

**BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE  
GENERAL HEARING  
THURSDAY, DECEMBER 5, 2013**

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  
Douglas Myers, Associate Member  
Andrea A. Hickey, Associate Member

Sean O'Grady, Zoning Specialist

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

(7:00 p.m.)

(Sitting Members Case #10527: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of appeals to order. And as is our custom we're going to start with our continued cases. And the first case that I'm going to call is 6 Cutler Avenue, case No. 10527.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes no one appears to be heard in this matter.

The Chair would report that we are in receipt of a letter on behalf of Frank Hurley Architects. H-u-r-l-e-y.

(Reading) Dear Board: Due to the need for a posting of the notice, previous one was found on ground not in plain site, we would like to request a continuance for the next available hearing.

The Chair would note this is a second request for a continuance on this case, and to the extent that we do continue the case, which I assume we will, I think that the Petitioner and his architect should be notified that absent compelling reasons there will be no further continuances.

SEAN O'GRADY: They were.

CONSTANTINE ALEXANDER: When's the next available one?

SEAN O'GRADY: 1/9/14.

CONSTANTINE ALEXANDER: This is a case not heard.

The Chair moves that this case be

continued until seven p.m. on January 9th. This being -- on the condition that the sign be posted, it wasn't posted for this hearing, and maintained for the period required under our Ordinance.

And that to the extent new plans, modifications of plans or modifications of the table of dimensional requirements is required that these have to be in our files than no later than five p.m. on the Monday prior to January 9th. We already have on file a waiver of time for a decision and I think that's it.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan,

Scott, Green.)

\* \* \* \* \*

(7:05 p.m.)

(Sitting Members Case #10477: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Vice Chair will call case No. 10477, 288 Norfolk Street.

Are we all here?

DOUGLAS MYERS: Indeed.

ATTORNEY SUSAN ROBERTS: Good evening. My name is Susan Roberts from Anderson and Kreiger. With me is Derek Patton fro Centerline Communications. He's standing in for David Ford tonight.

As you know, we've been before you two other times on this facility and we're hoping that three is a charm. So if you recall, last time we were here, which was November 14th, we presented you with eight design possibilities and asked you -- invited you to choose one of them. And indeed you chose a

faux chimney design. So we agreed that we would come back today and present you with the Zoning drawings that go with those photo simulations and we have those for you. We submitted them on -- actually, submitted them twice. Submitted them last week before Thanksgiving and then I also submitted them again on Monday with a cover letter that explains the change in the design and so forth. So, Derek's going to pass out copies of the Zoning drawings which show the plan of the roof, show the elevations, and then we have photo simulations for you as well which is basically in line with the faux chimney design that you decided last week -- or two weeks ago rather.

TIMOTHY HUGHES: All right, so my recollection is that we agreed on everything and we just needed the construction drawings

in the file for a final vote.

ATTORNEY SUSAN ROBERTS: Okay, so these are not actually construction drawings. These are Zoning drawings. So they'll still be, you know, they'll still be construction drawings that will be submitted when AT&T applies for the Building Permit.

So just to walk you through this design, again, we've kept 11 antennas. And what we've done is kept the three antennas that are mounted on the penthouse facade. Those have never changed. And what has been an issue has been the cannisters, the number of cannisters, what color the cannisters should be, whether there should be cannisters or whether there should be chimneys or penthouses. Last time, as I said, you decided that the chimneys looked the best. So that's what we've done. And we've taken

the eight remaining antennas, divided them up into two groups, two sectors if you will, and each sector has two chimneys. So there's a total of four chimneys. And mind you there already are two Verizon chimneys on the roof. So these chimneys will be roughly painted to look like the existing Verizon chimneys. So each chimney will house two antennas. And in addition, there will be remote radio head units that are associated with the antennas. Those are located near the antennas along with surge arresters. And then of course there are cable trays that are placed along the roof going down the side of the building. And we show you -- one of the photo sims shows you the cable tray travelling down the side of the building to the basement area where there's an equipment room that we have in the basement where we keep equipment cabinets and

so forth.

So that's the basic design of the building. And if you want, I can leave you a few minutes to take a look and ask any questions, and then if you like we can go through the required criteria to hopefully grant us the Special Permit.

ANDREA HICKEY: Which picture shows the cables going down the side of the building?

ATTORNEY SUSAN ROBERTS: Okay. So that would be the one where the antennas are on the side of the -- on the penthouse. So that would be -- that would be 3B.

ANDREA HICKEY: 3B.

ATTORNEY SUSAN ROBERTS: So it's kind of -- it's hard to see but there's an arrow that's along the side of the building.

BRENDAN SULLIVAN: I'm looking at

Z3.

ATTORNEY SUSAN ROBERTS: Oh, I thought you were looking at the photo sim.

ANDREA HICKEY: 3B. Oh, okay.

ATTORNEY SUSAN ROBERTS: And if you're looking at the drawing --

ANDREA HICKEY: I wanted to see the picture because I can't make it out on the picture.

BRENDAN SULLIVAN: Right, that's....

ATTORNEY SUSAN ROBERTS: So the elevation, yeah, Z3 is shown on the south elevation. No. Is that right? Yeah.

BRENDAN SULLIVAN: So the cable tray -- well, Andrea.

ANDREA HICKEY: Please go right ahead.

BRENDAN SULLIVAN: Continue.

ANDREA HICKEY: That's okay.

ATTORNEY SUSAN ROBERTS: There are two cable trays going down the side. One is horizontal. These are seen on the elevations on Z3. They're so well painted. They're so well matched.

TIMOTHY HUGHES: You can't see it on the photo sim, but on the out elevation on the C3 it's suggested that this cable tray is running across a window on the first floor.

ATTORNEY SUSAN ROBERTS: Oh, yeah, I see that.

TIMOTHY HUGHES: Tell me that's wrong.

ATTORNEY SUSAN ROBERTS: I'm trying to look from the picture.

So I think -- so what's going on in this building is it's sort of like two buildings and there's one like very high building which

is where we're -- where we're going with our antennas. And then there's like another short building that's attached to it, it's like a dock. So I think the cable tray does not go -- I think this window that you're looking at is from the outer building. So it doesn't actually go over the window. It actually goes down through the basement of the bigger building. And this window that you're seeing there, that's with the smaller building. Do you know what I'm talking about? You must know.

TIMOTHY HUGHES: Looking at -- I'm looking at the back of the building where the loading dock is here.

ATTORNEY SUSAN ROBERTS: Yeah.

TIMOTHY HUGHES: Or is that the north elevation? No, the back of the building is the north elevation. This is the

loading dock area here. Right? I don't know what that is -- that south elevation is. I don't get to that side of the building.

ATTORNEY SUSAN ROBERTS: Is this what you're talking about?

TIMOTHY HUGHES: That's this. That's this view, right?

ATTORNEY SUSAN ROBERTS: Yeah.

TIMOTHY HUGHES: I'm talking about this one marked "South Elevation." It shows the dotted line cable going --

ATTORNEY SUSAN ROBERTS: Right, right, I understand that.

TIMOTHY HUGHES: I don't know that -- you know, where is that going? If that in fact is in the back building and that's the lower front building, where is that going? Does it disappear into the building at that point?

ATTORNEY SUSAN ROBERTS: Into the basement, yeah, I think so.

JANET GREEN: It looks like it's across the bottom.

ANDREA HICKEY: But that could be below grade.

TIMOTHY HUGHES: Well, the grade line is right here. So this is representing that this level is above grade and that there's a cable tray going across the window.

ANDREA HICKEY: Right.

TIMOTHY HUGHES: I just need to be told that that's wrong and where is it going?

ATTORNEY SUSAN ROBERTS: So I don't think we have -- so I agree that we don't have a photo sim that shows this particular view. And quite honestly I believe that it does not go over the window.

TIMOTHY HUGHES: I wouldn't think

so, but it's like --

ATTORNEY SUSAN ROBERTS: Right.  
But honestly I can't answer.

TIMOTHY HUGHES: Okay.

Do you think this is the view that I'm  
looking at there? And that's the small  
building in front?

ATTORNEY SUSAN ROBERTS: Which is  
that, 2B?

BRENDAN SULLIVAN: It's as if you  
went into the city yard.

TIMOTHY HUGHES: 2B. Yes. No,  
that's not it.

ATTORNEY SUSAN ROBERTS: I think  
it's this building; right? These are  
attached; right?

TIMOTHY HUGHES: Which view are you  
looking at?

ATTORNEY SUSAN ROBERTS: So 2B.

Okay, so in 2B there's the main building and then there's this building that's in back that's attached.

TIMOTHY HUGHES: Oh, yes.

ATTORNEY SUSAN ROBERTS: And that's what I think you're seeing with the window. But actually the cable, you know, but if you're looking at it from the back, yes, you're in the -- you're in the gas station and behind. That's what it is.

TIMOTHY HUGHES: That would -- that's this elevation. That's the north elevation that you would see from the DPW yard and their gas pumps. Because that's where the loading dock is.

ATTORNEY SUSAN ROBERTS: And that's what I think that we're seeing. So I guess I -- you know what, I can't say for sure.

TIMOTHY HUGHES: That's north. And

the south has got to be facing like Hampshire Street. And where the cable tray is coming down on that aspect, I don't know.

JANET GREEN: That's this? That's the actual view of it.

TIMOTHY HUGHES: So....

JANET GREEN: But you don't see these in the drawing. And you don't see all that --

TIMOTHY HUGHES: Either that or it's this view here. It's this right here, yeah, right.

JANET GREEN: On the other side?

DOUGLAS MYERS: While we're discussing 2B, is there an east elevation in your Zoning drawings? Because I'm having a hard time finding it.

ATTORNEY SUSAN ROBERTS: No, there is not.

TIMOTHY HUGHES: So there is no view that shows where that cable tray is coming down.

ATTORNEY SUSAN ROBERTS: Right.

TIMOTHY HUGHES: That's as close as we get to seeing the south elevation. And if you can't see where the cable tray comes down because it's coming down in between windows either on this inside corner and you can't see them.

ATTORNEY SUSAN ROBERTS: Actually, I think that's right.

TIMOTHY HUGHES: And it does look like there's a wall there that has a dish antenna on it. You see what I'm looking at it in that picture?

ATTORNEY SUSAN ROBERTS: Yes, I do. I think that's right.

TIMOTHY HUGHES: Does the cable tray

disappear someplace?

ATTORNEY SUSAN ROBERTS: I honestly don't know. I can't tell from this drawing as compared to the photo sims.

TIMOTHY HUGHES: If it does disappear, then the disappeared part should be a dotted line and the rest of it should have been a solid line. Or is it this little fitness building in front that's covering it?

ATTORNEY SUSAN ROBERTS: I think it's probably in this corner there.

DEREK PATTON: It's here to point it out. But when they show it on this side, this is just flipped. So as far as this goes, where this crosses is down here. This is the wire that runs along the chimney. This is just showing where it's at through the building and going in the same direction.

TIMOTHY HUGHES: So there's not two

cable trays, there's only one?

DEREK PATTON: Exactly. It's showing where this would be on the opposite side.

TIMOTHY HUGHES: It's not on the opposite side, though. So why are they showing it?

DEREK PATTON: I'm saying this is the building.

TIMOTHY HUGHES: I get that. I get that, yeah. And I get why the dotted line should be something that's not visible otherwise why draw it in? But I don't understand why it's drawn in at all. So you're testifying that there's only one cable tray and that that's just a representation of the one that's on the north elevation through the building?

DEREK PATTON: Yes, I'm saying

that's a mimicked cable tray on the opposite side, where it would be running and where it's running underground.

TIMOTHY HUGHES: What do you mean mimicked? Is there two of them or is there one?

DEREK PATTON: This is illustrating one. This is the exact same --

TIMOTHY HUGHES: It's illustrating just a single one?

DEREK PATTON: Exactly, yeah.

ANDREA HICKEY: This is solid and then you see it turns to dotted here.

TIMOTHY HUGHES: Right. Which means it's not visible. Well, that's what it suggests. It suggests it's not visible if it's a dotted line.

ANDREA HICKEY: Four windows with the solid. Four windows with a solid.

TIMOTHY HUGHES: I just don't understand why it's even drawn in on this elevation.

DEREK PATTON: They just drew that to show where it would be running through the building and along the ground.

JANET GREEN: So there's only one cable tray?

DEREK PATTON: Exactly. It's just the one here that we see.

TIMOTHY HUGHES: Okay. Is that clear to everybody on the Board?

BRENDAN SULLIVAN: Clearer now.

TIMOTHY HUGHES: Yes. Any other questions?

DOUGLAS MYERS: Right. This is with reference to photo 2B, the proposed view of what you're submitting tonight, and I want to refer back so we can refer to the same

documents, to photo 2B, the selection of proposed views that was before us last time.

ATTORNEY SUSAN ROBERTS: Right.

DOUGLAS MYERS: And it was my understanding that the Board approved No. 3.

ATTORNEY SUSAN ROBERTS: Right.

DOUGLAS MYERS: Left-hand side second from the top. And it just seems to me, and I'm -- I'm not -- being very neutral about this, it just seems to me that the proposed view that is being submitted tonight varies in a number of particulars from the proposed view that we approved. And I just wanted to ask you for your explanation of that.

ATTORNEY SUSAN ROBERTS: So, I understand that and I spoke to our client about that as well because I noticed it as well. And the explanation is that the placement of the chimneys is a little bit

different from what you saw on the 14th of November versus what we're proposing now. And we have done a structural report, a structural analysis that is in accordance with the placement of the chimneys where you see them tonight. So they are in fact a little bit more visible in some locations because they're moved a little bit from where you see them in those drawings there.

So, for example, tonight in our submission you might see the top of a third chimney on 2B, and if you look at your submission, I believe it is on one of the other drawings, I forget -- one of the other photos, there are chimneys that are seen in the photo sims that we submitted on the 14th of November, whereas tonight they're not visible at all because they're in fact moved to a little bit different location. So I can

tell you exactly which those are, but that's the explanation. And we had done the structural report based on that placement so that's why we didn't, like, replace them necessarily.

DOUGLAS MYERS: Don't you think that should have been the very first thing you said to us tonight instead of leaving it to me to ask a question about it? Doesn't that -- that puts me on my guard.

ATTORNEY SUSAN ROBERTS: I understand that. And -- I understand that. And I appreciate it, I do because I did raise this with the client and that was the explanation.

DOUGLAS MYERS: And if I hadn't have asked the question, this would have gone right through and we would have been none the wiser for it; is that correct?

ATTORNEY SUSAN ROBERTS: I don't know what you would have thought.

DOUGLAS MYERS: I would have thought to -- I would have thought that the whole process was somewhat tainted frankly. Look, we -- I see that one of the chimneys we approved last time in picture No. 3 has disappeared on what I'm going to call the left-hand side of that drawing, and that's a benefit indeed. However, one of the chimneys we approved on the right-hand side of the No. 3 from the last time has now been moved considerably to the other side, to the left-hand side of the white cannister where it was on the right-hand side of the white cannister before. I'm troubled.

ATTORNEY SUSAN ROBERTS: I totally appreciate your being troubled, I do.

DOUGLAS MYERS: I'm troubled.

ATTORNEY SUSAN ROBERTS: I totally agree.

DOUGLAS MYERS: I'm not going to give a speech, but we rely on the accuracy of what we approve as being presented in the final drawings and if it's not, I think the first thing a lawyer has to say is I want to bring to your attention the following, and not leave it to the Board to ferret it out.

ATTORNEY SUSAN ROBERTS: It was a difficult discussion today with the client I will say that and leave it at that time. But I agree, I appreciate what you're saying and I apologize for not bringing it up. It was told to me that the placement was not that different from what was there. And in the event that you would like us to come back with different photo sims that match the ones from the --

DOUGLAS MYERS: I will agree with you, it's not that much different and that's not really my point. I mean I said on the left-hand side a chimney disappears, on the right-hand side a chimney is moved a little towards the center and appears slightly more visible. In fact, what you've marked on the proposed that we approved as the proposed chimney seems to remain now as an existing chimney.

