

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, DECEMBER 4, 2014

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Brendan Sullivan, Member

Thomas Scott, Member

Janet Green, Member

Maria Pacheco, Zoning Secretary

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P R O C E E D I N G S

(7:00 p.m.)

(Sitting Members Case #BZA-005329-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call the Zoning Board of Appeals meeting to order. And as is our custom, we'll start with the continued cases. And our first continued case is Case No. 005329, 43 Appleton Street.

Is there anyone here on this matter?

LEONARD BRABERG: Yeah.

CONSTANTINE ALEXANDER: Just so you know, we have a letter from counsel for the petitioner asking to withdraw -- continue. Sorry, I take that back. To continue the case.

LEONARD BRABERG: Okay. I have a question.

CONSTANTINE ALEXANDER: Yes.

LEONARD BRABERG: I found two errors

in the BZA application form.

CONSTANTINE ALEXANDER: You should give your name to the stenographer, please.

LEONARD BRABERG: Leonard Braberg, Four Kennedy Road. I'm the neighbor abutting the proposed garage.

CONSTANTINE ALEXANDER: I'm sorry, go ahead, yes.

LEONARD BRABERG: So I put in the memo the errors in the application form submitted by 43 Appleton Street.

CONSTANTINE ALEXANDER: Okay.

LEONARD BRABERG: Can I give that to you?

CONSTANTINE ALEXANDER: Absolutely. And we'll put it in the file and we'll take it into the account when we hear the case. We're not going to hear it tonight.

LEONARD BRABERG: Okay, I understand.

CONSTANTINE ALEXANDER: Well, since you are a neighbor, since you have an interest in the case, we have to pick a time to continue the case. When is the first time?

MARIA PACHECO: I think they requested -- no sooner than the 29th of January.

LEONARD BRABERG: We would be out of town. We'll be away for a month.

CONSTANTINE ALEXANDER: We won't do it then.

LEONARD BRABERG: So after January 20th we could do it.

MARIA PACHECO: So January 29th?

LEONARD BRABERG: Is perfect.
Perfect.

CONSTANTINE ALEXANDER: Wait a

minute, this doesn't make sense.

Mr. Rafferty, (Reading) Please accept this correspondence as a request to continue the above-captioned case currently scheduled for Thursday, January 29th.

It's currently scheduled for right now. He -- it must be a typo. He means he wants to continue the case until January 29th?

MARIA PACHECO: January 29th.

CONSTANTINE ALEXANDER: Okay.

We're going to continue as soon as the Board votes, as I think they will, we'll continue the case until January 29th, same time seven p.m.

LEONARD BRABERG: Okay.

CONSTANTINE ALEXANDER: And your letter, what you've submitted will be read into the record. Will be part of the record.

LEONARD BRABERG: Lovely.

CONSTANTINE ALEXANDER: And you'll have an opportunity to speak as well.

LEONARD BRABERG: Thank you, thank you very much.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case not heard until seven p.m. on January 29th, on the following conditions:

That the petitioner -- the petitioner has signed a waiver for time for decision.

That the petitioner modify the sign. By the way, which is now not posted. They have to have a posting sign like the original one, for the two-week period prior to the hearing, reflecting the new date, January 29th, and the new time, seven p.m.

And lastly to the extent that the petitioner is going to submit modified plans from what was submitted originally, they have

to be in our files by no later than five p.m.
on the Monday before this January 29th,
together with revised dimensional forms.

From your point of view, if you want to
check the files to see if anything has been
filed, any new plans, go -- come down to the
office, the office -- on Mondays it's open
until eight. Come down on a Monday before or
Tuesday or Wednesday or Thursday. Okay?

LEONARD BRABERG: Okay.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

We'll see you in January.

LEONARD BRABERG: Thank you.

(Alexander, Hughes, Sullivan,

Scott, Green.)

* * * * *

(7:05 p.m.)

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

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

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

ATTORNEY ANNE REYNOLDS: For the
record, my name is Anne Reynolds, Prince,
Lobel on behalf of the applicant Sprint
Spectrum.

I am here, as you know, Sprint is in the
process of upgrading many of their existing
sites with their 2.5 technology which will
allow them to provide updated or greater
speed and increase capacity to their

customers.

So this case or in this particular instance Sprint is proposing to add three panel antennas as well as three supporting RRH units to be facade-mounted on the building and supporting equipment in the existing equipment area on the rooftop of the building. I've got revised photo sims that were submitted on Monday.

CONSTANTINE ALEXANDER: These are the ones?

ATTORNEY ANNE REYNOLDS: Yes, I believe those are the ones. 11/24. 11/24, yes.

So those were revised based on comments from the Planning Board when we first met with them. And I think they show you the best sort of changes in the aesthetics of what was asked to be changed. So this is the north view and

you'll see there's an existing -- sorry.
There's an existing antenna currently there.
The Planning Board wanted us to clean-up the
wiring --

CONSTANTINE ALEXANDER: The
clutter.

ATTORNEY ANNE REYNOLDS: -- and the
stuff that was on there.

And so this is the proposed after.
You'll see that both antennas are now facade
mounted, painted to match. They have been
dropped. Or they will be dropped so that
they are in line. They don't extend above
the top of the cornice line of the building.
And all the cabling and the equipment has been
moved over to the side where the equipment is
so it's not visible from the street.

Same thing here. We've got an existing
antenna there which is painted to match but

slightly extends over the top of the building. The Planning Board asked that be moved down and moved back. So now you'll see in the simulation that they were both painted to match and they moved down and to minimize the visual impact of the application.

I'm happy to answer any questions.

CONSTANTINE ALEXANDER: You are a duly licensed carrier, FCC carrier in good standing?

ATTORNEY ANNE REYNOLDS: Yes.

CONSTANTINE ALEXANDER: We need that for the record. That's all.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: There appear to be no questions. I will, just for the record, point out that the -- well, let me ask, is there anyone here wishing to be

heard?

(No Response.)

CONSTANTINE ALEXANDER: And no one wishes to be heard.

The Chair would report that in connection with the original filing by the petitioner, as the petitioner has represented and pointed out, there were comments from the Planning Board. What is before us tonight is responsive to those comments and satisfies -- I don't see any need to read the letter because some parts of the letter aren't relevant to here. But I can represent to the Board in my judgment at least, that what the petitioner is now presenting to us is what the Planning Board asked the petitioner to do.

So, any questions or anything else?

Anything else you want to add?

ATTORNEY ANNE REYNOLDS: No.

CONSTANTINE ALEXANDER: I hope not.
Okay, I think we're ready for a motion?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: All right.
This is a Special Permit. Let's see, the
Chair moves that this Board make the
following -- by the way, I should also for the
record, this is in a business district. So
some of these requirements for checking of
alternative sites do not apply. This is
simply a straightforward telecommunications
case.

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

That traffic generated or patterns of
access or egress resulting from this will not
cause congestion, hazard, or substantial

change in established neighborhood character.

That the continued operation of and development of adjacent uses as permitted in the Ordinance will not be adversely affected by the nature of 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 of the citizens of the city. And with regard to this, this finding would be subject to the conditions that I'm going to suggest we impose should we decide to grant the relief. If we impose those conditions, and I believe this finding can be made.

And that the -- what's being proposed will not impair the integrity of the district or adjoining districts, or otherwise derogate from the intent and purpose of the

Ordinance.

In this regard, as the petitioner has pointed out, what is being done is to basically replace existing antennas on the building, no new antennas are being added or additional antennas I should say.

TIMOTHY HUGHES: There are three being added.

CONSTANTINE ALEXANDER: I'm sorry?

TIMOTHY HUGHES: There are three new ones being added.

JANET GREEN: Three radio -- remote radio heads.

CONSTANTINE ALEXANDER: Oh, I'm sorry. I thought you were replacing them.

ATTORNEY ANNE REYNOLDS: There are three existing and then there's three.

CONSTANTINE ALEXANDER: Okay.
Thank you, Tim.

There will be new antennas but the antennas will be sufficiently disguised in terms of their appearance. And in this regard also it meets the requirements or the suggestions of the Planning Board.

So on the basis of these findings the Chair moves that we grant the Special Permit being sought subject to the following conditions:

One, that the work proceed in accordance with plans and photo simulations submitted by the petitioner, initialled by -- the first page of which has been initialled by the Chair. These photo sims and plans are attached, stapled to a business card of the petitioner's representative.

That should the petitioner cease to use these antennas for a period of at least six months, that they be promptly removed and the

building restored to its prior condition to the extent reasonably possible.

That the petitioner will continue to maintain the visual disguise that's there now, should over time the condition, the paint peels or other conditions occur so that the visual impact is as it will be initially.

That we have other special conditions as you know we've been imposing. That inasmuch as the health effects of emission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

The petitioner -- one, the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions

emanating from all of the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

Two, in the event that any time federal authorities notify the petitioner that its equipment on the site, including, but not limited to the Special Permit granted tonight, fails to comply with the requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner, within ten

business days of receipt of such notification -- receipt of notification of such failure, shall file with the Inspectional Services Department a report disclosing in reasonable detail that such failure has occurred, and the basis for such claimed failure. And 60 calendar days after receipt by the petitioner of such notification of failure, the Special Permit granted tonight shall ipso facto terminate.

Three, to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs one and two, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraphs one or

two above. Any such new application shall not be deemed a repetitive petition, and therefore will not be subject to the two-year period during which repetitive petitions may not be filed.

And lastly, the one further condition, the Special Permit granted tonight shall also be subject to the condition that prior to the installation of the equipment approved tonight, the petitioner shall file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the petitioner with a geographical area that includes Cambridge; stating that A, he or she has such responsibility; and B, that the equipment being installed pursuant to the Special Permit we are granting tonight will comply with all federal safety rules and will be

situated and maintained in locations with appropriate barricades and other protections, such that individuals, including nearby residents and occupants of nearby structures, will be sufficiently protected from excessive radio frequency radiation.

