

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, OCTOBER 16, 2014

7:30 p.m.

in

Senior Center

806 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair  
Brendan Sullivan, Member  
Thomas Scott, Member  
Janet Green, Member  
Andrea Hickey, Associate Member

Sean O'Grady, Zoning Specialist

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P R O C E E D I N G S

(7:30 p.m.)

(Sitting Members Case BZA-004612-2014:  
Constantine Alexander, Brendan Sullivan, Thomas  
Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair  
will call this meeting of the Zoning Board of  
Appeals to order. And as is our custom,  
we'll start with the continued cases.

We only have one continued case. It's  
case No. 004612, 72 Fresh Pond Parkway.

Is there anyone here interested in this  
matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair  
notes that there is no one interested. And  
the Chair would report that we are in receipt  
of a letter from the petitioners in this case  
saying (Reading) We would like to inform you  
that we would like to withdraw our  
application for a Zoning Variance as we

decided to go ahead with the original roof plan presented in the current building permit.

Thank you for your help in this process.

The Chair moves that we accept this request of withdrawal and treat this as a withdrawn case.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case withdrawn.

(Alexander, Sullivan, Scott, Green, Hickey.)

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case BZA-004945-2014:

Constantine Alexander, Brendan Sullivan,

Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair will call from our regular agenda, case No. 004945, 40 Cottage Street.

Is there anyone here wishing to be heard on this matter?

ROBIN CHASE: Yes. Do I come here? Formal.

MARK BOYES-WATSON: Hello.

CONSTANTINE ALEXANDER: The floor is yours.

MARK BOYES-WATSON: I'm Mark Boyes-Watson, Mark Boyes-Watson Architects, 30 Bowes Street in Somerville.

Give your name and address for the record.

ROBIN CHASE: Robin Chase, 40 Cottage Street, Cambridge, Mass., 02139.

MARK BOYES-WATSON: So Robin has

owned this house for a long time.

ROBIN CHASE: 27 years.

MARK BOYES-WATSON: Her family is up there. And the house is -- I just wanted to show you the Assessor's map quickly just to give you a sense of what's where.

This is 40 Cottage Street.

CONSTANTINE ALEXANDER: Go ahead. I've seen the property.

MARK BOYES-WATSON: You've seen it. You're familiar with it?

CONSTANTINE ALEXANDER: Other members may not.

MARK BOYES-WATSON: Okay, just quickly. They are actually these really lovely 19th century cottages that, that there are a series of them down Cottage Street, and the proposal actually is shaped by not to change very much about that cottage, but

still absorb changing lifestyle and still keep it as a single-family even though it could be a two etcetera, etcetera.

CONSTANTINE ALEXANDER: Could you do something about that dormer that runs the length of the house?

MARK BOYES-WATSON: Yeah, I know. I guess in an earlier era things were different.

CONSTANTINE ALEXANDER: And no dormer guidelines that's for sure.

MARK BOYES-WATSON: That's for sure.

So in this case, what's happening here, there's a lovely garden here that is thought to be preserved. And what's being -- it's actually very cottagey so the scale inside the house is very small. And the proponent seeks to actually make this part of the house

work a little better with the beautiful garden and just for 21st century living in terms of the kitchen and flow. So what that involves is pushing out an extension under this -- this is an existing porch roof, but as you're continuing this porch roof allowing for a much more open and flowing kind of internal arrangement, that then spills directly out into the garden through a change to this room which doesn't require relief.

So, the relief in the plan is that this porch here sits inside the rear setback. So it requires setback relief to put it here rather than anywhere else on the lot. Just what's also happening is that there is a garage right here now used not as a garage.

CONSTANTINE ALEXANDER: Is it used for motor vehicles?

MARK BOYES-WATSON: No, no.



CONSTANTINE ALEXANDER: It doesn't look like it. I would be shocked.

JANET GREEN: You'd have to drive through the garden to get to it.

MARK BOYES-WATSON: Exactly. The garden would not be the same.

So actually this plan actually calls for the curtailing of that and just using it as a garden shed. But actually listed in the relief just to make sure we cover it, although it doesn't get any closer -- or maybe gets a fraction closer to this. But basically it was already -- there's a thing about the two structures on the lot being ten feet apart. So we site that because this remains close. And in fact we're building on and staying close. So we're close there.

There is just --

CONSTANTINE ALEXANDER: Any thought

about removing that garage? Demolishing it? I mean, that would solve the ten-foot problem which to me is a serious problem because of safety issues. You don't want -- particularly a non-usable garage and fire, somebody can fool around in there, fire starts, it jumps to the house.

MARK BOYES-WATSON: It is actually built in that era where it's entirely non-combustible material. It's got a rather nice arch. If you look, it's got a rather nice arch concrete roof. And I think the neighbors have gone. You speak to this, but the neighbors are very used to its presence.

ROBIN CHASE: It's actually a buffer between us and the neighbors. I think they would be unhappy if we removed it. And in that, they eat -- the place that they put their picnic table is right behind that

garage, right? And so if you -- I think they would feel very unprotected if we took that out frankly.

CONSTANTINE ALEXANDER: Put a fence up.

UNIDENTIFIED AUDIENCE MEMBER:  
We're here. We like the garage.

MARK BOYES-WATSON: So right now the proposed -- so we'll just keep that there.