Are you following what I'm saying?

ATTORNEY SUSAN ROBERTS: I did look at these before, yes.

DOUGLAS MYERS: Well, that seems to remain.

ATTORNEY SUSAN ROBERTS: Which number?

DOUGLAS MYERS: What you proposed last time, drawing No. 3, and there's a

caption, "Proposed beta section ballast-mounted chimney type 2," and there's an arrow pointing to a chimney on the right of a white -- of the white cannister.

ATTORNEY SUSAN ROBERTS: And this is 2B?

DOUGLAS MYERS: This is 2B, correct.

ATTORNEY SUSAN ROBERTS: Okay.

DOUGLAS MYERS: Picture No. 3, left-hand column, second from the top.

ATTORNEY SUSAN ROBERTS: Okay, so what is your --

DOUGLAS MYERS: My point is, let's establish a face --

ATTORNEY SUSAN ROBERTS: I absolutely do.

DOUGLAS MYERS: You see what I'm talking about. You see a chimney there. And that seems to be a proposed chimney.

Now in tonight's proposal that chimney is still there.

ATTORNEY SUSAN ROBERTS: They're moved. They're moved to that --

DOUGLAS MYERS: No, no, no. No, no, no. What appears in picture No. 3 as proposed beta sector ballast, you follow me? To the right of the white cannister --

ATTORNEY SUSAN ROBERTS: To the right of the white cannister.

DOUGLAS MYERS: In picture No. 3.

ATTORNEY SUSAN ROBERTS: Yeah.

DOUGLAS MYERS: That chimney which if you take it on face value you're proposing last time, is still there.

ATTORNEY SUSAN ROBERTS: That is still there. Those are the four chimneys right there.

DOUGLAS MYERS: Okay. So, but

there's a new chimney that's appeared between the white cannister and the little metal chimney. You follow me?

ATTORNEY SUSAN ROBERTS: Oh, no, that's there.

DOUGLAS MYERS: It's not in your proposal.

ATTORNEY SUSAN ROBERTS: Yeah, it is. That's in both pictures.

DOUGLAS MYERS: I'm going to hand you picture No. 3. Where is --

ATTORNEY SUSAN ROBERTS: Right here.

DOUGLAS MYERS: Where is this chimney? Where is this chimney?

ATTORNEY SUSAN ROBERTS: This is this.

DOUGLAS MYERS: Is what?

ATTORNEY SUSAN ROBERTS: This

chimney is this.

DOUGLAS MYERS: With a black arrow and tonight's 2B is where in No. 3 from last time?

ATTORNEY SUSAN ROBERTS: So here's what happened. These are one sector, okay? These are one sector, and they're on the same ballast, these two. And then these two are another sector and they're on the same ballast. So what they did is they moved these to the right a little bit. And so what you're seeing is these two have been moved here.

DOUGLAS MYERS: I see. Okay.

ATTORNEY SUSAN ROBERTS: Those two remain the same.

DOUGLAS MYERS: But they're existing?

ATTORNEY SUSAN ROBERTS: No, no,

these are new also.

DOUGLAS MYERS: But they're not marked new in tonight's 2B.

ATTORNEY SUSAN ROBERTS: No, they're -- oh, in this photo you mean?

DOUGLAS MYERS: Yeah.

ATTORNEY SUSAN ROBERTS: So in fact they are.

DOUGLAS MYERS: Yeah.

ATTORNEY SUSAN ROBERTS: They are in fact proposed.

DOUGLAS MYERS: Yeah. So it just seems to me without, you know, it just seems to me that they're just laced with inaccuracies if you'll pardon the language. I don't see any alternative to saying that. This picture is just full of inaccuracies. At this point I feel I'm spinning my wheels so I'll let other Board members respond if it

has any moment for them. If not, I apologize for raising the question, but it's important to me.

TIMOTHY HUGHES: No, no, we need clarification.

BRENDAN SULLIVAN: Well, your statement was well, you're not sure what we would have thought. I tell you what I would expect is that when we left here the last time we're all nodding yes, and we pointed and we circled and we agreed that that's what you were going to come back with. And all it was really to blow that up and put it on a presentation and that it was exactly what we agreed to. And now it's coming back is not what we agreed to. And I think that, okay, you had some discussions, you had some trouble. I would have thought that you would have said to them I cannot go back to them with

something different than what we agreed to.

ANDREA HICKEY: Without calling their attention to the fact that it's different.

DOUGLAS MYERS: As the very first thing right out of the starting gate.

BRENDAN SULLIVAN: I don't -- I mean, it's almost like a bait and switch. And, again, you're the messenger.

ATTORNEY SUSAN ROBERTS: I appreciate you're saying this. And I understand why you're saying it. And all I can do is apologize an explanation as to why it does look different from the photos that we presented two weeks ago or three weeks ago.

BRENDAN SULLIVAN: Okay. I'm not prepared to vote for it.

DOUGLAS MYERS: Neither am I. If it came to a vote tonight, I would vote against

it on the record as it now stands. No question.

ATTORNEY SUSAN ROBERTS: So then I would ask for us to have an opportunity to do the right thing by putting -- by having a new structural report done that is based on the locations that we showed you when we came in on the 14th which is what I agree we should have done tonight. I'm sincerely apologetic about that.

We can also make other changes if you want it. We can definitely label it better.

BRENDAN SULLIVAN: These guys in the back room have got to get -- you know, you're the attorney on Thursday night and I know that you just dread this, and I tell you we're right there, we dread it also.

ATTORNEY SUSAN ROBERTS: I realize that --

BRENDAN SULLIVAN: It's torturous to be honest with you. This thing is torturous. When I look at the cases before us and I see telecom, telecom, telecom, and they are torturous on us because -- and they don't have to be that way. They should be fairly simple. But the guys in the back room aren't getting the message. You know? And you're the messenger. And until it gets thrown back into their lap and say, guys, you've got to work with me on this. They're not.

ATTORNEY SUSAN ROBERTS: So, I would request a continuance.

TIMOTHY HUGHES: I understand that. I have a procedural question that maybe somebody can help me with. Do I have to bother going through the opening to public testimony since we're going to vote on a

continuance? We can just go ahead and vote on a continuance right now?

BRENDAN SULLIVAN: Unless there's somebody here to speak on it.

TIMOTHY HUGHES: I should probably open it up just to get it out of the way.

BRENDAN SULLIVAN: Or if they can hold their fire until another night.

TIMOTHY HUGHES: Until another night?

BRENDAN SULLIVAN: Pro or con. I don't mean fire.

TIMOTHY HUGHES: All right. Well, let me open this up to public testimony. Does anyone want to be heard on this case?

(No Response.)

TIMOTHY HUGHES: All right. That was a moot question anyway.

All right. So then you're requesting

a continuance. Any discussion amongst the Board on a further continuance on this one?

DOUGLAS MYERS: And without beating a dead horse, I do -- I'm really still, I have -- because of the inaccuracies of the captions from November 14th I still, I think we're going to get to the right place, but it's a question is -- torturous is one word and well, there are others. But I -- it's not clear to me because the captions were inaccurate on the 14th what we approved.

ATTORNEY SUSAN ROBERTS: Oh, actually what was accurate on the -- actually --

DOUGLAS MYERS: But in any event, tonight's proposal --

ATTORNEY SUSAN ROBERTS: This is what you want, is what you're going to get.

DOUGLAS MYERS: -- is what we're

going to vote on. That's what's before us as of tonight.

ATTORNEY SUSAN ROBERTS: I know. And that's why I'm asking for a continuance because there is some discrepancy and I realize that.

DOUGLAS MYERS: Okay.

And in tonight's proposal, the chimneys that -- on 2B that straddle as it were, the white cannister on the right-hand side --

ATTORNEY SUSAN ROBERTS: Yes.

DOUGLAS MYERS: -- they're new?

ATTORNEY SUSAN ROBERTS: They are new.

DOUGLAS MYERS: Then why aren't they labelled as such?

ATTORNEY SUSAN ROBERTS: Well, I -- you made a good point that they should have been labelled as such.

DOUGLAS MYERS: That's not even clear tonight.

ATTORNEY SUSAN ROBERTS: I would like just perhaps have you reference the Zoning drawings which that, the Zoning drawings with the photo simulations helped explain what's going on, and which are the new chimneys and which are the existing chimneys.

DOUGLAS MYERS: But unfortunately is there an elevation that directly relates to 2B?

ATTORNEY SUSAN ROBERTS: To 2B?  
No.

DOUGLAS MYERS: That was my question earlier. And unfortunately not. That would be the most helpful tool in the Zoning drawings.

JANET GREEN: It would be helpful if the elevations -- I mean if the photos were

easier to read.

DOUGLAS MYERS: Yes, that was another thing that we should mention to you if you're going to go back and do it right, really, the photo 3B --

ATTORNEY SUSAN ROBERTS: It's dark.

DOUGLAS MYERS: -- with the proposed view is definitely too dark. And we've probably spoken, mentioned this to you in the past, again, it's really dark. I mean, we make do but that photo is really dark in the most material places; that is the side mounting antennas.

ATTORNEY SUSAN ROBERTS: I think that we had a sunny day and so as a result things are shaded more.

BRENDAN SULLIVAN: It should be of the same quality as that. Very simple.

ATTORNEY SUSAN ROBERTS: Okay.

TIMOTHY HUGHES: Okay, before we vote on the continuance, are you clear on exactly what --

ATTORNEY SUSAN ROBERTS: I am totally clear.

TIMOTHY HUGHES: -- of what is being asked here and what you need to bring to us the next time?

ATTORNEY SUSAN ROBERTS: So I actually feel like I don't necessarily want the next hearing date because now that we're gonna have to do a new structural report based on the views that we showed you on the 14th, then I want to make sure that there's enough time for that.

TIMOTHY HUGHES: And how much time do you think that would be?

ATTORNEY SUSAN ROBERTS: I would say, oh, God, I already have two potentially

on the 9th of the January.

SEAN O'GRADY: Your first available hearing isn't until the 30th of January.

ATTORNEY SUSAN ROBERTS: The 30th of January? Oh, my goodness, so forget the 9th.

JANET GREEN: So the structural report would say that what we approved would work or you might need to come with a different picture or what?

ATTORNEY SUSAN ROBERTS: No, no. I mean --

JANET GREEN: Or what?

ATTORNEY SUSAN ROBERTS: We're going to provide you with drawings and with photo sims that are in line with what was shown on the 14th of November.

JANET GREEN: Okay.

ATTORNEY SUSAN ROBERTS: Which means that we will move the chimneys to where

we've shown you on the pictures. And if that necessitates another structural report, which it probably will, since we're moving them, then we will have that done. Okay?

SEAN O'GRADY: To that point also, could we ask you to bring hard copies in rather than e-mailing them for us to print?

ATTORNEY SUSAN ROBERTS: Okay, yes. I was going to ask about that tonight because I never know what you have and what you don't have.

SEAN O'GRADY: Yes.

ATTORNEY SUSAN ROBERTS: So do you want -- I mean, I can bring for next time the entire application, not just the photo sims and the drawings. What would you like?

SEAN O'GRADY: Well, it's up to you to decide what you want to submit. It's just that to the extent that there's questions

about the quality of the photo sims, I'd rather not have to print them.

ATTORNEY SUSAN ROBERTS: Okay. All right.

So do you see the entire application at all, ever?

SEAN O'GRADY: Yes.

ATTORNEY SUSAN ROBERTS: Okay.

ANDREA HICKEY: Is the new proposed date the 30th?

SEAN O'GRADY: Yes.

ANDREA HICKEY: Because I can't do that date.

SEAN O'GRADY: So we're out to February 13th.

ATTORNEY SUSAN ROBERTS: Wow.

SEAN O'GRADY: February 27th.

TIMOTHY HUGHES: There's 27 days in February?

DOUGLAS MYERS: February 27th is fine.

TIMOTHY HUGHES: February 27th.

DOUGLAS MYERS: And we're going to proceed on the basis of the simulation No. 3, 2B that we approved on February 14th; is that correct?

ATTORNEY SUSAN ROBERTS: And mind you there are other -- there was 2B, 3B, that's what we'll show you. So 2B was just one of them.

DOUGLAS MYERS: And could we -- just so I'm absolutely correct, and then your -- and the chimneys that are proposed as new in that picture 3 are the two on the right-hand side that straddle the cannister.

ATTORNEY SUSAN ROBERTS: Uh-huh.

DOUGLAS MYERS: So I'm going to make a note, also new.

ATTORNEY SUSAN ROBERTS: And the ones on the left.

DOUGLAS MYERS: And the two on the left-hand side.

ATTORNEY SUSAN ROBERTS: All new.

DOUGLAS MYERS: So of the two on the left-hand side, the right most is also new.

ATTORNEY SUSAN ROBERTS: Yes.

DOUGLAS MYERS: Okay.

TIMOTHY HUGHES: All right. The Chair would move that we continue this case until seven p.m. on the 27th of February on the condition that the posting be changed to reflect the new time and date and that it be posted the requisite number of days prior to the hearing date. And that any plans, any changes in the plans, which there will be, be in the file by the five p.m. on the Monday prior to the hearing.

All those in favor?

(Show of hands.)

TIMOTHY HUGHES: That's five in favor.

(Hughes, Sullivan, Green, Myers, Hickey.)

ATTORNEY SUSAN ROBERTS: Thank you.

\* \* \* \* \*

(7:35 p.m.)

(Sitting Members Case #10518: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10518, 799 Concord Avenue.

Is there anyone here wishing to be heard on that matter? I take it these are in our file already? These are extra copies?

ATTORNEY TIMOTHY TWARDOWSKI:  
That's correct. They're not new.

CONSTANTINE ALEXANDER: Same with the photo sims?

ATTORNEY TIMOTHY TWARDOWSKI:  
Correct.

Thank you, Mr. Chairman. For the record, I'm Tim Twardowski of Robinson and Cole representing the applicant Verizon Wireless. This is the continuation of a hearing that began on the 10th of October.

At the last meeting the Board had given us some comments and some direction as to a number of items they wanted us to accomplish before this next hearing. The first of which we took the Board's and particularly the Chair's comments very seriously with regard to the posting of notices. We did, I think, put up a very sturdy background and post for the sign and have insured on a daily basis that it is in place. And we're hopeful that the Board is pleased with the work that we've done in that respect.

The second and probably the most important item that the Board asked us to accomplish, was neighborhood outreach and information. And in response --

JANET GREEN: Can you hear?

CONSTANTINE ALEXANDER: If anybody can't hear, come to the front of the room.

ATTORNEY TIMOTHY TWARDOWSKI: I'll try to speak up. Thank you.

In response to the Board's requests, we organized a neighborhood meeting that took place on the 14th of November. The folks at Sancta Maria were kind enough to let us use their facility to host the meeting. I personally invited folks from the Fayerweather School, from the Evergreen Day School, from the Lidyian Center. And in general, any of the folks who had submitted written comment or appeared at the last hearing and raised some questions with respect to the facility. In advance of that meeting we also asked our RF safety specialist, Doctor Donald Haes whose original report was in the packet that was submitted previously, we asked him to go to the property and take some ambient RF

readings to show the existing levels of RF under current conditions, and he did that. And also was in attendance at the neighborhood meeting in order to address that report and also to answer any questions from the abutters. We're happy to say that we did have good attendance. We had about a dozen members of the various abutter groups in attendance and, we spent a good part of the evening going over those issues. And I think we got some good input, and we tried to as best we could to provide information in terms of existing conditions and how that would change relative to that particular application.