Anything else?

JANET GREEN: Good.

CONSTANTINE ALEXANDER: All those in favor of granting the Special Permit with these conditions say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

ATTORNEY ANNE REYNOLDS: Thank you.

* * * * *

(7:15 p.m.)

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

CONSTANTINE ALEXANDER: The Chair

will call case No. 005011, 15 Perry Street.

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

MONIKA PAULI: Good evening.

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

MONIKA PAULI: I'm Monika Pauli, Pauli and Uribe Architects and I'm representing my client Doctor Alex Green.

CONSTANTINE ALEXANDER: At this point before we get into the case itself, there are three issues I have to raise with you.

First, when you submit revised plans, you have to do it in a timely fashion, which you did. But it has to be accompanied by a revised dimensional form, which was not filed.

No. 2, your plans show a window in a setback that would require a separate Special Permit and that has not been sought in your petition. So even if we were to hear the case and grant relief, you have to come back before us anyway.

And, three, you're proposing a dormer that does not comply with our dormer guidelines. The City of Cambridge has dormer guidelines. And to be sure those guidelines are recommendations, they're not part of the Ordinance, but they are recommendations that the Community Development group that we take very seriously.

So given those three items, I wonder whether it makes sense to hear the case tonight. But I am willing to hear from members of the Board or if you have any views

on this as well.

MONIKA PAULI: I'd like to add that windows in question, we have a detail and they're false windows and you know --

CONSTANTINE ALEXANDER: The plans you submitted do not show a false window. They show a regular window.

MONIKA PAULI: The new plans we submitted this week do submit the false window.

CONSTANTINE ALEXANDER: It does? I apologize if that's the case.

MONIKA PAULI: I know it was....

BRENDAN SULLIVAN: Do you have the transcripts on the original continuance on this?

THOMAS SCOTT: I'll try to find it.

MONIKA PAULI: These three --

CONSTANTINE ALEXANDER: One second.

Do we have the transcript from the original?

MARIA PACHECO: When was the original hearing?

MONIKA PAULI: There was no hearing because --

CONSTANTINE ALEXANDER: What was the date it was scheduled to be heard, do you remember?

FROM THE AUDIENCE: October 26th.

CONSTANTINE ALEXANDER: Yes, it's here.

THOMAS SCOTT: They do show the false windows.

CONSTANTINE ALEXANDER: They do?

THOMAS SCOTT: Yes. You see it here?

CONSTANTINE ALEXANDER: What about the dimensional form? And probably more

importantly, are the dormer guidelines.

MONIKA PAULI: We changed the dimensional form as we also submitted the windows which are labelled false. They were labelled frosted before because they were only there for the neighbor's sake to make elevation look better. But they fall in the closet. And I did bring a detail of a false window which we did before there was quite successful. I have pictures of that.

CONSTANTINE ALEXANDER: Okay.

MONIKA PAULI: So we wanted to eliminate that from the hearing. And if possible, even if it's too late to deal with the windows, we'd like to proceed with the rest of it.

CONSTANTINE ALEXANDER: Your dimensional form is not correct. Your dimensions have changed. For example, you

changed the size of the dormer.

MONIKA PAULI: The dormer got smaller.

CONSTANTINE ALEXANDER: Yes.

MONIKA PAULI: Everything went down. Our increase is only 73 square feet for the over FAR, right.

CONSTANTINE ALEXANDER: But even though it went down, you're supposed to have -- if you change the dimensional form just as you change your plans, you're supposed to be in our office by no later than five p.m. on the Monday before.

MONIKA PAULI: And thank you for calling me. We sort of acted as soon as we got the call from the --

CONSTANTINE ALEXANDER: Yes, I was in Mr. O'Grady's office and I asked him to call you.

MONIKA PAULI: It was on Tuesday.

CONSTANTINE ALEXANDER: Wednesday.

MONIKA PAULI: Wednesday morning actually. Wednesday, right.

CONSTANTINE ALEXANDER: Wednesday morning, I was there.

MONIKA PAULI: And I rushed over just to clarify the window situation and we --

CONSTANTINE ALEXANDER: The window situation is clarified. That's my mistake and that's good.

MONIKA PAULI: Right.

CONSTANTINE ALEXANDER: We still have an issue of the dimensional form. And really the bigger issue is are you familiar with our former guidelines?

MONIKA PAULI: Yes, we have them.

CONSTANTINE ALEXANDER: I should

hope so.

MONIKA PAULI: It's 15 feet. The little thing is 16 feet, it's actually the body of the dormer is --

THOMAS SCOTT: The body of the dormer is 15. And this extends --

CONSTANTINE ALEXANDER: Okay.

MONIKA PAULI: One foot down from the ridge and setback.

CONSTANTINE ALEXANDER: Yes.

THOMAS SCOTT: It does meet the criteria.

MONIKA PAULI: So maximize it, but if we have to, we can shrink it down a few more inches. It's not --

CONSTANTINE ALEXANDER: This is not necessarily a relevant question. Why a shed dormer? You have a gable dormer on the other side that you're going to add. And the house

has a lot of nice touches to it. Why have a shed dormer?

MONIKA PAULI: It's where we need a staircase because there's absolutely no access to the attic on the third floor. It's very steep. It's nine and a half steps. It's basically a ladder. And in order to follow the existing stair, we need a wider dormer to accommodate the stair. And we're able to push the stair in a little bit to get the --

CONSTANTINE ALEXANDER: Your answer is a gable dormer wouldn't work?

MONIKA PAULI: It wouldn't work. It would end up being even higher. We would have sort of a peak in the middle and then it would be flat.

CONSTANTINE ALEXANDER: Okay.

MONIKA PAULI: And actually on some

old photographs, some old shed dormers in that area, and so -- actually, we just have old photographs and you can see shed dormers on the house next-door. So this little of variety of both types. And actually No. 15, it's a class that are very similar homes. 11, 15, 13 is in the back. And is it 17?

ALEX GREEN: 17 is the condo.

CONSTANTINE ALEXANDER: I was just curious. It technically is not a Zoning issue. I was curious why you weren't putting a gable dormer there.

MONIKA PAULI: It was really the stair and to get the legal stair, it just makes more room.

CONSTANTINE ALEXANDER: So I think the only issue left, then, is the dimensional form. You didn't file a new dimensional form. And which you're representing to us is

that the numbers have gone down. So if anything, to the extent the relief you're seeking is lesser than you would have sought in the original dimensional form.

THOMAS SCOTT: Did you bring a revised dimensional form?

MONIKA PAULI: Yes. It's right here.

BRENDAN SULLIVAN: It was mailed, e-mailed when I was there yesterday in the afternoon. And so here is the new one.

CONSTANTINE ALEXANDER: That's a new one?

BRENDAN SULLIVAN: There's a new one which is date stamped.

THOMAS SCOTT: Yesterday.

BRENDAN SULLIVAN: And then the previous one.

CONSTANTINE ALEXANDER: On this one

what's in red is the changes?

MONIKA PAULI: Yes.

CONSTANTINE ALEXANDER: So as you pointed out, the new plans show an FAR of 0.617.

MONIKA PAULI: Yes.

CONSTANTINE ALEXANDER: Compared to .61 which was the original?

MONIKA PAULI: Right.

CONSTANTINE ALEXANDER: Still non-conforming as to why you need a Variance.

MONIKA PAULI: And we are also non-conforming because of the setback from the property line. And the site is slightly smaller than 5,000 square feet. So there are a few items, but the main thing is the side setback.

CONSTANTINE ALEXANDER: I don't know what the other members of the Board feel

about -- but I'm prepared to go forward tonight on the basis of what I heard.

JANET GREEN: Yes.

THOMAS SCOTT: Me, too.

CONSTANTINE ALEXANDER: Okay, and now we'll get to the merits after all this.

MONIKA PAULI: Thank you.

BRENDAN SULLIVAN: Can I see the drawings?

CONSTANTINE ALEXANDER: Go ahead, I'm sorry.

MONIKA PAULI: You love this neighborhood. You want to raise your children in this area?

ALEX GREEN: Yeah, we lived in -- down on Newton Street in Cambridgeport for several years. I moved there as a single person in an apartment there, rented for several years, met my wife. We stayed there

together and we got married, lived in that apartment for quite a while, and then we, you know, wanted a bigger space. We moved up to Porter Square where we live now, and then we had the opportunity to buy a house. And we had been looking in Cambridgeport for a long time. Very difficult to find a single-family house in Cambridgeport. We finally found one through kind of a word of mouth system, and were able to buy the house at 15 Perry Street with the idea that we had some flexibility to potentially build it, to make it a little bit bigger to meet our needs. My wife -- we have one child now. My wife is pregnant. We're going to have another child. And we also have the need to have in-laws, my in-laws come to help take care of the kids sometimes, and we're looking to have a house that's comfortable for us.

The current house has really only two usable bedrooms on the second floor. The third floor has the extremely steep staircase and very low ceilings and that sort of thing. So we can't really use that, but we love the house. We love the neighborhood. We love the yard and everything around it. And we wanted to see what we could do to make it work for us. So it's a great opportunity to, you know, move into the neighborhood and we want to see what we can do to make it work.

CONSTANTINE ALEXANDER: I see from the file that you had -- the two of you had numerous meetings with your neighbors?

ALEX GREEN: Yes.

CONSTANTINE ALEXANDER: And what is before us is an iteration of what has come out of those meetings?

ALEX GREEN: Yes, that's right.

CONSTANTINE ALEXANDER: The letters we have in the file, which were written based on the old plans, the ones that you've superseded, all are in favor.

MONIKA PAULI: Yes.

CONSTANTINE ALEXANDER: And is that, as far as you know, that continues to be the case? You have no neighborhood opposition?