ROBIN CHASE: It's nothing combustible. But it's cement. It's completely cement.

THOMAS SCOTT: Are you keeping a portion of it?

MARK BOYES-WATSON: Yes.

THOMAS SCOTT: You're going to retract it?

MARK BOYES-WATSON: Yes. And we still keep the profile of the roof. There's

a really nice pair of doors on it so it's not used for details. So basically it curtails it. Because actually the garden -- the garden is actually a bunch of things as well. Shovels and stuff, so it's actually a very useful amenity for the garden as well.

So, there is another element of the proposal some of which requires relief. So on this, this side elevation which is the elevation that's really along all of Cottage Street, is kind of a zero lot and see -- more or less a zero lot line, it's not quite a zero lot line condition. It renders, though you're entitled in the non-conformity section to place a dormer, you're not supposed to put windows in it. So we're asking permission actually to make some changes to the windows facing the right-hand side, which is the windows in the dormer.

And actually there's a slight -- if you look -- this is formatted. So existing is here. Proposed is here. So you can see there's a reconfiguration of this window and this is to accommodate things in the plan, and then the addition of the dormer.

CONSTANTINE ALEXANDER: The size of the dormer?

MARK BOYES-WATSON: Is -- it says it right on here. 14 foot 8.

CONSTANTINE ALEXANDER: Yes.

There's now a three-foot dormer -- three-foot something dormer and you're going to expand it to the 15?

MARK BOYES-WATSON: Yes. There's this dormer here. We're expanding it putting in a bathroom.

So those are the basic elements of the

proposal.

CONSTANTINE ALEXANDER: Issue:

You're supposed to have a hardship. There's nothing in the file about hardship.

Bringing it up to 21st century standard of living don't cut it.

MARK BOYES-WATSON: Which, we weren't really looking to do that, but what I think, and obviously there's some discretion in this, but with the way that the massing is, the way that it contributes to the cityscape, the way that garden is actually part of the street, etcetera, etcetera, is that this proposal does not exceed the GFA allowed on the lot. It doesn't increase the unit count.

ROBIN CHASE: Can I say something?

MARK BOYES-WATSON: Yes, you can.

(Inaudible).

ROBIN CHASE: Both of these other houses. Like these, we're like triplets, these three houses.

CONSTANTINE ALEXANDER: Yes, I know that.

ROBIN CHASE: So these guys are three stories. These guys are two full stories. They went up against -- they have -- everyone has their bathroom here. And I'm the guy with the hardship sloped roof that everyone else has their big bathroom.

CONSTANTINE ALEXANDER: You know, when we have these cases; dormers, additions, it's always, always the case where people, younger people -- young families need more room and they need more bedrooms, and usually you put a dormer in the attic and you convert it. The fact that you have to use this a bathroom that slopes and you've lived in this

house for 21 years with a sloping bathroom, you've got to understand, it's not a matter of -- we don't have discretion necessarily. If you want Zoning relief, we have a legal standard we have to apply. It's got to be a substantial hardship, No. 1, that's due to conditions like soil conditions, shape of lot, and that we can grant relief without undermining the intent of the Zoning Ordinance. Three criteria that are set by state law. And I don't hear, speaking for myself only, I don't hear why you meet the requirement for substantial hardship.

ROBIN CHASE: One other thought, the flow in the upstairs, is that you come up the front stairs, you walk through the bathroom, you get to the next bedroom, and the intention of moving that dormer up is so that we can actually put another bathroom so those two



bedrooms aren't sharing -- so the same bathroom footprint can be -- have a wall and shared bathroom so that people aren't walking through the bathroom to get to that bedroom.

CONSTANTINE ALEXANDER: And you can't solve this problem in a way that doesn't require Zoning relief?

MARK BOYES-WATSON: Well, the configuration of the house is that those eaves are pretty low which is popped up those doors. The staircase is pretty tricky. It's a cottage built in 18 --

ROBIN CHASE: 1840.

MARK BOYES-WATSON: It's got some idiosyncrasies that are tricky.

So I think that the -- and I know we've discussed this before in terms of, you know, respecting sort of historical structures and historical forms and whether that's hardship

enough in a case, and I understand that it -- that, so that the hardship is owing to the fact that it is a historic house built in 18 --

CONSTANTINE ALEXANDER: Yes, but --

MARK BOYES-WATSON: -- and I wouldn't argue it if I was going for three dwelling units and a lot of GFA.

CONSTANTINE ALEXANDER: But the problem is the historical. I don't want to be crude, but the historical nature of the building has been destroyed already with that horrible dormer.

MARK BOYES-WATSON: I don't think anybody that lives anywhere near Cottage Street with regard -- would regard it as destroyed. I mean they're treasured elements.

CONSTANTINE ALEXANDER: I've

overstated it. The architectural beauty of the structure is gone.

MARK BOYES-WATSON: It's diminished, yeah, it's diminished.

ROBIN CHASE: Twenty years ago we improved it because it used to have asbestos shingles all along the side and it taken off the dormerness of it, right? They had to -- made a straight shot. So we took off the asbestos shingles. We restored that old eave so it looked like a dormer instead of straight down.

CONSTANTINE ALEXANDER: I'm monopolizing the conversation.

Any questions from members of the Board at this point?

BRENDAN SULLIVAN: The purpose of the dormer is so that the front bedroom has its own access to its own bathroom. And then

the back bedroom has its own access to a bathroom.

