mansard roof you can

1 see that it's below the 35 feet to the top of the structure.
2 FAR is changing, but it's under the allowable FAR of the
3 project. And that's -- any questions?

4 CONSTANTINE ALEXANDER: Any questions from members
5 of the Board?

6 BRENDAN SULLIVAN: Brendan Sullivan no questions.

7 CONSTANTINE ALEXANDER: Not hearing any from
8 anyone else -- I assume there are no questions. I have no
9 questions. Anyway, let me go around the room. Andrea, do
10 you have any questions?

11 ANDREA HICKEY: I have no questions. Thank you,
12 Mr. Chair.

13 CONSTANTINE ALEXANDER: Okay. Jason?

14 JASON MARSHALL: Jason Marshall no questions, Mr.
15 Chair.

16 CONSTANTINE ALEXANDER: Okay. And Wendy?

17 WENDY LEISERSON: Wendy Leiserson no questions.

18 CONSTANTINE ALEXANDER: Good. Thank you. And the
19 Chair has no questions as well. So I'll now open the matter
20 up to public testimony. As indicated, there are letters of
21 support in our file, and no letters of opposition.

22 Anyway, for the people who wish to speak, any

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

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

7 [Pause]

8 CONSTANTINE ALEXANDER: Apparently not. So I will
9 close public testimony, and we can move on to the merits of
10 the case.

11 Also, I would propose to make a motion to grant
12 the relief, and as we go around for the vote, if members
13 have objections or want modifications, we can take it up at
14 the point.

15 So the Chair moves that we make the following
16 findings with regard to the special permit that's being
17 sought: That the requirements of the ordinance cannot be
18 met unless we grant the special permit.

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

1 As presented by the petitioners, all that's being
2 done is to add some additional living space in the
3 structure, and it does not impact -- as, again, per the
4 plans -- does not impact neighboring properties or the
5 neighborhood itself.

6 Again, the continued operation of or development
7 of adjacent uses, as permitted in the zoning ordinance, will
8 not be adversely affected by the nature of what is proposed.
9 Evidence of this is the fact that there are no letters of
10 opposition or persons who appear tonight to oppose, and
11 there are letters of support.

12 That 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 I think the facts speak for themselves as to that.

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

20 So on the basis of all of these findings, the
21 Chair moves that we grant the special permit being requested
22 on the condition that the work proceed in accordance with

1 plans prepared by Joe the architect, the cover page of which
2 has been initialed by the Chair.

3 Brendan?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to
5 granting the special permit.

6 CONSTANTINE ALEXANDER: Andrea?

7 ANDREA HICKEY: [Andrea Hickey.] Yes, I vote in
8 favor of granting the special permit.

9 CONSTANTINE ALEXANDER: Jason?

10 JASON MARSHALL: Jason Marshall yes in favor of
11 the special permit.

12 CONSTANTINE ALEXANDER: Wendy?

13 WENDY LEISERSON: Wendy Leiserson yes in favor of
14 the special permit.

15 CONSTANTINE ALEXANDER: And the Chair will make it
16 unanimous. Yes, as well.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Special permit granted.
19 Thank you.

20 BRENDAN SULLIVAN: Could I request a five-minute
21 break?

22 CONSTANTINE ALEXANDER: Okay, let's see what time

1 it is. It is 8:36. Why don't we resume at let's make it
2 8:45.

3 BRENDAN SULLIVAN: Thank you.

4 CONSTANTINE ALEXANDER: We'll take a brief recess
5 until 8:45.

6 [BREAK]

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2 (8:45 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 reconvene this meeting, our brief recess being over. And
8 the Chair will now call Case Number 118194 -- 86 Otis
9 Street. Anyone here wishing to be heard on this matter?

10 NATALIE JANSON: Yes. Hello, good evening. My
11 name is Natalie Janson. I am Senior Project Manager at the
12 Cambridge Housing Authority.

13 I'm here today with my colleague Clara Fraden, who
14 is the Deputy Director of the Planning and Development
15 Department at the Cambridge Housing Authority; Hannah
16 Kilson, our counsel from Nolan Sheehan Patten; and Ben
17 Wilson, who's representing the architectural team BH+A.

18 We wanted to thank you for inviting us to present
19 the CHA's request and then the existing variance at Putnam
20 School Apartments, which is located on 86 Otis Street.

21 Given time, I will run through this presentation
22 quickly and give a slightly shorter presentation than I had

1 planned.

2 So Putnam School Apartments is a historic
3 schoolhouse in East Cambridge. The CHA received a variance
4 from the Board of Zoning Appeals in 1981 to convert this
5 building into 27 deeply affordable dwelling units for
6 seniors and disabled residents, and also to limit the
7 parking spaces to two spaces.

8 The property now needs to be comprehensively
9 renovated, which leads us to request an amendment to the
10 existing variance on the basis that the grounds for hardship
11 that we received as part of the initial variance still
12 remain.

13 Next slide?

14 So the first request that we have is to increase
15 the FAR for the property from 2.21 to 2.34. What this would
16 allow us to do is to repurpose a portion of the basement
17 that's currently used as maintenance and mechanical space
18 into a large community room residence, as well as the
19 management office for a laundry room.

20 Currently, the property has a lot of small,
21 underutilized common spaces that are scattered throughout
22 the building.

1 One of the goals of the renovations is to
2 consolidate those and create a larger space in the basement
3 that can accommodate all of the residence when they need to
4 get together, while still keeping one of the smaller social
5 rooms on the first floor.

6 Next slide, please?

7 The basement used to be used for classroom space
8 and has tall ceilings and natural light. And we think that
9 this is a great way to improve resident quality of life
10 without having to expand the footprint of the building.

11 Next slide?

12 The second request is to decrease the lot area per
13 dwelling unit from 536 square feet to 425 square feet. And
14 this is because we are increasing the dwelling units from 27
15 existing dwelling units to 34 dwelling units.

16 It's important to note that while it is an
17 increase in seven dwelling units, it only results in a small
18 increase in bedrooms. Only three additional bedrooms will
19 be created on site. And thus, we don't think this will be
20 too significant increase in congestion in the area.

21 Part of the increase in dwelling units is -- and
22 the decrease in the lot area per dwelling unit is what we're

1 looking at right here is the fourth-floor existing
2 congregate units, where there are -- you can see on the left
3 there are three units. These three units serve nine
4 residents. The nine residents are split up into groups of
5 three that have their individual bedrooms, but share living
6 facilities.

7 These have been extremely hard to lease and to
8 maintain as occupied. And therefore they represent a
9 financial hardship for the property, who it has also made a
10 more urgent the need for us to provide separate living
11 spaces for residents where possible.

12 What you see on the right of the slide is what
13 we're proposing. So we're proposing to take those three
14 dwelling units and instead create eight separate units.

15 Next slide, please?

16 And what you can see on the slide here is that the
17 bedroom count for the fourth floor before and after does not
18 change. It was nine bedrooms before, and it would be nine
19 bedrooms after.

20 Next slide?

21 What you can see on this floor, it's the third
22 floor. Because we're consolidating the community space in

1 the basement, there's an opportunity to add an additional
2 affordable unit on this floor -- a one bedroom -- next slide
3 -- which increases the bedroom count here by one.

4 Next slide, please?

5 On the second floor, we're proposing to take the
6 former space of the management office, which will now be
7 moved into the basement to create an additional one-bedroom
8 unit.

9 Next slide?

10 And what this does, on this floor here we're
11 seeing an increase of two bedrooms. Part of that is the
12 additional unit on this floor, and then there is the smaller
13 social room in the back that's underutilized, which we're
14 proposing to include in a one-bedroom in order to expand it
15 into a two-bedroom.

16 Next slide?

17 So I just wanted to -- before I move on that long-
18 term bike parking just highlight again that here's an
19 opportunity to add affordable housing to the site, and we
20 can do so without having to increase congestion in the area
21 because of the limited increase in headroom count.

22 So what we have on this slide is our third

1 request, which is around long-term bike parking. We are
2 requesting to decrease the required long-term bike parking
3 spaces from 35 that's required to 12 spaces. These will be
4 provided as part of the community basement space.

5 And we're requesting to keep it at 12, because
6 there's not significant demand for bicycle parking among our
7 residents, and providing any more bicycle parking given the
8 limitations on the site would impinge on the community space
9 that we can provide both indoor and outdoor. And we're able
10 to provide the four short-term bicycle parking spaces.

11 Next slide?

12 Our last request is related to car parking. So
13 this slide here shows what's currently existing at the
14 property. Our variance for Putnam School, limited car
15 parking to two vehicle spaces, which are shown as little red
16 rectangles; one off of Otis Street and one off of Sciarappa
17 Street.

18 What you can also see is there's a small open
19 space at the back of the site and a large asphalt driveway
20 off of the photos.

21 One item that we'd like to confirm as part of this
22 presentation is whether our initial variance included

1 dimensional relief as it relates to setbacks from the
2 building for the car parking spaces at the 10-foot setback
3 from Putnam School and the five-foot setback from our
4 neighbors. Because it's not possible to provide two parking
5 spots without requiring some relief from that. And the
6 records are not clear.

7 Next slide?

8 So one of the goals of this renovation is to
9 increase valuable outdoor space for residents. And that's
10 what you can see here. There's a number of different
11 seating areas for larger groups, medium-sized groups,
12 individuals to be able to enjoy the outdoor area at the same
13 time. We're also building out an accessible ramp at the
14 back in order to increase our access to the back yard space.

15 And what this represents here is when we put
16 together the application for Putnam School to amend the
17 existing variance, we propose keeping the parking space at
18 two and having it located off of Sciarappa Street.

19 Part of that was so that we could preserve the
20 open space for resident use, and we also -- the three little
21 white rectangles that you see at the front is the
22 transformer that we have to put underground. And it needs

1 to be easily accessible for the utilities.

2 As we were preparing for our presentation today,
3 we were made aware that given the location in the back, if
4 there are two cars parked together, there is an emergency
5 exit from the back of the building for residents. There
6 were some life safety concerns around maintaining access
7 between that emergency exit and Sciarappa Street.

8 Next slide, please?

9 So we looked at alternate ways of dealing with
10 that issue in order to address this life safety issue. One
11 of the proposals was to stagger the two parking spaces in
12 the back, which is what we can see here on plan. You can
13 see that there would be access for residents.

14 But one of the concerns came up is if in reality
15 sometimes cars may not park precisely where they need to be
16 within their designated parking spots.

17 Next slide?

18 So what we'd like to do is to amend our variance,
19 or our amendment to our variance request to lower the
20 parking space to just one spot that we can provide off of
21 Sciarappa Street.

22 There are multiple reasons for requesting that.

1 One is that providing the additional seven spaces at Putnam
2 School Apartments would severely limit the amount of
3 recreational space outdoors that's available to residents,
4 and that's because of the placement of the building and the
5 constraint of the site.

6 There's also we did a parking study where we went
7 out to the site in mornings and evenings around like a four-
8 block radius. And what we found was that there was roughly
9 15 to 16 parking spots in the morning and in the evenings
10 that were available on the street.

11 What this plan also shows is that by extending the
12 landscaping and the outdoor recreational space for
13 residents, we can get rid of the curb cut that's in front of
14 the building, thus creating an additional on-street parking
15 space.

16 And this plan here with only one spot, we would
17 only need dimensional relief in terms of setback from Putnam
18 School for ten feet. We would be able to meet the required
19 five-foot setback from our neighbors on Sciarappa Street.

20 So that concludes our presentation. We'd love to
21 discuss any questions, and we thank you very much for your
22 time.

1 CONSTANTINE ALEXANDER: Thank you for the complete
2 presentation. Brendan, any questions?

3 BRENDAN SULLIVAN: No, I have not -- [Brendan
4 Sullivan], I have no questions.

5 CONSTANTINE ALEXANDER: Andrea?

6 ANDREA HICKEY: I have no questions, thank you.

7 CONSTANTINE ALEXANDER: Jason?

8 JASON MARSHALL: [Jason Marshall.] I have no
9 questions at this time.

10 CONSTANTINE ALEXANDER: Wendy?

11 WENDY LEISERSON: Wendy Leiserson no questions.

12 CONSTANTINE ALEXANDER: And the Chair has no
13 questions as well. So I'll open the matter up to public
14 testimony. We have one letter of support, and that's the
15 only correspondence that's in our files. So let me move on
16 to the ability of the public to weigh in if they wish.

17 Any members of the public who wish to speak should
18 now click the icon at the bottom of your Zoom screen that
19 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. Take
22 a moment to see if anyone's calling in. We do have a call.