I'm not sure how you want to go about doing this, but I can just continue with what else we've done.

CONSTANTINE ALEXANDER: Why don't you give us your take on the neighborhood

meeting. What did you come away with?

ATTORNEY TIMOTHY TWARDOWSKI:

Right. I think it was helpful in the sense that we were able to answer questions about a number of issues in terms of, you know, what are the existing RF conditions? How do RF emissions from cellular site compared to other items such as Wi-Fi? We were also able to address a number of questions that came up relative to FCC proceedings. That's also on my agenda, but I can skip ahead to that.

In short what's happening currently at the FCC is they issued a noticed inquiry and essentially the subject matter of that notice of inquiry is whether the FCC should entertain changes to the existing RF exposure limitations. I believe they just recently closed that. Due to the government shutdown, they extended the comment period.

And I actually checked the website today and there's no new updates on that. So I know the comment period has closed.

At this stage of the process what they're really asking should we take a second look, take another look at the exposure guidelines and change them? No changes will come out of the process. If the answer at this point is yes, then that -- the next step, the FCC will start the process of looking at the actual exposure guidelines and determine whether or not they should change, and if so, what they should -- how they should change.

There's been some comment and questions from I think from the Board as well as members of the audience relative to, you know, should the Board continue this item and wait for the FCC to issue new guidelines. I think as a practical matter, if any new guidelines are

issued by the FCC, that's probably more than a year or maybe several years off.

Regardless, when and if any changes are made, we will have to comply. It's a condition of our FCC license that we will have to comply with any changed FCC emissions.

CONSTANTINE ALEXANDER: Wait a second. To be sure, you would have to comply or your client would have to comply. But if the guidelines are changed, that may have an impact on the neighboring schools and the neighbors. If, for example, if the determination is such that there is, there has to be a reduction in the levels of emissions, you'll have to comply with it.

ATTORNEY TIMOTHY TWARDOWSKI:

That's correct.

CONSTANTINE ALEXANDER: But the fact of the matter is that the neighbors are

going to have to live with it. And one of our jobs is to protect the City of Cambridge in this area. Protect may be too strong a word, but to monitor the situation and to be sure that the interest of the City are being served, not just the interests of your client.

ATTORNEY TIMOTHY TWARDOWSKI:

Understood.

Relative to that, you know, certainly you know, we would have to comply anyways. If it pleases the Board, we would accept a condition in an approval requiring us to comply in the event that FCC guidelines do change.

CONSTANTINE ALEXANDER: That's meaningless.

ATTORNEY TIMOTHY TWARDOWSKI: It's something we have to do anyway. So in that

respect we feel that it's not a necessity.

CONSTANTINE ALEXANDER: Well, it is meaningful perhaps and I certainly, in my mind, is that if we were to grant a Special Permit, it would be only for a relatively short period of time. And to see what develops scientifically, governmental-wise as to emissions, and so we can act accordingly if there is, as if there's a change in one respect or another. The idea of giving you a Special Permit in perpetuity doesn't strike me in my way of thinking at all desirable. I think we have to, at the very least, we have to monitor the situation on behalf of the city. And if the, as I said, if either the science or the governmental regulations change, I think we need to take that into account whether we want to continue Special Permit assuming we grant a Special Permit

tonight or at some other meeting that we hold.

ATTORNEY TIMOTHY TWARDOWSKI:

Right. I guess I'm not clear in terms of -- I mean, I understand the City's interest quite clearly, but I guess my question is, you know, to the extent that the change that occurs is relative to the actual emissions standards, what's not up for discussion at this point is a change to the Telecommunications Act granting local boards the authority to consider health effects which has been preempted under the Telecommunications Act. It's not up for change at this point. So whatever happens at the FCC would not have an effect on the preemption that's in place under the Federal Telecommunications Act. So I question, although I certainly appreciate your rationale, I do question the, you know, how you would go about protecting

the citizens provided that we're in compliance at all times with the FCC guidelines relative to the health effects of RF emissions.

CONSTANTINE ALEXANDER: I just want to be sure that the rules of the game, the facts change, we have an ability to react to those facts. We may decide we have no ability to do so. I don't know what the changes are going to be. I want to be able to mon -- on behalf of this Board, to monitor the situation. But that's my view. I'm only one of five, but I'm going to tell you that when a motion comes to be made, and we will make a motion obviously, to see whether it passes, I'm going to make a motion for the time period for the Special Permit.

DONALD HAES: Yes, again, Don Haes, independent consultant. I can speak about

what the FCC has done historically as far as adopting their exposure standards back when they were considering the Telecommunications Act of 1996 and the exposure limits therein. In that process the first thing that they specified is that they are not a health agency. So, therefore, they have to rely upon other agencies to come up with these values. So that is one of the things they're doing as Tim has pointed out, is should we. That's the question. And I've been part of several papers that were given to the FCC in helping them come up with a decision. But in any event, historically when they've gone out to the agencies that do make these kinds of decisions like the NCRP, National Council and Radiation and Protection and Measurement; the IEEE; the ANSI standards; World Health Organization; International Commission on

Non-Ionizing Radiation Protection. That's a tough one.

That -- those agencies are where they get their numbers from. And in fact those values haven't changed appreciably over the past ten years. Nor are they expected to change in the next several years.

CONSTANTINE ALEXANDER: But, sir, you're telling us about -- you're testifying as to the past and I assume it's all correct. Past is not necessarily prologue. I don't know what the world's going to be like, and I'm not here -- because given the fact that you're located in an area that's close to a lot of residences, given the fact that there are two elementary or pre-elementary schools in the immediate vicinity, I am very concerned about assuming that everything is going to continue on as it has in the past to

the point of view of what the governmental views are. In my judgment, I want a short leash, if we're to grant you relief, to be able to react to requiring you to come back to us and we can react if there are changes that we think are important that allow us to maybe -- to not renew your Special Permit. I mean to be sure that the Telecommunications Acts preempts, to a large extent, our ability or any Zoning Board's ability, to regulate these antennas, but we're not without powers. And I -- we have a Special Permit process which talks about various measures that we have to take into account, and I want to -- I'm serious about taking them into account. So I don't want to be debate it further because we haven't even taken a vote on this yet. But I am not of the mind, just to make it very clear, if we were to grant you

a Special Permit, to be in perpetuity.

DONALD HAES: So let me just add just one little bit and I'll let it go. To let you know where the science is to date, just recently there was a vote for the exposure standards for radio frequency that would cover all Nato forces. So we're talking about military settings, not only shipboard but also shore. That is the process that the ANSI Committee that I'm working on is doing to meld if you will, all of the exposures standards together, which is the international and the American National Standard. So we already know where those values are, and those are the same values that will appear in the latest version of C95.1, which is what the FCC is going to be looking at for their adoption. So those numbers are already there. So just to give you some

reassurance.

CONSTANTINE ALEXANDER: Anything further you want to say?

ATTORNEY TIMOTHY TWARDOWSKI: Just a couple of items, yes. I think one of the items that you raised, Mr. Chairman, was, you know, the question why here? I think at the last meeting we gave just a general kind of a simple answer that, you know, the location of this particular site works well with our existing infrastructure. The height and specifically the location is optimal for filling the gap that we have in this coverage in this area. You asked what other sites we had looked at. In general I think we have, we have a map that we can pull out. We have a map of some sites that we looked at in the area. The gap as alternatives to these. The short answer is that in this general

vicinity, you know, looking to the west you're looking primarily at residential structures, one, two, and in some cases three stories. To the east and to the north and south, we've got a mix of commercial and industrial, most of which again is, it is low rise, one, two-story structures.

One of the locations that we looked at to the north -- and this is -- so just to orient the Board. Post site 799 Concord is shown here in purple. One site that we looked at that made a very good location and had a building that gave us the height that we need, it is located there. There is a cluster apartment complexes. We approached the building owner and he was not interested in hosting. He apparently does have one set of antennas on that building, but he was not interested in hosting a second set.

JANET GREEN: Why was that?

ATTORNEY TIMOTHY TWARDOWSKI: I don't know. I don't do the real estate end of it.

CONSTANTINE ALEXANDER: Was it a matter of he wouldn't talk to you at all or a matter of the number on the table he didn't like?

ATTORNEY TIMOTHY TWARDOWSKI: No, he said he was not interested.

BRENDAN SULLIVAN: That's Hill Estates?

ATTORNEY TIMOTHY TWARDOWSKI: Pardon me?

BRENDAN SULLIVAN: Hill Estates?

ATTORNEY TIMOTHY TWARDOWSKI: Yes. Hill Estates.

Moving further west on Concord Avenue, the next tallest building is actually

located, this is the corner of Bright Street and Concord Avenue, and that is a four-story building. We approached that owner. Same individual who owns this property here, gave us the same answer. Not interested.

At the last meeting I think one of the Board members raised a question as to some sites that are located in Belmont, Pleasant Street, up here, Highway 16, and adjacent to Route 2. We actually -- what I want to make clear is that these sites in this area are not substitutes for -- this is not a substitute for this site. The existing sites you can see curve around here, and this site is in close proximity to these existing sites. Whereas up here they're not. So regardless of whether we had an approval up here, we would still be here with this particular site. These are not a replacement, we need

both. The short story is we had a Mass DOT property just off Route 2, there are a number of carriers that we had proposed to locate on a mount pole, and some opposition and politics became involved. We ended up withdrawing that application. There is also a church located at 300 Pleasant Street where we had approached the property over there and asked about locating in that particular facility. And, again, the property owner was not interested. But the point really is that this is not a substitute for the other site so we do need both.

CONSTANTINE ALEXANDER: And it's just interesting to me that as to the two sites you said the owner is not interested in talking with you, maybe there's a message in that for us as a Board or as a community. I mean why would the owner turn down basically

free money? I mean you put an antenna up there, you don't spend much time servicing it, yet somebody's concerned about having these telecom antennas on their building and affecting neighboring properties which is why there's a lot of concern tonight.

ATTORNEY TIMOTHY TWARDOWSKI: I think that's speculation. We don't know that.

CONSTANTINE ALEXANDER: To be sure, I don't deny it.

ATTORNEY TIMOTHY TWARDOWSKI: So the fact that an owner wasn't interested is not -- that doesn't -- the conclusion that that's the reason, whether it has to do with RF or property values or anything of the sort, that's, that's not, you know, that's not proven.

Quickly another item that we addressed

at the hearing and also at the neighborhood meeting, we did hear some concerns raised by some abutting property owners relative to property values. After hearing those concerns, we retained the services of a pair of appraisers and asked them to prepare a report, an analysis of if this facility is installed, whether it would have impact on abutting property owners. The report was filed. I believe you have a copy.

CONSTANTINE ALEXANDER: Right here.

ATTORNEY TIMOTHY TWARDOWSKI: We filed that Monday. Mr. Lopes who was a certified appraiser and co-author of the report is here this evening and available to answer any questions that you might have or if members of the audience have questions, he can address that as well.

Lastly, I did want to point out, you

know, to the extent that we've heard from in particular the schools, the Fayerweather, the Evergreen School, relative to potential impacts and not necessarily on property values but on enrollment and concerns of students, parents about RF emissions. I mean, as a threshold matter I think those arguments really cannot be distinguished from a health effects argument.

Setting that aside --

TIMOTHY HUGHES: Explain that to me why they can't be distinguished? Why the fear of the health effect isn't an adverse effect on the businesses nearby as opposed to an actual health effect? Explain to me the difference.

ATTORNEY TIMOTHY TWARDOWSKI: There is no difference. I mean, the FCC has said --

TIMOTHY HUGHES: So then you're saying there still could be an adverse effect on these people even if there's no health risk? That's what I'm saying. I mean, the fear of a health risk will have an adverse effect on enrollment at the school. That's still an adverse effect on the enrollment of the school, is it not?

ATTORNEY TIMOTHY TWARDOWSKI: It could be.

TIMOTHY HUGHES: Even if it's based on something that's not factual at least not under our purview because of the Telecommunications Act. But you're telling me you can't separate the two. And I'm saying that maybe you can separate the two, that there could be an adverse effect even if there's no real health, adverse health effect on the businesses, on the schools, on

enrollment.

CONSTANTINE ALEXANDER:

Underscore -- I'm sorry. Underscore Tim's point, one of the requirements for a Special Permit the finding we have to make is that the continued -- and I'm reading from 10.43 of our Ordinance: A continued operation of or the development of adjacent uses, as permitted in the Ordinance, will be adversely affected by the nature of the proposed use. We've got to make a finding that will not be adversely affected. And what Tim is pointing out and others have pointed out is that at least to these two schools, they may be adversely affected by the location of these antennas.

ATTORNEY TIMOTHY TWARDOWSKI:

Right. The point that I want to make is that there is a precedent that is very similar to

this exact situation on Concord Avenue and specifically at 100 Concord Avenue. This Board approved multiple antennas to be located in the steeple of the St. Peter's Church which directly abuts at 96 Concord Avenue St. Peter's School, and is also located approximately 300 feet away from the second school, I want to make sure I get the name of it right here. It's called the Buckingham, Brown, and Nichols School. And in looking at the website from that particular school, I understand there's a K through 12 school, private. And they indicate on their website that for 150 places they receive annually 900 applications. So clearly existing -- the existence of wireless facilities in close proximity to both of these schools is not having an impact at the moment for the viability of either of these

schools.

With that I'd be happy to take your questions.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

Anyone here wishing to be heard on this matter? Sir, come forward and give your name.

EDWARD KUH: Sure. Edward, last name is K-u-h and the head of the Fayerweather Street School.

The Board had three things that Verizon had to address. So I have some questions about his responses, but I don't know if they're appropriate so I'll ask them and you tell me if they're not.

On Concord Avenue there are a whole bunch of other tall commercial buildings and I wondered about them looking at that. But

again, that's your question to ask. All right?

CONSTANTINE ALEXANDER: Through the Chair you can ask that request.

EDWARD KUH: Okay.

CONSTANTINE ALEXANDER: What about the other large buildings on Concord Avenue? You identified some on your plan but there are others.

ATTORNEY TIMOTHY TWARDOWSKI: Right.

EDWARD KUH: There are a whole slew all the way down here.

ATTORNEY TIMOTHY TWARDOWSKI: Do you have addresses? And, I mean, we did a search up and down Concord Avenue, and for the most part as I stated, we're looking at primarily two and three-story buildings which don't give us --

CONSTANTINE ALEXANDER: There are some buildings, I can testify from my personal experience that there are some buildings that are far bigger than two and three stories. The old BB&N building. I don't know who's in there now. That's a good size building. It's almost as big or as big as your building, with the Sancta Maria Hospital.

ATTORNEY TIMOTHY TWARDOWSKI: I'm not familiar with that.

EDWARD KUH: There are a whole bunch of buildings here. Some are four stories I think. The issue is they're not on a hill. You know you get more height with the hill and the building.

The second question I have is around the outreach. You did outreach to us and we appreciate that. But what I call the

Griswold neighborhood, you know, the little pocket neighborhood, I don't know if you -- you said you sent notifications to the people, written letters, but did you notify all the neighbors? Like, did you do mailing or anything again? I don't know what the intent of with the Board what it meant to notify the group. If you just reached out to the dozen people. We ended up sending our board to discuss it. It ended up being split. There were varying views. We didn't feel like we could make an official stand one way or other. But I think you'll see in a letter from a couple of our parents, and it was really what this gentleman said, perception of how it will impact the school not particularly a health issue. And is there anything else? I think that's mostly.

CHARLIE McDERMOTT: Well, I guess

the other thing --

CONSTANTINE ALEXANDER: Sir, you have to give your name for the record.

CHARLIE McDERMOTT: Oh, sorry. Charlie McDermott from Fayerweather.

That the Board's other instruction to us was just that in the spirit of letting the community know, they wanted to make sure that we let our parents know. So instead of like us saying we don't want to know about this, they actually -- they wanted to be sure that our parents knew about the proposal in the spirit of outreach that was described here.