ROBIN CHASE: Yes.

BRENDAN SULLIVAN: How many people live in the house now?

ROBIN CHASE: Right now there's six of us because we were away for a while, and there are three students from MIT who just graduated and they're living there. And so then there's my husband and my son, and I have two other children that are, you know, come and go.

BRENDAN SULLIVAN: And how many, how many bedrooms are there? Will be?

ROBIN CHASE: Five. There are five now.

BRENDAN SULLIVAN: There are five? Okay.

ROBIN CHASE: And so there's five

now with two baths, and would like to make it five with three baths so that we don't walk through that bathroom.

JANET GREEN: So you have to walk through your bathroom to get to the bedroom if you come up the front stairs?

MARK BOYES-WATSON: Yes, you do.

BRENDAN SULLIVAN: Not untypical. I mean, I've seen that.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: And you wonder what were they thinking type of thing.

ROBIN CHASE: Well, it's because the house got added on in the back.

BRENDAN SULLIVAN: And I think a lot of times iterations over the years, No. 1.

And, No. 2, is well here's a kitchen and the first floor so let's put a bathroom right up there. Well, okay, because of plumbing.

And then, okay, that defines where the bathroom is. And then yet, well, we need more room, so because of the narrowness of it and the trying to maneuver everything, they just stuck a bedroom there and everybody sort of got along or maybe they didn't.

JANET GREEN: Or they didn't.

But....

BRENDAN SULLIVAN: But they survived somehow and couldn't wait to get out of there maybe. But anyhow.

JANET GREEN: Yes.

BRENDAN SULLIVAN: So now you've come along and you say well, there has to be a better way, and you know, Mr. Boyes-Watson says there is a better way.

MARK BOYES-WATSON: And the dormer per se doesn't require per se, the windows in it do.

ANDREA HICKEY: Can I see the board under the one in front of you?

CONSTANTINE ALEXANDER: We have plans here.

ANDREA HICKEY: Yes, I just wanted to see them on the board. Thanks.

MARK BOYES-WATSON: Sorry.

ANDREA HICKEY: That's okay.

Thanks.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter? Do you want to speak?

UNIDENTIFIED AUDIENCE MEMBER: We have --

CONSTANTINE ALEXANDER: You have to stand up and state your name.

JUDITH BLACK: Judith Black, 11 Pleasant Place, Cambridge. We abut and we

both share -- we have a unit and he has a unit right in back, and so we're here to kind of find out what the meetings are all about. And it sounds as if we probably don't have any objections. It would actually create more privacy, as Robin says, between our backyard and their backyard for them to have their kitchen and windows facing into their yard rather than kind of into our backyard.

GERARD BABAKIAN: Yeah, I'm Gerard Babakian, B-a-b-a-k-i-a-n, 9 Pleasant Place. And I'm totally fine with it except my one concern is, and Robin said there won't be any windows on the side facing our house. And I -- and I just was looking for a guarantee that that would be the case.

CONSTANTINE ALEXANDER: The plans show it.

MARK BOYES-WATSON: No new windows.



GERARD BABAKIAN: And in the future does that mean they can't be added?

CONSTANTINE ALEXANDER: Without coming back before this Board.

Just for your information, if we approve, we will tie it to the plans Mr. Boyes-Watson has prepared. Those plans show no windows, therefore they can't put a window in before coming back before us.

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Okay. I'm going to close public testimony.

Any further comments?

THOMAS SCOTT: Isn't the functionality on the upper level kind of a hardship? I mean, there's no privacy.

MARK BOYES-WATSON: Yeah, I mean the

whole -- the cottage, it is a cottage. And in fact, there's many -- and it's partly a sensibility. So this isn't something that -- there is another scheme which would tear a part off and building behind there are some more radical things that you can do here, but the sensibility is just to make minor changes to a situation where this front room, the front bedroom for instance is very sloped and -- but in order not to bring a dormer close to the street, like on the other side, we're not proposing remedying that. So we're trying to do the minimum remediation of a cottage that actually sort of overcomes the hardship of some of those ancient sort of conditions.

THOMAS SCOTT: Yes, I mean the nature of the house being a cottage-style house is a hardship in and of itself, because

it's very difficult to plan a house that's this small, you know, and to make it function so that it works for privacy purposes as well as a flow and circulation through the house. So -- and I feel like we've, we've had other cases here that, you know, where people have bumped out their kitchen, and honestly I've not seen the hardship in some of those cases, although I've kind of gone along with it. But I think the hardship here is really owing to the structure and the fact that it's really a cottage-style house.

CONSTANTINE ALEXANDER: Any other comments?

JANET GREEN: I thought it seems minimal to me, actually, to improve a situation that seems quite difficult.

CONSTANTINE ALEXANDER: Ready for a vote?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Okay.

Okay, the Chair moves that this Board make the following findings with regard to the petition that's been brought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the flow of the -- the interior flow of the structure is such that it's not ideal to say the least, and that it would -- they need to improve the interior flow -- traffic flow of the building.

That the hardship is owing to the shape of the structure given it's an 1843, I believe, structure, cottage.

And that desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially

derogating from the intent and purpose of this Ordinance.

In this regard the relief is -- with regard to this, the relief is modest in nature.