1 SISIA DAGLIAN: Yes, Glenna?

2 [Pause]

3 SISIA DAGLIAN: Glenna, you may speak.

4 GLENNNA WYMAN: Can you hear me?

5 SISIA DAGLIAN: Yes. Go ahead.

6 CONSTANTINE ALEXANDER: Yes, we can hear you.

7 GLENNNA WYMAN: Can you hear me now?

8 SISIA DAGLIAN: Yes, yep.

9 CONSTANTINE ALEXANDER: We can hear you now, we
10 could hear you before.

11 GLENNNA WYMAN: Okay. I had questions. What?

12 [Pause]

13 GLENNNA WYMAN: Yeah. Can people talk up a little
14 bit more? It's hard to hear -- if they can without yelling.
15 I live on the premises at 86 Otis, and my last name is
16 Wyman. Okay?

17 SISIA DAGLIAN: Can you repeat your last name,
18 Glenna?

19 GLENNNA WYMAN: Yeah, Wyman, W-y-m-a-n.

20 SISIA DAGLIAN: Thank you. Go ahead.

21 GLENNNA WYMAN: So I had a number of questions for
22 the petitioners. We did get -- thank you to Nathalie or

1 Natalie -- we did get plans and the submissions to the
2 Zoning Board. But I had actually kind of missed some of
3 this, I guess.

4 The one question is where is that classroom space
5 that was depicted in, and who is that for?

6 And number 2, is the laundry space, or does the
7 laundry space as proposed involve any additional washers and
8 dryers? We currently have two washers -- a washer/dryer,
9 stackable washer and dryer on the second floor and on the
10 first floor for the entire building.

11 And it's unclear whether or not they will be
12 utilizing that ability to stack at least some of the
13 machines to enhance the number of machines available to the
14 tenants.

15 And will any trees be removed in this plan for --
16 it's hard to tell what's going on in this drawing with these
17 dark brown circles. It's beautiful in the back, the trees
18 in the back and the foliage. And I'm curious about whether
19 that will change.

20 And that one parking spot -- that will be the only
21 spot -- who is that for? Is that envisioned that that's for
22 a tenant? Because right now no tenants are allowed to park

1 on any of the spots that exist.

2 CONSTANTINE ALEXANDER: Petitioner, you want to
3 respond to those questions?

4 NATALIE JANSON: Yes, thanks, Glenna, for your
5 questions. So starting out with the classroom space
6 question, so the basement space used to be used for
7 classrooms back when the building was a schoolhouse. It has
8 not been used as classroom space since we converted the
9 building into housing. It's been used as mechanical and
10 maintenance space.

11 And so we're building out -- and the classroom
12 space is essentially to -- the historic classroom space was
13 to -- my understanding was that it was to the front of the
14 buildings on either side on the left and right.

15 So the ceilings were really tall. There's windows
16 for natural light. And the idea is to use that space to
17 build what we're referring to as essentially communities
18 where you have your community room, which is large enough to
19 host everyone in the building.

20 It has a little kitchen area, a centralized
21 laundry room, bike parking storage, bathroom facilities, as
22 well as the Management Office.

1 So that's the first question. In terms of --

2 GLENNNA WYMAN: May I interrupt?

3 NATALIE JANSON: Hm?

4 GLENNNA WYMAN: I didn't get an answer about you
5 showed classroom space in one of these -- you know,
6 drawings. Where is that classroom space going to be in the
7 basement there?

8 NATALIE JANSON: So there will be no classroom
9 space in the basement. It will just be a community room --

10 GLENNNA WYMAN: Oh.

11 NATALIE JANSON: -- for resident use.

12 GLENNNA WYMAN: So what was the drawing about that
13 showed a classroom space?

14 NATALIE JANSON: It may have been a reference to
15 the original use of the basement space.

16 Can we go to slide 3? Is that page you're
17 referring to, Glenna?

18 The view on the right-hand side is a rendering of
19 how we picture the community room to look. So you will
20 enter in right off of the lobby, either down the stairs that
21 will be opened up or down the elevator.

22 And then there will be the kitchenette that's

1 shown on the right, some seating. And then you can see the
2 large windows towards the top of the building.

3 So right next to the entrance either down the
4 stairs or down the elevator.

5 GLENNA WYMAN: Well, okay. So those tables with -
6 - round tables with chairs is not -- that is not classroom
7 space?

8 NATALIE JANSON: No, that's correct. That is the
9 basement -- community space that will be created as part of
10 this renovation.

11 GLENNA WYMAN: Okay. It was a little confusing,
12 because then there's this other drawing with a big, giant
13 pool table and other furnishings that don't look anything
14 like the tables and the round tables and the chairs. And
15 they don't seem to be the same space.

16 NATALIE JANSON: So I'm sorry for the -- that it
17 was not clear to follow. We wanted to include -- so what
18 we're showing here is on the right you see the rendering of
19 the proposed basement space.

20 And then on the left it's just images to give a
21 sense of the feel. Ultimately, we haven't decided on the
22 furnishing yet. It's just to give a sense of the scale of

1 the space, and that there could be different uses that would
2 be possible down there.

3 GLENNA WYMAN: Oh, okay. So the drawing with the
4 green walls and the -- or some kind of a virtual picture --
5 and the drawing with the round table, those are supposed to
6 be the same space?

7 NATALIE JANSON: Those are just two examples of
8 the type of space that might be -- or the feel of the space.
9 If we could go to the second slide? What this is showing on
10 the right side is essentially the community room. That's
11 the plan for what we're proposing.

12 GLENNA WYMAN: On the right side?

13 NATALIE JANSON: Yes. So where it says, "proposed
14 basement."

15 GLENNA WYMAN: Oh, okay.

16 CONSTANTINE ALEXANDER: Excuse me, if I can
17 interject here. Those questions are very important, I
18 understand, to residents of the building, but they're not
19 relevant to the zoning issue before us tonight. These are
20 things you should take up with the powers that be with
21 regard to the work, assuming we grant variance.

22 But --

1 GLENNA WYMAN: Oh. Well, it seemed like they were
2 relevant, since presentations were made about these uses of
3 the building. It seemed like it is relevant. But pardon
4 me.

5 CONSTANTINE ALEXANDER: All right, could you move
6 on? Also, as I indicated at the outset from the hearing,
7 people would only have three minutes to speak. And I
8 suspect you're getting very close to the end.

9 GLENNA WYMAN: Okay, well then give me my time.
10 Will any trees be removed from the outdoor space that's
11 being expanded or that currently exists?

12 NATALIE JANSON: So if we go to the slide that
13 shows the parking plan with the outdoor space, I think it's
14 the next one. Yeah. It could be 12, 13 or 14. Thank you.

15 So we are having to remove a tree to build the
16 handicapped accessible ramp. In the back of the property,
17 we think that that handicap-accessible ramp will really help
18 to increase access to the back area.

19 At the start of the renovation project in January
20 of 2020 we had resident meetings, and also a residence and
21 also a resident survey. And one of the concerns around
22 being able to use the outdoor space was ensuring that

1 there's good access to it for residents -- that you don't
2 have to just set the building from the front and walk down
3 Otis Street, and then be able to access it from that side.

4 And this tree that's being replaced, we're
5 replacing it with four other trees as part of the
6 landscaping plan.

7 GLENNA WYMAN: And where is that tree currently?

8 NATALIE JANSON: It's -- let me see if I get it
9 right. It's where you see the ramp at the back of the lot,
10 and where those steps are going down.

11 GLENNA WYMAN: Yeah, I see it.

12 NATALIE JANSON: So we looked at different designs
13 that might be able to not -- have -- they could be able to
14 keep the tree. But this was the only way for us to be able
15 to be meet the required slope for a handicapped accessible
16 ramp.

17 GLENNA WYMAN: So I'm sorry, I couldn't quite tell
18 where you were saying -- or at all tell where the ramp is
19 and where the tree is.

20 NATALIE JANSON: So as we're Zooming in right now,
21 in the back you see what looks like little beige squares
22 going down. That is essentially the ramp. And so towards

1 the middle of that ramp is roughly where the tree is.

2 GLENNA WYMAN: Do you have to get a permit from
3 the City of Cambridge to remove that tree, or have you
4 sought it already?

5 NATALIE JANSON: Because this is affordable
6 housing, my understanding is that we are exempt from the
7 tree ordinance.

8 GLENNA WYMAN: How tall is that tree?

9 CONSTANTINE ALEXANDER: Excuse me, ma'am. Again,
10 you're talking about issues that are not relevant to what's
11 before us tonight. Please --

12 GLENNA WYMAN: Well, none of this stuff was
13 presented to me. I was moved over here. I may have a right
14 to return, and this is the only opportunity I have to ask
15 these questions. And again, all of these things seem to
16 have been relevant, because they were mentioned in the
17 course of presenting this proposal to the Board tonight.

18 CONSTANTINE ALEXANDER: You'll have the
19 opportunity to ask questions before the hearing tonight.
20 These plans have been on file at least for three or four
21 days. I am sure that the City officials would have
22 responded to your questions, and we have a long agenda

1 tonight.

2 And I don't want to spend time talking about
3 whether trees are going to be removed. That's not relevant.
4 It's relevant to the city; it's not relevant to this Board.

5 GLENNA WYMAN: Okay. So I'm not sure if the
6 question was answered about who that one solitary parking
7 spot is for. Is that relevant --

8 CONSTANTINE ALEXANDER: That's not relevant.

9 GLENNA WYMAN: -- to ask about?

10 CONSTANTINE ALEXANDER: I don't want to get into
11 that. Who gets that parking space is not an issue before us
12 tonight. It's not a zoning issue.

13 GLENNA WYMAN: It just kind of seems like if I
14 were a property owner, you wouldn't be being so caustic --

15 CONSTANTINE ALEXANDER: No, that's not true.

16 GLENNA WYMAN: -- in my questioning.

17 CONSTANTINE ALEXANDER: That's not true.

18 GLENNA WYMAN: Well --

19 CONSTANTINE ALEXANDER: If you were a property
20 owner -- listen to the earlier cases; we look at driveways,
21 we look at how the parking is going to work out. That's --
22 we don't get into who will get parking space. And that's

1 the questions we want to have answered.

2 GLENNA WYMAN: Well usually, parking spaces are
3 discussed with regard to residents, and being a resident,
4 and us having been excluded from any parking on the
5 premises, notwithstanding that parking is listed as
6 available on the CHA website, it does seem like a relevant
7 question. And I've heard people talking in the earlier
8 proceedings tonight about idling cars and what not.

9 I'm just not sure why you're drawing the line this
10 way, sir, with all due respect.

11 NATALIE JANSON: Glenna, if I'm --

12 CONSTANTINE ALEXANDER: Can you conclude your
13 remarks, please? We can move on.

14 GLENNA WYMAN: I guess I have. Thank you very
15 much.

16 CONSTANTINE ALEXANDER: Thank you. Anyone else,
17 Sisia?

18 SISIA DAGLIAN: Phone number ending 8311?

19 HEATHER HOFFMAN: Hello, this is Heather Hoffman,
20 213 Hurley Street. I have a question that I think is
21 relevant.

22 CONSTANTINE ALEXANDER: Go ahead, Heather.

1 HEATHER HOFFMAN: I -- what we see on screen is
2 the left side of the building. It appears that all of those
3 apartments are getting rejiggered around in order to make
4 space for the new apartment. And I was wondering if people
5 are getting displaced for that --

6 CONSTANTINE ALEXANDER: A fair question.

7 HEATHER HOFFMAN: -- or whether there's room to
8 move them around in the building?

9 CONSTANTINE ALEXANDER: Can the petitioner respond
10 to that question?

11 NATALIE JANSON: Yes, so you're correct, that in
12 order to be able to add the additional units on the second
13 and third floor, what we've had to do is essentially modify
14 the units to the left of them, in order to make sure that
15 that unit that's added has -- it's a one-bedroom, and that
16 the remaining units are adequately sized and have, you know,
17 they're old -- they're still one-bedrooms.

18 And so residents have a right to return to those
19 units. They will remain one-bedrooms. There is one
20 exception where the one-bedroom is being expanded to a two-
21 bedroom by adding the community, or the small little social
22 lounge that's in the back of the second floor. In that

1 case, if the resident does not need a two-bedroom, we would
2 offer them another one-bedroom at the property.

3 HEATHER HOFFMAN: So those, but I asked if those
4 people would be displaced, and apparently, they will be. Do
5 you have places for them lined up to be displaced to, since
6 I know that the work that's being done at the Truman
7 Apartments also in East Cambridge a couple blocks away
8 displaced a fair number of people?

9 So I just wanted to make sure that the people who
10 live in these buildings are going to have somewhere to lay
11 their heads at night indoors?

12 NATALIE JANSON: So it sounds like the question is
13 about relocation during construction?

14 HEATHER HOFFMAN: Yes.

15 NATALIE JANSON: So all residents -- we have a
16 relocation team at the Cambridge Housing Authority that
17 works on a one-to-one basis with residents.

18 So it's relocation and not displacement; everyone
19 has a unit that they're provided as a relocation unit. They
20 also have the right to return to Putnam School after
21 construction is complete.

22 And there's also -- so as part of the relocation

1 too, we take into consideration people's desire to stay in
2 East Cambridge in the neighborhood that they're part of.