EDWARD KUH: The letter from the school went to the parent body describing the points, the details, giving the address to send in a letter if they chose. We told them the Board itself would not send in a letter one way or the other, but individual parents

could.

CONSTANTINE ALEXANDER: Could you briefly speak to how you reached out to the neighborhood? Did you do a mailing? How did you chose the mailing list?

ATTORNEY TIMOTHY TWARDOWSKI:

Right. The mailing list, we did not do a full mailing akin to what we did under the mailing to abutters based on the 300-foot perimeter. Essentially what we did was we had pulled copies of all written submittals at ISD as well as based on the notes that we had taken here, and we reached out to everybody who either submitted written comments or who had appeared here at the hearing.

CONSTANTINE ALEXANDER: Does that answer your question?

EDWARD KUH: Yes. And mostly I would just say that our -- the fear perception

is really what you said in the past, is that people just feel that the science isn't -- it's too new. So that's where the fear of the unknown comes from. And so we do have a couple of people who have young students in the school. So if we lose just a couple, from our point of view, which doesn't have 900 to 100 spots. We wouldn't --

CONSTANTINE ALEXANDER: Have any parents contacted you or the school and said we're going to be pulling our child out the school next year because of this?

EDWARD KUH: The parents who wrote letters would begin to look at other schools depending.

CONSTANTINE ALEXANDER: Anyone else? You have anything further?

EDWARD KUH: No. Another thing is

we have not actively, besides informing our community which we felt was our duty, we didn't push one way or the other. We tried to as a school to be very neutral and tried to just inform people so they would be informed and that's about it.

CONSTANTINE ALEXANDER: Thank you.

Anyone else here wishing to be heard?

LYDIA KNUTSON: I have a question about the coverage.

CONSTANTINE ALEXANDER: I'm sorry, just state your name.

LYDIA KNUTSON: I'm sorry, Doctor Lydia Knutson, K-n-u-t-s-o-n. And the question I have, if you could just refresh my memory on -- this was largely cellphone coverage for Belmont if that's what I'm remembering from the hearing?

CONSTANTINE ALEXANDER: You want to

address your question to this gentleman not to him.

LYDIA KNUTSON: Just refresh our memory.

CONSTANTINE ALEXANDER: Or maybe this gentleman here.

ATTORNEY TIMOTHY TWARDOWSKI:  
Right. For the record, this is Keith Vellante of C-Squared Systems, the RF engineer who has work with Verizon Wireless on this site. And he can show on the coverage plots, existing coverage versus coverage that would be provided with the site if it's turned down.

KEITH VELLANTE: So turning back to -- these are maps you saw previously. They're more zoomed in for purposes of showing the locations. The maps are the same as presented last month or two months ago

showing the existing coverage from the surrounding sites in the general area around Cambridge. Belmont borders this center and you have Route 2 upper left down towards the center. Alewife Brook Parkway south in the blue, and in the center is Fresh Pond. So the blueish purple site is the location of the proposed site of the Sancta Maria. The green coverage area is Verizon's 4G coverage area present to date around the existing facilities. So the purpose of the post-facility is to expand that coverage footprint. And so you can see the, not in green or the areas that proposed site, intending to improve it's a large area it's going to take more than just this one proposed site.

And going to the following map it shows the coverage if the proposed site would be

approved, what the coverage would be of that facility and how it fits in the surrounding network sites.

CONSTANTINE ALEXANDER: Can you answer her question, though? Can you roughly show where the boundary is between Belmont and Cambridge on that map?

KEITH VELLANTE: Sure. Shown from back there it's brown line and cuts from there and cuts towards the west side of Fresh Pond, in that general area.

EDWARD KUH: Can you flip back to the other one?

KEITH VELLANTE: Sure.

EDWARD KUH: Okay. What we point out is that this entire area right here is all like major preserves. Like a majority of that. There's nobody living there except birds.

CONSTANTINE ALEXANDER: Was your question answered?

LYDIA KNUTSON: It's primarily coverage for Belmont that's what I'm taking away from this.

TIMOTHY HUGHES: Well, don't be fooled by the fact that Belmont is marking a part of Cambridge on this map don't ask me why. But Belmont is marked in the middle of Fresh Pond. That's not Belmont. That's Cambridge. So it's like -- I don't know if you can see the border there. But the map is inaccurate in that regard, you know.

LYDIA KNUTSON: No, I can see that, yeah. So I'd like to -- I -- I'm in a bit of a bind. I'm the owner and director of the Lidyan Center for Innovative Healthcare and we occupy the top floor of 777 Concord Avenue, directly adjacent to the Sancta Maria

Hospital. And after the meeting in October, I was not reassured and nor was I reassured by the outreach at the activity center at the Sancta Maria. And several of my practitioners have, one in particular, has said flat out that if the cell tower goes in, she is leaving. And we are a tight-knit group of practitioners, doctors, and other kinds of practitioners and we've been working together for six or seven years now. And so she has said that she's moving out. There are a couple other people who are wavering. And I -- this will be an enormous hit to our business. So I was considering well, maybe we should just move. So I thought about that for a while and I said well, I'll look into it. I've got a million dollars into this condo I bought at the height of the market in 2007 just before the crash. So I don't have

much margin for a loss of property value. I said okay, let me find out whether this tower might have any impact on the property value before I really go down the track of what am I going to do. So I contacted a real estate agent who she has been real estate agent forever in Cambridge. She actually -- I'm going to read this letter. She also mentions the green condos at 773 Concord Avenue which are fairly new condominiums that were built as green buildings, about 25 units in there. So she says: Dear Doctor Knutson; Thank you for contacting me regarding the proposed installation of a cell tower on (inaudible) nursing facility. In response to your question regarding the loss of adjacent property values, the answer is definitely yes. Your medical condo at 777 Concord Avenue will be negatively impacted.

However, the special concern is 773 Concord Avenue, those were built and sold as green buildings and their value could be severely impacted by the cell towers on Sancta Maria. Buyers associated with that type of property put an even stronger emphasis on these types of issues. The residential property will feel the effect on value more than commercial property. And I was relieved to hear about that. But be well advised those cell towers will adversely affect the value of your property. I have been in real estate in Cambridge for almost 29 years and amongst the designations I have earned is the green designation. Personally I can tell you that the issues from the cell tower will have an even greater effect if we were to go into a down market. Concerns about the emissions is growing, not decreasing.

So, I don't know what I'm gonna do if this cell tower is approved as a business owner in Cambridge facing a decline in my business due to this. I do have to think about relocating. And if my property value goes down, then I just don't know -- I'm not sure what I'll be able to do.

CONSTANTINE ALEXANDER: Thank you.

As you heard from the presentation, the Petitioner has submitted a report from experts saying the property values will not go down. And it's funny, I've practiced corporate law for over 40 years and whenever there's an issue of valuation, oh, somehow by magic every side that gets an expert who can testify to what the expert -- what they want the expert to testify to. So I hear you. I understand. I hear you and I understand. And to my mind, I don't know what the answer

is. And I'm not at all moved by either this nice, thick well bound report or your letter. And we have another letter, too, from a different real estate agent which I'll get to in a little while, who says the same thing as your agent said about the decrease in property values.

Thank you.

Anyone else wish to speak?

FRED LANGENEGGER: My name is Fred Langenegger, L-a-n-g-e-n-e-g-g-e-r. I simply want to pass on to you a letter from a property owner at 773 Concord Avenue at the green building that was just discussed. He sent -- he told me that he sent the letter to you by e-mail so you probably have it already, but he just asked me to --

CONSTANTINE ALEXANDER: What's the name of the person who wrote it?

FRED LANGENEGGER: John Labosco.

CONSTANTINE ALEXANDER: We have it. Give it to me anyway. I have an envelope. I don't see the letter. That's the real estate agent. I have this one that's attached to an e-mail we got from someone else.

Anyone else wishing to be heard?

LYDIA KNUTSON: I'll give you those.

CONSTANTINE ALEXANDER: Anyone else?

FRED LANGENEGGER: I wanted to add -- I understand the -- you're not -- maybe you're not considering property values, but the development at 773 Concord Avenue is a substantial building, it has 25 units in it.

CONSTANTINE ALEXANDER: And we do take into account impact on property values as one of the many factors we consider in any case we hear for Zoning relief just so you

know.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No one else wishes to be heard. I'm going -- the Chair would note that we are in receipt of a number of letters besides the letters that I read into the record before at the last hearing.

We have a letter from Doctor Knutson. And since you've already spoken, I'm not going to read the letter.

LYDIA KNUTSON: Yeah.

CONSTANTINE ALEXANDER: We have a letter from Rachael Burger. Rachael spelled R-a-c-h-a-e-l. I assume it's pronounced Rachael. Burger, B-u-r-g-e-r. (Reading) I'm writing in regards to the proposed cell antennas at the Sancta Maria nursing facility at 798 -- actually 799 -- at 798 Concord

Avenue. I spoke previously with Sean O'Grady in person about my concerns and wanted to put them in writing. My son had attended the Fayerweather School at 765 Concord Avenue since 2008 and I have been an active parent there, including serving on the Board of Trustees and as Treasurer since 2012. My concerns about the proposed cell antennas are follows:

One: I feel that the jury is out on the health and safety implications of cell antennas and electromagnetic radiation in our environment. These are new technologies and there hasn't been time to properly study their impact. Certainly placing such antennas immediately next to a daycare center, a pre-K -- a pre-kindergarten through eight school and playground, a residential neighborhood and a public park

used by all of the above and more seems at best imprudent.

Two: Whether or not you believe that there are health risks related to cellular antennas many members of the public perceive that there are or may be health risks particularly for young children/developing bodies. This could negatively impact our environment -- our enrollment, I'm sorry. This could negatively impact our enrollment and ultimately the viability of our school. Should this project go ahead, I would personally think hard about re-enrolling my son at the school despite my long-term commitment to Fayerweather and the excellent experience that my son has had there. I appreciate the economic benefits that would certainly accrue to Sancta Maria for hosting these antennas and understand the value of

that for a non-profit institution such as theirs. We have enjoyed our relationship as neighbors over the years and the visits the children have made there. For this reason in particular I want to express my regret for the loss of revenue that would result in not going ahead with the project.

We have a letter from a -- well, it's an e-mail from John Labosco (phonetic), and it says simply, (Reading) Please find enclosed a letter from my real estate agent claiming that property prices would decrease from the cell tower is allowed. Also here are some other concerns and questions I'd like to be addressed:

One, did Verizon thoroughly seek alternative sites in Cambridge or neighboring towns?

And you've addressed that in your

comments already this evening.

Two: Once issued, the permit will have a tower at the site. What will Verizon be allowed to do in the future? Will they be allowed to expand or modify as technology changes? Will other wireless companies use the site decreasing property values further?

Let me stop there and try to answer the question as best I can. Any change -- if we grant the permit, what you will be allowed -- what Verizon will be allowed to do in the future will depend on what they want to do for a Special Permit and that would also apply by the way if another carrier wants to put antennas up on the site. We have it all the time. Buildings have multiple carriers. And each carrier has to come down and seek our approval.

And the third is (Reading) Does the

financial benefit to one property owner outweigh the financial disadvantages surrounding property owners?

To that I will answer we take this into account when making our decision. It's one of the many factors that we look at.

We have a letter from a Jane Gray, G-r-a-y. 11 Hemlock Road in Cambridge. (Reading) I'm writing to express my concern about the proposed cell tower of the Sancta Maria Hospital, case No. 10518, 799 Concord Avenue. The more I read about cell towers and RF, the more I am concerned for the health of my family. As a new parent at Fayerweather Street School, with a second child entering school in a few years, I would certainly look at other schools for my children if this tower were approved. Indeed days after hearing that the tower was

proposed, I scheduled a parent tour at another school and have started an application so that we might have an option should the tower be approved. I hope this does not come to pass as so far we are loving our experience at Fayerweather Street School, including the lovely bike ride there with Cambridge's wonderful new bike lanes with Huron Village and around Fresh Pond.

And we have a letter, the last letter I'm going to read. It's from the residents at 773 Concord Avenue, No. 406. The letter is signed by Paul E. Szarmach, S-z-a-r-m-a-c-h and Katherine with a K O'Brien O'Keefe. O'Keefe is spelled O-'-K-e-e-f-f-e.

(Reading) We write to express our vigorous opposition to Verizon's request to build a cellphone tower on top of Sancta Maria

nursing facility. We own the most valuable condominium at 773 Concord Avenue, a building designed and sold as green construction. The construction of a cellphone tower virtually adjacent to our building will inevitably lead to the loss of value to the individual units. Our top unit has four sets of windows facing the proposed tower. The view from these windows will be irretrievably compromised. According to our on-line research, we could lose in a range of four to ten percent of the value of our primary residence should this tower be built. As senior citizens who moved to Cambridge for its people-friendly values. We are distressed at the prospect of losing \$60,000 in the value of our residence. We, therefore, strongly urge you to reject Verizon's request for the cellphone tower on

the Sancta Maria nursing facility.

And that's it. All of these letters are part of the file and part of our record as are the letters I read the last time around. With that, I'll close public testimony.

ATTORNEY TIMOTHY TWARDOWSKI:

Mr. Chairman.

CONSTANTINE ALEXANDER: I'm going to give you a chance. I was going to say if you have any final comments.

ATTORNEY TIMOTHY TWARDOWSKI: Yes, thank you. Yes, just quickly two points.

One with respect to what we heard from this evening from the Faywerweather School, I find it very telling that they have informed us on the record that their Board was asked to take a position on this application and declined to do so. We certainly appreciate

the perspective of the speakers here this evening, but the -- to the extent that the Board, who presumably controls the school, declined to take a negative position on this application. I think that's telling.

Secondly, with respect to the property --

CONSTANTINE ALEXANDER: To use your words, you're speculating.

Go ahead.

ATTORNEY TIMOTHY TWARDOWSKI: Well, I don't think it's speculation. They said on the record that the Board did not -- the declined.

CONSTANTINE ALEXANDER: You don't know why.

ATTORNEY TIMOTHY TWARDOWSKI: They declined. Nevertheless.

CONSTANTINE ALEXANDER: Keep going.

ATTORNEY TIMOTHY TWARDOWSKI:

Secondly with respect to the property valuation question, one point I'd like to make a distinguishing between what we heard from our submittal versus the submittals from some property owners. In our appraisal report the preparers expressly took into consideration the fact that there is an existing wireless facility on the Mount Auburn facility located at 725 Concord Ave., just about a block away from these properties, I didn't hear anything in either of the letters submitted by -- on behalf of the abutters recognizing the existence of a wireless facility in this neighborhood already.

CONSTANTINE ALEXANDER: Thank you.

Is that it?

ATTORNEY TIMOTHY TWARDOWSKI:

That's it.

CONSTANTINE ALEXANDER: Okay.

Public testimony will now be closed.

Discussion by members of the Board?

Can we discuss it? Anybody have any thoughts? Brendan?

BRENDAN SULLIVAN: Can you not achieve the coverage by upgrading at 700 Huron Avenue? And also the one at -- was it 725 Concord?

ATTORNEY TIMOTHY TWARDOWSKI: Which facilities?

BRENDAN SULLIVAN: Can you not achieve coverage that you -- not all of the coverage. But in Cambridge if you upgrade the facility at 700 Huron Avenue, going across the Fresh Pond.

KEITH VELLANTE: No.

BRENDAN SULLIVAN: The answer is no?

KEITH VELLANTE: No.

CONSTANTINE ALEXANDER: Yes, the answer is no? I want to make sure we get it right.

KEITH VELLANTE: Changing the facility on Huron Ave., we're not satisfied that the coverage needs and the capacity needs will be (inaudible).