ALEX GREEN: Yes. As far as I know, we have no neighborhood opposition. We've spoken to several neighbors both on the right and the three condo units on the right of us at 17 Perry. The house directly behind us --

CONSTANTINE ALEXANDER: That would be the one I would be most interested in because I would think they would be most directly affected by what you're proposing to do.

ALEX GREEN: Yeah. So we've worked very closely with Anna Swan and Jim who are here to try to make sure that we were able to meet their needs. And there were several changes that were made over the course of the last several months to meet requests that they had to make sure that we minimize the amount of blockage of light. Decreased the ceiling several times, the ceiling height several times -- twice to meet their -- that need. And have shrunk the size of the windows and the amount of windows that were facing their house on the back of the house so that there would be more privacy and a feeling of not so many windows.

We've also spoken to both them as well as Shary and Jeff Berg who live in 11 Perry Street, just to the right of us, and who also had concerns about several things, not major

structural things, but things around the air conditioning, where the air conditioner would be placed as well as drainage and rodent control while -- during construction, construction noise. And so we've worked with them to try to make sure that we, you know, have their trust and believe that we're working, you know, towards common goals.

CONSTANTINE ALEXANDER: To grant a Variance, the legal requirements are three, and I just want to get them out on the table and you've touched on them tangentially in your presentation.

There has to be a substantial hardship. And your hardship being, I take it, you need additional living space for growing family and elderly parents. That the hardship is owing to the special shape of the lot, soil conditions, and the like. And in your case

you have a non-conforming lot in terms of size that is therefore non-conforming structure. And any relief would require -- any change to the structure requires Zoning relief, a Variance that you're seeking.

And that the last is that to grant you relief will not be detrimental to the purpose of the Ordinance. I'll read the specific language in a second. And your point I take it on that is that you've talked to your neighbors, you've got unanimous neighborhood support. So for that reason we should find -- I just want to get that all out on to the -- you're not a lawyer.

ALEX GREEN: No.

CONSTANTINE ALEXANDER: Or a Zoning Specialist. I wanted to make sure we get that on the public record.

ALEX GREEN: Thank you.

CONSTANTINE ALEXANDER: Why don't you walk through the actual work.

MONIKA PAULI: Perfect.

And also we addressed related issues like garbage disposal, because it's a very tight lot.

CONSTANTINE ALEXANDER: Yes, it is.

MONIKA PAULI: And the driveway is shared so nobody can really park in the driveway. It's -- and garbage has been a problem in the past, so the -- we had --

CONSTANTINE ALEXANDER: Garbage is not necessarily a concern of ours, but you're right, it is a tight area. And, therefore, the views of the neighbor, to me, have more weight than maybe other kinds of cases. Because anything that gets done is going to affect their lives maybe much more so if your house was on Brattle Street and your neighbor

was two miles away.

ALEX GREEN: So we put some doors, and maybe Monika can show you in the side where the driveway is to put the garbage cans, so the garbage cans will be hidden, sort out of the way. We're building some storage shed type things in the back, on the back deck so that any kind of equipment can be put away and not out, you know, and that sort of thing. So we've made some accommodations.

MONIKA PAULI: And to go back to the history, probably you're familiar with these photographs, they are from the Building Department and these are from 1982. And they show a much larger garage, shed, sort of carriage house type of structure. And so in some ways we've tried to prove that this lot was more densely built up so it's not increasing the density in an unusual way. So

it was an interesting structure.

CONSTANTINE ALEXANDER: Just elaborate a little bit. I'm sorry to change the subject. On the third floor situation and the need for the dormers that you're proposing.

MONIKA PAULI: Yes.

CONSTANTINE ALEXANDER: Let's put that on the record.

MONIKA PAULI: This is the proposed -- we should show the existing and the proposed.

CONSTANTINE ALEXANDER: Yes, that would be a good idea.

MONIKA PAULI: This is the very tight ladder like stair up to the third floor, and then we have the three rooms where eaves pretty much --

CONSTANTINE ALEXANDER: That's

second floor, that's third floor?

MONIKA PAULI: Right. And they wanted pretty much to stand in the middle. And then it goes down to about sort of three feet or so, and it's -- so it's a really just storage. It's a great storage, but it's not liveable. And to make it a legal stair and possibly sort of a study for Doctor Green or Monica, we added the stair.

And we just added two dormers. One in this room to sort of make that a little cozy room. And then this dormer because of the stair. That was the only way to fit that. And the rest we're not --

CONSTANTINE ALEXANDER: How many rooms are you going to be adding to the third floor? Two?

MONIKA PAULI: They're actually, they're going to become useful rooms than

rooms for storage. So more useful rooms.

CONSTANTINE ALEXANDER: How many rooms will there be?

MONIKA PAULI: We'll have three bedrooms.

CONSTANTINE ALEXANDER: On the second floor?

MONIKA PAULI: On the second floor.

CONSTANTINE ALEXANDER: And what are you going to use the third floor for?

ALEX GREEN: It's going to be a kind of open study area. It won't be closed off as a separate room. But it will be useful as a study type of --

CONSTANTINE ALEXANDER: Or a play area for the kids?

ALEX GREEN: Yeah, a play area.

And then another -- a small room, which can be a guest room potentially.

CONSTANTINE ALEXANDER: No bathroom on the third floor?

ALEX GREEN: Yeah.

MONIKA PAULI: We're squeezing a teeny bathroom where the stair was.

CONSTANTINE ALEXANDER: You're adding a bathroom?

MONIKA PAULI: Yeah.

CONSTANTINE ALEXANDER: Okay.

MONIKA PAULI: So all the bedrooms for the two children and the master will be here and some dressing -- I mean, they're all nice rooms, but they're not overly huge which is trying to get this house to be more usable.

And on the first floor we're just putting the kitchen in the area where the old wood shed was. We're not -- except right now it's just separate structure. Two feet of a gap. So we're just attaching everything

together. And this creates a nice kitchen. And the library, which could also be used for the parents-in-law on that. And I want to add that the basement is very low and dingy and it's really not a -- it would make a good storage space and laundry room, but it's not a desirable space to convert.

CONSTANTINE ALEXANDER: And the issue for us is, right now, in terms of FAR, floor area ratio, you are conforming. You're at 0.496 according to your form.

MONIKA PAULI: We are at -- very close.

CONSTANTINE ALEXANDER: Well, now you're going to go over. You're going to become non-conforming, that's why you're here. One of the reasons why you're here.

MONIKA PAULI: Right.

CONSTANTINE ALEXANDER: To 0.651 in

a 0.6 zone.

TIMOTHY HUGHES: It's 0.617 now.

CONSTANTINE ALEXANDER: Oh, I have the old numbers. Thank you.

MONIKA PAULI: Yes. And actually we are 73 square feet over that will put us at the six. And actually we started smaller ideas and I think after, after we talk with the neighbors, they said, you know, you need a little bit here, a little bit there. You know, make it nice and make it work.

CONSTANTINE ALEXANDER: Sit down, please.

Questions from members of the Board at this point?

BRENDAN SULLIVAN: I just wonder why you have a shed roof over the stairway as opposed to the other two dormer roofs?

MONIKA PAULI: Well, we needed a

longer raised area over the stair.

BRENDAN SULLIVAN: Why?

MONIKA PAULI: So I mean so we could have sort of a gigantic big shed. But it's, it would be large. And looking actually at the house next-door, the picture, there is a very similar dormer.

BRENDAN SULLIVAN: Going back to that statement. You said you needed a 15-foot dormer over the stairway, for what reason?

MONIKA PAULI: To fit the stair in. Because right now the roof just goes -- pitches down and there's no room to have the stair over the existing.

BRENDAN SULLIVAN: Are you talking about headroom?

MONIKA PAULI: No headroom, right.

BRENDAN SULLIVAN: The headroom is

at the top of the stairs not as you walk down the stairs to the second level.

MONIKA PAULI: Because right now it's -- the roof just keeps going down and that's why the existing stair is in the middle because the roof is just like that and it comes down, yeah.

THOMAS SCOTT: But couldn't you have accomplished the same thing with a gable style dormer?

CONSTANTINE ALEXANDER: That's my question, yeah.

THOMAS SCOTT: So it's more like --

BRENDAN SULLIVAN: It seems like it doesn't fit.

CONSTANTINE ALEXANDER: It doesn't fit. It's very unattractive. Good reason, fine. But if there's not a good reason, I don't understand.

MONIKA PAULI: We were sort of looking at the existing houses and making this eclectic look, it's not perfect, but it's -- you saw, for example, this one right next-door has probably the same situation. And it has kind of a nice gable and the shed. And it's sort of a mix of three types. And we could do something like that, too, to have the proportions matter so to have something like this.

CONSTANTINE ALEXANDER: I have to say that just because there's something in the neighborhood that may not be attractive by today's standards doesn't mean you should replicate it. That's what I think all of us are trying to get at. We accept the fact that there may be a shed dormer there, but all things being equal, we would prefer it not be there. And we have a chance here with this

building to avoid it. And I haven't heard yet a reason why you can't.

MONIKA PAULI: The simplest geometry, and then we were sort of working with what's on this side.

CONSTANTINE ALEXANDER: You'll have an opportunity to speak.

MARK BATHE: I actually have to get going. I'm the direct neighbor.

CONSTANTINE ALEXANDER: Oh. You have to give your name and address.

MARK BATHE: Mark Bathe. So 17 Perry Street. So I actually live right next-door and I have the pleasure of coming home everyday to look at the existing structure, and I have to say that it's one of the less attractive homes on our street. And I've reviewed the plans carefully and I'm in strong favor of them. We had a massive

renovation of ours. I bought mine in 2010. It was gut renovated and it's -- I think one of the nicer homes now on Perry Street. But this home has you know, a number of issues both in the back which faces the three of our units which is kind of an eyesore, frankly. And then the front of the house also is relatively mediocre compared to a lot of new renovations like 17 Perry. So I just have to get running, but, you know, I'm in strong favor of the plans.