The concerns about safety because of the structure being within ten feet of this garage that's not being used doesn't appear to provide any safety issues because of the non-flammable nature of the garage.

And that with regard to the dormers on the far side, the other side of the structure, that the dormers will comply with the dormer guidelines, and are otherwise modest in nature.

So on the basis of these findings, the Chair moves that we grant the Variance. The Variance being sought --

UNIDENTIFIED AUDIENCE MEMBER: Can

I speak to that? I'm very sorry to be late.

Can I speak to that?

CONSTANTINE ALEXANDER: I'm sorry.

UNIDENTIFIED AUDIENCE MEMBER:

Don't be sorry. It's impossible to find a place to park.

CONSTANTINE ALEXANDER: Give your name and address to the stenographer.

CHARLIE ALLEN: My name's Charlie Allen. I live at 44 Cottage Street. And I generally support the project. I wanted to ask about the modest dormer that faces my yard. It seems to me that the tradeoff for more windows looking in my second floor and in my yard isn't really necessary to achieve the goals of the plan. It makes of course for a higher ceiling for more of the room, but you could do both bathrooms or a very large bathroom there that still served all four

rooms. You could move the laundry from the first floor up there and make a nicer bath on the first floor. It doesn't seem to me that it really negatively impacts the goals of Robin and Roy, my long-term neighbor, but it would negatively impact me to have those windows.

Now the window that's there is on a stairwell which these two new windows will be on two bathrooms and the skylight that's there is conveniently over a toilet which creates the nice piece of extra headroom, and I would be -- if two baths is really important, I'd be amenable to creating two skylights over two toilets as opposed to the windows that look directly out.

CONSTANTINE ALEXANDER: Have you communicated the views you're expressing tonight to your neighbor before this hearing?

CHARLIE ALLEN: No, but not for -- it would have been more ideal. I actually spoke to Roy last night and was generally fine. And the more I looked at the plans and thought -- that was my only objection, and I told him that, but I told him it didn't rise to the level of an objection. And, you know, the more I looked at the plans and saw that it, that there was another way to do the same thing as opposed to you can't have a kitchen of any means or you can't have the extra bedroom, or I felt that there was really a way to achieve the goal without that dormer. And so, I didn't really have an opportunity to -- until today to do that.

CONSTANTINE ALEXANDER: I'm just curious, that's all.

Do you have any reaction to his suggestion?



MARK BOYES-WATSON: I think that the -- the dormer is important for the functionality of the two bathrooms. The privacy issues, I think, are very serious. They're, you know, sort of a zero lot line condition. And I just was talking to Robin for a second there, and for instance, we could definitely put a film on those windows so that you can't see out of them.

The reason that -- they don't have to be there for the bathrooms to function, it's true. There's an ugly windowless dormers slightly ugly and discouraged in the Ordinance. And so I mean it's possible to modify the windows on the dormers, and it's certainly possible to leave them and make them so that they, you know, this isn't somebody that's going to be living in this bathroom so you that you can't see anything

through those windows. There's mitigations that could be made there, that would be my comment.

The third of the windows is actually on the stair just like the original window.

CONSTANTINE ALEXANDER: So you're talking about putting opaque, some sort of opaque glass on the two new windows?

MARK BOYES-WATSON: The two bathroom windows, right.

THOMAS SCOTT: Opaque or translucent?

MARK BOYES-WATSON: I'm talking about let one that light through but you cannot see an image through.

BRENDAN SULLIVAN: I guess my thought is that we're starting to do this on the fly and when we do that, it, I think in deference to Mr. Allen, I think that it's

almost a conversation that you guys should have and not through us, but maybe go in the next room if you find that worthwhile, have a relaxed conversation, have your thoughts go to them and then back and then come back to us.

MARK BOYES-WATSON: We could do that.

BRENDAN SULLIVAN: And you may agree to disagree. You may agree --

CHARLIE ALLEN: I would like to do that. I am not in opposition to these improvements or what they're trying to do.

BRENDAN SULLIVAN: Well, but I sense some --

CHARLIE ALLEN: That would be great.

BRENDAN SULLIVAN: I think an exchange of views would be productive.

CONSTANTINE ALEXANDER: I think

it's a very good suggestion. We'll recess this case and you can go in the back room and talk about it. And before the evening's over, come back and we'll take action.

MARK BOYES-WATSON: Great, yes.

CONSTANTINE ALEXANDER: This case will be recessed until later in the meeting and we'll move on to our next case.

(Case recessed.)

\* \* \* \* \*

(7:55 p.m.)

(Sitting Members Case BZA-004995-2014:  
Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004995, 1100 Massachusetts  
Avenue.

Is there anyone here wishing to be heard  
on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair  
notes that there is no one here.

The Chair would report that we are in  
receipt of a letter from Ricardo M. Sousa,  
S-o-u-s-a who is counsel for the petitioner.

(Reading) By this letter the applicant  
respectfully requests the Board to continue  
the public hearing for the above-referenced  
matter -- that's this matter -- scheduled for  
this evening, October 16, 2014, at 7:45 p.m.,

to its next available public hearing date. If possible, we would request a continuance to the November 6, 2014, hearing date.

The applicant is requesting a continuance in order to allow time to address the concerns and requested design changes of the Planning Board regarding the proposed installation. Based on this request we understand that the applicant's representative need not appear at tonight's hearing. Please contact me immediately if a representative would be required to attend.