3 So we have been providing opportunities for
4 residents to relocate to Millers River, which is just --
5 really just around the corner from Truman and very close to
6 Putnam School as well.

7 HEATHER HOFFMAN: Okay. And I do have a question
8 about the reduction in parking spaces that I think is --
9 again, relevant, because this is for elderly residents,
10 correct?

11 NATALIE JANSON: Yes.

12 HEATHER HOFFMAN: This building? Yeah, because I
13 walk by it all the time, and the people hanging out on the
14 benches that I say hello to are generally not younger than I
15 am.

16 So will this -- are there outside services coming
17 in to serve the people who live here?

18 NATALIE JANSON: So we do have a tenant relocation
19 -- not tenant relocation, my apologies --

20 HEATHER HOFFMAN: No, that wasn't a question. No,
21 this is -- what I know from talking to people who have taken
22 care of elderly parents and such is that there are lots of

1 people who provide services.

2 And what I figured was most likely was that the
3 existing two spaces probably are used for that, and so is
4 that correct?

5 And if so, is reducing the number of parking
6 spaces to one going to make it difficult for the elderly
7 people who live in this building to get the services that
8 they need?

9 NATALIE JANSON: So my apologies earlier. I just
10 slipped up. So yes, it is true that residents have home
11 health aides. There's also a Tenant Services Coordinator
12 who comes to the space.

13 And the intention is for after construction that
14 one parking space that's in the back would be open to
15 parking for people who are coming to visit and helping
16 residents.

17 There's also at the front of the building on Otis
18 Street, that's all handicapped accessible parking.

19 HEATHER HOFFMAN: Okay. I just want to make sure
20 that this being a building specify for elderly people that,
21 you know, you're doing these various things to -- for the
22 laudable purpose of housing more people, that they will not

1 be harmed by it -- which I do think is relevant to what
2 you're asking the Board to do.

3 NATALIE JANSON: Right, so --

4 HEATHER HOFFMAN: I just think that is -- you're
5 asking the Board to cut in half the number of spaces for
6 aides and other people providing services to the specific
7 population that this building is designed for and you're
8 putting more people in the building.

9 And I just wanted to make sure that when the Board
10 makes its decision, they're satisfied that the building will
11 still be able to fulfill the function that it's supposed to
12 fulfill. But it gets various exemptions from the Zoning
13 Board from various ordinances for (sic). So that was my
14 question.

15 And other than that, I don't think I have any
16 other questions.

17 CONSTANTINE ALEXANDER: Thank you, Heather.

18 NATALIE JANSON: So I would just -- in response to
19 that, thank you for your question. So we've only had two
20 spaces at this property since it converted into elderly,
21 disabled housing. I don't foresee it being a problem to
22 reduce it to one space. There's ample street parking -- on-

1 street parking that's available, and we did do a resident
2 survey at the start of the renovations.

3 And no one had mentioned parking as a main
4 concern. It's not something that comes up in conversation
5 either when I've talked to residents one-on-one about the
6 design for property and the changes that are being made.

7 CONSTANTINE ALEXANDER: Okay. We have no other --
8 no one else wishes to speak, so I'm going to close public
9 testimony, and let's move on to the merits of the case.
10 Discussion?

11 I can make a motion, and we can have discussion in
12 the context of the motion. The motion would be to approve
13 or to grant the relief that's being requested.

14 Any members of the Board have any views how you
15 want to proceed?

16 BRENDAN SULLIVAN: [Brendan Sullivan, I would
17 proceed with -- I have no further questions. I have read
18 their presentation, their supportive statements in the file.
19 I agree with their rationale for the reconfiguration of the
20 building, and really there is a net add of only three
21 bedrooms after all of this work is said and done. And I
22 think it's a benefit to the community.

1 So I would support the motion to grant the
2 variance.

3 CONSTANTINE ALEXANDER: Other members, maybe you
4 want me to make a motion to grant the variance, and then we
5 can have discussion?

6 ANDREA HICKEY: Mr. Chair, this is Andrea Hickey
7 speaking. With your permission, I'd like to ask two quick
8 questions before you make your motion.

9 CONSTANTINE ALEXANDER: Go ahead.

10 ANDREA HICKEY: Would that be okay?

11 CONSTANTINE ALEXANDER: Go ahead, Andrea.

12 ANDREA HICKEY: Thank you. So it's still not
13 clear to me with respect to the parking, sort of who has
14 been using the two spaces that are there now, and who will
15 be using the one space if that's what we allow?

16 So is it an employee of the building that parks --
17 gets to park there, or is it home health aides and folks?
18 And how is that parking used and scheduled so that it's fair
19 for everyone?

20 NATALIE JANSON: Thank you for that question. So
21 currently the parking space has been limited to just Staff.
22 And we are proposing to change that. As part of the

1 renovation once we're done with it, that parking space will
2 be available to anyone working as -- or living in the
3 development on a first-come, first-serve basis.

4 ANDREA HICKEY: Will there be like a signup sheet
5 in advance, or how -- practically how will that work so that
6 it's fair?

7 NATALIE JANSON: So I think what we were thinking
8 is that we would try to limit long-term parking at the
9 space, so that it's not someone who parks their car there
10 and it stays for weeks. There would be a limit on the
11 amount of time that you could have your car parked there,
12 maybe that's 24 hours.

13 But that in order to allow that flexibility, if it
14 needs to be used by home health aides or anyone else who's
15 coming to visit the building, it would essentially be if
16 there's a spot that's available, then you can park there.

17 CONSTANTINE ALEXANDER: I would hope that the
18 priorities for those two parking spaces should be home
19 health aides or any people providing services to the
20 residents. The Staff should be last on the list in my view.

21 ANDREA HICKEY: Agree. And that was my concern,
22 and why I asked the question.

1 I do think if we're being asked to reduce the two
2 spaces to one space, that we want to be sure that the use of
3 that space is sort of equitable, and that it most benefits
4 the residents.

5 And, you know, I would say that someone like a
6 home health aide or someone dropping off groceries, that
7 that is sort of more beneficial than having an employee with
8 a dedicated parking spaces. So --

9 CONSTANTINE ALEXANDER: Obviously I agree with
10 that, and when I make my motion, or our motion to grant the
11 variance, I'm going to impose a condition and suggest we
12 have a condition just as you described, Andrea, the Staff
13 gives last on the list these two spaces.

14 The priority for those is people providing
15 relevant services, or essential services, to the occupants
16 of the structure.

17 ANDREA HICKEY: Right. Ms. Janson, correct me if
18 I'm wrong, but it really is only one space if we approve
19 what you're proposing, correct?

20 CONSTANTINE ALEXANDER: Then it would be the one
21 space. Whatever parking spaces will result after the
22 project has changed per a vote we take tonight. That space

1 or spaces will have priority for people providing services -
2 - essential services -- to the residents of the structure.

3 ANDREA HICKEY: And not sort of employees of --

4 CONSTANTINE ALEXANDER: And not for the employees,
5 absolutely.

6 ANDREA HICKEY: Right. And my second question
7 really is not zoning related. It's more curiosity. Are the
8 residents that live there now that are being temporarily
9 displaced for construction, are they being assisted with
10 moving expenses and logistics?

11 NATALIE JANSON: Yes. So as part of the
12 renovation project, we started off with a series of resident
13 meetings -- four of them just related to relocation, where
14 we worked together on residents who needed to be relocated
15 during construction to develop a plan, set all policies --
16 basically clarified all policies with us; our
17 responsibilities to residents as it comes to relocation.

18 And part of that is paying for all living expenses
19 -- also providing moving assistance to residents. So if
20 that's needing help to move belongings to one apartment to
21 another, we can hire a moving company to do that. If you
22 need packing help, we can provide assistance with that.

1 Also providing all material that's necessary for relocation
2 and making sure that the right material is being provided,
3 because everyone has different items in their home that
4 needs to be moved.

5 If something doesn't fit into a relocation unit
6 while you're being relocated, then we provide storage
7 facilities. And we also provide all of these services when
8 people are moving back from their relocation unit to --

9 ANDREA HICKEY: Thank you. That answers my
10 question, and I apologize for going a bit off the script
11 here. I was just curious about that. Thank you, Ms.
12 Janson. Mr. Chair, I have nothing further.

13 CONSTANTINE ALEXANDER: And I take it you're in
14 favor?

15 ANDREA HICKEY: Yes, I am.

16 CONSTANTINE ALEXANDER: Thank you.

17 WENDY LEISERSON: Mr. Chair, this is Wendy
18 Leiserson. May I also ask just a quick question?

19 CONSTANTINE ALEXANDER: Go ahead.

20 WENDY LEISERSON: Ms. Janson, could you just give
21 me a picture? It's related to the parking. I believe you
22 said that you were going to add another on-street space in

1 front of the building by getting rid of an existing curb
2 cut, is that correct?

3 NATALIE JANSON: Yes.

4 WENDY LEISERSON: And are -- I know you mentioned
5 there were several handicap spaces in front of the building.
6 Are there any short-term, like 15-minute dropping off
7 spaces, or are there any passenger loading spaces in the
8 building?

9 NATALIE JANSON: Not around the building, no.

10 WENDY LEISERSON: I see. So is there a safe spot
11 next to the building where residents can board and unboard
12 from transportation services?

13 NATALIE JANSON: Yeah. So typically what we've
14 had -- you know, people have been onboarding and offboarding
15 in front of the building, often where the curb cut is.

16 But we can request such a specific spot for, like
17 short-term or onloading, offloading from the city. We think
18 that that's a great idea.

19 WENDY LEISERSON: Okay. And then -- well, I think
20 I'll pass on the next question. Thank you.

21 CONSTANTINE ALEXANDER: Thank you. Jason, I don't
22 think we've heard from you.

1 JASON MARSHALL: Thanks, Mr. Chair. Ms. Janson, I
2 appreciate the way that you've responded to many questions
3 here tonight. I really -- I like your approach.

4 And just going back to Ms. Wyman's questions, I
5 know some of them might not be within the scope of what
6 we're discussing here, but I would hope that you or someone
7 else on Staff will follow up with her.

8 One question related to the conditions, and it
9 sounds like we're considering with respect to parking, very
10 familiar with CHA having grown up here. And by the way, I
11 do appreciate all your efforts in expanding affordable
12 housing stock, including this one.

13 While I'm from what CHA, I don't know exactly
14 everybody within your organization. Do you have medical
15 staff that are employees of CHA or others that may provide
16 essential services like we were discussing earlier?

17 CLARA FRADEN: Do you want me to speak to this,
18 Natalie?

19 NATALIE JANSON: Yes. That sounds great.

20 CLARA FRADEN: So we actually just acquired a
21 Service Coordinator company as part of the Cambridge Housing
22 Authority. So we've mentioned that there is a Service

1 Coordinator who works with residents at Putnam School.

2 They used to be employed by a company called,
3 "Cascap" that was being -- that was breaking up. And so the
4 CHA actually has now hired on these Cascap employees as CHA
5 employees in a way to expand -- in an effort to expand our
6 services that we provide residents.

7 In addition, at Manning Apartments in Central
8 Square, we have a partnership with BMC, the Boston Medical
9 Center and the Cambridge Health Alliance to provide an
10 onsite nurse and community health worker.

11 It's a pilot program that is wrapping up in the
12 next few months into March, and we're really looking to
13 expand it so that we can actually get more health-specific
14 services, as opposed to more home health aides, which is
15 what our Service Coordinators provide right now.

16 JASON MARSHALL: But are those CHA employees, or
17 are these third parties that you contract with to provide
18 services?

19 NATALIE JANSON: They're service coordinators --
20 the first group of people I was talking about are now CHA
21 employees, as of just a couple of months ago.

22 The second group I talked about were the program

1 and the partnership were looking to expand our employees of
2 the Cambridge Health Alliance and Boston Medical Center, but
3 they are housed at Manning Apartments. They're actually
4 housed in house. And so we are looking to expand that
5 throughout our elderly/disabled portfolio.

6 JASON MARSHALL: Okay. That's helpful. I mean,
7 what I'm getting at is I would just want to make sure that
8 the motion doesn't exclude an individual providing services
9 just because they're an employee of CHA.

10 So I think the spirit of the motion sounds like
11 it's more ensuring that it's not an administrative staff
12 that's using what seems to be a really critical parking
13 space. But your responses were helpful, thank you.

14 That's all I have, Mr. Chairman, thanks.

15 CONSTANTINE ALEXANDER: Thank you, Jason. I'll
16 try to capture the thought when we get to making the formal
17 motion. We started with a motion, but I think we moved into
18 other territory. So I think it's necessary to recap and
19 take a vote on a new motion.

20 Wendy, I think you've spoken, or do you have
21 something more?

22 WENDY LEISERSON: Only that I agree with what

1 Jason said -- that I hope that not only will there be
2 communications about transition services, but that the
3 residents will understand and be on board with this
4 beautiful new design of their space and their home. So I
5 hope that that will also be a part of the communications
6 with the residents.