CONSTANTINE ALEXANDER: Thank you very much.

TIMOTHY HUGHES: Can I ask you a question before you go, Mark? If they were to do a gable dormer where they're proposing a shed dormer, would that block your house in any way? Does that -- it wouldn't create any kind of blocked light or shadow on your house?

Because the gable dormer would obviously have to be higher than the shed dormer is to achieve the same kind of clearance height at the one end of the gable. You know?

MARK BATHE: Yeah, so I'm actually the front unit so I shouldn't speak on behalf of Debra and Vicky on the back unit which I think is pertinent.

ALEX GREEN: Not for this one, this is on the front.

MARK BATHE: No, it wouldn't be. We're basically southern exposure so we get most of the light from the street side anyways. So, yeah, again, I think the improvements are, you know -- if you want to go beyond this one -- the one that really need discussion is the one across the street.

CONSTANTINE ALEXANDER: Good-bye.

TIMOTHY HUGHES: Sorry you got to

go.

CONSTANTINE ALEXANDER: Okay, we're back to the why. The why, the shed dormer?

THOMAS SCOTT: The other question I have is the dormer appears to be bigger than the stair actually, the stair opening. Why is it bigger? Why can't it be exactly the width necessary?

MONIKA PAULI: The only reason for that was, again, to get a little bit more headroom at the floor that doesn't have much and also we made it symmetrical in the roof. So there was -- so that was sort of pattern to it.

THOMAS SCOTT: Okay, yes.

MONIKA PAULI: And so this is sort of a pattern.

THOMAS SCOTT: Okay.

MONIKA PAULI: And this is the

geometry of the stair.

ALEX GREEN: I think it's also, if I'm right, if I'm not wrong, it's set back quite a bit from the street. So the visibility of that dormer from the street wouldn't be very obvious.

CONSTANTINE ALEXANDER: We have that issue. I mean --

ALEX GREEN: Okay.

CONSTANTINE ALEXANDER: I'm not being argumentative, but that issue is often raised by people. And the guidelines don't distinguish between what's very visible and what's not very visible.

ALEX GREEN: Got it.

MONIKA PAULI: And we have summer and fall here so we can sort of see. I mean, there are -- we do something similar to this one where it's just sort of reduced

appearance. But we would really like to keep that 15-foot width because that really helps with -- to keep the width of 15 feet. That really helps with the headroom.

ALEX GREEN: The headroom.

MONIKA PAULI: The headroom, right. But there are sort of different shapes to the little roof. The only thing is of course we have to deal with the one foot down from the ridge and that's a limiting factor. We don't want it to get to squat and sort of a nice dormer with the same angle as, but it could be a mix of shed and gable to make it nicer from the street.

CONSTANTINE ALEXANDER: Well, from speaking as only one member of the Board, and certainly I'm not an architect or contractor like my two colleagues to my right, I would very much like a different dormer than I'm

seeing on your plans. I don't -- I haven't heard a compelling case as to why the dormers have to be as you're proposing and I see some negative. Mainly aesthetic. I'm only one person.

Questions from members of the Board at this point? Further questions?

I'll take public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

The Chair would report that we are in receipt of a number of letters all based on the preceding plans, not the one before us tonight. But I don't think that makes a difference. They go on forever. I think I will just report who wrote the letters, they

all are in favor of the relief being sought.
There are no negatives.

And the letters are from Shary,
S-h-a-r-y and Jeff Berg, B-e-r-g, 11 Perry
Street.

Anna and Jim Swan, S-w-a-n, 13 Perry
Street.

Mark Bathe, B-a-t-h-e, 17 Perry Street,
No. 1. And he wrote -- there's a duplicate
copy of the letter, I'm sorry.

Diana Paulikas, P-a-u-l-i-k-a-s, 17
Perry Street, No. 2.

We have another letter from Shary and
Jeff Berg. I guess looking at revised plans.

And we have a letter from Anna Swan.
And there are several letters from people.
It's an iteration. They approved the
original plans and now are happy with the
revised plans as well.

There's also a letter from Deborah,
D-e-b-o-r-a-h Novicki, N-o-v-i-c-k-i, 17
Perry Street, No. 3.

A letter from an Alex Green -- no, no,
Shary Berg. Again Shary Berg. She likes to
write letters. More letters from Shary
Berg. Anyway, that's the sum and substance
of it all is that there are letters of
support and no letters of opposition in our
file.

Unless you have any further comments,
I'm going to close public testimony.
Anything further you want to add?

ALEX GREEN: No.

MONIKA PAULI: We also are applying
for the bay in the front which the other --

CONSTANTINE ALEXANDER: If we grant
the relief, we do it tied to the plans. By
the way, I want to make sure I make this clear.

The plans that you submitted, so you'll have to go ahead -- if you're going to modify these plans --

MONIKA PAULI: No, the bay hasn't changed from bay one. We're adding the seconds level.

CONSTANTINE ALEXANDER: You showed them the plans and we would approve those plans and you would be all set for that.

ALEX GREEN: Could I ask a question?

CONSTANTINE ALEXANDER: Sure.

ALEX GREEN: About the difference between the shed dormer and the other dormer, the gable dormer that you were talking about? From our perspective aesthetically I have no problem with either one. I would just want to, if it were possible to make sure that the -- it didn't reduce the amount of liveable space in that upstairs new room,

that we would be sort of trying to make more liveable because currently the way it is, that dormer is gonna give a little bit of extra space for the headroom within the actual room itself. So if the gable dormer was a little bit wider and allowed for that additional, you know, headroom in that room, I would be perfectly fine with that.

CONSTANTINE ALEXANDER: A gable dormer is the same requirement as a shed dormer. We closed public testimony so you had your opportunity to speak, I'm sorry. It has to be no more than 15 feet wide and set down from the ridge line, from the face and so -- I'm not an architect, I can't answer the question whether it would reduce your space. The other question is if it does reduce your space, how essential is that to your petition? Everybody wants as much space as

they can get, no question about that. I understand that. But we have other considerations that we have to take into account.

Okay, discussion from members of the Board? Comments? Views?

THOMAS SCOTT: I mean, I think after looking at the plan a little more carefully, the shed dormer does afford them more usable space to allow the door into the -- that bedroom to work properly and to allow a better headroom condition to get into that open office space as well. So I think a gable dormer would reduce that and would restrict access to those areas. So in light of that, as long as there's no opposition, I think I'd be in favor of it.

CONSTANTINE ALEXANDER: Okay.

Any opposition from members of the

Board, because if we vote, and they don't get the vote, they're out for two years.

TIMOTHY HUGHES: I'm good with it.

JANET GREEN: I'm good with it.

CONSTANTINE ALEXANDER: All right, I'm going to make a motion and we'll see what happens.

The Chair moves that with respect to the Variances being sought this Board 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 would be deprived of the ability to upgrade the quality of his premises and create additional living space that is necessary for the enjoyment of this property.

The hardship is owing to circumstances

relating to the -- well, this is a hard one, to the soil conditions, shape, or topography of such land and structures. In fact, I'm not sure how -- and especially affecting such land or structures but not affecting generally the Zoning District. I guess we have to say the nature of the structure where it's located on the lot, and particularly given the fact that you have a house behind you, effectively, means that you satisfy this condition.

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

In this regard the Chair would note that there was unanimous neighborhood support for the matter and no opposition.

And the relief being sought is somewhat

modest in nature in that it is, it results in a non-conforming structure as to FAR, but just slightly so, being 0.617 in a district that where you're not supposed to be more than 0.6.

So 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 submitted by the petitioner, prepared by Pauli, P-a-u-l-i and Uribe, U-r-i-b-e. There are many pages in length, the first page of which has been initialled by the Chair.

All those in favor of granting the Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

(Alexander, Hughes, Sullivan,

Scott, Green.)

* * * * *

(7:50 p.m.)

(Sitting Members Case #BZA-005543-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
is going to call case No. 005543, 186-188
River 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.

You are?

FROM THE AUDIENCE: I'm not even sure this is the right one, but River Street. Yes.

CONSTANTINE ALEXANDER: Yes, okay. Wait. You're not the petitioner, are you?

FROM THE AUDIENCE: No.

CONSTANTINE ALEXANDER: No, okay.

The petitioner has submitted a letter to us requesting that this case be continued until another date. So, we typically request the continuances. However, since you took the time to come down here I wanted to pick a date that works for you as well as for the -- well, it's going to have to work for the petitioner.

What's the first date we can have?

Mr. Rafferty didn't request a date.

MARIA PACHECO: He didn't?

FROM THE AUDIENCE: I'm also here for that.

CONSTANTINE ALEXANDER: I'm sorry.

FROM THE AUDIENCE: I'm also here for that.

CONSTANTINE ALEXANDER: Okay. Let me just confirm.

We have a letter from Mr. James J. Rafferty, the counsel for the petitioner. It says (Reading) Please accept this correspondence as a request to continue the above-captioned case currently scheduled for Thursday, December 4th. Thank you for your attention.

So he didn't request a date.

MARIA PACHECO: Okay.

CONSTANTINE ALEXANDER: What's the earliest we could do it if we wanted to.

MARIA PACHECO: It could be 18th of

December or January 8th.

CONSTANTINE ALEXANDER: Let me start with the second one first, January 8th because I hate to bring people down here right before Christmas.

Would that work for you, can you come back on January 8th around seven o'clock or thereabouts. You, sir?

FROM THE AUDIENCE: Sure.

CONSTANTINE ALEXANDER: Is there anyone else interested in this case?

(No Response.)

CONSTANTINE ALEXANDER: Okay, why don't we continue the case until January 8th.

The Chair moves that this case be continued until seven p.m. on January 8th subject to the following conditions:

That the petitioner sign a waiver of time for a decision.

That the posting sign be modified. The one that is there now, to reflect the new date and the new time. Both date and time. And that it be maintained for the 14 days prior to the hearing as required by our Ordinance.