TIMOTHY HUGHES: And what's the second part of the question? What's the other site, Brendan?

BRENDAN SULLIVAN: Well, the other one's down Concord Avenue at the circle. Basically 725 Concord Avenue. Is that the address? Next to the Dunkin' Donuts, Ma Magoos, they have a facility there.

ATTORNEY TIMOTHY TWARDOWSKI: For the one -- the Fresh Pond?

BRENDAN SULLIVAN: Correct, that one right there. Yes.

KEITH VELLANTE: The antennas are on the roof of the building.

BRENDAN SULLIVAN: If you upgrade both of them, can that not achieve the coverage?

KEITH VELLANTE: Well, within, within realistic standpoint, the antennas on Fresh Pond on top of the building, they would have to increase significantly. It wouldn't remove the need for this proposed site.

BRENDAN SULLIVAN: I guess, you know, again I've driven up and all through that whole industrial area, industrial park, there's some bigger buildings going in. There's some backing up to Route 2. And I just thought that those would be a more ideal location than this particular one.

TIMOTHY HUGHES: Not to mention a whole bank of buildings that just went up on Fawcett Street.

BRENDAN SULLIVAN: That's what I'm saying, that whole industrial area back there. That West Cambridge industrial park.

TIMOTHY HUGHES: Even the hotel right on Fresh Pond Circle. I'm just not sure that all of the possible sites have been exhausted in terms of coverage for Cambridge. Maybe the possible sites have been exhausted in terms for our neighbors in Belmont, but I don't see that, you know, all the sites have been exhausted for coverage for what's on this part of West Cambridge.

CONSTANTINE ALEXANDER: Let me just observe that this is not in a residential district. They have no expressed requirement to exhaust alternative sites.

But we can still, I think, I believe we can still take that into consideration. But it's not the same as if it's located in a residential area with -- quite definitely they have to demonstrate that there are no other sites available.

THOMAS SCOTT: Your own coverage map that you put up, I kind of indicates that you're improving coverage in an area where you don't even need coverage which is the nature preserve, which almost looks like the third of the map that you put up or more maybe. Why? I still feel, though, you haven't exhausted, you know, other locations to the point where, you know, it could be further away from the school environments and maybe in a location that maybe it isn't even in Cambridge. Maybe it's in Belmont. But the sites that you showed, there were four of

them, were they all in Cambridge or were they in Belmont and Cambridge?

KEITH VELLANTE: Are you referring to the this map?

THOMAS SCOTT: Yes.

KEITH VELLANTE: They are all in Belmont.

THOMAS SCOTT: Belmont.

BRENDAN SULLIVAN: It's a continued operation of or development of adjacent uses as permitted in the Zoning Ordinance that would be adversely affected. And even though we can't say that they conclusively will be adversely affected, can also not say that they would not be, and yes, it could be perception whether it be real or unfounded, but there are still at great concern. And you know, if they, the balance needle is one way or the other with me, and yet I can't push

it over into the positive then not being convinced that it may not have some adverse affect. That it may have some adverse affect, puts it into the negative area then for me. And I think when it gets into that negative area, that it may, people have expressed some real genuine concerns about it, and I think that as a Board, we really have to take those into considerations where, and where people say we have these -- again, whether they be real or unfounded, we can't decide that. You know, as a father and grandfather, very protective of our children.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: And we do things for them on their behalf which may be over the top, may not be, you know, necessary. It may be belts and suspenders and so on and so

forth, but to us it's very real because we're dealing with real lives. And those lives depend upon us to make the right decisions. I think these people have expressed a concern, not out of monetary gain, but a real life situation that they are faced with. And, you know, this could impact us. People have expressed opinions. And I think we really have to defer to that.

CONSTANTINE ALEXANDER: I hear -- and I don't disagree with that, Brendan. And I will just point out this counsel will point out to you otherwise, is that we may not have a right to take that into consideration under the Telecommunications Act. I mean, that's -- the letter we read comes from a Special Permit requirements for all Zoning decisions in Cambridge. It's possible, and you might be right, and I'm not

sure what the answer is. But I have to point out it's possible. We cannot apply that in a telecommunications case. I don't want to go there, but I'm just sort of going to observe that we should all be aware when we get to a vote that we may not have the ability. They could challenge us in court and overturn it. Which is my view is, if you want to go to court, fine, see you in court. That doesn't bother me. But I think we have to be cognizant of the fact that we may not have the same discretion with regard to impact on adjoining uses as we would in any other Special Permit case. That's all. But I don't otherwise don't disagree with anything what you said whatsoever.

Further comments from members of the Board?

TIMOTHY HUGHES: I'll keep it to

myself.

CONSTANTINE ALEXANDER: No?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Janet?

Tom?

Okay, I guess we're ready for a vote.

And I'm going to make a motion and people feel free to challenge it or amend it or whatever.

The Chair moves that this Board make the following findings:

That the Petitioner is a duly licensed and in good standing FCC carrier.

That the Petitioner has taken steps to camouflage the visual impact of the proposed antennas on the building or other telecommunication equipment on the building. And that tied to the conditions that we're going to make, that traffic generated or

patterns of access will not -- result from this project, will not cause congestion, hazard or substantial change in established neighborhood character.

That, and it's the language we talked about before, that the continued operation of adjacent uses will not be adversely affected by the value -- by the nature of the proposed use.

That 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 what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

On the basis of these findings, the Chair moves that a Special Permit be granted

to the Petitioner as requested subject to the following conditions:

That the work proceed in accordance with plans submitted by the Petitioner. Most recent data appears to be October 3, 2013. The first page of which has been initialled by the Chair. And by photo simulations submitted by the Petitioner. There doesn't appear to be a date, but the first page of which has also been initialled by the Chair.

And on the further conditions that the Special Permit be only for one year in length. And then that at the end of one year the Special Permit is no longer in effect and that the Petitioner would have to reapply to this Board to seek a further Special Permit.

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

(Aye.)

(Alexander, Hughes.)

CONSTANTINE ALEXANDER: All right,  
two in favor.

All those opposed?

(Show of hands.)

CONSTANTINE ALEXANDER: The motion  
does to the carry.

(Sullivan, Scott, Green.)

CONSTANTINE ALEXANDER: I think for  
the record we should establish why -- no, I  
don't want to do that. I think the  
transcript and the discussion so far speaks  
to why the Special Permit was not granted.

Thank you very much.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case #10517: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10517, One Broadway.

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

ATTORNEY TIMOTHY TWARDOWSKI: Yes.

CONSTANTINE ALEXANDER: Okay, proceed.

ATTORNEY TIMOTHY TWARDOWSKI: Thank you, Mr. Chairman. Again, Tim Twardowski, Robinson and Cole representing the applicants, Verizon Wireless.

This is another continued item. This

was continued from the Board's meeting on October 10th. At that particular meeting we asked for a continuance in order to address some design direction that was given to us by the Planning Board. I have photo simulations as well as site plans. Does everybody have copies? Or I have extras for distribution.

Since in this case the Board's effectively seeing this for the first time, I just want to give a brief overview of the process that we went through. As I've noted, we were before the Planning Board in late September of this year. To be, to be blunt, the Planning Board didn't like what they saw. They asked us to go back to the drawing Board and we did that. One of the things that we did, first, we kind of started from the -- from scratch. Most importantly we

hired an architect, Mr. Daniel Winny to advise us in the design of this facility. The direction we received from the Planning Board was to make it architecturally sensitive and/or to make these antennas disappear to the greatest extent possible. We were before the Planning Board Tuesday of this week, and we had much more favorable comments and a positive recommendation from the Planning Board, which I understand there's a copy of the letter that the Board submitted to you.

CONSTANTINE ALEXANDER: We did receive it. We are aware of it. So I will read it into the record at the appropriate time.

ATTORNEY TIMOTHY TWARDOWSKI: Thank you.

I can go over briefly using the site

plan just a quick overview of the site itself and also make reference to the photo simulations. To orient the Board, this is One Broadway. This is a partial roof plan. One Broadway -- okay, so Broadway -- actually sorry. So to orient the Board, Broadway is at the bottom. Third Street on the left-hand side. And then Broad Canal Way.

This portion of the building rises 16 stories up, about 230 feet. And this portion of the building is three feet. This is a parking garage area here, and then there's an additional one-story bump up office facility in the area bringing it up to a total of four stories in this location. The proposal is for a total of three arrays, four antennas each. Facing Broadway we're proposing a false penthouse enclosure containing four

antennas pointing in this direction. Our initial proposal had the enclosure about in this particular location and only about 11 feet from the roof edge. The Board asked us to move it back, to make it less visible, and we've done that by moving it to where it's now 47 feet and seven inches recessed from the roof edge and next to this particular there's an existing HVAC unit here.

The second array of antennas you'll see on the facade of the building just above the third-story element of this parking garage. Originally we had proposed a steel frame out exposed antennas on this corner of the building. And with the assistance of the architect, we were able to design enclosures on the facade of this building to mimic the existing columns and be sensitive to the architecture of the building.

The last of the antenna arrays is on the -- there's a total of six columns on the facade facing toward Third Street. The two center most columns would each have two antennas. There's a recessed area that I think is probably best shown in the photo simulations, and those would be on pages 7 which shows the existing condition, and then on page 8 you'll see the two enclosures, each of which would house two antennas. And those, again, were -- we appreciated the assistance of Dan Winny in helping us to design that particular element of the design. Also on top of the four-story garage we have an emergency generator. And the telecommunications equipment is actually located, you'll see a dashed line here in a third floor garage, it's an existing vacant utility room and that will house the

communications equipment. With that I'd be happy to take any questions. Or if you have -- obviously like I said, we have members for answering questions.

CONSTANTINE ALEXANDER: Any questions from members of the Board at this point?

BRENDAN SULLIVAN: Well, question, comment observation. Every time a telecom comes down before us and we sort of say, you know, why this location? And they say well, it's the highest building around. We can then project and get good coverage. We like to be on a hill as per the last one. And yet this one here sort of my first impression was so low to the ground.

CONSTANTINE ALEXANDER: Surrounded by large buildings, too.

BRENDAN SULLIVAN: This contradicts

everything we've been hearing for the last few years.

ATTORNEY TIMOTHY TWARDOWSKI: Yeah. And, you know, I'm glad Keith is here to address that. That's one of the questions I had when I first received the plans, and we've got 230-foot tall building, why not go up on top? And the short answer that I can give you and Keith can expand upon this at will, is that the existing facilities where we have antennas in other locations, and these do work on a line-of-site, if we go up on the top of the roof, we're not connecting with the other sites. And we're basically -- the coverage gap, basically the coverage would go right over the top of it and we're not going to give the coverage in the Kendall Square area where it's needed. So, I mean great question, that's the first question I had

when I received the plans was why are we doing it here? It would make sense to go up top --

BRENDAN SULLIVAN: We may use this against you.

ATTORNEY TIMOTHY TWARDOWSKI:  
Right.

CONSTANTINE ALEXANDER: We just did.

BRENDAN SULLIVAN: Well, I mean where the building is. I mean, you know, it just seems like, you're bouncing. But what you're saying you're interconnecting.

ATTORNEY TIMOTHY TWARDOWSKI:  
Right.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Any other questions at this point?

Doug?

DOUGLAS MYERS: Elevation 1 on the

drawings seems to refer on the right-hand side of the bottom of the column to a multiplicity of stealth enclosures that are proposed. Is that correct?

JANET GREEN: Doug, what page are you on?

DOUGLAS MYERS: Elevation No. 1 in the Zoning drawings. I believe it's Z6, the sheet number Z6.

CONSTANTINE ALEXANDER: Thank you.

DOUGLAS MYERS: My mistake.

It seems to refer at the bottom of the tower, right-hand side of the drawing to a multiplicity of antennas inside stealth enclosures. Is that correct?

ATTORNEY TIMOTHY TWARDOWSKI: This one here? There's no --

DOUGLAS MYERS: I'll repeat the question. We're on the same page, right?

So at the bottom of that tower, on the right-hand side of the drawing, there's a tower? The vertical tower?

ATTORNEY TIMOTHY TWARDOWSKI: Sure, right.

DOUGLAS MYERS: At the bottom of the tower there are a multiplicity of places where the words proposed, VZW, RRU inside stealth enclosure appears. Is that correct?

ATTORNEY TIMOTHY TWARDOWSKI: Right. That is correct.

DOUGLAS MYERS: If I count them up there are 3, 5, 8, 9, 10, 11. Is that correct?

ATTORNEY TIMOTHY TWARDOWSKI: On this particular facade.

TIMOTHY HUGHES: I count seven.

ATTORNEY TIMOTHY TWARDOWSKI: There's actually a total of four antennas and

three remote radio heads.

There's a fourth remote radio head that's actually located on a column -- if this is, you know, again, showing the -- so we've got antenna, RRU; antenna, RRU; antenna, RRU; antenna. And the fourth RRU is located, it's behind this particular column. So there is one RRU for each of the antennas.

DOUGLAS MYERS: So how many stealth enclosures are there?

ATTORNEY TIMOTHY TWARDOWSKI: A total of seven.

DOUGLAS MYERS: And then with reference to your photo 3B, how many stealth enclosures are you showing on the side of the tower there?

TIMOTHY HUGHES: I can answer that question. It's two.

DOUGLAS MYERS: Okay. I'm sorry to

belabor.

ATTORNEY TIMOTHY TWARDOWSKI:

That's a different facade. This is showing the Third Street facade. The facade facing Broad Canal is shown in photographs 2A and 2B.

DOUGLAS MYERS: 2B?

ATTORNEY TIMOTHY TWARDOWSKI:

Right. 2A is existing. I'm sorry --

DOUGLAS MYERS: And where are the seven stealth enclosures depicted on photo 2B?

ATTORNEY TIMOTHY TWARDOWSKI: You can see -- well, there's actually six shown. The seventh would be behind the tree branch on the far right-hand side of this.

DOUGLAS MYERS: Okay. I would just say, in my opinion the simulation is too dark. Those stealth enclosures are not adequately depicted. They are not referenced as being

the individual stealth enclosures shown on the drawing Z6. And in my opinion, so that your presentation before this Board is accurate, there should be arrows to each and every one of those. It looks to me on first reading as -- if we rely on the simulation, you -- and even if we rely on the grammar of your caption, you're talking about a stealth enclosure and you point to one at the corner. And maybe other Board members have no problem with this but I do.

Do you have any response to what I'm saying?

ATTORNEY TIMOTHY TWARDOWSKI: Is what you're saying that the photograph shown on page 6 of 9, photo 2B is not consistent with what's shown in the plan Z6?

DOUGLAS MYERS: To me it is not consistent. That is correct.

ATTORNEY TIMOTHY TWARDOWSKI: As I understand, the only thing that is missing from the photo simulation is a one stealth enclosure to the far right-hand side of that photograph which is not shown because it would be behind that tree.

JANET GREEN: I think what Doug's referring to is that the, you know, it looks like there's only one because the arrow points to only one.

CONSTANTINE ALEXANDER: The caption on your photo sim --

JANET GREEN: The caption --

DOUGLAS MYERS: I hate to repeat myself over and over again. Board members don't like me because I talk too much. I want to refrain from going over and over and over. Did you hear what I said about the captions and one arrow and one caption and the grammar

in one caption or do I have to repeat all that?

ATTORNEY TIMOTHY TWARDOWSKI: I heard you.

DOUGLAS MYERS: Clearly you're an intelligent man and you understood me. So if you would just respond to what I've said.

ATTORNEY TIMOTHY TWARDOWSKI: If you would like, I'm sure we can create a modified version of this that shows -- that labels each one and includes arrows to each of the enclosures. Is --

DOUGLAS MYERS: That's what I feel you should have done in the first place. Now maybe you have adequately clarified that, although I have to say in judging the appearance of this picture, I am hindered by the fact that the simulation is so dark. And this is a subject, a topic to which the Board recurs time and time again. Time and time

again. Apparently an exercise in futility.