7 CONSTANTINE ALEXANDER: Thank you. All right.
8 I'm going to make a motion now -- I just want to say a
9 revised motion -- to grant the variance with the condition,
10 or condition maybe that we've spoken about, and see if
11 anyone has any comments.

12 The Chair moves that we make the following
13 findings:

14 That a literal enforcement of the provisions of
15 the ordinance would involve a substantial hardship. And the
16 hardship really flows from the fact that this building was
17 not built as a health care facility; it was built as a
18 schoolhouse.

19 And so it's been modified over the years to go
20 from a schoolhouse to a health care facility, and there's a
21 constant need to upgrade and modify the structure, with the
22 result that further zoning relief is always on the horizon.

1 The hardship is owing to the fact that I've just
2 identified -- namely that we're talking about a school
3 building that's being -- has been and will continue to be
4 converted to a home -- to health care for the elderly.

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

8 And again, it's clear that there's no substantial
9 -- I believe anyway -- there's no substantial detriment to
10 the public good, but in fact what is being proposed is an
11 improvement to the public good, or to further the interests
12 of the public good.

13 So on the basis of these findings, or these -- the
14 Chair moves that we grant the variance requested subject to
15 the following conditions:

16 One, that the work proceed in accordance with the
17 plans prepared by Bargmann -- B-a-r-g-m-a-n-n Hendrie, H-e-
18 n-d-r-i-e and Archtype, A-r-c-h-e-t-y-p-e.

19 Second, that any parking spaces on the premises
20 now or hereafter shall be used primarily and priority be
21 given to persons, home health care aides or the like,
22 providing services to the residents of the building, and not

1 to employees who are just of the service ability.

2 This is a need for the occupants. They are the
3 primary beneficiaries of what is being -- will be done, and
4 I don't want to have the parking disrupt that or undermine
5 that.

6 Any other conditions that members of the Board
7 want, besides those?

8 ANDREA HICKEY: Mr. Chair, I would just like to
9 clarify for the record that the use of the building really
10 is for housing, not primarily health care, just to clarify.

11 CONSTANTINE ALEXANDER: Fine. Thank you, and that
12 will be part of the -- that clarification will be
13 incorporated into the relief that's being granted.

14 ANDREA HICKEY: Thank you, Mr. Chair.

15 CONSTANTINE ALEXANDER: Thank you. All right,
16 Brendan, how do you vote?

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

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: Andrea Hickey yes in favor of
21 granting the variance.

22 CONSTANTINE ALEXANDER: Jason?

1 JASON MARSHALL: Jason Marshall yes in favor of
2 the variance.

3 CONSTANTINE ALEXANDER: Wendy?

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

6 CONSTANTINE ALEXANDER: And the Chair votes yes in
7 favor of the variance as well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: The variance is granted.
10 Thank you.

11 NATALIE JANSON: Thank you very much --

12 CONSTANTINE ALEXANDER: You're welcome.

13 NATALIE JANSON: -- for your time and for your
14 support.

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(9:36 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Wendy Leiserson and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 119365 -- 39 Hubbard Avenue. Anyone here
wishing to be heard on this matter?

SAYEM KHAN: Good evening, can you hear me?

CONSTANTINE ALEXANDER: Yes.

SAYEM KHAN: Hi. My name is Sayem Khan. I'm the
architect for 39 Hubbard Avenue.

CONSTANTINE ALEXANDER: Okay. The floor is yours.

SAYEM KHAN: Okay.

CONSTANTINE ALEXANDER: I must comment, by the
way, at the outset that your plans are, shall we say scant.

SAYEM KHAN: Scant? Okay. Well, the project is
quite simple. It's right now currently it's an existing
deck on top of a kitchen addition with a single-family
house. And it -- right now it is 172 square feet. That is
a covered structure. And the rest is open.

So the project is to remove the existing structure

1 that's there right now, and to build a -- something that's
2 more usable, a three-season porch, which is something that's
3 much more structurally stable and much more useable for the
4 owners of the house.

5 So that's -- and the reason that we are asking for
6 a special permit is because currently the existing building
7 that was there is nonconforming. And so this additional
8 square footage requires us to go for a permit.

9 CONSTANTINE ALEXANDER: Could you go to the slides
10 that show the impact, the changes to the structure, relevant
11 to the -- also, that's it. Good. Thank you.

12 SAYEM KHAN: So this is -- what we are looking at
13 currently is the existing structure.

14 CONSTANTINE ALEXANDER: Okay. Have you spoken to
15 neighbors? Have you or your clients spoken to neighbors?

16 SAYEM KHAN: Yes. We should, we have, and we have
17 some letters of support. And I believe there is also a
18 neighbor today that is present in this meeting in support.

19 CONSTANTINE ALEXANDER: Have you any letters of
20 opposition? Because our files are pretty scarce. Maybe I
21 didn't get the file yet. But I don't see any letters here.

22 SAYEM KHAN: No.

1 CONSTANTINE ALEXANDER: Well, I sent it to you
2 back -- no, there's a letter -- we have one letter that's
3 sort of questioning about what's going on. And I'll read it
4 into the file.

5 "The architect, S. Khan, has not provided data
6 relating to the structural integrity of the proposed roof
7 deck or the testing of his ideas. In particular, his design
8 does not allow access for snow removal, which becomes
9 hazardous in heavy snow or high wind conditions.

10 "I also believe the structure should have
11 independent footing and not be supported or anchored in the
12 frame of the kitchen.

13 I have not seen a covered deck in this area as the
14 one proposed."

15 SAYEM KHAN: So --

16 CONSTANTINE ALEXANDER: Finally,

17 "The architect has never discussed these matters
18 with me; only briefly with my wife, who is a medical
19 doctor."

20 Do you have any comments in response?

21 SAYEM KHAN: In regard to the structural
22 integrity, you have structural drawings that have been

1 stamped, and designed and calculated by a certified
2 structural engineer -- a very experienced structural
3 engineer. So that has been already submitted to the
4 Inspectional Department.

5 So in regard to the structural question, we are
6 covered; that has been designed. And that hasn't been
7 included in this presentation, because I wasn't aware that,
8 you know, you need to look at structural drawings.

9 CONSTANTINE ALEXANDER: If you say you have these
10 letters of support, why don't we have them in our files?

11 SAYEM KHAN: I don't know. We have -- I have
12 submitted all the letters of support. There was two letters
13 of support that neighbors have provided that I have scanned,
14 and that should be in the record. So I'm looking at the
15 website right now; letters of support, right there, uploaded
16 May 05, 2021.

17 CONSTANTINE ALEXANDER: Anything else you want to
18 add? I ask the members of the Board if they have any
19 questions or comments?

20 UNIDENTIFIED SPEAKER: Hello, can I speak?

21 CONSTANTINE ALEXANDER: Yeah, you --

22 UNIDENTIFIED SPEAKER: Hello?

1 THE REPORTER: Your name, please?

2 CONSTANTINE ALEXANDER: If you identify --

3 TONI GIBSON: Hello? I am Toni Gibson, who is --
4 you know, who has authorized the architect to design this
5 porch for me. And the letter that you got came from my
6 husband, who is 87 years old, and I am 75.

7 He at this point in his life is very reticent to
8 change, and had not wanted any part of my -- you know,
9 having this porch done.

10 It means a lot to me, and at this point now, he's
11 -- you know, gotten upset and decided that he -- I mean I
12 think he's just trying to find something to keep this from
13 happening. But I feel like it's a family dispute. It's a
14 dispute between the two of us.

15 And, you know, the porch -- I just want the Zoning
16 Board to address the issues that were raised. And he --
17 it's very difficult for me to talk to him right now. He --
18 I don't --

19 CONSTANTINE ALEXANDER: We do a lot of things in
20 the Zoning Board, but we don't get involved in marital
21 disputes.

22 TONI GIBSON: I understand. I understand that,

1 but his letter was done on purpose to try to stop me from
2 having the screened porch, what means the world to me. I'm
3 --

4 CONSTANTINE ALEXANDER: I'm sorry, Ma'am. The
5 problem I have -- probably just me -- is that the
6 presentation, plans are inadequate. They don't -- they're
7 not the detail that we're used to getting.

8 There are other architects that supply to us,
9 including many of the cases you've heard tonight. It makes
10 it difficult for us to reach a decision, or maybe I should
11 be more precise -- makes it difficult for me to reach a
12 decision.

13 TONI GIBSON: What is missing? I mean, he -- you
14 don't see the final drawing?

15 CONSTANTINE ALEXANDER: But I don't know what's on
16 the screen.

17 TONI GIBSON: That's all -- okay.

18 [Simultaneous speech]

19 TONI GIBSON: What?

20 SAYEM KHAN: I'm sorry, that's the only one sheet.
21 I mean, why -- you know, I have provided, you know, the
22 drawings that -- you're only looking at one sheet.

1 TONI GIBSON: Let me go --

2 SAYEM KHAN: There is one, two, three, four, five,
3 six, seven sheets there.

4 BRENDAN SULLIVAN: This is Brendan Sullivan I
5 guess I'm just -- I've seen these before too, and I -- there
6 are enough dimensions on here.

7 You know, we have to pass this on, obviously, to
8 Inspectional Services and the Building Department to approve
9 for building code. And they, you know, rely upon us to
10 produce and to hand off to them an adequate set of drawings
11 that they can evaluate, and then ultimately issue a permit
12 on.

13 They're basic, but they also have the basic
14 information in them, I guess.

15 TONI GIBSON: Okay.

16 BRENDAN SULLIVAN: So I would be okay with them.

17 CONSTANTINE ALEXANDER: Andrea, do you have any
18 comments at this point?

19 ANDREA HICKEY: Well, I'm okay with the plans. I
20 can understand enough of what is being requested here. But
21 as I read the request, it's by both owners of this home.
22 And it now sounds as if only one of those folks is a

1 petitioner. So I don't know logistically whether there's an
2 issue there.

3 BRENDAN SULLIVAN: Well, one may have standing.

4 TONI GIBSON: What? Oh. Well no, I did not
5 include his name when I signed -- you know, got things
6 notarized, because I was the one who was getting this porch
7 done. And I have asked nothing of my husband to do.

8 BRENDAN SULLIVAN: Okay.

9 ANDREA HICKEY: I just see on our list of cases
10 tonight; I see Frank and Toni Gibson listed as the
11 petitioners so.

12 TONI GIBSON: You know, I think that's because his
13 -- both of our names are on the deed, and that was the way
14 it had to be written. I, you know, and I didn't approve
15 that, it was just the way it was typed up. I don't know.

16 BRENDAN SULLIVAN: It appears that domestic
17 tranquility is at stake here, but anyhow.

18 ANDREA HICKEY: Mr. Chair, I only raise that
19 question because I'm not sure logistically whether we need
20 both owners to be on board with the petition -- sort of what
21 is the status of one owner being our sort of sole objector?

22 I'll leave that to you, Mr. Chair. Just it's a

1 little unclear to me what that means.

2 JASON MARSHALL: This is Jason Marshall. I think,
3 Andrea, it's an interesting question. Legally, though, I
4 think we still have an active petition before us.

5 I don't think it's been withdrawn, even by virtue
6 of an e-mail that maybe raises concerns, and as bizarre as
7 it is from a co-petitioner, the petition is still active as
8 far as I would understand it to be.

9 Could I bring the discussion maybe to a different
10 place, Mr. Chairman?

11 CONSTANTINE ALEXANDER: Sure.

12 JASON MARSHALL: Could I ask a question? Sisia,
13 could you go to page 4 of the dimensional information,
14 please? So I guess this is probably a question for Mr.
15 Khan. Are you still on?

16 SAYEM KHAN: I'm still here.

17 JASON MARSHALL: Okay. So it looks to me like so
18 you're increasing the gross floor area, but you're still
19 under the max, right?

20 SAYEM KHAN: Yes.

21 JASON MARSHALL: Is that correct? In other words,
22 you're not creating a new nonconformity here, right?

1 SAYEM KHAN: No, no.

2 JASON MARSHALL: And if I'm reading this right, it
3 looks like you're taking what was a left-side setback that
4 was in violation -- it was an existing nonconforming of 2.8,
5 and now you're making it conforming at 7.5? Is that right?

6 SAYEM KHAN: So the structures in -- the structure
7 that was -- is in the back, where the kitchen is right now,
8 that is conforming.

9 JASON MARSHALL: By virtue of the new projects,
10 you will make something that was nonconforming conforming?

11 SAYEM KHAN: Yes. It is conforming. Yes, it will
12 be conforming.

13 JASON MARSHALL: And is there anything that you're
14 doing that will increase a nonconforming element of the
15 property?

16 SAYEM KHAN: No.

17 JASON MARSHALL: So this is why I wanted to
18 highlight this page in this discussion. To me, this is a
19 really good example of I think a case where a homeowner of a
20 single-family house under the Bellalta decision can as-of-
21 right make this change because they're not creating a new
22 nonconformity, they're not increasing the intensity of an

1 existing nonconformity.