And lastly to the extent that the petitioner is going to submit revised plans or revised dimensional form, they must be in our files no later than five p.m. on the Monday before that Thursday. This means for you, is that any time after five p.m. you can check in the Inspectional Services Department and see the latest and greatest plans that are being proposed by the petitioner so you could have an informed discussion at our meeting.

FROM THE AUDIENCE: It will be here?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: It will be

here. We'll meet here. But the plans, to inspect them before the meeting, you have to go across the street to the Inspectional Services Department.

JANET GREEN: They'll change the sign, but you won't get another letter.

CONSTANTINE ALEXANDER: Thank you. That's a good point. You're not getting another letter.

And if the sign is not modified or maintained, we won't hear the case on January 8th either.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. We'll see you in January.

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

* * * * *

(7:55 p.m.)

(Sitting Members Case #BZA-005478-2014:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Thomas Scott, Janet

Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005478, 12 Sacramento Street.

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

KARL FRIEDEN: Good evening.

CONSTANTINE ALEXANDER: Good evening. As you've heard already, for the record, give your name and address to the stenographer, please.

KARL FRIEDEN: Carl Frieden, 12 Sacramento Street.

SUSAN FRIEDEN: Susan Frieden, 12 Sacramento Street.

MARYANN THOMPSON: Maryann Thompson, 20 Russell Street. I'm the architect.

CONSTANTINE ALEXANDER: You're

seeking a Variance and a Special Permit.

Let's start with the Variance first.

MARYANN THOMPSON: I think Karl is going to explain it.

KARL FRIEDEN: Do you mind if I give you a little background?

CONSTANTINE ALEXANDER: Go ahead.

KARL FRIEDEN: So I'm Carl Frieden and this is my wife Susan and our architect Maryann. We're seeking a Variance for 12 Sacramento Street which is a single-family house. We've lived in it for about 20 years and we've lived in Cambridge for 40 years, one other house for 20 years. And it's a -- we've got a -- one thing I want to pass out, one exhibit that you can look at while we're talking because it shows all the houses on the block. Sorry.

CONSTANTINE ALEXANDER: That's

okay. Go ahead.

KARL FRIEDEN: So --

CONSTANTINE ALEXANDER: It's numerous.

KARL FRIEDEN: Yeah, it just shows we are the block between Mass. Ave. and Oxford Street. And it's -- so our side of the street is all sort of single-family houses with the exception of the arts center and the school, the Baldwin School.

And so first I wanted to briefly describe why we're seeking the Variance. I mean, the other part is just for some not, you know, windows and non-conforming walls. The Variance is the main thing.

CONSTANTINE ALEXANDER: Yes.

KARL FRIEDEN: So I'm going to give you a little bit of background on what's involved with the Variance and what our

hardship is.

In terms of the Variance, we're basically adding a two-story addition or we would like to add a two-story addition in the back replacing a one-and-a-half story addition. So all total, we're proposing to add about 775 square feet, only about 510 of it is above ground. The rest is just gonna be underground, below the addition. It's only gonna extend the house five feet beyond its current footprint, because we've already got the addition. And I can show you some pictures if you like of what it looks like.

CONSTANTINE ALEXANDER: The extension is not going to violate any setback either?

KARL FRIEDEN: What's that?

MARYANN THOMPSON: No.

KARL FRIEDEN: So basically there's

two things we're trying to do here:

One is, at least in our minds, a fairly modest addition. And I'll tell you why we need it in a second. The second is a major renovation.

The reason for the renovation is the house is an 1870s house. We've been there 20 years, and we've done modest changes; electrical, plumbing, the kitchen, all the bathrooms, the outside is peeling. I mean it's kind of like, to use the word of the person before us, an eyesore. And, you know, so we want to do everything at once. And we've raised our three kids there. We still have one child who is living there and one who is going to be coming back from college. Then she decided she likes Cambridge and she's gonna live with us. And then we have one son who's away at graduate school.

The reason other than the -- so the renovation we're doing just because we really have to. And we even had the insurance company say if you don't do this, if you don't do the outside, there are a number of different things we're --

CONSTANTINE ALEXANDER: It doesn't trigger any Zoning issue?

KARL FRIEDEN: No. But I was explaining there are two reasons we're doing this, and they're sort of connected.

In terms of why we're trying to add the -- basically it's the 520 square feet. The other just kind of comes with it underneath. But there's sort of two hardships:

One is it's a three-story house and our current bedroom, the only large bedroom is on the third floor. And to get to the third

floor is kind of a non-conforming, you did know that, a non-conforming staircase that kind of curves up. And I had knee surgery about four years ago and ever since I blew out my tendon in my knee, ever since then it's just been difficult for me to get up and down those steps. So, the first thing we want to do is build another bedroom on the second floor which is gonna be where the addition is upstairs just so that we can move down there as soon as possible.

The other thing we want to do is if you look at the plans on the first floor, we're gonna build a bedroom and that's gonna be for Susan's parents. And we expect, we're not sure when they'll need it, but they're 85-years-old, they're living on their own right now in Newton, but this is not going to go on that long. So we want to be able to

provide a space for them.

CONSTANTINE ALEXANDER: So they're not going to move in immediate --

SUSAN FRIEDEN: Well, they need it. We're persuading them.

CONSTANTINE ALEXANDER: The only reason why I ask that, is this is a point for other members of the Board, your first floor bathroom that you're adding is only a powder room which is somewhat inconsistent with having --

SUSAN FRIEDEN: No, they're not coming within the first year of the renovation because they have a plan that takes care of them for -- we know we don't need it immediately. I know we're gonna need it. They're pretty elderly.

KARL FRIEDEN: To your point, we're plumbing it for a shower.

CONSTANTINE ALEXANDER: I saw that.

KARL FRIEDEN: There's a sort of an entryway where we have coats and everything, and that's easily shifted. But since they're not going to do it right away there's some sense to --

CONSTANTINE ALEXANDER: And I suppose that hopefully not, but if they never move in, that you don't have --

SUSAN FRIEDEN: Then we can age there.

CONSTANTINE ALEXANDER: Sorry?

SUSAN FRIEDEN: Then we can age there and not go up and down the stairs.

CONSTANTINE ALEXANDER: Then you can put your shower in.

SUSAN FRIEDEN: Yeah.

CONSTANTINE ALEXANDER: Okay.

KARL FRIEDEN: That's the reason

we're doing it. Both the hardship and also because we kind of need to do something anyway.

The reason why we think it's appropriate, and we know we're here because we do need a Variance. But if you looked at the square footage on all of that, even with the addition we're gonna have the smallest floor area space on the block. We're also gonna have the smallest space in relation to the lot on the block. And this is my way of saying that we're going to be completely consistent with the style of the neighborhood. As you'll see, the number of properties are way, way bigger than ours. Most, not all of them, have already done what we've done. And we've already done what we've done. It's just sort of a smaller version of it. But most of it has been these

extensions going out the back. So, you know, in terms of the character of the neighborhood, again, we think we're not only doing anything inappropriate but doing something much smaller than, you know, anyone else has done.

We're still gonna have a very large backyard with open space, you know, the streets are wide at that point. We also think it's gonna be a substantial upgrade, you know, in terms of the rest of the renovation in which we're going to do to enhance the neighborhood.

We have spoken with -- we don't know all of our neighbors, but anybody that's been there 10 or 15 or 20 years, most of the abutters, not all, we weren't able to find them.

SUSAN FRIEDEN: I didn't know one of

the neighbors. I couldn't find one of them that abuts us but everybody else I did speak to.

KARL FRIEDEN: And so we've spoken to them and we've gone over the plans with them. Obviously if there's anybody else here who wants to know more about it, we're trying to be as open as possible. They're all, the ones that we've talked to I've brought a letter. They couldn't attend. If you wanted letters from other ones, we would be glad to do it. We tried as much as possible in this process. I'm not sure if anyone else wants to speak up, that would be great, we'd like to speak with them.

You know, that's basically --

MARYANN THOMPSON: I think we have the letters, right?

CONSTANTINE ALEXANDER: If you have

letters, you should give them to us.

KARL FRIEDEN: I'm going to give you the letters, here. So these are two of the abutters, one on the side and one on the back, but we can get it from two or other.

CONSTANTINE ALEXANDER: It's too late.

SUSAN FRIEDEN: We just heard today it was a good idea.

KARL FRIEDEN: These are dated today because somebody told us --

CONSTANTINE ALEXANDER: It's your representation that you have heard no neighborhood opposition?

KARL FRIEDEN: We have heard no opposition at this point.

SUSAN FRIEDEN: We've gotten some good support.

KARL FRIEDEN: I mean one of them is

from an architect in the backyard who did the arts center and she said it's a nice design, it's perfectly in keeping with the neighborhood. And if you don't --

MARYANN THOMPSON: Karl, the back of the house really is, is quite unsightly. That's not an exaggeration.

KARL FRIEDEN: I'll pass some pictures around. So this is -- this is a photo of the part that we're tearing down.

SUSAN FRIEDEN: The little appendage that sticks out is what we're trying to replace.

CONSTANTINE ALEXANDER: Yes.

MARYANN THOMPSON: And then in the back.

KARL FRIEDEN: Here's another view of it.

CONSTANTINE ALEXANDER: They're in

the file already. I think they're in the file. I'm familiar with the property.

MARYANN THOMPSON: Yeah. And then we're opening it up. I think it will be a lot prettier for the neighbors.

CONSTANTINE ALEXANDER: The biggest -- from the Zoning point of view, your big negative is that you're already a non-conforming structure. In terms of FAR you're 0.58 in a point -- no, you're 0.47 in a district that you're not supposed to be more than 0.35.

TIMOTHY HUGHES: Actually, it's an average. It's the first 5,000 feet or 50 percent and then after 5,000 it works out to be 0.465. So they're only non-conforming by a 0.05 at this point, but they are going quite a bit over from there.