CONSTANTINE ALEXANDER: Well, for the record, Board members do not think that Doug talks too much for one thing.

And, No. 2, for another thing we have gone over and over this issue of photo simulations. They seem to be taken in the dark of night. And, you know, what purpose do they serve. They don't have bright sunlight on where we're, what we're talking about, and they're not properly marked and that's Doug's comment. And I join in that comment by the way. Not the comment that you talk too much. But I join in the comment that we need better photo simulations. And the only way we're going to get them is if we continue these cases over and over until you get it right.

So, Doug, thank you for your comments.

And I am of the same mind as you are and I'm not prepared to vote in granting relief tonight.

JANET GREEN: I thought in this case that I did feel comfortable with -- I agree with Doug about that you need to do a better job. And perhaps the answer is to send it back to have something that's more clear. I did think that this stealth containers were, you know, some of the better stealth containers we've seen. You know? They do fit in with the -- there was an attempt made to have them relate to the building that they're on. And so I felt comfortable with that and well, I could vote.

CONSTANTINE ALEXANDER: By the way, I do also want to second what Janet says about the nature of the work being done. But unless we hit you over the head. Not you, the

telecoms over the head about what we want for telecom, you're going to ignore us. If we grant relief tonight, next time we're going to have the same shadowed photo simulations and that's not going to do it for me. To me I rely almost entirely on the photo simulations on the telecom case. The drawings are nice, but I'm looking at the visual impact. That's one of the things we can take into account as a Zoning Board. And with poor photo simulations, I can't make a decision. So I continue to say I'm not going to vote in favor of relief tonight.

DOUGLAS MYERS: I have one other question, constructive question. I want to join my colleagues in saying a sincere commendation that I had from the very beginning, especially for the stealth enclosures in photo 3B. And I have a

question about it. I think they're an extremely aesthetically appealing solution to the problem on that facade. My question is, I couldn't resolve this from the drawings, it looks to me as if judging by the perspective on this plan, that those enclosures are going to protrude slightly over the edge of the blue facing or facade below the two stealth enclosures. As I just look at the juncture between the other round columns to the left and right of the two stealth enclosures, those appear to be flush. And the proposed enclosures appear to protrude.

A, is that accurate?

And, B, if that is accurate, by how much do they protrude?

ATTORNEY TIMOTHY TWARDOWSKI:

Right. It is accurate. And if I could

direct your attention to sheet Z8 in the site plan, and that contains a section mounting detail that shows the enclosure in relation to the building below and the protrusion will measure --

DOUGLAS MYERS: Six inches?

ATTORNEY TIMOTHY

TWARDOWSKI: -- six since. Yes. We made that as tight as we could to the facade so that it would not protrude any more than necessary.

DOUGLAS MYERS: Okay.

No further questions.

TIMOTHY HUGHES: I have one more question, and while we're on that page, was there any thought given to the idea of just putting dummies on all the other columns so that the whole facade looks uniform?

ATTORNEY TIMOTHY TWARDOWSKI: Yes.

Yes, we did do that. And we would be happy to do that if, you know, if that's the direction the Board. If you prefer to see matching enclosures and with nothing behind them on the other four columns, we would be happy to do that.

TIMOTHY HUGHES: I'm glad to hear that. I'm not sure whether I would, but I wanted to know whether it had been kicked around and entertained. It may make some sense considering that your other bank of enclosures covers every column on the other facade.

ATTORNEY TIMOTHY TWARDOWSKI: And in all honesty we had that discussion before submitting what we have before you this evening, and I actually had that conversation with the architect should we do just these two or should we do all six? And we were in

agreement that two was the better proposal. But we're more than happy to do all six.

DOUGLAS MYERS: And what was your reasoning and your architect's reasoning toward that conclusion?

ATTORNEY TIMOTHY TWARDOWSKI: The architect's here this evening.

DAN WINNY: Dan Winny, W-i-n-n-y, architect. Thank you.

Yes, we considered a number of different options for the enclosures, including contrasting materials to suit the lower part of the facade in a sort of high tech language which was a recent addition. And this was the treatment that we found was most invisible if you like. The best way to make the things disappear.

CONSTANTINE ALEXANDER: Really?

DAN WINNY: Yes.

DOUGLAS MYERS: From an architectural point of view why is that so?

DAN WINNY: I didn't feel that it was good to draw attention to these things by having a contrasting material. There are two different languages on this building, one being the original Emory Roth Concrete language of the original building. The second one being the later addition of glass and curtain wall. And I considered both and we illustrated both and sketches to evaluate them, but in the end because these elements are just sort of sticking up vertically, they looked incongruous and they were drawing more attention to themselves. So the better thing in my opinion was to match the concrete as well as we could with a fiberglass enclosure which can come in any color or texture and be made to match the concrete.

Furthermore, it is a bit of a judgment call as to whether two or six are better. If you have six, you could argue well, you're affecting the original architecture, which and at the time was, you know, quality architecture was respected. Everything goes through a fashion of course. But one of the concepts of, for instance, historic renovation on architecturally sensitive buildings is that you don't try to pretend that new stuff has been there all along. And in this way by just having the two, if you did notice them, which we hope nobody would, but if you do, you'd say oh, those are two things that are different. If you made six, you know, you're sort of trying to pretend that they're part of the original and there all the time, and that's not a concept that's generally used in historic renovations and

additions. So sorry if that was long winded.  
That's my reasoning.

CONSTANTINE ALEXANDER: Not at all.

JANET GREEN: How many --

DOUGLAS MYERS: They are exactly in  
the center?

DAN WINNY: They are, yes.

JANET GREEN: How many antennas are  
in each one? Is there just one antenna?

ATTORNEY TIMOTHY TWARDOWSKI: Two  
in each.

JANET GREEN: There's two in each?

ATTORNEY TIMOTHY TWARDOWSKI: Yes.

JANET GREEN: So it couldn't be  
flatter if there was just one and four of  
them? It doesn't work that way?

ATTORNEY TIMOTHY TWARDOWSKI: The  
protrusion from the facade -- we actually  
used a flush mount design. Typically we have

a down tilt that's built into these antennas, but in this case we went with the flat in order to make the protrusion as minimal as possible. So the number of antennas doesn't affect how far it sticks out from the building.

JANET GREEN: It doesn't affect that. Okay.

CONSTANTINE ALEXANDER: Further comments?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open it to public testimony. Is there anyone here wishing to be -- wait, before I go farther. Is there any sentiment for continuing the case to get better photo simulations? If so, we should stop right now. If not we can go on.

TIMOTHY HUGHES: Well, admittedly,

you know, it's night and day between these two. And if you can get it for one, you can -- you're hiring professionals to do this. You can get it in the other, you know? But I'm not offended by it enough to continue this case.

BRENDAN SULLIVAN: Well, I think no, I think that it, it shows lack of respect.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: I think for us. And I think that Mr. Dewberry is going to have to get the message and he's not until this gentleman goes back and just -- and the lady before us goes back and says they will not accept junk. And there's an alternative because we see it. Some of these are very nice. Very -- and others are just, you know, the guy takes it and away he goes. And it gets pushed and put into a petition and no,

not acceptable.

DOUGLAS MYERS: I would favor a continuance. I realize it may be seem picking on you, but I think we're entitled to better. I think we're entitled to accurate captions. I think we're entitled to photos that fairly represent the proposal that is indeed before the Board and I think we're entitled to adequate simulations that are well lighted.

BRENDAN SULLIVAN: I think we take our charge here very serious. And I think we're asking, and I think we take it very seriously and we are very, very respectful and conscious of our charge. And I think we need some due respect back and for somebody to take that also in a responsible manner for the presentation.

CONSTANTINE ALEXANDER: Well said.

Janet, you want to make any observations before I make a motion?

JANET GREEN: Make a motion for a continuance I would certainly support that. There's no reason not to. I mean as I said, I could have been happy voting for it, but I'll second best for a continuance.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until....

SEAN O'GRADY: January 30th.

CONSTANTINE ALEXANDER: ...January 30th. Can everybody make it January 30th?

SEAN O'GRADY: Second meeting in January.

CONSTANTINE ALEXANDER: Seven p.m. on January 30th as a case heard on the conditions that the Petitioner sign a waiver of time for a decision.

That the posting sign be revised to reflect the new date and the new time and be maintained as required by our Ordinance, for the period of time required by our Ordinance.

And on the last condition that to the extent -- well, you are going to have to submit new photo simulations. Those new photo simulations and any other revisions to the materials being submitted be in our files no later than five p.m. on the Monday before -- that's not Martin Luther King Day, is it?

SEAN O'GRADY: I'm not sure.

CONSTANTINE ALEXANDER: I think it is. Anyway by five p.m. on the Monday before the Thursday hearing. Should that Monday be a legal holiday, then they must be in the files on the Friday before the Thursday hearing.

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

(Show of hands.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Sullivan, Green, Myers.)

CONSTANTINE ALEXANDER: One opposed.

(Hughes opposed.)

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case #002654-2013: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 002654-2013, 126-5 Oxford Street.

Is there anyone hear wishing to be heard on this matter? Give your name and address.

ATTORNEY SARAH RHATIGAN: Sarah Rhatigan, Trilogy Law, 12 Marshal Street, Boston, 02108.

DOUGLAS YOFFE: Douglas Yoffe, Y-o-f-f-e, 50 Follen, F-o-l-l-e-n Street, Cambridge, Mass.

ATTORNEY ANDREW BRAM: Andrew Bram.

ATTORNEY SARAH RHATIGAN: We're here on both a continuance and then to be followed by the Special Permit. The reason we're here --

CONSTANTINE ALEXANDER: But you're addressing now the Special Permit, not the continuance?

ATTORNEY SARAH RHATIGAN: That would make the most sense.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY SARAH RHATIGAN: In terms of the agenda it's the other way around. So we'll start with the Special Permit because we're certainly hoping the continuance is moot.

We're here -- we've all been here before so that you're aware of the property. So Mr. Yoffe looked again at his plans and in hearing your response to the Variance, took a step back and proposed an alternative that accomplishes the most important of his goals, which is to take a property that's in obviously very dilapidated conditions that has structural defects, both in terms of the way it was constructed and also the inherent problems created by the shape of his roof, and come up with plans that correct the problems associated, again, with the shape of the roof, with the windows at the back of the

property that have caused so much trouble both for his unit as well as for others that are similarly constructed. And because of the way he's reconfigured the interior space, has essentially foregone any increase in square footage.

CONSTANTINE ALEXANDER: You're actually decreasing it slightly.

ATTORNEY SARAH RHATIGAN: We're actually decreasing it slightly. And it took me a little to understand how that decrease is happening. And maybe it was apparent to you when you looked at the plans. But if you compare the existing and the proposed plans that he has now, what's happening is that the -- at the -- as you're facing from the street, from the right side of the property, he's proposing to -- there's a portion of it that's bumped out, if you

will, of that right wall. And he's proposing to extend that wall straight. So essentially squaring off the back of the property which makes it more sort of sensible and usable. He has to rebuild the back wall of the property anyway because of improper framing of the whole back wall that's rotted out.

He gains some usable space on the lower level. Modest. It's bumped out, I believe. Is it three feet by fifteen? But he's also changed the elevation of the floors in the upper area so that the third floor is higher. He's losing a bunch of headroom on the third floor. So the square footage decreases all of the third floor, as well as there's a larger loft area, or there is a larger loft area now. That is being -- the size of that space is being diminished and that

essentially where the bathroom on the third floor would be and the enclosed bathroom, no longer loft space. So those, so again, the decrease is coming from the roof angle and from the height of the floor and the diminished found loft area.

The reason that we're here for a Special Permit is if it were not for the fact that it is a non-conforming structure and it also is a townhouse that was built under the townhouse development guidelines, so for both of those reasons because it's a changed to a non-conforming structure, we need a Special Permit in order to make these changes. But in terms of meeting the Special Permit requirements, if we just go through the list of requirements, we will meet the Ordinance requirements in the sense that the changes do not violate any roof heights,

don't violate any setbacks or change open space requirements on the lot. They do not increase the square footage as we referred to. The no change to traffic patterns, egress, access or egress. I mean, there's no -- it's a single-family home. You know, I think even the number of bedrooms is the same. Right?

We won't be impairing the neighboring property's use or operation of their property.

CONSTANTINE ALEXANDER: Have you spoken to the abutters?

DOUGLAS YOFFE: I've spoken with all of them.

CONSTANTINE ALEXANDER: I'm sorry?

DOUGLAS YOFFE: I've spoken with all of them and I have approval from every one of them.

CONSTANTINE ALEXANDER: You showed them the plans what you're proposing?

DOUGLAS YOFFE: Yes, I presented everybody the plan. I have signed off --

CONSTANTINE ALEXANDER: They didn't give you a letter of any sort? We don't have any in the file.

ATTORNEY SARAH RHATIGAN: You should have letters in the file.

DOUGLAS YOFFE: Yeah. You should have letters. There's a bunch of letters.

CONSTANTINE ALEXANDER: There are?

ATTORNEY SARAH RHATIGAN: And if you don't have them there, I can just give you my copies.

DOUGLAS MYERS: They're there.

ATTORNEY SARAH RHATIGAN: They are there, right?

CONSTANTINE ALEXANDER: Are they

from the old one or the new one? I thought these letters came from the continued case.

DOUGLAS YOFFE: They are, but the exterior is exactly the same.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH RHATIGAN: And there's just conversations with them.

DOUGLAS YOFFE: And, you know, basically I've been explaining to everybody obviously when I put up signs what's going on. The exterior will remain the same when I'm not -- what I'm doing on the inside is that I originally wanted to close off some of that space and I'm just not going to do that. I'm just changing the interior configuration. And then blocking where I have some overhang and, you know, I have some cantilevered out and I'm closing that, you know, on a very low level. I'm closing that because it's all

rotted. You know, I'm sure you've seen the pictures. It's just really almost no way to keep that maintained.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH RHATIGAN: And then in terms of the, you know, no nuisance or hazard. We're trying to remove a hazard in the sense of -- well, I suppose the wild animals will enjoy it for the winter. But, you know, the property obviously is in need of real repair.

And, you know, the plans have been met with, you know, real pleasure from people in the neighborhood. I think the designs look nice and, you know, in terms of the neighborhood it's a relatively dense, you know, section of Oxford Street. The house next to it, the building next to it, the apartment building is quite large. This

will still be relatively quite small in comparison. The increase in volume is quite a bit less than the Ordinance would, you know, allow for. So, you know, if there are concerns. We're hopeful that this is a more modest, you know, proposal that the Board could support.

CONSTANTINE ALEXANDER: Thank you.

Questions from members of the Board?

No questions at this point. I'm going to open the matter up to public testimony.

Does anyone here wish to be heard on this matter?

(No Response.)

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

The Chair would note that we are in receipt of letters of support. These

letters are addressed to the continued case which has a different set of plans, although as to this element, it's the same from the old case and this case. But because it's a different case, I'm not going to read those letters into the record.

But I'll put for the record that they are in the file. They are in the file.

Okay. Any final comments before we close public testimony?

ATTORNEY SARAH RHATIGAN: No.

CONSTANTINE ALEXANDER: Discussion or are we ready for a vote?

TIMOTHY HUGHES: I'm good with it.

JANET GREEN: I'm good with it.

CONSTANTINE ALEXANDER:  
Discussion? Give everybody a chance to speak.

The Chair moves that this Board make the

following findings with respect to the relief being sought:

That what is proposed will not cause congestion, hazard, or substantial change in the established neighborhood character.

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

That 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 would not impair the integrity of the district or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the chair would note that the work is essential -- some work is essential because of the deteriorating

condition of the structure.

That the work -- the relief being sought is rather modest, just adjusting the roof line.