And as Mr. Sousa said, there's no need for someone to attend.

Is November 6th -- we have time?

SEAN O'GRADY: No. December 4th.

CONSTANTINE ALEXANDER: December 4th. Full in November?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued as a case not heard until seven p.m. on December 4th subject to the following conditions:

That the petitioner sign a waiver of time for decision.

That the posting sign be modified to reflect the new date and the new time. And that this modified sign be maintained for the 14 days prior to November -- I'm sorry, December 4th.

And lastly, on the condition that to the extent that the petitioner is going to submit modified plans and photo simulations, which appears to be the case based on the letter, that these plans and all documents must be in our files no later than the Monday -- five p.m. on the Monday before the new hearing

date.

All those in favor of continuing the case on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Sullivan, Scott, Green, Hickey.)

\* \* \* \* \*

(8:00 p.m.)



(Sitting Members Case BZA-005011-2014:  
Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005011, 15 Perry Street.

Is there anyone here wishing to be heard  
on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair  
notes that there is no one wishing to be  
heard.

The Chair would report that we are in  
receipt of an e-mail from Monika, M-o-n-i-k-a  
Zofia, Z-o-f-i-a Pauli, P-a-u-l-i who is an  
architect for the project, one of the  
architects for the project.

It's addressed to Maria Pacheco.

(Reading) We would formally like to request  
her case to be heard at the next available

Zoning meeting in November and not on the 16th of October as we've made a few small refinements to our drawings as a result of negotiations with one neighbor.

Okay, and the rest of it is not relevant.

What's the next date?

SEAN O'GRADY: Same, December 4th.

CONSTANTINE ALEXANDER: December 4th, okay.

The chair moves that this case be continued as a case not heard until seven p.m. on December 4th on the conditions that the petitioner sign a waiver of time for decision.

That the posting sign be modified to reflect the new date and the new time and the sign be maintained as required by our Ordinance to the 14 days prior to the new

hearing date.

And that to the extent that there are going to be changes to the plans, and apparently there will be, that these changes must be in our files no later than five p.m. on the Monday before December -- the new hearing date.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case continued. Five in favor.

(Alexander, Sullivan, Scott, Green, Hickey.)

\* \* \* \* \*

(8:15 p.m.)

(Sitting Members Case BZA-005066-2014:  
Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005066, 23 Florence  
Street.

Is there anyone here wishing to be heard  
on this matter?

CHARLES MYER: I'm Charles Myer,  
Charles Myer and Partners, 875 Main Street,  
Cambridge, Mass.

With me is Alex Slive, S-l-i-v-e and  
Kaela, K-a-e-l-a Lee.

CONSTANTINE ALEXANDER: Please have  
a seat.

CHARLES MYER: And they are the  
owners and I'm the architect.

Okay, so we have a house. It's an 1885  
two-and-a-half story house on the corner of

Pleasant and Florence down behind Trader Joe's, down at the very end. And it's -- Kaela and Alex want to renovate the entire house. It's a pre-existing non-conforming house.

CONSTANTINE ALEXANDER: All the way.

CHARLES MYER: All the way.

So that a complete thing. We have all setbacks, FAR, open space, so on.

And what we'd like to do is really rebuilding the house. We're not adding any square footage. We're not changing any footprint. The reason we're here today is because on the north side, this side, where we would like to move some windows and that's it. So we're also going to be putting on new siding, new roof, skylights on the street facing side to Pleasant.

CONSTANTINE ALEXANDER: But the relief is a Special Permit, don't even need a Variance.

CHARLES MYER: That's right. Just a Special Permit. Thank you.

And so we're gonna -- it currently has aluminum siding. It's all coming off. New clapboards. New front porch in the Italian 8 style. Common in the neighborhood. New windows.

And this side is within one foot of the property line and that's on the east side and this is the north side that we are -- the reason we're here tonight.

We have seven windows, we're going down to six. We want to move a door from here to here. In shadow you can see the -- where the existing windows are and where we want to put proposed windows, all determined by the plan

adjustments we're making because we're converting this from a two-family to a one-family.

Alex and Kaela have met with both direct abutters on both sides, and another one two houses away who also happens to be a sister. But -- and so -- and they're all fine and they've submitted letters to that effect. So it's a fairly benign situation, and that's what we're asking for approval for tonight.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: Does anyone here wish to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard. We are, as Mr. Myer has pointed out, in receipt of

letters which I'll read into the file.

We have a letter from Renee R-e-n-e-e, Sperber, S-p-e-r-b-e-r. (Reading) To Whom It May Concern: I understand that Alex Slive and Kaela Lee are planning to move into the house at 23 Florence Street are asking the city for permission to move some windows. We have talked it over and I don't object to their plans. I live directly next-door to their house at 176 Pleasant Street.

There's a letter from a Sarah S-a-r-a-h Slive, S-l-i-v-e Davila, D-a-v-i-l-a. (Reading) I am a lifelong resident of Cambridge and I've lived with my family at 174 Pleasant Street for 28 years. We are very happy that my brother, also a lifelong Cambridge resident, will be moving to our neighborhood only one house away. I understand that he and his fiancée, Kaela



Lee, who recently purchased the property at 23 Florence Street are seeking a Special Permit to change some windows in their house. My husband Mario Davila and I have reviewed the plans and have no exceptions. From our backyard at Pleasant Street we have a view of their north facing wall. So there's going to be peace in your family, right? Your sister is supporting you?