KARL FRIEDEN: And we understand

that. And we understand that's why we need the Variance. And that's sort of why I raised, you know, hopefully it's a relevant factor that we're still, even in our non-conformity, going to be way less non-conforming than everyone else on the block which have much, much bigger units.

SUSAN FRIEDEN: We did a light study to see if we were going to be blocking anybody's light of the neighbor. And after extensive money, that the light is already being blocked by the building that's there and we can't even begin to be the problem.

KARL FRIEDEN: Yeah, there's a property next to us, and No. 14 has two properties, one completely blocks us from the south. And then our neighbor who is at 10 Sacramento Street, actually their house goes out further than ours does. So as the sun

goes, even in the summer months, she's the one who is already, to the extent that there's any blocking, blocking it. So I mean we did take that into consideration, because one of the neighbors had raised that as an issue, and we've known her for a long time, we wanted to satisfy that it wasn't a problem.

CONSTANTINE ALEXANDER: As Special Permit for the window, I just want to jump to that for a second, you're adding an awful lot of windows, which is fine. You need light. Any questions from neighbors about privacy issue?

SUSAN FRIEDEN: No, actually. It's funny -- no. The one neighbor who was concerned about the light, I thought that would be an issue. She had no issues with the windows.

KARL FRIEDEN: The ones -- I mean

all the windows on the side next to 14 Sacramento, they have a bathroom and a bedroom so they don't even have those windows open, and then their main windows are beyond our extension. So I don't think it's a problem. If you look out on the backyard, both people behind us are architects.

SUSAN FRIEDEN: They're the ones that look directly at us.

KARL FRIEDEN: I mean, clearly we're going to have curtains for our own, you know, we're not going to have privacy. And we're totally willing to work with anyone who -- you know, we want privacy. So we're willing to put up any number of trees or anything to be able to beautify it to take care of that.

MARYANN THOMPSON: One of the supporting letters is from the backyard.

KARL FRIEDEN: Yeah, I think it's from Wendy Prellwitz.

MARYANN THOMPSON: Her house is --

CONSTANTINE ALEXANDER: Wendy Prellwitz.

MARYANN THOMPSON: This one or this one, right?

CONSTANTINE ALEXANDER: Three and a half Wendell Street. So she has to be your backyard.

SUSAN FRIEDEN: Exactly. She is in our backyard.

MARYANN THOMPSON: Yeah.

KARL FRIEDEN: And the other one is from our neighbor next-door, but we can -- I guess it's too late. We didn't realize about the letters until today. We can get letters from the other two abutters.

CONSTANTINE ALEXANDER: It's a good

idea as you were told, but its not essential.

KARL FRIEDEN: And, you know, just a final comment, I mean we did try to, you know, I wish we knew everyone, but only one person actually had any concerns and that was over the lighting and we did spend quite a bit of money doing the lighting study and that, you know, that was the results of that. So she was fine.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

TIMOTHY HUGHES: I don't have any questions, but there was some confusion on your plans, Maryann, about the elevations. It was transposed, I believe, the west elevation -- on the existing was different from the west elevation on the proposed. And then the other thing that I had a problem with was that you didn't fill out the application

form with the hardship written in. I would have liked to have seen that. And that is something that you should probably make sure that your clients do. The idea that the hardship is not applicable doesn't wash. That is the legal standard we have to find in order to make a finding.

KARL FRIEDEN: I apologize. I never been through this.

TIMOTHY HUGHES: Yes, and you probably won't have to do it again after you fix this.

KARL FRIEDEN: 40 years in Cambridge this is the first time I met you all.

SUSAN FRIEDEN: We didn't say these were our reasons.

TIMOTHY HUGHES: On the second part of the hardship application it just said NA is what I saw.

CONSTANTINE ALEXANDER: You have to meet -- see it does say a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. That's the requirement. Hardship, financial or otherwise to the petitioner. And then you would say you would like to expand to accommodate elderly persons. And then the next thing you have to find is the hardship is owing to the following circumstances related to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures, but not affecting generally the Zoning District which is located for the following reasons. And you typed in NA.

SUSAN FRIEDEN: Oh.

CONSTANTINE ALEXANDER: This is by state law and it's also as part of our

Ordinance. And we have to make that finding of hardship or --

SUSAN FRIEDEN: Oh, I see. I misunderstand -- okay.

KARL FRIEDEN: Can we amend it?

TIMOTHY HUGHES: Maybe testimony for now and then the motion will have a phrase in it that applies to that.

KARL FRIEDEN: Sorry. My apologies.

SUSAN FRIEDEN: NA. Not very helpful. Okay.

CONSTANTINE ALEXANDER: I'm trying to figure how we get to the point of this. I guess it's the shape of the structures as they are now and the -- well, the fact that you're a non-conforming structure now. And so that any modification of the external dimensions would require Zoning relief. And that

should -- that's a special hardship.

KARL FRIEDEN: And part of it you can see from, you know, the unit that we're replacing, I mean, we're raising it to the second floor, but it's just not very functional. It was just added on at some point and it doesn't allow us to be, it's kind of out there. It's kind of like attic to store things or something.

THOMAS SCOTT: I think the fact that the mass is in the back of the house and that that rear abutter has no problem with it, and she's an architect, I'm good with it.

CONSTANTINE ALEXANDER: Yes, that's a good point.

Let me open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

GABRIEL MALSEPETIC: I'm from 14R,

right next-door.

SUSAN FRIEDEN: The grey house?

GABRIEL MALSEPETIC: Yes, the grey house.

SUSAN FRIEDEN: Are you the owner?

GABRIEL MALSEPETIC: No. My cousin is the owner.

SUSAN FRIEDEN: Oh, I tried to figure out who he was but it's all renters.

PETER THORN: Yeah, we live right down the street on Sacramento. I'm Peter Thorn. His name --

GABRIEL MALSEPETIC: Is Gabriel Malsepetic, M-a-l-s-e-p-e-t-i-c.

PETER THORN: I was just -- 'cause we weren't contacted. No offense taken.

SUSAN FRIEDEN: I'm sorry.

PETER THORN: Would love to look at the plans to see -- you say the footprint

extends five foot back; is that right?

And is that all the way up the wall or is that just on the first --

SUSAN FRIEDEN: First and second floors. Five feet.

PETER THORN: So the one question is the light going to be blocked for our tenants?

MARYANN THOMPSON: So are you guys here?

KARL FRIEDEN: They're in the back.

MARYANN THOMPSON: You live in the back right here?

SUSAN FRIEDEN: Right in the back.

GABRIEL MALSEPETIC: Yes.

(Discussing plans.)

GABRIEL MALSEPETIC: And my only concern is how far it extends back.

MARYANN THOMPSON: And then five feet, and this is going to be the new

elevation and there's going to be a bunch here.

SUSAN FRIEDEN: It will be -- you have the worst view of us of anybody.

MARYANN THOMPSON: It's going to be nicer.

GABRIEL MALSEPETIC: And as the rear abutting neighbor, it looks like an improvement.

SUSAN FRIEDEN: I'm glad. I hope so.

KARL FRIEDEN: Yeah, good to meet you.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

Anyone else wishing to be heard?

(No Response.)

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

heard.

We are in receipt of two letters submitted to us by the petitioner. One is from a Wendy Prellwitz, P-r-e-l-l-w-i-t-z. (Reading) I live at Three-and-a-half Wendell Street and I abut the Frieden's backyard at 12 Sacramento Street. I have looked at the plans and have discussed with them their plans for adding a two-story addition and new windows to their home. As an architect, I feel the design is appropriate and therefore I support the request for a Variance and Special Permit relating to this project.

We also have a letter from Ann-Charlotte Hogstadius, H-o-g-s-t-a-d-i-u-s. (Reading) I live at 10 Sacramento Street, next-door to the Friedens at 12 Sacramento Street. I discussed with them their plans for adding a two-story

addition and new windows to their home. I do not oppose their request for a Variance and Special Permit relating to this project.

And that's it.

Any final comments you want to make before I close public testimony?

SUSAN FRIEDEN: That's a lot.

CONSTANTINE ALEXANDER: You don't have to make any. I'm just giving you a last opportunity.

KARL FRIEDEN: No, just I meant just to sort of reiterate the point that we think this will be a beautiful addition to the neighborhood. I mean, I understand there's, you know, we need to come before you and we ask you hopefully that you will approve this, but we do think, you know, it's a very nice design and we tried to do it at modestly as we could. We originally thought of doing it

further out but because of the lighting and everything, we decided to keep it within that footprint and tried to accommodate any objections we heard which is only one. And we settled, you know, we were able to manage that one.

MARYANN THOMPSON: That's true. We did shrink it. It was out a little further and one of the neighbors said what about my light? And we shrunk it back to five feet.

CONSTANTINE ALEXANDER: Thank you.

I'm going to close public testimony.

Any discussion by members of the Board or do you want to take a vote? We have two votes actually.

JANET GREEN: I'm okay.

CONSTANTINE ALEXANDER: Okay?

THOMAS SCOTT: Good.

CONSTANTINE ALEXANDER: Okay, let's

take the Variance first.

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 is that the petitioner needs a modification of internal living space to accommodate a physical affliction. And further, that there is a likely need for in-house, the ability of elderly parents to live in, in the house. All of which requires Zoning relief.

The relief -- the hardship is owing to the fact that you have a non-conforming structure as it is now and, therefore, any modification would require Zoning relief.

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.

In this regard the Chair would note what is being proposed will upgrade the quality of the housing stock of the city of Cambridge by improving, modifying the current structure. And that the petitioners have reached out to all of their neighbors and have received no opposition.

So, on the basis of all of these findings, the Chair moves that we grant the Variance being sought on the condition, and we can stop right here -- we tie any relief to the plans that we have. Are these the final plans? Because if you modify them, you're going to have to come back before us. You're satisfied that they're okay.

MARYANN THOMPSON: Yes.