That the reason you're here before us is because the original project was Special Permitted by the Planning Board under a special section of our Ordinance and therefore any modification requires relief from our Board. As I said before, the relief is rather modest in nature.

So on the basis of these findings the Chair moves that a Special Permit be granted to the Petitioner to proceed as requested on the condition that the work proceed in accordance with plans submitted by the Petitioner. The first page, it doesn't appear to be a date on the first page, but the first page which has been initialled by the

Chair.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor?

BRENDAN SULLIVAN: Opposed.

(Alexander, Hughes, Green, Myers.)

ATTORNEY SARAH RHATIGAN: I'm sorry. The one that you just initialled, the front page. So are these -- because this is the existing and then it's followed by the proposed.

CONSTANTINE ALEXANDER: I want all of those plans.

ATTORNEY SARAH RHATIGAN: Thank you.

CONSTANTINE ALEXANDER: And I'm glad you raised that because this is it. These are the plans you've got to live by.

ATTORNEY SARAH RHATIGAN: Okay.  
Four in favor, one opposed. The motion  
carries. Good luck.

\* \* \* \* \*

(9:10 p.m.)

(Sitting Members Case #10496: Constantine  
Alexander, Timothy Hughes, Brendan Sullivan,  
Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: We have  
your continued case.

ATTORNEY SARAH RHATIGAN: Yes.

CONSTANTINE ALEXANDER: Do I  
receive a motion to withdraw?

ATTORNEY SARAH RHATIGAN: Yes,  
motion to withdraw.

CONSTANTINE ALEXANDER: The Chair  
moves that we accept the requested motion to  
withdraw case No. 10496 with respect to this  
subject project.

All those in favor of accepting the  
request of withdrawal say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor. Case withdrawn.

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

\* \* \* \* \*

(9:15 p.m.)

(Sitting Members Case #002449-2013:

Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Janet Green, Douglas  
Myers.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 002449-2013, 245 Mount Auburn Street.

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

ATTORNEY SEAN HOPE: Yes. Good evening, Mr. Chair, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight with Aaron Kemp the owner of 245 Mount Auburn. We're here tonight requesting a Variance to add a shed and a gable dormer to an existing single-family dwelling of which -- the structure was originally created or built in 1859. Since that point it's been a series of additions resulting in the current structure you see here. The structure has an odd slope to the roof. The slope begins at the front and goes to the rear of the property. The property is sited on a

corner lot. One part is on Mount Auburn.

The property is also in the Half Crown

Neighborhood Conservation District.

Earlier this summer the applicant went before the Conservation Commission. Any changes to the exterior have to be issued a certificate of appropriateness. In preparation for that process Mr. Kemp reached out to neighbors and abutters, received strong support. The jurisdiction of the Commission was to find that the dormers were appropriate and not incongruous to the neighborhood or the district. Part of it included the size, the location, and also the materials used. Very similarly in preparation for this hearing, Mr. Kemp reached out to his neighbors and abutters, showed them the plans. And as you see in the file there's a series of letters of support as well.

Just briefly to go over the hardship.  
The hardship is owing --

CONSTANTINE ALEXANDER: I have a question.

ATTORNEY SEAN HOPE: Sure.

CONSTANTINE ALEXANDER: Who prepared those drawings that which are going subject to our approval if we grant it? Did you do it yourself?

AARON KEMP: I did.

CONSTANTINE ALEXANDER: Are you an architect?

AARON KEMP: No.

ATTORNEY SEAN HOPE: So the hardship is owing to the size and the shape of the lot with the structure thereon that was a preexisting non-conforming structure. The slope of the roof is significant because much of the second floor of the half story is below

five feet so that the bedrooms are oriented on both towards the front of the -- toward the front of the structure on Mount Auburn Street. Mount Auburn Street is a busy road. It also has a hospital a short distance away. So it has frequent emergency vehicles as well as an MBTA bus. So the hardship having those bedrooms there is really about noise and privacy. A remedy to that would be to have the shed dormers that you could have appropriate size bedrooms and bathrooms in the rear of the structure. It's also, I would point out to the Board that since this is a pre-existing, non-conforming structure and it's over the allowable FAR. Any addition to the structure that would remedy this addition would require Zoning relief from this Board. I think given the strong support from the neighborhood as well as the

Certificate of Appropriateness from the Half Crown Neighborhood Conservation District, we would just request that the Board rule on this application favorably.

CONSTANTINE ALEXANDER: I think we should get on the record exactly the extent to which you're departing from our Ordinance. The FAR in this district is 0.5?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: You're non-conforming at 0.57 and you want to go to 0.65. You're going to basically increase the square footage of the structure by about 15 percent. It's not insubstantial increase in FAR. And right now you're non-conforming as to setbacks on all four sides as I read the file. And the front --

ATTORNEY SEAN HOPE: The front and the rear.

CONSTANTINE ALEXANDER: The rear and I think the front as well.

AARON KEMP: The front and the side. The other two sides, I think, are conforming because of the corner lot.

ATTORNEY SEAN HOPE: Right. There is no rear. That's right.

CONSTANTINE ALEXANDER: Anyway, to the extent that you're not further intruding into the setbacks, you're increasing the massing of the non-conformance and setbacks. That's the reason that you're here tonight, just so the record's clear.

ATTORNEY SEAN HOPE: That's right.

BRENDAN SULLIVAN: How long have you lived in the house?

AARON KEMP: Since 2009.

BRENDAN SULLIVAN: So the busses have been coming up and down Mount Auburn

Street and the hospital's been there, and yet you bought the house knowing the obviously the limitations of the house and the conditions around. So to cite that as a hardship doesn't resonate with me.

AARON KEMP: I didn't know by totally renovating the house and soundproofing the house and get rid of the noise despite my best efforts, the whole house actually shakes every time a bus goes by even with the insulation that I put in and the windows that I put in. It's still very loud.

ATTORNEY SEAN HOPE: And I would only add it's not just the noise of the busses, it's the fact that the majority of that at least half of that half story, the second floor effectively is below five feet and so --

BRENDAN SULLIVAN: No, I understand that. But just, you know, you buy a house and, you know, you live with its limitations. You know, I've got two bedrooms on the top of my house that my kids, you know, have learned to, you know --

ATTORNEY SEAN HOPE: I do think this is uniquely, I think this is uniquely a steep slope. This is not an attic where someone who has had two floors and is maybe looking for a third space.

BRENDAN SULLIVAN: But you buy that. You buy that, and for a given price, and the given price you accepted that you're going to pay X number of dollars for this house with its limitations. And it's not with the expectation that I can, you know, do away with all these limitations.

ATTORNEY SEAN HOPE: I understand.

I also think it's important to note that the dormers that are added are really only large enough to have a modest size bedroom. And I think what we was depicting the height of the average person. They're not grandiose gable dormers or dormers to add additional space. And I do think it's probably appropriate to have bedrooms not on a first floor. So, you know, we do have a second floor that's already there. And they're not actually adding a third story. They're just actually making habitable liveable space liveable on that second floor. So I think the modest of modest size of the gable and the shed dormers also do lead to the request.

CONSTANTINE ALEXANDER: But you are substantially in non-conformance with our dormer guidelines. And you appreciate that.

ATTORNEY SEAN HOPE: Yes. And, you

know, the applicant was aware of the dormer guidelines. That was also brought up at the Half Crown Conservation Commission. And, you know, part of the dormer guidelines as the Board knows, is that to achieve -- to make sure that when you have these dormers, that they're not unbalanced, and to have some conformity in terms of the dormers that are added there. I think this is a unique case where when you look at it without the dormers, the back slope actually looks unbalanced. And so when you actually look at it with the additions, it actually brings the house into greater balance. For example, if you see on an attic, you'll see a dormer. Maybe a large dormer on one side. It adds to the massing on the front of the street. This is a case where the dormers actually add a balance to the front and to the rear as opposed to other

cases.

CONSTANTINE ALEXANDER: I think our dormer guidelines go more than beyond balance. I think also size. You could have a nice balanced dormer, but it goes from one side to the other more than 15 feet for a shed dormer, and we don't comply with the dormer guidelines. Here that's, you know, I think you're right, aesthetically this is, this design for the dormers fits in very well for the structure. It almost makes me, makes the structure like the dormer is always there. Sort of like a case we had off Brattle Street a couple of hearings ago. Where people -- a 7,000 square foot house people put in dormers fit in and we went along with it. I think it is true. We have to make it clear for the record that not a problem with the relief you're seeking besides what Mr. Sullivan's

identified, is the fact that you're substantially in non-conformance with our dormer guidelines.

ATTORNEY SEAN HOPE: And I would just like to add that the applicant, as well as the Half Crown were aware of the dormer guidelines, and they have different charges but, you know --

CONSTANTINE ALEXANDER: Yes, that's the point, different charges.

ATTORNEY SEAN HOPE: Right. So there is a little tension to make sure that certain lines match up. And I think Aaron can tell you in more detail. But I think that to achieve the Certificate of Appropriateness to be before the Board, this was the recommendation in terms of the size and scale and also the positioning of the dormers.

CONSTANTINE ALEXANDER: Okay.

Anything more at this point?

ATTORNEY SEAN HOPE: No.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: What's the lot size?

CONSTANTINE ALEXANDER: Say it again?

TIMOTHY HUGHES: Lot size?

AARON KEMP: It's 3,000 square feet.

CONSTANTINE ALEXANDER:  
Non-conforming lot. In other words, in terms of size?

AARON KEMP: Yes.

JANET GREEN: I appreciate the fact that you've tried other things to deal with the noise up and down the street and by insulating or changing windows and doing

things like that. So it's not like you went to increasing the size right as your first option.

DOUGLAS MYERS: Question. The pictures here in the lower right-hand corner, perspective rendering 11 and 12.

AARON KEMP: Yes.

DOUGLAS MYERS: 12 is a simulation --

AARON KEMP: Yes.

DOUGLAS MYERS: -- of what the property will look like? Since it seems to me that the rearview of these dormers in the rear location of the dormers is perhaps your strongest argument in terms of overcoming the fact that they are noncompliant with the dormer guidelines, and since it's a rendering, I mean, I regard it as unfortunate that this large tree obscures the effect of

the shed dormer almost completely. It makes the shed dormer virtually invisible.

I mean since it's a rendering you could have chosen to omit that.

AARON KEMP: Well, I did the drawing here so you can see what it looks like.

DOUGLAS MYERS: But there's an element of perspective in that drawing that would not be present in terms of showing the full shape mass of the shed dormer.

AARON KEMP: Right. I kept the tree there because the tree is there.

DOUGLAS MYERS: I understand that. It has the unfortunate affect.

AARON KEMP: The rear perspective and the rear aspect to me are important, and I simply regard as unfortunate that the rendering simulates what it would look like, obscures a key factor -- key element.

CONSTANTINE ALEXANDER: While you're looking at it I'll open it to public testimony.

TIMOTHY HUGHES: I'm good.

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

(No Response.)

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

The Chair would also note that in our files we do have a Certificate of Appropriateness from the Half Crown Marsh Neighborhood Conservation District approving from their perspective the plans that are before us tonight.

We have a letter from City Councillor Leland Cheung addressed to this Board.

(Reading) I am writing to express my support

for Mr. Aaron Kemp of 245 Mount Auburn Street. Mr. Kemp has applied for a Variance under the requirements of Article 5, Section 5.31 for the construction of two dormers to the back of his house to convert approximately 250 square feet as measured for FAR calculations of low ceiling storage space into approximately 218 square feet of interior usable living space. I do not often write to the Board of Zoning Appeal because of your judicious and conscientious approach in evaluating cases.

Here, here.

(Reading) But I wanted to be sure to call your attention to unique circumstances of the Petitioner. Mr. Kemp's proposed dormers would allow for the conversion of second floor storage area into a bedroom, bathroom, and closet to accommodate the needs

of his growing family.

You haven't addressed that, by the way, the growing family. That might go to Mr. Sullivan's comment. When you bought the house, what was the size of your family and what's the size of your family now?

AARON KEMP: Well, I'm not married yet but hopefully I will be soon.

CONSTANTINE ALEXANDER: Oh, okay. You don't have a growing family yet.

AARON KEMP: I plan to. And I plan to live in Cambridge. I would like to get this done before the kids are running around.

CONSTANTINE ALEXANDER: (Reading)  
Although this would not result in the increase of the height of the property, Mr. Kemp is seeking a Variance because the present roof line is very atypical and conversion of this space will exceed the

floor area ratio. He has the expressed support of all abutting neighbors as well as the unanimous approval of the neighborhood conservation commission. The Board of Zoning Appeal has a long track record of being a responsible and deliberative body that protects the interests of the broader community when considering plans for the future. I trust the Board to exercise the same conscientious consideration in this case as well.

And then we also have letters from abutters. We have a letter from Amachar, A-m-a-c-h-a-r and Associates, architects at 237 Mount Auburn Street. (Reading) We reside at 237-239 Mount Auburn Street immediately next-door to Aaron Kemp at 245 Mount Auburn Street. Please let the Board of Zoning Appeal know that we fully endorse the

Variance that Aaron has requested. I think the building will look better with the existing rear roof being broken up by dormers. The proportions are off with the existing design. The new dormers look much better improving the proportions. I also like Aaron's attention to detail. And actually the signature is Franziska, F-r-a-n-z-i-s-k-a Amachar.

We have a letter from Terry and Todd Holzman, H-o-l-z-m-a-n who reside at 249 Mount Auburn Street. We are next-door neighbors of Aaron Kemp and want you to know that we are in total support of his plans to add to his lovely old house. Aaron has done an extraordinary job rigging an old delapidated house back to life, and we are confident that he will continue to add immeasurably to the beauty and historic

charms at the corner of Camden Place and Mount Auburn Street. Please consider this a full endorsement of the Zoning variance.

A letter from Olive Malcolm, M-a-l-c-o-l-m who resides at One Spark Street. (Reading) Aaron Kemp has reviewed his plans with me to build dormers on the rear of his house. I reside at One Spark Street which is two doors down from 245 Mount Auburn Street. The neighborhood has changed a great deal in the 24 years that I have lived here. Some renovations have been beneficial to the community and others have not. I believe that this very modest addition that Mr. Kemp has proposed is exactly the type of project that the neighborhood should support. I particularly understand the desire to have bedroom space in the back of the house to diminish traffic noise. I

encourage you to approve his Variance.

A letter from Robert and Nancy Hurlbet, H-u-r-l-b-e-t who reside at Five Spark Street. (Reading) We are writing to lend our support to Aaron Kemp's Zoning Variance to dormer to the back of his house to create a bedroom and bathroom. Our rear windows look out directly at Aaron's roof. In our opinion the design that Aaron has proposed looks appropriate for the house and makes it quite a bit more attractive. We recently participated in the submission process on our own home and understand how fully -- how important it is to have the support from neighbors. Please let the Commission know that we fully endorse this project.

Another letter from the Hurlbets that I've read.

A letter from Michael Robertson,

R-o-b-e-r-t-s-o-n. Who lives, he lives at 7 Camden Place. (Reading) We would like to voice our strong support in favor of the Variance requested by Aaron Kemp at 245 Mount Auburn Street. The dormers he is seeking to build will improve the appearance of his house and are appropriate for the character of the neighborhood. We feel that this addition to our street will increase the value of all of our homes. I'm sorry we're unable to attend the hearing in person.

Another letter from a Rachel Seidel, S-e-i-d-e-l at One Camden Place. (Reading) We live on Camden Place opposite from 245 Mount Auburn Street. Aaron Kemp has reviewed his plan with us to add dormers to his rear roof line. Please let the Board of Zoning Appeal know that we have no objection to his proposed variance.