2 In my view, and it's just one member's view, I
3 think the homeowner can do this as-of-right. I will support
4 the special permit for the same reason I think they meet the
5 criteria with a lot of room to spare, because they're not
6 increasing the intensity of a nonconformity, they're not
7 creating a new one.

8 So I don't think this has to be before us. I
9 think they have a right under the state law to do it, but
10 nonetheless I would vote in favor.

11 That's all I have, Mr. Chairman. And I know I've
12 made similar comments before, so -- but this is a good
13 example, I think. Thank you.

14 CONSTANTINE ALEXANDER: I must say that I am
15 mystified by the sheet with all the information, the
16 dimensional information.

17 You're going to take a building that has total
18 gross floor area of 2593 feet and increase it to 2926, which
19 is, you know, maybe 350 feet roughly. Yet the FAR, which is
20 now 0.75 is not changing.

21 And I don't see how you can get there. If you're
22 going to add more gross floor area, shouldn't your ratio

1 change?

2 CONSTANTINE ALEXANDER: Mr. Chair, if I could --
3 it's Andrea Hickey, if I could ask --

4 CONSTANTINE ALEXANDER: Sure.

5 ANDREA HICKEY: -- a question? If I could ask Mr.
6 Khan in his total gross floor area existing, are you
7 including the porch as it exists now?

8 [Pause]

9 ALISON HAMMER: Mr. Khan?

10 SISIA DAGLIAN: Oh, he's on mute.

11 SAYEM KHAN: Yes, that was included.

12 ANDREA HICKEY: It's included in the 2593?

13 SAYEM KHAN: Yes.

14 ANDREA HICKEY: So what accounts for the requested
15 condition of 2926? Where does that extra area get added
16 onto?

17 SAYEM KHAN: So that is coming from -- that is
18 coming from -- just as.

19 ANDREA HICKEY: I'm trying to understand the
20 question that the Chairman raised; how the ratio stays the
21 same, when the GFA increases.

22 SAYEM KHAN: So we are at -- what we are doing is

1 we're adding 158 square feet that's being covered. So
2 that's where the additional square footage is coming in.

3 ANDREA HICKEY: So Mr. Chair, I think that answers
4 the question. I think the 2593 does not include the
5 existing open porch. And perhaps it should. Because if the
6 GFA doesn't change, those numbers should be the same,
7 correct?

8 CONSTANTINE ALEXANDER: I think that's right.

9 ANDREA HICKEY: So I think there's an issue with
10 the form. I don't think it's accurate.

11 BRENDAN SULLIVAN: No, they have got to be
12 increasing the gross floor area by putting a roof over it.
13 There's more roof there now. [This is Brendan Sullivan,
14 following on Andrea.]

15 There is no roof over the structure now. They are
16 replacing it with a roof structure. Hence the gross floor
17 area has to increase, which means that the ratio has to
18 increase.

19 ANDREA HICKEY: Unless the base GFA is wrong, and
20 should be 2926.

21 SAYEM KHAN: The base as in, you're talking about
22 the existing?

1 ANDREA HICKEY: Yes.

2 SAYEM KHAN: No, that -- no, that's not because
3 what's increasing the gross square footage is this
4 additional, you know, 150 square feet that we are covering.

5 ANDREA HICKEY: So how is it that the ratio
6 doesn't change?

7 BRENDAN SULLIVAN: [Brendan Sullivan] If the first
8 number changes, then the third number has to change.

9 ANDREA HICKEY: That's correct. And if the third
10 number is correct as is, then the first number is incorrect.

11 JASON MARSHALL: And this is Jason Marshall. If
12 the first number is correct, and it's being pushed over, now
13 you're not in conformance with FAR, so you would then have
14 to seek a variance. But I appreciate the Chairman bringing
15 that up.

16 ANDREA HICKEY: Mr. Khan, are you able to explain
17 how the ratio would stay the same, if the existing and
18 requested are different?

19 SAYEM KHAN: I don't know. I have to look at
20 this. To be honest right now, no. At this very moment, I
21 don't.

22 CONSTANTINE ALEXANDER: I hate to say this at this

1 hour of the night, but I think this is a case that's ripe
2 for a continuance.

3 You need to go back and review the dimensional
4 form and give answers to this detail, to the questions that
5 are being raised. I don't know what I'm voting on if the
6 dimensional form is not correct, and you can't explain to me
7 or to the other members of the Board why it's not.

8 ANDREA HICKEY: Mr. Chair, if I could also add --
9 sort of adding to Jason Marshall's comment, it could also be
10 that if you go back to Inspectional Services, they might
11 tell you under Bellalta that you don't need relief.

12 CONSTANTINE ALEXANDER: Right. And then you
13 wouldn't have to spend your night with us seeking relief.
14 The case is not in a proper form in my judgment for informed
15 decision by this Board. There are questions we have raised;
16 we haven't gotten any answers that I'm comfortable with.

17 And I get a feeling that I'm not sure that the
18 petitioner understands what we need and what our concerns
19 are.

20 And as Jason's pointed out, we may not need relief
21 at all. Go back to the Building Department and have a
22 heart-to-heart with these forms, and let's get the facts.

1 And then come back before us if you need to.

2 I don't feel I have the facts before me tonight to
3 make a decision. So I'm going to abstain from the decision.
4 I'm not going to vote in favor of this, because I don't know
5 what I'm voting in favor of.

6 JASON MARSHALL: And Mr. Chair, it's Jason
7 Marshall. I just want to clarify my statements before were
8 based on taking this form at face value, but given the
9 discussion, I no longer have confidence in the numbers that
10 are on this page.

11 CONSTANTINE ALEXANDER: So I think we're going to
12 -- I'm going to make a motion that we continue this case.
13 It'll be a case heard. All five of us will have to be on
14 the -- sit on the case at that time. So the Chair moves
15 that we continue this case as a case heard subject to the
16 conditions:

17 One, that the petitioner sign a waiver of time for
18 decision. That waiver must be signed no later than 5:00
19 p.m. a week from this Monday. If that's not done, then the
20 case will automatically be dismissed.

21 And the reason for the waiver of time for decision
22 is state law requires us to reach a decision within a

1 certain number of days, and we're not able to do that, in my
2 view anyway tonight.

3 So it's a form that we use for every -- for all
4 our zoning cases, not controversial. So number 1, you must
5 sign. The petitioner must sign this waiver, which you can
6 obtain from the Building Department no later than 5:00 p.m.
7 a week from Monday.

8 Two, to the extent that we set the new date, the
9 posting sign that's there now must be revised to reflect the
10 new date and very importantly the new time, or you can get a
11 new sign from the Building Department.

12 And last, that to the extent that there is new
13 information, plans, drawings, what have you -- dimensional
14 forms, they must be in our files no later than 5:00 p.m. on
15 the Monday before the date of the continued hearing, which I
16 have not identified yet. What date's available?

17 SISIA DAGLIAN: I think it's going to be -- the
18 earliest would be September 2.

19 CONSTANTINE ALEXANDER: Don't we have September 2
20 the --

21 SISIA DAGLIAN: That's the ninth.

22 CONSTANTINE ALEXANDER: -- 2072?

1 SISIA DAGLIAN: That's the September 9.

2 CONSTANTINE ALEXANDER: September 9? Okay.

3 JASON MARSHALL: Mr. Chairman, [Jason Marshall.]

4 CONSTANTINE ALEXANDER: Yes. Just one second, as
5 I shared with you before, I raised my hand to be here
6 tonight.

7 CONSTANTINE ALEXANDER: That's right.

8 JASON MARSHALL: I have potentially conflicts on
9 Thursday nights beginning in September. So I may not be
10 able to participate in September. I could participate if he
11 case was set for I think the end of July, if that's
12 possible. Otherwise, I think you'd have four hearing this
13 case, potentially.

14 SISIA DAGLIAN: Well, July 29 we already have
15 three cases. We have three --

16 CONSTANTINE ALEXANDER: Three.

17 SISIA DAGLIAN: I don't know if you want to add
18 another.

19 BRENDAN SULLIVAN: I think -- well, this is
20 Brendan Sullivan -- I think that once we got your corrected
21 dimensional form, that it should move very quickly. If you
22 want to take a break, I would opt for as quickly as

1 possible.

2 CONSTANTINE ALEXANDER: The petitioner, are you
3 available for July 29?

4 SAYEM KHAN: Yes, sir.

5 CONSTANTINE ALEXANDER: And you could submit the
6 information, the additional information by 5:00 p.m. on the
7 Monday before July 29?

8 SAYEM KHAN: Yes.

9 CONSTANTINE ALEXANDER: All right. So I neglected
10 to put this in the motion in the beginning. The case will
11 be continued until --

12 SISIA DAGLIAN: 6:00 p.m.

13 CONSTANTINE ALEXANDER: Until 6:00 p.m. on July
14 29, and subject to the conditions I just recited. We must
15 sign a waiver of time for decision be 5 p.m. a week from
16 Monday.

17 You must have revised additional information in
18 our files no later than 5:00 p.m. on the Monday before July
19 29, and that the posting sign or a posting sign must be
20 maintained for the 14 days prior to July 29, just as you've
21 done for the hearing tonight.

22 And that sign can be a new one, which is probably

1 a good idea, or you can modify with a magic marker a sign
2 that you have right now, provided that you change not only
3 the date, but you must change the time -- 6:00 p.m.

4 All those in favor? Brian? Brendan, I'm sorry.

5 BRENDAN SULLIVAN: Brendan Sullivan yes to the
6 continuance.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey yes in favor of the
9 continuance.

10 CONSTANTINE ALEXANDER: Jason?

11 JASON MARSHALL: Jason Marshall yes in favor of
12 the continuance.

13 CONSTANTINE ALEXANDER: Wendy?

14 WENDY LEISERSON: Wendy Leiserson yes in favor of
15 the continuance.

16 CONSTANTINE ALEXANDER: The Chair votes yes as
17 well.

18 [All vote YES]

19 CONSTANTINE ALEXANDER: The case is continued
20 until July 29.

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(10:01 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Wendy Leiserson and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 117683 -- 1876 Massachusetts Avenue. Anyone
here wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Hello?

[Pause]

SISIA DAGLIAN: Hello?

PHONG NGUGEN: Hello? Can you hear me?

CONSTANTINE ALEXANDER: Yes.

PHONG NGUGEN: Okay. Just one second. Hold on.
Let me -- okay.

CONSTANTINE ALEXANDER: Where are we?

SISIA DAGLIAN: I don't know, he's there.

CONSTANTINE ALEXANDER: Hello? Is the petitioner
here on the line?

[Pause]

SISIA DAGLIAN: You're muted?

1 PHONG NGUGEN: Can you hear me right now?

2 SISIA DAGLIAN: Yes.

3 CONSTANTINE ALEXANDER: Yes.

4 PHONG NGUGEN: Yes. So my name is Phong Ngugen.

5 I'm here to propose a second permission to continue the
6 space at Zoie Acai Bar for same capacity -- no construction,
7 just [2:16:47 indiscernible A].

8 CONSTANTINE ALEXANDER: Yes? You're here seeking
9 -- that's a fast, what the zoning ordinance calls a fast-
10 order food establishment?

11 PHONG NGUGEN: Yes, yes.

12 CONSTANTINE ALEXANDER: Okay. There's currently -
13 - we approved one restaurant that was there. Is that
14 restaurant going to continue? Are you going to add the
15 food, the juice bar as an added feature of the restaurant,
16 or is this going to be completely a juice bar, nothing else?

17 PHONG NGUGEN: Completely juice bar, nothing else.

18 CONSTANTINE ALEXANDER: Juice bar. No food will
19 be served?

20 PHONG NGUGEN: We have, like an Acai bar. We have
21 smoothies, we have a few -- like, you know, like the heated
22 burgers or sandwich things. So it's a very simple menu,

1 simple concept. There's no cooking equipment, no open
2 flame.

3 CONSTANTINE ALEXANDER: Okay. So -- okay, now for
4 a fast-order food establishment, we have to make the various
5 -- this Board has to make various findings, most of which we
6 made when -- all of which we made when we approved the
7 restaurant that's no longer going to be there. And I assume
8 you're going to be able to be satisfy them as well?

9 Your juice bar will not create traffic problems,
10 reduce available parking, threaten the public safety on the
11 streets and sidewalks, or encourage or produce double
12 parking on the adjacent streets, is that correct?

13 PHONG NGUGEN: No. It's -- we're going to do
14 mostly, like, delivery, online pickup. That's the mostly
15 business, I think, because --

16 CONSTANTINE ALEXANDER: Okay.

17 PHONG NGUGEN: It's not like dine in, sit-down
18 restaurant.

19 CONSTANTINE ALEXANDER: We're suppose to see the
20 physical design, including the color and use of the
21 materials, of the establishment, to be sure that we find
22 that it's compatible with and sensitive to the visual and

1 physical characteristics of other buildings, public spaces
2 and uses in the particular location. I don't see anything
3 in our files that deals with that?