CONSTANTINE ALEXANDER: On the condition that the work proceed in accordance with the plans prepared by Maryann Thompson, T-h-o-m-p-s-o-n. They are what date? Anyway, they are, they begin with E1.0 and go on for many pages. And the first page of which has been initialled by the Chair. So these are the plans.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

SUSAN FRIEDEN: Great thanks.

CONSTANTINE ALEXANDER: Well, we're not done yet.

SUSAN FRIEDEN: Sorry.

TIMOTHY HUGHES: This is the tough one.

SUSAN FRIEDEN: Oh, Special Permit.

CONSTANTINE ALEXANDER: That's right.

MARYANN THOMPSON: The Special Permit.

CONSTANTINE ALEXANDER: That's right.

With regard to the Special Permit being sought by the petitioner relating to the fact that they're going to be proposing to add new windows in a non-conforming -- in walls, the Chair moves that we make the following findings:

That traffic generated or patterns of access or egress will -- that would cause congestion or hazard or substantial change in established neighborhood character would not

result from the proposed windows.

That the continued operation of or development of adjacent uses will not be adversely affected by the nature of what is being proposed. And in this regard the petitioner has represented to us that they've spoken to the neighbors most directly affected by the additional windows, and they have received no objections.

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

And that what is being proposed with regard to the windows will not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings, the

Chair moves that we grant the Special Permit being requested on the condition that the plans referred to with regard to the Variance apply to the Special Permit as well. So the windows are not going to move, they're going to be what's on these plans.

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

(Aye.)

SUSAN FRIEDEN: Yes.

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(8:20 p.m.)

(Sitting Members Case #BZA-005592-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet

Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005592, 25 Maple Avenue.

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

You know the drill. All of you give your name and address to the stenographer.

MARK BOYES-WATSON: Mark Boyes-Watson, Boyes-Watson Architects, 30 Bowes Street, Somerville.

RUTH TAYLOR: 25 Maple Avenue.
Ruth Taylor.

JEFF TAYLOR: Jeff Taylor, 25 Maple Ave., Cambridge.

CONSTANTINE ALEXANDER: The floor is yours, Mr. Mark Boyes-Watson.

MARK BOYES-WATSON: 25 Maple Avenue, we're here for two things:

One is for permission to -- when we

remediate the basement condition we have here to allow us to make it more than seven feet high and associated with that on the right-hand side we are left with less than the required setback, less than seven-foot, six. Five-foot something. And so if we alter a window on that side, we need a Special Permit. So we have those two things that we are here for.

We were at the Mid-Cambridge Historical who regulate this to look at the outside impacts of the project and received a positive vote on that. I don't know if that made it to you yet.

CONSTANTINE ALEXANDER: I'll look. I don't remember seeing it. I don't think it made it into our files.

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: It's your

representation --

MARK BOYES-WATSON: Mid-Cambridge
Conservation District hearing of --

RUTH TAYLOR: It was just Monday.

MARK BOYES-WATSON: Voted Monday
favorably for the exterior changes.

CONSTANTINE ALEXANDER: We have
something here. Okay, keep going.

MARK BOYES-WATSON: And so
basically -- so I'll just quickly -- there's
not much to show in the basement except that
we, right now the basement has one of those
slabs that's loosely, you know, there's thin,
bits of concrete but with a dirt
that -- there's all sorts of problems
periodically in big rain events there. And
so the owners want to fix that. It's been
there since 2006 I think? And it's
irritating. And they realize that if they

were to go down and spend all the money to get all the under drain and all that done, that actually right now they don't really have a way of using it or getting any beneficial use of it. So that's how they ended up here by the Building Department having discovered that before they met with me.

CONSTANTINE ALEXANDER: So two purposes: One to deal with the flooding.

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: And two, is additional living space?

MARK BOYES-WATSON: To use it -- actually, maybe -- and actually, I should let them speak for themselves. But the owner's a woodworker and it will allow him to get beneficial work in the basement. Get an office down there, and be able to use it. Fundamentally it's living space and you'll be

able to use it. Usable space.

And just to look at the -- and then to look at the little change on the elevations what we showed the so --

CONSTANTINE ALEXANDER: That's a basement, right?

MARK BOYES-WATSON: Yes. So we're basically looking at the little basement windows that also allow -- if you do make it usable, you do want to have some egress windows and -- but make the basement usable making the egress windows that allows you to meet the Building Code.

CONSTANTINE ALEXANDER: That's it?

MARK BOYES-WATSON: I think it's a relatively simple one, yeah.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: So basically your problem, just for the record, your problem is the fact that FAR, on the Variance not on the Special Permit, and you right now, actually, you're conforming structure at 0.49 in a 0.5 district. And by changing the basement or increasing the height of the basement you're going to go to 0.62. So you're going to go from conforming structure to a non-conforming structure for purposes of our Ordinance. That's the negative. And the positive -- not the positive, but your other consideration is the fact that the impact is all internal. That you're only going to be -- you're not modifying the external part of the structure. You're not encroaching on setbacks. And you're just going to use it for woodworking or whatever else you're going to use it for.

And that's it on the Variance.

Questions from members of the Board?

TIMOTHY HUGHES: No.

JANET GREEN: No.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We are in receipt of a letter if I can find it. From Miya, M-i-y-a Jasanoff, J-a-s-a-n-o-f-f, 27 Maple Avenue, unit No. 2. (Reading) I am the owner and resident of the property at 27 Maple Avenue, unit 2 in Cambridge. I am writing to say that I am familiar with the renovation project proposed by my neighbor at 25 Maple Avenue, Mr. Jeffrey Taylor, and that I have no

objection to his plans.

And that's all she wrote.

Any final comments, Mr. Boyes-Watson?

MARK BOYES-WATSON: No.

CONSTANTINE ALEXANDER: Questions
or comments from --

TIMOTHY HUGHES: It makes perfect
sense to me if you have to remediate the
basement anyway because of drainage issues,
you might as well get some use out of it.

JEFF TAYLOR: That's what I figured.

CONSTANTINE ALEXANDER: That's
exactly right.

TIMOTHY HUGHES: And it's not
visible from the outside and it makes no
visible impact.

CONSTANTINE ALEXANDER: Well, the
windows.

TIMOTHY HUGHES: The windows.

JEFF TAYLOR: Window wells.

CONSTANTINE ALEXANDER: Okay. We have two motions to make -- matters to vote on. I'll take the first one first. The Variance.

The Chair moves that with respect to the relief being sought this Board make the following findings:

Relief being the Variance relief. That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that the petitioner is stuck with a basement that periodically floods due to soil conditions and the construction of the basement.

That the hardship is owing to circumstances related to the soil conditions. The drainage is such that -- and with the way the basement is constructed,

results in periodic flooding.

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 house, the housing issue will be solved, mainly the flooded basement, and at the same time additional living space will be graded but such that it will not impact the neighborhood. And that the relief -- the result of this additional living space is very modest departure from our Ordinance.

Relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance. I've covered that already.

Okay, on the basis for all of this, the

Chair moves that we grant the Variance being sought that the work proceed in accordance with the plans, one page, prepared by Boyes-Watson Architects, initialled by the Chair.

All those in favor say: Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

MARK BOYES-WATSON: How many pages?

CONSTANTINE ALEXANDER: One.

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: Same thing as that or one of them over there.

MARK BOYES-WATSON: I was trying to figure out how I had two and you had one. It's good.

CONSTANTINE ALEXANDER: Now we move to the Special Permit. The Special Permit relates to a petition to enlarge basement fenestration in non-conforming setbacks. This is part and parcel of the Variance that we've granted or a necessary adjunct to the Variance that we granted.

The Chair moves that we make the following findings with regard to the Special Permit:

That no traffic generated or patterns of access or egress that would cause congestion or hazard or substantial change in established neighborhood character will not result from the relief being sought.

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

No nuisance or hazard will be created

to the detriment of the health, safety, and/or welfare of the occupant or the citizens of the city.

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

In this regard I think it frankly, the relief speaks for itself in terms of the Special Permit. Modifying basement window is not going to have any adverse impact on the neighborhood on the Zoning District and is in no way contrary to the intent, intent and purpose of our Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit being requested on the condition again that the work proceed in accordance with the

plans, one page plan, identified with respect to the Variance.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Granted. Good luck.

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

* * * * *

(8:30 p.m.)

(Sitting Members Case #BZA-005595-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005595, 3 Maple Avenue, No. 2.

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

ROBERT MALLON: Hi. I'm Robert Mallon from 3 Maple Avenue, No. 2.

CONSTANTINE ALEXANDER: The floor is yours.

ROBERT MALLON: Great. So my wife and I owned the second unit at 3 Maple Avenue for the last ten years. We are proposing adding a dormer to the third floor, so our third floor is an eaved room that was built into the attic. It's somewhat enclosed space. There is a little bathroom up there and we have two bedrooms downstairs. We have two children that share a bedroom and, you know, our hardship is with the growing family and a boy and a girl sharing a room, we'd like to get them into their own room as they get older and create a third bedroom so that we

can move upstairs.

The expansion is I think fairly modest. We were initially planning to do two dormers on either side and our neighbors at 5 Maple Ave. had an objection to that. So we revised the plans a couple of times, but then came to an agreement with them that we decided not to do the dormer, the second dormer on the other side primarily due to their objections. So we took sometime and redid the plans and I think you've seen the proposal. It's a single hip-style dormer. We went to the Cambridge, the Mid-Cambridge District Commission and they agreed with our plans for the dormer given the ceiling height in that room and, you know, we're trying to make it fit in with the character of the house and the neighborhood and again keep it fairly modest.

It is expanding. We're already

non-conforming on the FAR. We're gonna go a bit, very slightly beyond what it already is, but, again, we think it's pretty modest so that's --

CONSTANTINE ALEXANDER: And notably your dormer, proposed dormer will satisfy our dormer guidelines.