And we have a letter from Darin,  
D-a-r-i-n Evans, E-v-a-n-s and Fenni,  
F-e-n-n-i Jin, J-i-n. (Reading) We understand that Alex Slive and Kaela Lee who recently purchased the property at 23 Florence Street are seeking a Special Permit to change some windows in their house. We have reviewed the plans and have no exceptions. Our address is 21 Florence Street which makes us direct abutters to the

property.

And this letter is a duplicate. And I think that's it. Let me make sure. That's another duplicate.

Okay, and that's all she wrote.

I'm going to close public testimony.

Any final comments?

CHARLES MYER: No, fine.

CONSTANTINE ALEXANDER: Questions or comments from members of the Board or ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: I think we're ready for a vote.

Okay, the Chair moves that we make the following findings with regard to the Special Permit being sought:

That the requirements of the Ordinance cannot be met if the petitioner desires to

change the location of windows and doorway given the absolute non-conformance of the structure being on a corner lot.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or the development of adjacent uses will not be adversely affected by the nature of what is being proposed. In this regard we have the letters of support from those persons most directly affected by the proposed changes.

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

And that what is being proposed will not impair the integrity of the district or

adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.

Indeed what is being done will be to improve the structure itself, the aesthetic appearance, make it more liveable and generally improve the housing stock in the city of Cambridge.

On the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with plans submitted by Charles R. Myer and Partners all of which have been initialled by the Chair.

These are the final plans?

CHARLES MYER: Those are the final plans.

CONSTANTINE ALEXANDER: Okay.

All those in favor of granting the

Special Permit say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor. Good luck.

(Alexander, Sullivan, Scott, Green,  
Hickey.)

CHARLES MYER: Thank you very much.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-005103-2014:  
Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005103, 217 Elm Street.

Is there anyone here wishing to be heard  
on this matter?

ERIC CONNALLY: Hi. My name is Eric  
Connally. I live at 217 Elm Street. We've  
been there for a little over three years, and  
we love the neighborhood and we love the  
house. And we just want to make it a little  
more liveable, a little more room. We're  
getting a little crowded as my kids get older.

CONSTANTINE ALEXANDER: I saw in  
your application, a little over a thousand  
square feet of space and you got two teenagers  
and --

ERIC CONNALLY: One bathroom.

Teenage daughter. We have a half bath, too, but no shower.

CONSTANTINE ALEXANDER: God bless you. Okay. I understand -- you have a hardship, it seems to me, in terms of needing more space.

ERIC CONNALLY: I'm being told to be quiet.

ADAM GLASSMAN: I'm Adam Glassman, architect, working with Eric and his family.

And so as he so eloquently described, we do have a hardship. We have a very rigid house that's only 20 feet wide. We've got two legal bedrooms. One study that doesn't qualify as a legal bedroom that's worked for a little while for his son, but they're busting out of this. So our solution is to move up to the attic and create a bedroom and another modest bathroom for --

CONSTANTINE ALEXANDER: And it's really a technical issue, too. You're going to build two dormers, one on each side of the house.

ADAM GLASSMAN: Yes.

CONSTANTINE ALEXANDER: Both of them are dormer guideline compliant, which is no longer than 15 feet in length and they're set back from ridge as I recall from the plans.

ADAM GLASSMAN: Right.

CONSTANTINE ALEXANDER: And under the Ordinance -- you could have built -- you're only going to do one. You could have done it as a matter of right. You're before us because it's a Special Permit, provisions of Section 8, because you have two, you have to come before us it's because you have two that you're here



tonight.

ADAM GLASSMAN: Right.

And one of these dormers is -- the by-right dormer is for this condition which are these stairs that barely get up safely.

CONSTANTINE ALEXANDER: And over there --

ADAM GLASSMAN: And that's the dormer that we are -- for which we're seeking a Variance which matches the by-right dormer.

CONSTANTINE ALEXANDER: It looks like more than 15 feet. It's not.

ADAM GLASSMAN: It's 15 feet.

CONSTANTINE ALEXANDER: Just the scale of it.

BRENDAN SULLIVAN: Well, they sort of meet four of the five steps. The one test they don't meet would be the lining up with the outside wall, but because the house is so

narrow, that imposing that condition would really shackle them quite a bit. So other than that, it's a good attempt to complying with it.

CONSTANTINE ALEXANDER: I think so. As I said, they definitely have -- seems to me a hardship that requires some Zoning relief. And so, anyway that's my view.

THOMAS SCOTT: Were you able to maintain the eave across the dormer?

ADAM GLASSMAN: We are. We're set back -- oh, the eave? The low eave?

THOMAS SCOTT: Yes.

ADAM GLASSMAN: We're continuing the eave.

THOMAS SCOTT: Okay.

ADAM GLASSMAN: Yep.

CONSTANTINE ALEXANDER: I'm going to open it to public testimony. You have

someone here who wants to publically testify.

NORBERT MALAMUDI: Yes. Good evening, ladies and gentlemen, my name is Norbert, N-o-r-b-e-r-t and the last name is Malamudi, M-a-l-a-m-u-d-i, 209 Elm Street.