4 PHONG NGUGEN: It's the same. It will stay the
5 same. And I already, like, sent you the one existing. It's
6 nothing going to do, just changing the sign. The sign's
7 already done.

8 But, like, inside we don't change anything. We
9 keep the same color, same concept, same tables and chairs --
10 everything the same.

11 CONSTANTINE ALEXANDER: What will the signage be
12 like?

13 PHONG NGUGEN: The signage?

14 CONSTANTINE ALEXANDER: You're going to have --
15 the signage on the -- what signs are you going to have on
16 your premises, the public will see?

17 PHONG NGUGEN: We already have the permit for
18 that, and --

19 CONSTANTINE ALEXANDER: It would be nice if you
20 shared it with us.

21 PHONG NGUGEN: [Can you hand me the sign] -- can
22 you hold on just a second? I will put it up for you. [Let

1 me share that with --]. Everything inside is going to stay
2 the same, nothing changes. Because we just changed the
3 different concept, we changed to different concept. We
4 don't sell [2:19:43 indiscernible] anymore.

5 CONSTANTINE ALEXANDER: I --

6 BRENDAN SULLIVAN: Well, the signage out in front
7 is going to change?

8 CONSTANTINE ALEXANDER: Yeah.

9 BRENDAN SULLIVAN: Right?

10 PHONG NGUGEN: The sign in front is going to
11 change.

12 WENDY LEISERSON: Mr. Chair, this is Wendy
13 Leiserson. May I ask a question?

14 CONSTANTINE ALEXANDER: Go ahead.

15 WENDY LEISERSON: So I believe you have already
16 changed the sign, is that correct?

17 PHONG NGUGEN: Yes.

18 WENDY LEISERSON: You have a new sign now, yes?

19 PHONG NGUGEN: Yes. I have a new sign now, yes.

20 WENDY LEISERSON: Is it the same sign just with
21 different letters, or did you change the design of what you
22 had?

1 PHONG NGUGEN: We changed the design that we have.
2 We already approved by the sign department, the sign company
3 for the permit to do the sign. And right now, it's already
4 up, it's already done.

5 WENDY LEISERSON: And so you're already doing
6 business?

7 PHONG NGUGEN: No, no, no, we're not open yet. We
8 just put up the --

9 WENDY LEISERSON: Not open yet. Okay. Thank you.

10 PHONG NGUGEN: Yep.

11 ANDREA HICKEY: And if I could ask -- this is
12 Andrea Hickey -- is the size of the sign the same, even
13 though the lettering is different?

14 PHONG NGUGEN: The different name and different
15 d/b/a -- different -- I can show you in one minute. So my
16 partner helped me out to put up the picture up for you.

17 BRENDAN SULLIVAN: Okay. So Community Development
18 has approved it?

19 PHONG NGUGEN: Yes.

20 CONSTANTINE ALEXANDER: We don't have anything in
21 our files from Community Development.

22 BRENDAN SULLIVAN: Yeah, they would only -- this

1 is Brendan Sullivan -- they would only notify us if they
2 required relief.

3 CONSTANTINE ALEXANDER: That's true.

4 BRENDAN SULLIVAN: So.

5 ANDREA HICKEY: Right. I think if the sign is
6 similar to what was there before, then I don't think relief
7 is required for that. As long as it's not bigger or lit up
8 or something or --

9 BRENDAN SULLIVAN: Right, yeah.

10 ANDREA HICKEY: -- higher.

11 BRENDAN SULLIVAN: Height, yeah, right.

12 ANDREA HICKEY: Right.

13 CONSTANTINE ALEXANDER: That's correct. Matter of
14 fact, if my memory --

15 PHONG NGUGEN: It's similar to --

16 CONSTANTINE ALEXANDER: -- signage there now, it
17 was not approved by our Board, it was approved by Community
18 Development, and that was it. So I think both of you are
19 right.

20 ANDREA HICKEY: All right.

21 CONSTANTINE ALEXANDER: The signage has been
22 approved by Community Development; there's no need for us to

1 see it. If it's not approved, then you got a big problem,
2 because you violated the zoning laws.

3 PHONG NGUGEN: Yeah, it's approved by the
4 community.

5 BRENDAN SULLIVAN: Okay.

6 PHONG NGUGEN: It's approved by the Community
7 Development, so I already worked all through that process.

8 BRENDAN SULLIVAN: Okay.

9 CONSTANTINE ALEXANDER: Were you involved in the
10 management of the other restaurant, of the restaurant that
11 you're replacing?

12 PHONG NGUGEN: I'm sorry?

13 CONSTANTINE ALEXANDER: Were you -- are you the
14 owner? There was a restaurant there now --

15 PHONG NGUGEN: Yes, yes.

16 CONSTANTINE ALEXANDER: The Yoki Express.

17 PHONG NGUGEN: Yes. And --

18 CONSTANTINE ALEXANDER: Are you part of that
19 management team, or ownership team?

20 PHONG NGUGEN: Yes. I am the owner, and I am the
21 part owner and the manager, management.

22 CONSTANTINE ALEXANDER: Okay. So you've been

1 running a restaurant before at these premises?

2 PHONG NGUGEN: Yes, yes.

3 CONSTANTINE ALEXANDER: -- pursuant to a --

4 PHONG NGUGEN: Yes.

5 CONSTANTINE ALEXANDER: -- special permit we
6 granted?

7 PHONG NGUGEN: Yes.

8 CONSTANTINE ALEXANDER: You're just changing the
9 nature of the product offering?

10 PHONG NGUGEN: Right.

11 CONSTANTINE ALEXANDER: You're not going to offer
12 juices? No longer prepared food, am I correct?

13 PHONG NGUGEN: It's still -- the old menu is not
14 there, but right now we changed to a different concept. We
15 changed. We do, like, juicer bar and Acai bar like smoothie
16 bar. That's the concept right now.

17 CONSTANTINE ALEXANDER: Okay. Is there any food?
18 What about disposal of waste -- garbage or, you know,
19 whatever? Are there any issues? That was an issue before
20 with the restaurant, because of the nature of the building.
21 Should we be concerned about that this time?

22 PHONG NGUGEN: Yeah. We have a company we work

1 with. Like, they do the -- like, at least, like, four or
2 five times a week to do trash removal. And --

3 CONSTANTINE ALEXANDER: Where do you store your
4 waste in waiting for your company to come pick it up?

5 PHONG NGUGEN: We have, like, we have like four or
6 five trash cans with the lid covering it behind the
7 building, and --

8 CONSTANTINE ALEXANDER: I know where the --
9 behind the building. It's a very narrow alleyway between --
10 behind this, your building --

11 PHONG NGUGEN: Right.

12 CONSTANTINE ALEXANDER: -- and the, I think it's
13 the condo building right next door.

14 PHONG NGUGEN: Right.

15 CONSTANTINE ALEXANDER: Do you have a right to
16 store your garbage there until someone picks it up?

17 PHONG NGUGEN: Yes, yes.

18 CONSTANTINE ALEXANDER: I think the Chair will
19 make a move that we grant a fast-order food establishment to
20 the petitioner, based upon the testimony that's been
21 provided, namely as to the product offering, nature of the
22 signs, and the disposal of waste. I used the word,

1 "garbage" before, I should have used the word, "waste."

2 What are you going to do about disposal or refuse
3 facilities and people who've bought the juice, drunk it and
4 done with it? Are you going to have receptacles near the
5 entrance of the restaurant?

6 PHONG NGUGEN: Yes, yes. We're going to have a
7 separate building for that, for like --

8 CONSTANTINE ALEXANDER: Inside the restaurant, or
9 outside?

10 PHONG NGUGEN: Inside the restaurant.

11 CONSTANTINE ALEXANDER: Okay. So there will be no
12 impact on the street?

13 PHONG NGUGEN: Right. No impact on the street --
14 inside.

15 CONSTANTINE ALEXANDER: People put the waste in
16 the barrels or inside the restaurant.

17 PHONG NGUGEN: Right.

18 CONSTANTINE ALEXANDER: I think the Chair moves
19 that we grant the fast-order food establishment requested by
20 the petitioner on the basis mainly that what is being
21 operated here is something we passed upon with regard to the
22 prior restaurant, that the impact of this proposed juice bar

1 would be much less on the community or the neighborhood than
2 the restaurant before could have had.

3 And I don't know more to add.

4 BRENDAN SULLIVAN: Brendan Sullivan yes to
5 granting the special permit.

6 CONSTANTINE ALEXANDER: Andrea?

7 ANDREA HICKEY: Andrea Hickey yes to granting the
8 special permit.

9 CONSTANTINE ALEXANDER: Jason?

10 JASON MARSHALL: Jason Marshall yes in favor of
11 the special permit.

12 CONSTANTINE ALEXANDER: And Wendy?

13 WENDY LEISERSON: Wendy Leiserson saying yes in
14 favor of the special permit.

15 CONSTANTINE ALEXANDER: And the Chair votes yes as
16 well.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: The special permit has
19 been granted. Good luck.

20 COLLECTIVE: Thank you very much.

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2 (10:13 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 120105 -- 96 Foster --

8 [Simultaneous speech]

9 BRENDAN SULLIVAN: I guess they're on.

10 CONSTANTINE ALEXANDER: Hm? Let me repeat. The
11 Chair will now call Case Number 120105 -- 96 Foster Street.

12 PHILIP GRAETER: All right. Yes, we're here, Mr.
13 Chairman, sorry.

14 CONSTANTINE ALEXANDER: Oh, okay. Thank you.

15 PHILIP GRAETER: Sorry. It was -- the video sort
16 of re queued when we were brought up. I'm here with Susanna
17 Jacobus. I'm Philip Greater, representing here. I believe
18 the architect is also on, as is the General Contractor, Don
19 Clifford, and Philip Miller, the architect, in case there
20 are any questions.

21 If I can just begin, Mr. Chairman. This Board
22 granted the prior owner of this property a special permit

1 and a variance in 2017, which if we can skip to the next
2 slide, probably -- that one -- which involved razing the
3 building. None of that's an issue here.

4 This is simply a minor modification to windows and
5 the addition of a small dormer in place of two previously
6 approved skylights.

7 This elevation shows the currently permitted east
8 and west faces of the property, and I would just -- before
9 we get to the part about what we're changing, on the left
10 side of the screen you'll see the recessed, slightly lower
11 area. There's four skylights there. That's permitted. I
12 believe two of them have been built -- the two on the ends.

13 And then if you look at the west elevation at the
14 bottom, you'll see a single skylight, which is already
15 permitted and it's there.

16 And if we could skip two slides ahead?

17 This is the configuration of what we're proposing.
18 And again, the reason we're doing this is because the face
19 of that building is within the setback.

20 But to be completely honest, the recessed rear
21 area where most of what we're asking was taking place, is
22 actually outside the setback line. See? Because it's set

1 back. The back façade of the building is 9.7 feet from the
2 property line.

3 So what we're proposing doing is taking the two
4 middle skylights and replacing them with a small dormer,
5 raising the window level of that dormer up to match the
6 other ones across the second floor, and then if you look at
7 the west elevation at the bottom of the same page, adding
8 another skylight next to the current one.

9 And that's really it. And again, the only reason
10 is because these window changes are within the setback.
11 It's our position that we don't need zoning relief for the
12 dormer and the other windows, because they're out -- that
13 façade is outside the setback, but nonetheless here. We
14 weren't successful in seeking that with Inspectional
15 Services.

16 The dormer will be five-foot-six-inches wide.
17 It's not reflected on this plan; that's the dimension.
18 Five-foot-six inches on the exterior. There is no increase
19 to the FAR, there's no increase in square footage. There's
20 sufficient height within the room. The dormer doesn't add
21 any square footage to the property.

22 The change here is minimal. It's certainly exempt

1 from Historic. The neighbor who's most closely -- I would
2 not even say affected, but who would see this area most
3 closely, the one on the rear -- has voiced his support.

4 It's not -- informally to my client, but certainly
5 made the representation that it's Jeff Cronin at 94 Foster
6 Street has essentially voiced his support for this, and
7 supports what we're doing with the building here.

8 Again, this is sort of the last step in making
9 these changes to something that was permitted several years
10 ago.

11 In the interim, the property was sold. It was
12 gutted, sold, and then there was a foundation collapse in
13 the middle that sort of delayed all this, which is why we're
14 just now coming towards the end of construction.

15 So, and as -- yeah, unless there are any
16 questions, I think this is fairly -- hopefully a fairly
17 straightforward issue.

18 CONSTANTINE ALEXANDER: I agree with you. It is a
19 straightforward issue, the relief being -- in my opinion the
20 relief being sought is very modest in nature, with little if
21 any impact on the city itself.