ROBERT MALLON: Yes, absolutely.

CONSTANTINE ALEXANDER: You took that into account.

ROBERT MALLON: And I apologize I had an architect that got a faculty appointment and moved out of the state in the middle of this process. I'm here tonight representing myself.

CONSTANTINE ALEXANDER: You're doing a good job.

Let me just say speaking for myself I wanted to congratulate you. Your supporting

statement is one of the best I've seen. You were succinct. You hit all the right points. You were straightforward. And not the usual -- frankly we get the cliches and the half truths. And that was not the case. I was very impressed with that. I was impressed with the fact that you obviously -- you or your architect took into account our dormer guidelines. Again, as you heard earlier this evening, we have to cajole and argue with people about their dormer and we don't need to do that with you. I'm impressed. Anyway, that's just me speaking.

JANET GREEN: And you spoke to your neighbors and modified --

ROBERT MALLON: And all the other neighbors by the way. We have two on the Broadway side across the street on Maple

Ave., and our first floor owners on unit one are all supportive.

TIMOTHY HUGHES: Robert Mallon poster child for the Variance.

CONSTANTINE ALEXANDER: Any questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: No questions?

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

(No Response.)

CONSTANTINE ALEXANDER: We are in receipt of letters which I will read into the record. One is from Timothy J. Toomey, Jr., City Councillor. (Reading) I am writing to lend my support to BZA case 005595 requesting to add a single 12-foot, nine-inch wide hip-roofed dormer to the south side of the

existing ridge line in order provide a sleeping area with adequate ceiling height to reconfigure an attic bedroom with constricted headroom due to roof geometry. The Mallons have lived in Cambridge for many years and are very involved in the community. This modest request grant them relief to accommodate their growing family and remain living in Cambridge. Keeping Cambridge a welcoming place for families is an important goal, and granting relief in these circumstances will help us achieve that goal for current and future residents. I hope you will find favor with the petitioner's request.

We also have a letter from Mayor Maher, David P. Maher, the Mayor of Cambridge. (Reading) I am writing in strong support for the application for a Variance submitted by

Robert and Alanna Mallon of 3 Maple Avenue to add a small dormer that's on the agenda for tonight's Board of Zoning Appeal meeting. Robert and Alanna purchased their home in 2004 and are both active in the Cambridge community. The couple has two children who both attend Cambridge public schools, and the Mallons are committed to raising their children in our community. To meet the needs of their family, adding a small dormer and reconfiguring the attic will enable them to raise a family in their current residence. Both Robert and Alanna have strong connections to the city of Cambridge and want to raise their family in our vibrant and diverse community. Unfortunately the current layout of their home is not conducive to accommodating the family comfortably, and this addition would ensure that the home will

meet the needs of the family for many years to come. Providing you don't have any more children. The petitioners plan to remain in their home on Maple Avenue and raise their family. As a long time resident of Cambridge, I am pleased to see that this young family wants to stay in our city and wants to remain active members of the Cambridge community. I urge you to grant the Variance for Robert and Alanna Mallon.

And that's it.

Unless you have any further comments I'm going to close public testimony. Anything else you want to add?

ROBERT MALLON: I have a question.

CONSTANTINE ALEXANDER: Go ahead.

ROBERT MALLON: In the existing roof structure if we needed to or wanted to add a skylight where there's not one currently,

would that require an additional hearing?

CONSTANTINE ALEXANDER: If it's going to be in the setback, you would have to -- you need a Special Permit. I don't know where the skylight would be or where you are --

ROBERT MALLON: In -- not in the side where we would be putting the dormer but on the opposite side roof.

CONSTANTINE ALEXANDER: That side -- how far is that side from the lot line? Do you know?

ROBERT MALLON: The actual edge of the house?

CONSTANTINE ALEXANDER: Yes.

ROBERT MALLON: I think it's in here.

CONSTANTINE ALEXANDER: It's probably in the dimensional form. I think

the answer is probably, no, you don't need relief for that.

TIMOTHY HUGHES: No. If you have -- if you got enough, even if the side of the house is in the setback, if you can move it up the roof far enough, it's not in the setback.

ROBERT MALLON: It's eight feet currently and it wouldn't be right at the edge.

CONSTANTINE ALEXANDER: Okay. So you should not need any -- you should be able to do that.

ROBERT MALLON: Excellent. I don't know if we will.

CONSTANTINE ALEXANDER: Okay.
Ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: The Chair

moves that -- and by the way, just again for the record, the house is non-conforming now. It's 0.61 -- FAR is 0.61 in a 0.5 district. And proposing at 82 feet, which will just slightly bump it up. So it's not a substantial increase in non-conformance.

Okay, the Chair moves that we grant -- make the following findings with regard to the Variance being sought -- oh, one more thing before I do take the vote.

You've given us plans by your architect or yourself. When we grant relief, which I think we're going to do, it will be on the condition that the work proceed in accordance with these plans. So these got to be the final plans, otherwise you're going to have to come back before us.

ROBERT MALLON: Understood.

CONSTANTINE ALEXANDER: Okay, the

Board make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship to the petitioner -- such hardship being is that the petitioner needs additional living space for a growing family.

That the hardship is owing to the fact that this is a non-conforming structure. And so any modifications of the structure to create additional living space requires Zoning relief.

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 the relief being sought is modest in nature.

That it has no neighborhood objection.

That it is supported by public officials of the city.

And that the end result is that it will allow committed Cambridge residents to continue to reside in Cambridge and make a continuing contribution to our community.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner, which are part of our file, and which have been initial by the Chair.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

ROBERT MALLON: Thank you.

* * * * *

(8:40 p.m.)

(Sitting Members Case #BZA-005626-2014:

Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: You know
the drill.

EDRICK VAN BEUZEKOM: All right.
My name is Edrick Van Beuzekom. My company
is EVB Design at 33 Union Square in

Somerville. I'm the architect for the project. This is Bill Newcomb. He's the husband of the owner of the house Sally Waldron who unfortunately could not be here tonight.

The -- we're basically asking for a Special Permit relief in order to add some windows and change some windows at the back of the house. The first floor unit is currently occupied by Bill and Sally's daughter and her husband, and the plan is to renovate the kitchen and create a dining area in the back. And as part of that, we want to change the windows. There's two -- currently there's like a little pantry and entry back there so they've got long, narrow windows and we and the to basically put in some reasonable size windows.

Here's the plan. And I have a couple

of things. There's two photographs in the back of the house as it is currently. These are taken from the yard of the neighbor behind them.

We have a petition here signed by all the abutters in support of the project. And so this is what we're proposing. And this is what's here currently. These two little windows. So we're basically changing to these windows which roughly lines up with the kitchen above. So basically trying to open it out. It's nice exposure, good sun back there, and a big yard behind them. And that's basically it.

CONSTANTINE ALEXANDER: That's it?

EDRICK VAN BEUZEKOM: That's it.

CONSTANTINE ALEXANDER: Questions from members of the Board?

THOMAS SCOTT: Are you eliminating

the fire escapes?

EDRICK VAN BEUZEKOM: No.

THOMAS SCOTT: It's just not shown in the plan.

EDRICK VAN BEUZEKOM: I didn't draw them in.

BILL NEWCOMB: The fire escapes remain.

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

(No Response.)

CONSTANTINE ALEXANDER: There's no one here. The petitioner has submitted to us a petition which I'll read. (Reading) I understand that Bill Newcomb and Sally Waldron of 196 Hamilton Street are renovating 194 Hamilton Street and are requesting a permit to increase the size of the window, the

kitchen windows located on the back of the house. Two smaller windows will be replaced by three windows along the back side of the property on the first floor. I have no objection to this change. And this petition is signed by the occupants of 190 Hamilton Street, 192 Hamilton Street, 202 Hamilton Street, 215 Allston Street, and 198 Hamilton Street.

And that's it.

Any neighbors express any opposition to you?

BILL NEWCOMB: No. And in fact the only neighbor that could see these windows are in Allston. It's a strange configuration.

CONSTANTINE ALEXANDER: I know.

I don't think there's anything in the file. Let me just check. No.

Okay, unless you have any further comments, I'm going to close public testimony.

All set? Ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: I figured you would be.

The Chair moves that with respect to the Special Permit being requested, we make the following findings:

That traffic generated or patterns of access or egress that would cause congestion, hazard, or substantial change in established neighborhood character will not result from the relief being sought.

That the continued operation or development of adjacent uses will not be adversely affected by the nature of the proposed use.

That no nuisance or hazard will be created to the detriment of the health, safety, and 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 district or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the relief -- the Chair would note that the relief being sought is quite modest.

There is virtually no impact on abutting properties because it's in the rear of the structure, and there apparently is no neighborhood opposition to the relief being sought.

So on the basis of these findings, the Chair moves that we grant the Special Permit

being sought on the condition that the work proceed accordance with the plan regarding the rear of the house, submitted by the petitioner and initialled by the Chair. It's one page.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: All in favor.

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

EDRICK VAN BEUZEKOM: Thank you.

BILL NEWCOMB: Thank you very much

* * * * *

(8:45 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: I will report to the Board that we have a letter with regard to the extension. Is there a letter?

MARIA PACHECO: There's a letter in there. It's very small.

CONSTANTINE ALEXANDER: I report to the Board that we have a request for an extension regarding a Variance we earlier granted. It was with regard to the property at 199 Prospect Street. The petitioner was Adrienne Pirvu, P-i-r-v-u. Mrs. Pirvu has written to us and says I would like to request

an extension that would allow me to get the proper approvals and documentation in order to obtain a Certificate of Occupancy for 199 Prospect Street.

Obviously the petitioner needs a little bit more time. I see no reason not to grant the extension so I would recommend we grant it.

All those in favor of granting the extension that is be requested, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Extension granted.

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

(Whereupon, at 8:50 p.m., the Board of Zoning Appeal Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

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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 29th day of December, 2014.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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My Commission Expires:

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