So I'm just a door down. I just wanted to come and give my support for the plans and I'm familiar with the architect. I'm familiar with the contractor. I know both do great work. I know Eric and his wife Simona. I know they'll stick to the plans dictated by the architect and the contractor.

CONSTANTINE ALEXANDER: Well, they better otherwise they're going to get in trouble with the city.

NORBERT MALAMUDI: Exactly. So, it's a good plan and I see the plan coming to fruition.

CONSTANTINE ALEXANDER: Thank you

for taking the time to come down and speak.

NORBERT MALAMUDI: Thanks for having me.

CONSTANTINE ALEXANDER: Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: I guess not. There are no letters in the file.

ADAM GLASSMAN: We have letters of support.

CONSTANTINE ALEXANDER: Give them to me. I'll put them in the file.

We have a letter from Mr. Malamudi who I'm not going to read it because he's already testified in person.

A letter from a Joseph Barbaro?

ERIC CONNALLY: Barbosa.

CONSTANTINE ALEXANDER: Barbosa.

(Reading) I understand the plans for

the two dormers for the house at 217 Elm Street, Cambridge. I saw the pictures and like the addition. It won't affect my house in any way. I agree with the construction of both dormers on both sides, even the one towards the driveway. This project has my support.

We have a letter from Antonio Dacosta, D-a-c-o-s-t-a, 246 Elm Street. (Reading) I have seen and understand the plans of the proposed dormers for the house of 217 Elm Street. I am in agreement with the construction of both dormers. I specifically support the Board of Zoning Appeal for the city of Cambridge grant relief for dormer No. 2. I feel that this is an attractive addition to the house, and it does not affect my property in any negative way. This project has my full support.

A letter -- it's the same letter but this time it is from Jose Pontes, P-o-n-t-e-s, who resides at 225 Elm Street.

And I think that's it. Maybe there's one more. Yes.

There's a letter here also from a Sam Wolff, W-o-l-f-f, 219-221 Elm Street.

(Reading) I'm the owner of 219-221 Elm Street and have looked at the plans for two proposed dormers at 217 Elm Street. I am very much in favor of the dormers, specifically for the Board of Zoning Appeal for the city of Cambridge granting relief for dormer No. 2. It is an attractive addition to the house and does not affect my property in a negative way. This project has my full support.

And that's it. So there's nothing in opposition. There's neighborhood support.

Any final comments?

ADAM GLASSMAN: No.

CONSTANTINE ALEXANDER: Discussion among members of the Board or are we ready for a vote?

JANET GREEN: Ready.

SEAN O'GRADY: Can I just say something? In order to do a by-right and a granted dormer, we would actually have to do them in two permits unless --

CONSTANTINE ALEXANDER: Two permits? I thought it was a Variance.

SEAN O'GRADY: There's sort of a thing, academic thing, housekeeping thing back in the office. We have to do them on two permits if one of them is as of right and one of them's granted. If you grant them both and you just made the language clear that we're granting them both, we can do it on one permit. It would just make life easier for

us.

CONSTANTINE ALEXANDER: Okay, thank you.

SEAN O'GRADY: Thank you.

CONSTANTINE ALEXANDER: Okay, the Chair moves that we make the following findings with regard to the relief being sought:

That the petitioner cannot satisfy the requirements of the Ordinance without relief.

That traffic generated or patterns of access or egress as a result of this project will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses will not be adversely affected by what is being proposed.



That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant or the sit sense of the city.

And that the proposed use will not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the Chair would note that this project is necessary to provide very necessary additional living space.

That the project has unanimous neighborhood support.

BRENDAN SULLIVAN: Did you do a Special Permit?

CONSTANTINE ALEXANDER: Was that a Special Permit? It's a Variance.

Oh, you're right. I'm reading the

Special Permit thing. Thank you, Brendan,  
my mistake.

Let me retract that. Scratch all that.

With regard to the Variance being  
sought the Chair moves that we make the  
following findings:

That a literal enforcement of the  
provisions of the Ordinance would involve a  
substantial hardship to the petitioner.  
Such hardship being that the petitioner  
needs -- I won't say desperately, but needs  
additional living space.

That the hardship is owing to the  
basically the shape and location of the  
structure on the lot.

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

In this regard the Chair would note that this project has unanimous neighborhood support, and that it is necessary to provide additional living space for whoever occupies the structure, including the current occupants.

So on the basis of these findings, the Chair moves that we grant the Variance being sought, one Variance for both dormers, on the condition that the work proceed in accordance with the plans submitted by the petitioner. They have been prepared by GCE Architects, and all of which have been initialled by the Chair.

All those in favor of granting the Variance please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

Good luck.

ERIC CONNALLY: Thank you very much.

(Alexander, Sullivan, Scott, Green,  
Hickey.)

\* \* \* \* \*

(8:40 p.m.)

(Sitting Members Case BZA-004945-2014:

Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Janet Green, Andrea Hickey.)

CONSTANTINE ALEXANDER: Ready?

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: Sir, if you  
want to come to the front, it's up to you. If  
you wanted to be closer, it's up to you.

MARK BOYES-WATSON: We had a  
discussion regarding the windows and we've  
all agreed that, and I'll let Charlie speak  
for himself, but that we should reduce the  
size of those three dormer windows so that the  
windows are two-foot by three-foot, six.  
But otherwise the plan is agreeable to  
Charles.

CONSTANTINE ALEXANDER: There's no need for translucent windows?