22 But, questions? Brendan?

1 BRENDAN SULLIVAN: Brendan Sullivan no questions.

2 CONSTANTINE ALEXANDER: Andrea?

3 ANDREA HICKEY: I have no questions, Mr. Chair.

4 CONSTANTINE ALEXANDER: Jason?

5 JASON MARSHALL: Jason Marshall no questions, Mr.
6 Chair.

7 CONSTANTINE ALEXANDER: Okay. The Chair is ready
8 and -- oh, I'm sorry, Wendy.

9 WENDY LEISERSON: I have no questions.

10 CONSTANTINE ALEXANDER: Wendy!

11 WENDY LEISERSON: Hi, there.

12 CONSTANTINE ALEXANDER: I'm sorry.

13 WENDY LEISERSON: That's okay.

14 CONSTANTINE ALEXANDER: And the Chair has no
15 questions as well. So we'll open the matter up to public
16 testimony. We have no letters in our file, I don't think.
17 I'll just check briefly before I do open it up to public
18 testimony. No, apparently not.

19 So any members of the public who wish to speak
20 should now click the icon at the bottom of your Zoom screen
21 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.

2 We'll take a moment to see if anyone's calling in.

3 [Pause]

4 CONSTANTINE ALEXANDER: No calls. So public
5 testimony has been closed. Ready for a vote?

6 BRENDAN SULLIVAN: Yes.

7 CONSTANTINE ALEXANDER: Okay. The Chair moves
8 that -- we're looking for a special permit here -- the Chair
9 moves that we make the following findings:

10 That what the petitioner proposes to do cannot
11 meet the requirements of our ordinance unless we grant the
12 special permit.

13 That traffic generated or patterns of access or
14 egress resulting from what is proposed will not cause
15 congestion, hazard, or substantial change in established
16 neighborhood character. In fact, the facts speak for
17 themselves -- there is very modest modification to the
18 skylights and dormers.

19 That the continued operation of or development of
20 adjacent uses, as permitted in the zoning ordinance, will
21 not be adversely affected by what is being proposed.

22 That no nuisance or hazard will be created to the

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

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

7 So on the basis of these findings, the Chair moves
8 that we grant the special permit requested on the condition
9 that the work proceed in accordance with plans prepared by
10 American Dural, each one of which has been initialed by the
11 Chair.

12 Brendan?

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

15 CONSTANTINE ALEXANDER: Sir?

16 PHILIP GRAETER: Sorry, Mr. Chairman. One brief
17 clarification. I believe Sisia brought this to our
18 attention. The floor plan that's -- it's Plan A-100, it's
19 the first of the drawings -- actually was reflected a
20 slightly different proposal earlier.

21 And that document -- and I, yeah, sorry it's this
22 document -- if you look at the right, I just want to -- just

1 for clarity, since you're basing it on these plans, the only
2 issue here is if you look at the bottom of the right-hand
3 drawing, that shows the skylights on the opposite side.

4 And we have a slightly -- it's so minor, because
5 they're not structures -- we have one that essentially just
6 reflects the skylights to be on the right side of the floor,
7 as opposed to the left side of that floor.

8 And we could certainly submit that we weren't
9 aware of the discrepancy until Tuesday, so it was too late
10 to submit this for this, but that the plan has been updated.

11 But again, just for -- so that we're not tied to
12 the plan that's actually in the file. We had -- the
13 elevations accurately reflect what we're trying to do.

14 And you'll see where those two skylights are at
15 the bottom. Those essentially would be directly opposite on
16 the other side of the room between the windows, which is the
17 dormer. So just for clarity.

18 CONSTANTINE ALEXANDER: We have -- I mean the
19 Building Department will take action based upon the plans
20 that we approve.

21 PHILIP GRAETER: Right.

22 CONSTANTINE ALEXANDER: So I'm going to have to --

1 you're going to have to walk me through and I'll modify --

2 PHILIP GRAETER: Okay.

3 CONSTANTINE ALEXANDER: -- the plans that are in
4 our files. I'm pulling up the American Dural plan.

5 PHILIP GRAETER: Yep.

6 CONSTANTINE ALEXANDER: A-100.

7 PHILIP GRAETER: Correct. A-100.

8 CONSTANTINE ALEXANDER: And on the right-hand
9 side, I know what you're --

10 PHILIP GRAETER: Right. If I may --

11 CONSTANTINE ALEXANDER: On the right-hand side on
12 the bottom of the -- that --

13 PHILIP GRAETER: The bottom of the second-floor
14 proposed plan, yes.

15 CONSTANTINE ALEXANDER: Right. What do you -- how
16 do you want to modify?

17 PHILIP GRAETER: Those two -- there's a V-shaped
18 arrow, which shows two skylights next to two bookcases.

19 CONSTANTINE ALEXANDER: Okay.

20 PHILIP GRAETER: Those essentially -- those would
21 not be there. Those would be on the opposite side of the
22 room on either side of the dormer.

1 CONSTANTINE ALEXANDER: Yeah. Okay. I've
2 modified the plans. Sisia --

3 PHILIP GRAETER: So that's actually exists at the
4 moment --

5 CONSTANTINE ALEXANDER: -- going on.

6 PHILIP GRAETER: -- so it's consistent with the
7 current plan. So --

8 CONSTANTINE ALEXANDER: Okay.

9 PHILIP GRAETER: Just to be clear.

10 CONSTANTINE ALEXANDER: The plans have been
11 modified. Thank you for forwarding that to our attention.

12 PHILIP GRAETER: Thank you, Mr. Chair.

13 CONSTANTINE ALEXANDER: I assume -- the dormer
14 that you're proposing, does it comply with our dormer
15 guidelines?

16 PHILIP GRAETER: Yes. We -- if we have a
17 question, we can ask the architects. But yeah, it does.
18 And there's no increase in floor area. It's the -- it does
19 not extend horizontally beyond the existing façade. It
20 doesn't violate either the dimensional regulations or extend
21 above the roofline in the front.

22 CONSTANTINE ALEXANDER: Okay. Thank you. That is

1 part of our record. Brendan, you've already taken your
2 vote, I think?

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

5 CONSTANTINE ALEXANDER: Andrea?

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

8 CONSTANTINE ALEXANDER: Jason?

9 JASON MARSHALL: Jason Marshall yes in favor of
10 the special permit.

11 CONSTANTINE ALEXANDER: And Wendy?

12 WENDY LEISERSON: Wendy Leiserson yes in favor of
13 granting the special permit.

14 CONSTANTINE ALEXANDER: The Chair votes yes as
15 well.

16 [All vote YES]

17 CONSTANTINE ALEXANDER: The special permit has
18 been granted. Thank you.

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(10:25 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Wendy Leiserson and
Jason Marshall

CONSTANTINE ALEXANDER: Okay. We're going to turn
to our last case on the agenda. It's Case Number 117391 --
20 Avon Hill Street. Anyone here wishing to be heard on
this matter?

SISIA DAGLIAN: Phone number ending 4821.

CONSTANTINE ALEXANDER: Well, we can go ahead
without them. It's *9, that's as you raise your hand. But
you unmute or mute by pressing *6. I'll wait. We've killed
enough time as it is, I'll wait.

BRENDAN SULLIVAN: To the -- this is Brendan
Sullivan -- to the other members of the Board, I'm just
reading the memo from the Law Department regarding the
Bellalta.

And it says, "Section 8.22 deed provides that if
an alteration or an addition to a lawful preexisting,
nonconforming single and two-family dwelling increases an
existing dimensional nonconformity, but doesn't create any

1 new dimensional nonconformities, the property owner is only
2 required to retain a special permit for the alteration or
3 addition and not a variance.

4 "For example, if a single or two-family dwelling
5 was already nonconforming as to side yard setback, the
6 property owner can add onto the drawing in such a way that
7 will further reduce the side yard setback without obtaining
8 a variance if the property owner obtains a special permit.

9 "In order to approve the special permit, the Board
10 of Zoning Appeal must find that the addition/alteration is
11 not more detrimental than the existing structure to the
12 neighborhood."

13 So they can't just do it as-of-right, but they are
14 required to get a special permit. And I think what it is is
15 that it was basically before people would have to get a
16 variance. And of course --

17 CONSTANTINE ALEXANDER: That was the old law.

18 BRENDAN SULLIVAN: -- a higher bar, and proving
19 hardship and so on and so forth. And so the courts have
20 found again at Bellalta that it only requires a special
21 permit. So --

22 CONSTANTINE ALEXANDER: And Cambridge zoning law

1 has been changed to reflect that decision.

2 BRENDAN SULLIVAN: To request that. That's the
3 Section 8.22.2 d), which is a new section.

4 CONSTANTINE ALEXANDER: d) -- that was a variance.
5 It's no longer required.

6 BRENDAN SULLIVAN: So they still have to get a
7 special permit?

8 CONSTANTINE ALEXANDER: Yes.

9 BRENDAN SULLIVAN: But can't necessarily do it as
10 of right.

11 JASON MARSHALL: Brendan?

12 BRENDAN SULLIVAN: Yes.

13 JASON MARSHALL: This is Jason. And so that is a
14 very helpful change to the ordinance. The situation that I
15 bring up from time to time involves another part of the
16 Bellalta decision where the court discussions that there's
17 an initial determination before you even get to whether
18 something is substantially more detrimental. And that is,
19 is the change more intensive or not?

20 And so for example, if they're actually correcting
21 the setback and now, they're in conformance, they don't have
22 to get a special permit for that, because they're not

1 intensifying the nonconformance.

2 BRENDAN SULLIVAN: Yeah.

3 JASON MARSHALL: And they can do it as-of-right.
4 That's the point I make from time to time and so that's just
5 -- that provides expression the building administrator to
6 allow for the building as-of-right, rather than coming
7 before the Board.

8 BRENDAN SULLIVAN: Right.

9 JASON MARSHALL: But sometimes that's a close
10 call, you know, I get it.

11 BRENDAN SULLIVAN: Yeah. Right. So I think he
12 may err on the side of getting a special permit just to
13 protect. So --

14 JASON MARSHALL: Yeah.

15 BRENDAN SULLIVAN: But it becomes an
16 administrative decision, whether it comes to us or not.

17 JASON MARSHALL: I agree. Sometimes it's an easy
18 call, and in the close calls I understand taking a
19 conservative posture. So sorry to bring it up from time so
20 much, and I appreciate your indulgence, Mr. Chairman and my
21 fellow members. I won't bring it up every single time.

22 BRENDAN SULLIVAN: No, no, no. And I think you're

1 correct. And not to be specific, but I think you were
2 correct in your analogy on previous comments, and we'll
3 leave it at that.

4 JASON MARSHALL: That might have been a bad case
5 study, in light of --

6 BRENDAN SULLIVAN: No, no --

7 JASON MARSHALL: -- your perceptive reading, but
8 yeah.

9 BRENDAN SULLIVAN: -- it was an excellent example,
10 because I think it had to do with the intensity issue, so --

11 JASON MARSHALL: Yeah.

12 BRENDAN SULLIVAN: No, you were correct.

13 CONSTANTINE ALEXANDER: The issue starts with the
14 Building Department -- Ranjit Singanayagam. He makes the
15 first call.

16 JASON MARSHALL: Right.

17 CONSTANTINE ALEXANDER: Do we need a special --
18 does the petitioner need a special permit, or can you rely
19 on the language that you've just supported, Jason? And so
20 that's as a matter of right, you don't need any.

21 But once Ranjit decides that we do need a special
22 permit, then the petitioner has a choice: He can seek that

1 special permit or he can appeal Ranjit's decision that a
2 special permit is necessary. But that's where we get drawn
3 in in person, since it's Ranjit's call, not hours.

4 JASON MARSHALL: Right.

5 CONSTANTINE ALEXANDER: Which we're still trying
6 to see if we can get the petitioner on the line, so we can
7 hear the case.

8 [Pause]

9 WENDY LEISERSON: This is Wendy Leiserson. May I
10 ask a point of clarification on the Bellalta interpretation?

11 CONSTANTINE ALEXANDER: Sure.

12 WENDY LEISERSON: So Jason, I guess this question
13 is for you. Is -- so what you said was that, as I'm reading
14 the paragraph that we were given by the Law Department, it
15 says [that], "If there's a lawful preexisting, nonconforming
16 single or two-family dwelling, if the proposed alteration
17 increases an existing nonconformity --

18 CONSTANTINE ALEXANDER: Right.

19 WENDY LEISERSON: -- but does not create any new
20 dimensional nonconformities, that's when the special permit
21 process can be used." But then it says in the last sentence,
22 "It's our job -- the Zoning Board's job -- to find that it's

1 not more detrimental than the existing structure of the
2 neighborhood." Is that correct?

3 JASON MARSHALL: Yeah, that's correct.

4 WENDY LEISERSON: So what were you saying was the
5 precedent for the -- or the predicate for the building
6 permit or Building Department to find?

7 JASON MARSHALL: Yeah. I'm saying there's a
8 threshold inquiry that takes place even before you get there
9 -- not in every circumstance, but you know an example of
10 say, if the proposed alteration is actually providing a
11 bigger setback, so it's sort of correcting the setback.