MARK BOYES-WATSON: Oh, no, we're going to make the glass opaque. I mean not opaque.

ROBIN CHASE: Translucent.

CONSTANTINE ALEXANDER:  
Translucent. The two new --

MARK BOYES-WATSON: The two bathroom windows.

CONSTANTINE ALEXANDER: The two bathroom windows.

ROBIN CHASE: Can I get a house fan in that size, two-foot window?

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: Does that reflect your --

CHARLIE ALLEN: It does, it does.  
Thank you.

MARK BOYES-WATSON: Did you have --

ROBIN CHASE: I don't think I handed that in to you. But that's another neighbor.

MARK BOYES-WATSON: I don't think you have that in your file.

THOMAS SCOTT: Are all three windows going to be that size?

MARK BOYES-WATSON: Yes. The three windows are going to be the same size.

THOMAS SCOTT: Half windows?

MARK BOYES-WATSON: It's actually still a double. It's a double hung window. Three-foot, six by two-foot wide.

CONSTANTINE ALEXANDER: But these plans are still good except for the size of the windows and the dormer?

MARK BOYES-WATSON: Exactly. In accordance with these plans except for that.

CONSTANTINE ALEXANDER: The Chair

would read into the record that we are in receipt of a letter from Edward W. Beucler, B-e-u-c-l-e-r and Margaret M. Beucler.

(Reading) This letter is to inform you that the undersigned owners of 37 Cottage Street, Cambridge, have no objection to the modifications applied for at 40 Cottage Street in the above-designated case number.

Okay. Discussion by members of the Board at this point or ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER:

Everybody's ready?

Okay, we have two votes -- actually, we have a Variance and then a Special Permit.

I'm just trying to think, the dormer change of the windows all relates to the Special Permit.

MARK BOYES-WATSON: It does.



CONSTANTINE ALEXANDER: Okay. So the Variance doesn't involve the windows.

Okay, the Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the internal arrangement of the structure is not very -- not desirable, and this would improve the traffic flow within the house and otherwise make the liveability of the structure much more -- would improve the liveability of the structure.

That the hardship is owing to the shape of the structure. This being a very old and non-conforming home and, therefore, the relief is required to deal with the hardship.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

On the basis of these findings the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with plans prepared by Boyes-Watson Architects. The first dated 9/4/2014. The first page of which has been initialed by the Chair.

Moving on now to the Special Permit -- oh, I'm sorry. All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Scott, Green, Hickey.)

BRENDAN SULLIVAN: Can I see the plan there, Gus?

CONSTANTINE ALEXANDER: Sure.

With regard to the Special Permit being sought, the Chair moves that we'd make the following findings:

That the petitioner is unable to satisfy the requirements of the Ordinance without the Special Permit.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation and -- of or development of adjacent uses will not be adversely affected by the nature of what is being proposed. And in this regard when we get to the plans themselves, we will see modifications that specifically deal with

this and are satisfactory to the neighbor most affected by the dormer.

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

And that the proposed use will not impair the integrity of the district or adjoining districts or otherwise derogate the intent and purpose of this Ordinance.

On the basis of these findings, the Chair moves we grant the Special Permit being sought on the condition that the work proceed in accordance with the plans referred to with regard to the Variance except that these plans will be modified such that the two new windows, bathroom windows in the dormer will be now in size two feet by three feet, six inches and that they will be, the glass will

be translucent.

All those --

THOMAS SCOTT: And the third window is being modified to the same size.

CONSTANTINE ALEXANDER: Okay, that's right.

THOMAS SCOTT: So there's three windows.

CONSTANTINE ALEXANDER: With the plan. It's according to the plans. That's on the plans right now.

THOMAS SCOTT: He's modifying all three windows.

CONSTANTINE ALEXANDER: All three? Oh, I'm sorry, I misunderstood that.

You're going to reduce the size of the other windows, too?

MARK BOYES-WATSON: Yeah. I'm going to note it to that effect. I'm going

to wrap my brain around it.

Three dormer windows have a maximum size of two-foot by three-foot, six. Both bathroom windows, windows to be translucent.

ROBIN CHASE: Two of the windows.

MARK BOYES-WATSON: Both bathroom windows to be --

CONSTANTINE ALEXANDER: Yes.

I need the plans back.

MARK BOYES-WATSON: Sorry.

CONSTANTINE ALEXANDER: That's okay.

On the basis that the motion has been made to grant the Special Permit subject to the plans that have been modified as Mr. Boyes-Watson has done and described in my motion.

All those in favor of granting the Special Permit, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

(Alexander, Sullivan, Scott, Green, Hickey.)

MARK BOYES-WATSON: Thank you very much.

ROBIN CHASE: I want to say thank you. And the reason the whole thing came out because we had these tiny little rooms and a whole bunch of them downstairs and it's annoying. So, thank you. Because I love my house but you can't have more than four people sit in a room at any time.

MARK BOYES-WATSON: Thank you all.

(Whereupon, at 8:50 p.m., the

Zoning Board of Appeals

Adjourned.)

\* \* \* \* \*

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The original of the Errata Sheet has been delivered to Inspectional Services.

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**COMMONWEALTH OF MASSACHUSETTS  
 BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of

this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skill and ability.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 3rd day of November, 2014.

---

Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
License No. 147703

My Commission Expires:  
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