12 So you're not making -- you're not decreasing it,
13 so you're not making it more intense; rather, you're
14 correcting it.

15 WENDY LEISERSON: Correct, yep. So you're saying
16 the condition of it increasing the dimensional nonconformity
17 has to be --

18 JASON MARSHALL: Yeah, it has to increase it. And
19 even then, it might be a close call if it's really marginal
20 --

21 WENDY LEISERSON: Mm-hm.

22 JASON MARSHALL: And that's where it gets

1 subjective. If it's really marginal so you're increasing it
2 by percentage points, you know, one could argue that's
3 actually not intensifying it, and you should still -- you
4 know, be able to do is as-of-right.

5 But, again, I understand the sort of conservative
6 posture, and why not have the Board rule on that.

7 For me the easy examples are when you're making it
8 more conforming, and then in that case, you don't have to go
9 to the substantially more detrimental standard.

10 BRENDAN SULLIVAN: Right.

11 JASON MARSHALL: You never even reach that
12 question.

13 CONSTANTINE ALEXANDER: I think --

14 ANDREA HICKEY: Jason, I think you -- I don't mean
15 to speak for you, but I think you mean to say when you're
16 making it less nonconforming? Which is --

17 JASON MARSHALL: Correct, yes.

18 ANDREA HICKEY: -- more conforming.

19 JASON MARSHALL: As usual, Andrea, you have helped
20 clarify the record for me. Thank you very much. Yes.
21 That's exactly what I mean.

22 WENDY LEISERSON: Got it. Okay. Thank you.

1 CONSTANTINE ALEXANDER: Still waiting to see if we
2 can find -- get the petitioner on the phone number ending.

3 JASON MARSHALL: And Andrea just -- and also for
4 the record, I'm happy for you to speak for me in most all
5 aspects regularly, so please do.

6 ANDREA HICKEY: [Laughter] And I'm happy for you to
7 shut me down, so --

8 JASON MARSHALL: I won't ever make that a
9 practice.

10 ANDREA HICKEY: Okay.

11 JASON MARSHALL: Well, Wendy, welcome aboard.
12 It's good to have you.

13 CONSTANTINE ALEXANDER: That's right.

14 WENDY LEISERSON: Thank you. Thank you all for
15 showing me the ropes so well.

16 CONSTANTINE ALEXANDER: You've had a trial by fire
17 tonight.

18 ANDREA HICKEY: Right.

19 CONSTANTINE ALEXANDER: Long night -- cases -- and
20 some of the presentations were less than perfect, at least
21 in my view, so --

22 WENDY LEISERSON: Well, I --

1 CONSTANTINE ALEXANDER: -- most confusingly.

2 WENDY LEISERSON: It all helps me to learn, so
3 thank you.

4 ANDREA HICKEY: And let's all remember we have hot
5 mics so.

6 CONSTANTINE ALEXANDER: No, I'm of the mind, just
7 because we haven't heard this case, rather than trying to
8 drag -- reach this person, just continue this case until the
9 next, I mean unless you can get the person on the line --

10 ANDREA HICKEY: Right. They're actually two hours
11 late now for their scheduled time. They were on for 8:30.

12 CONSTANTINE ALEXANDER: Oh, yeah, I don't blame
13 them at all -- that's not the first time. People hang up on
14 us.

15 ANDREA HICKEY: Oh no, I'm not sticking up for
16 them, I'm just saying, you know, they've had enough time to
17 be monitoring when they're up. But if we continue, how do
18 you contact them to have them sign the waiver?

19 SISIA DAGLIAN: Well, we can get in touch with
20 them. He's just -- he's trying to call. He was on until,
21 like, five minutes ago.

22 [Pause]

1 CONSTANTINE ALEXANDER: So Andrea in terms of
2 getting in touch with them, we have the petitioners' address
3 information, and Maria can get in touch with them tomorrow.

4 The question is, if we say no, we're not going to
5 sign anything, then the relief will be granted when the 65-
6 day period runs.

7 ANDREA HICKEY: Right.

8 CONSTANTINE ALEXANDER: On the other hand -- no, I
9 don't want to say it. I mean, I shouldn't say, I don't want
10 to prejudge the case.

11 SISIA DAGLIAN: Oh, here it is. Hello? Elias,
12 can you press #6 to unmute yourself?

13 [Pause]

14 SISIA DAGLIAN: Well, he's on, but I think he
15 doesn't know how to unmute himself.

16 CONSTANTINE ALEXANDER: We're making progress.

17 WENDY LEISERSON: I think sometimes my iPhone
18 doesn't like this kind of interaction. So maybe it's a
19 technical glitch.

20 CONSTANTINE ALEXANDER: It could be. You may be
21 right. Trouble is, we need to speak with them, to hear
22 them.

1 SISIA DAGLIAN: *6.

2 CONSTANTINE ALEXANDER: So that they can make the
3 presentation.

4 SISIA DAGLIAN: Elias, try *6. Oh, there we go.
5 Are you there?

6 ELIAS J. CORY: All right. I'm there. I'm here.

7 CONSTANTINE ALEXANDER: Success!

8 ELIAS J. CORY: Okay.

9 CONSTANTINE ALEXANDER: The floor is yours.

10 ELIAS J. CORY: All right. So my name is Elias J.
11 Cory, and I live at 20 Avon Hill Street in Cambridge with my
12 wife. So I am a long-term resident in this house with my
13 wife, about almost 60 years. We raised our kids here.

14 So I'm now 93. My wife is almost 90. She is not
15 well. She is at serious risk of fall, and currently she has
16 been in and out of Mount Auburn recently, and currently
17 she's not strong.

18 And every time she goes up to the bathroom on the
19 second floor, she is at risk of fall. We do have railings
20 on both sides, but we're advised by the physician to do what
21 we can to put in a first-floor bathroom.

22 So I've submitted a plot plan showing how we can

1 add a 5 x 8 food addition at the back of our house, which is
2 easy to connect to the water and sewer lines. So it's --
3 and we've submitted a plan for a toilet and a washbasin, and
4 a small shower in that 5 x 8-foot space.

5 So we have letters from all four abutting
6 neighbors saying that they support our plan to stay in our
7 house as long as we can, and they support the first-floor
8 bathroom.

9 So it would be just a one-story addition, totally
10 invisible from the front of the house or from any side,
11 because we have cedar trees, which are 15 feet high all
12 around the back of our house.

13 We have a large back yard, so that addition is a
14 good 40 feet from the rear of the house.

15 So this is an old house. It was built in 1867 by
16 Mr. Saunderson. His daughter we got to know after we moved
17 in. It's one of the original developments around Avon Place
18 and Avon Hill Street.

19 So we're asking for a minimal addition, one story,
20 and just for this small bathroom. So it doesn't extend
21 beyond the house. In fact, it's two feet in from the side
22 of the house. The south side of the house, as you can see

1 in the plot plan, is actually two feet away from the lot
2 line. And the next house is also two feet on the other
3 side, the north side, of the lot line.

4 Nonetheless, these houses were laid out in a way
5 that was outstanding at that time to make maximum use of the
6 space.

7 So in summary, we would like very much to be able
8 to stay in this house where we raised our three kids, and
9 where our family comes to visit. And I'm especially
10 concerned to see that my wife improves in her health and is
11 not in danger for a serious fall.

12 She has had three fractures in the last eight or
13 nine years, and the physicians who've been treating her
14 strongly recommend the addition of a bathroom.

15 CONSTANTINE ALEXANDER: Thank you.

16 ELIAS J. CORY: I'm happy to answer any questions.
17 I should --

18 CONSTANTINE ALEXANDER: I think --

19 ELIAS J. CORY: I should give you a little bit of
20 background.

21 CONSTANTINE ALEXANDER: It's not necessary.

22 ELIAS J. CORY: I've lived in Cambridge.

1 CONSTANTINE ALEXANDER: Sir, it's not necessary,
2 really.

3 ELIAS J. CORY: Okay.

4 CONSTANTINE ALEXANDER: In case -- I mean, I don't
5 mean to cut you short, but I don't think you need to take
6 your time to go through that. You're the beneficiary of a
7 recent change -- or will be -- the beneficiary of a recent
8 change to our zoning ordinance dealing with the increasing a
9 nonconformance, but that's all that's being done.

10 And what you're doing is you're getting -- this
11 bathroom you want to build on the first floor, you're
12 getting closer to the lot line than you were before, and
13 before you were not -- you were too close to the lot line.
14 You were nonconforming.

15 ELIAS J. CORY: Sorry, we're not as -- yeah, the
16 addition is not closer to the lot line than the existing
17 building.

18 CONSTANTINE ALEXANDER: Well, you're seeking
19 relief under Section 8.22.2 d).

20 ELIAS J. CORY: Yeah.

21 CONSTANTINE ALEXANDER: And under that, that --
22 and I think you're right in seeking that, let me just

1 summarize it quickly, we can grant the special permit for
2 the alteration or enlarging -- enlargement, I'm sorry, of a
3 preexisting, dimensionally nonconforming, detached, single-
4 family residence --

5 ELIAS J. CORY: Yeah.

6 CONSTANTINE ALEXANDER: -- provided there is no
7 change in use, and you're not proposing to make any change
8 in use of your residential structure, and that any
9 enlargement or alteration of such preexisting,
10 nonconforming, detached single-family dwelling may only
11 increase a preexisting dimensional nonconformity, but does
12 not create a new dimensional nonconformity, and that's
13 exactly what you're proposing to do.

14 ELIAS J. CORY: Yes, yes, yes. That's correct.

15 CONSTANTINE ALEXANDER: Okay. Under -- this
16 section applies to what you're seeking to do, and the
17 ordinance now says, "In order to grant the special permit,
18 the Board of Zoning Appeal is required to find that the
19 alteration or enlargement shall not be substantially more
20 detrimental than the existing nonconforming structure to the
21 neighborhood."

22 And that the -- something else, it's not relevant

1 right now.

2 And it seems clear to me that what you're
3 proposing to do is not more -- it's not substantially more
4 detrimental than what is existing now. So I think you meet
5 that requirement.

6 And then if that's the case, then we only have to
7 take a more generalized vote with regard to the general
8 requirements for special permits.

9 So I will first -- let me get to the other
10 requirements of the special permit, and then we can take one
11 vote, which will cover all of this supposedly, subsection d)
12 and the requirements of the Section 10.43. 10.43 provides
13 that -- and I propose we find that the requirements of the
14 ordinance cannot be met unless we grant the special permit
15 that you're seeking.

16 That traffic generated or patterns of access or
17 egress resulting from what you're proposing will not cause
18 congestion, hazard, or substantial change in established
19 neighborhood character.

20 And you've already spoken to that by pointing out
21 the nature of what you propose to do, and its dimensions and
22 locations -- the location on your structure.

1 That the continued operation of or development of
2 adjacent uses, as permitted in the zoning ordinance, will
3 not be adversely affected by what you're proposing.

4 And again, I think the facts speak for themselves;
5 they will not just a modest change to the structure for very
6 substantial good reasons why.

7 And no nuisance or hazard will be created to the
8 detriment of the health, safety and/or welfare of the
9 occupant of the proposed use, or the citizens of the city.

10 And generally, what is being proposed will not
11 impair the integrity of the district or adjoining district,
12 or otherwise derogate from the intent and purpose of this
13 ordinance. So on the basis of all of these findings, the
14 Chair moves that we grant the special permit that you are
15 seeking.

16 ELIAS J. CORY: Thank you so much.

17 CONSTANTINE ALEXANDER: I should ask, before we
18 take the vote, I should ask if there's anyone who wishes to
19 speak. Do we have any? No?

20 SISIA DAGLIAN: I don't think so, but you want to
21 try?

22 CONSTANTINE ALEXANDER: Let's try it. Any members

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

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

5 Anyone -- we'll pause for a few minutes to see if anyone's
6 calling in.

7 [Pause] No one is calling in, so I think we can
8 now proceed to a vote. I already closed public testimony.
9 I made the motion.

10 Brendan, how do you vote?

11 BRENDAN SULLIVAN: On the motion, yes to the
12 granting of the special permit.

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

15 CONSTANTINE ALEXANDER: Jason? Jason Marshall yes
16 in favor of the special permit.

17 CONSTANTINE ALEXANDER: Wendy?

18 WENDY LEISERSON: Wendy Leiserson yes in favor of
19 the special permit.

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

22 [All vote YES]

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CONSTANTINE ALEXANDER: The special permit is granted. Good luck.

ELIAS J. CORY: Thank you so much. I appreciate your help.

COLLECTIVE: Thank you. Goodnight.

[10:49 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

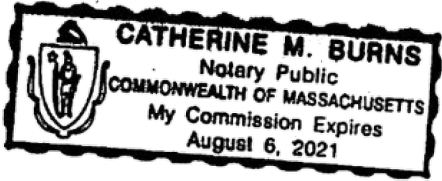
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

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 1st day of July, 2021.


Notary Public

My commission expires:
August 6, 2021



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