Another letter. I think this is the last. Next to last. From Lauren Lorne, L-o-r-n-e Matalon, M-a-t-a-l-o-n, Nine Camden Place. (Reading) I'm writing to express my support of Aaron Kemp's proposed addition to 245 Mount Auburn Street. I live on Camden Place diagonally across from Aaron's house and have a clear view of his property from my own. Aaron has shared with me the design he plans to build. I feel that the scale and proportion of the scheme are exactly right and will fit seamlessly with the current structure as well as the aesthetics of our neighborhood. I applaud the way he's combined different style of dormers to add interest to what is otherwise a dull roof area. The beautiful work he has done and continues to do adds value to all our homes. Please grant his Variance.

And last I have a -- we have a letter from university professor Doctor H.C. Oded, O-d-e-d Stark, S-t-a-r-k who is resides at 8A Camden Place. (Reading) This is to share with you my opinion on the appropriateness of the Variance for the rear dormers that Aaron Kemp seeks to add to his house. I have lived in Camden Place longer than anybody else. I am well familiar with my close neighborhood and I've seen both successful and unsuccessful renovations during my nearly 30 years of living here. When Aaron bought his house, it was dilapidated. With immaculate taste, more often with his bare hands, and unprecedented consideration for the spirit and nature of the Camden Place neighborhood Aaron transformed this shack into a dream house. If one day the Board will seek to present an exemplary transformation, all it

will need to do is take a close look at Aaron's house. Aaron wishes now to proceed with a small addition. He was gracious enough to present to me his concept, plan, and design, but I consider that totally unnecessary. No one will come up with a more restrained and a more neighborhood-friendly project than Aaron. Specifically the scale and aesthetic character of his proposed alteration are perfect and the positive externality that is proposed that this project will confer in this entire neighborhood is too strong to ignore. I do not merely endorse and support him in this case, I would strongly recommend the Board to consider citing him as the neighborhood's finest, albeit most modest, remodeler.

JANET GREEN: Is this your dad?

CONSTANTINE ALEXANDER: Are you

planning to run for City Council?

TIMOTHY HUGHES: You're either a wicked nice guy or you spent a lot of money on the block party last year.

CONSTANTINE ALEXANDER: And that's all she wrote, thank God, from the neighbors.

Any final comments?

ATTORNEY SEAN HOPE: I don't think I can add anything.

CONSTANTINE ALEXANDER: And you can't.

I'll close public testimony.

Comments from members of the Board or are we ready for a vote?

TIMOTHY HUGHES: Initially I thought this is like a saltbox and this might be doing too much to it, but I realize that it's not really even a good saltbox, it's like a truncated version of it. And, you know,

this does add some livability to the structure and I don't find it defensive design wise. You know, I'm in favor of it.

JANET GREEN: I'm in favor.

CONSTANTINE ALEXANDER: Same.

DOUGLAS MYERS: I'll just say I'm usually --

CONSTANTINE ALEXANDER: You don't have to comment.

DOUGLAS MYERS: No, that's all right. It's hard to resist. I'm usually a stickler about the, about the dormer guidelines and there's no question there are many violations here. The major offsetting factor in my opinion is that the dormers are being placed on the rear side. There's no objection from the rear abutter. There's no, there's no change in the further intrusion into the rear setback. They are

centered. They are proportional. And the design is very aesthetically appealing. And that to me overcomes a lot of the other objections.

As far as the increase in FAR and GFA, I think they're real. And in other case I might lay more weight on them, but I think this is a case where I think that as other members of the Board say the guidelines are recommendations, and I think this is a case where the overall appeal of the project and the relocation of the project outweighs the letter of recommendations. So I would vote in favor.

CONSTANTINE ALEXANDER: Just for the record, I would add my support for what Doug has said. I don't put as much weight on the fact that it's rear. I think the guidelines are the guidelines, but I do think

the guidelines are aesthetically -- are pleasing. The guidelines are designed to prevent these slapped-on dormers on a roof line and this doesn't look that at all. It looks like it was part of the structure when it was originally built in my view.

Ready for a vote? Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that he needs additional living space in a location that has substantial street traffic noise.

That the hardship is owing to the fact that relating to the soil conditions. This is an area very close to the Charles River,

and there are some soil issues, but also the fact that the structure is currently a non-conforming structure 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 that the project has been approved by the Half Crown Marsh Neighborhood District, and that by a very close vote the neighborhood seems to be in support of the project. And I think that's it.

And lastly that what happened is you are upgrading an old structure and bringing it, improving the housing stock of the City of Cambridge, which is also always an important factor for us as a Board.

Therefore, on the basis of these findings the Board -- I move that the Board grant a Variance to the Petitioner, the Variance being sought, on the condition that the work proceed in accordance with the plans submitted by Petitioner. There are pages 3 of 19 through -- 19 of 19. The first page which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

\* \* \* \* \*

(9:35 p.m.)

(Sitting Members Case #002668-2013:

Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Janet Green, Douglas  
Myers.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 002668-2013, 102 Sherman Street.

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

(No Response.)

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

I'm sorry. I missed you.

ATTORNEY SUSAN ROBERTS: Do you mind if I get my client? I thought we were going to be --

CONSTANTINE ALEXANDER: We're not going to hear the case tonight. There's no posting. I'll get it on the public record.

ATTORNEY SUSAN ROBERTS: Okay. So can I just grab my client, please?

CONSTANTINE ALEXANDER: By all means.

ATTORNEY SUSAN ROBERTS: Oh, he's right here. This is 102 Sherman.

CONSTANTINE ALEXANDER: Okay. Now that your client is here, I was about to say at least I and Mr. O'Grady at separate times visited the site. There was no sign posted that would conform with our posting requirements under our Ordinance. And, therefore, I don't feel that we can hear the case tonight.

ATTORNEY SUSAN ROBERTS: So if you wouldn't mind just clarifying for us what, what we need to do in order to comply. Because I'm not sure if you're aware, but we actually did post some signs that were visible from Raymond Street. Not from Sherman Street but from Raymond Street which is where the building is. The building is closest to Raymond. So this, you may or may

not be familiar, but this is a -- it's an eight building complex. And so there's frontage on several sides. We --

DEREK PATTON: Two entrances.

ATTORNEY SUSAN ROBERTS: Yeah. We put the signs on Raymond. So if you would like signs on Sherman, if you would like on Walden.

DEREK PATTON: The signs were placed at that main entrance because that's -- maybe not the main entrance, but that entrance because that's the entrance to the nearest building. There was a sign placed on the gate in front of it and then the tree within the 25-foot property line to the street.

CONSTANTINE ALEXANDER: The trouble is because you're address -- I don't know why your entrance is on Raymond and your address is on Sherman Street. It's in our records

and that's where in our Ordinance you have to post the sign. Now on Sherman Street that otherwise complies with so close to, you know, not too far back from the street line and all the other requirements. It certainly wouldn't hurt to have a second sign on Raymond Street as well.

ATTORNEY SUSAN ROBERTS: I mean we'll do whatever you suggest. I just wanted to clarify for future as well because we thought this was correct. So if --

CONSTANTINE ALEXANDER: When in doubt, post. As many signs as you can. And maintain them, too, as you did -- as you've done lately.

BRENDAN SULLIVAN: There probably should be a sign at the entryway off of Sherman Street.

ATTORNEY SUSAN ROBERTS: Okay, we

did do that.

CONSTANTINE ALEXANDER: That's where I hoped or expected it to be.

BRENDAN SULLIVAN: Not on a building. It can't be any more than 20 feet from a public way. So right at the entryway that driveway off of Sherman Street to the left or to the right should be the notice sign affixed to something.

ATTORNEY SUSAN ROBERTS: Okay. So we'll do that and we'll keep the signs that we have, the two signs that we have on Raymond. We'll put one at the entrance.

CONSTANTINE ALEXANDER: We'll get to that in a second. You've got to modify the date and time.

ATTORNEY SUSAN ROBERTS: Of course.

CONSTANTINE ALEXANDER: This is a case not heard.

SEAN O'GRADY: January 30th.

ATTORNEY SUSAN ROBERTS: Can I ask a question whether or not there's anyone here for this case to see whether there's anybody in the public?

CONSTANTINE ALEXANDER: If I do that that's going to be a case heard. I don't want to make this a case heard.

ATTORNEY SUSAN ROBERTS: Okay.

DOUGLAS MYERS: And I'm sorry what did Sean say? I know it's a case not heard.

SEAN O'GRADY: January 30th.

BRENDAN SULLIVAN: Is there nothing in December?

SEAN O'GRADY: No, there isn't.

BRENDAN SULLIVAN: I mean, not December. I mean the first part of January.

SEAN O'GRADY: No, this is the -- unless you wanted to start piling them

up.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: The Chair moves that this case be as a case not heard be continued until seven p.m. on January 30th on the condition that the Petitioner sign a waiver of time for decision.

That the signs be posted with the correct -- the new date and new time, seven p.m. on January 30th, on Sherman Street in conformance with our requirements of our Ordinance and maintained in accordance of the requirements of our Ordinance. And at the suggestion that the signs that you have on Raymond be maintained as well. That's a suggestion.

And lastly, to the extent you want to modify whatever plans you have before us tonight, they have to be in our files by five

p.m. on the Monday before. On Monday before the Thursday hearing assuming that's not a legal holiday. If it is, by five p.m. on the Friday before the Thursday.

ATTORNEY SUSAN ROBERTS: Okay.

CONSTANTINE ALEXANDER: All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

\* \* \* \* \*

(9:45 p.m.)

(Sitting Members Case #002486-2013:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 002486-2013, 120 Rindge Avenue.

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

For the record.

BEN SVENSON: Mr. Chair, my name is Ben Svenson. I represent the ownership of the property.

TED TOULOUKIAN: My name is Ted Touloukian, T-o-u-l-o-u-k-i-a-n, and I'm an architect from Touloukian and Touloukian.

We are here to present modifications to roof decks previously approved in BZA case 9761 for 120 Rindge Ave. As per the original approval, the roof deck access was limited to tens in, you know, 300 to 310 as well as 400 for a total of 12 roof decks. The original design was for 12 roof decks approximately 14

feet by 16 feet and set back from the roof edge approximately 16 feet on the east and west sides for a total square footage of 2850 square feet.

The proposed design is 24 feet set back from the east and west side.

CONSTANTINE ALEXANDER: I'm sorry, compare that. What was it before when we approved it?

TED TOULOUKIAN: Approximately 2850 square feet --

CONSTANTINE ALEXANDER: No, no. The setback.

TED TOULOUKIAN: 16 feet.

CONSTANTINE ALEXANDER: So 16 and now you're going to 24.

TED TOULOUKIAN: We're centralizing the roof decks. And we can show you the drawings that are in the application as well.

Yes, you have them. And the proposed design as stated is approximately 24 feet set back from the east and west side. East and west side, so approximately eight foot on either side decrease. And the total square footage is approximately 1450 square feet. The original design called for individual roof access for all of the individual roof decks. The proposed design is for private access to those stated 12 roof decks consistent with the original approval and through a car-keyed controlled head house access at the north and south side as stated limited access to those 12 additional units.

Prior to the BZA hearing we had received approval two nights ago from the Planning Board, and we also had a community hearing where we received, we believe overwhelming support from the attendees. In the

application we have signatures, I believe, from eight of the people that attended the meeting in support of the project.

These change in size and the centralization of the roof decks is primarily a reflection of the additional photovoltaics that we put around the perimeter of the roof as well as a new --

DOUGLAS MYERS: The additional?

TED TOULOUKIAN: The new photovoltaic panels that are around all four perimeter sides of the deck that centralize, as long as an energy ventilator and a refrigerant flow heating system.

It is a LEED Platinum project, and this is part of the proposed LEED Platinum project.

The setback is greater than what is required in the Residential B district. It

also, we believe, has no undo impact on the privacy or light on the neighborhood. And we believe it is also obviously small and appropriate and will be an improvement for the project.

CONSTANTINE ALEXANDER: Very succinct, thank you.

TED TOULOUKIAN: You're welcome.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

I'll open it public testimony.

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

(No Response.)

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

You mentioned some sort of support from eight people.

TED TOULOUKIAN: In the application

we had a signature page at the end.

TIMOTHY HUGHES: I didn't see it.

CONSTANTINE ALEXANDER: I don't see it.

TED TOULOUKIAN: I could give you a copy as well. It should be at the end. Here we go.

CONSTANTINE ALEXANDER: Thank you.

TED TOULOUKIAN: I believe it's the end of the existing condition photographs that are attached in the application.

CONSTANTINE ALEXANDER: The Chair would read into the record that we have a Petition submitted by the Petitioner. It appears to be dated 9/26. (Reading)  
Consistent with architecture schematic A1.7, produced by Touloukian and Touloukian, Inc., the undersigned abutters of 120 Rindge Avenue Cambridge, Mass., support the reduction of

overall roof deck size, the consolidation of 12 approved decks to six roof decks, and the reduction of head houses from 12 to 2. And there are 1, 2, 3, 4, 5, 6, 7 -- 7 I see.

TED TOULOUKIAN: Seven, excuse me.

CONSTANTINE ALEXANDER: Seven people who have signed this who all reside it would appear on your -- wait a minute, is Yerxa Road, Van Norden Street.

TED TOULOUKIAN: I believe it's pronounced Yerxa.

BEN SVENSON: It's Yerxa.

CONSTANTINE ALEXANDER: Yerxa. I'm sorry, thank you. And Wilson Avenue. And Wilson Avenue. And I'll put it as part of our files.

BRENDAN SULLIVAN: Can I see that?

CONSTANTINE ALEXANDER: Sure.

I assume by when they planned the site

is the same --

TED TOULOUKIAN: That is the same plan you have in the application.

DOUGLAS MYERS: And what's lying on the table is simply an enlargement?

TED TOULOUKIAN: Simply an enlargement of what you have in front of you.

DOUGLAS MYERS: I'm going to walk over there.

TED TOULOUKIAN: Would you like me to hold these up?

DOUGLAS MYERS: No, that's fine.

TED TOULOUKIAN: These were the originals and this is the consolidated proposed roof deck with the photovoltaics around the perimeter and the access points and the elevations.

DOUGLAS MYERS: Right. Fine.

CONSTANTINE ALEXANDER: I was

looking at that. I would note for the record is that you are, according to your application, will be increasing the FAR from 0.76 to 0.78 and it's a 0.5 district. So you're non-conforming now. You have too much FAR. You're going to increase it, albeit slightly. At least in my judgment slightly. Otherwise I think you're in conformance with our Ordinance so the relief is basically -- well, you need relief because you're changing the terms of a Variance you previously granted. And you've explained why you want to change the nature of the roof decks. That's in the record as well.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

I've already read into the record the Petition signed by seven concerned citizens.

I'll close public testimony.

Any concluding comments you want to make?

Questions from members of the Board?

Okay, I think we can go to a vote.

The Chair moves that 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 this structure as we identified in the Variance that we granted approximately four years ago, the hardship being that the structure is originally built as a non-residential structure and therefore to convert it to a residential structure with the amenities, people occupying apartments

or residential units in the structure would require or expect, namely, some access to the outside through decks.

That the hardship is owing to the shape of the structure and the nature of the structure. It is a, as I said before, a commercial structure that's been converted to a residential structure. 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 fact the relief being sought is rather modest in nature. The concept is consistent with the Variance we granted four years ago. And it's -- and the change is required by nature of developments with regard to the rooftop. Namely the photovoltaic structures being put on the

roof.

So on the basis of these findings, the Chairman moves that this Board grant the variance being sought on the condition that the work proceed in accordance with plans submitted by the Petitioner. They're four pages in length. The first page of which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

\* \* \* \* \*

(9:50 p.m.)

(Sitting Members Case #002554-2013:

Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Janet Green, Douglas  
Myers.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 002554-2013, 1925  
Massachusetts Avenue.

Is there anyone here wishing to be heard  
on this matter? We haven't seen you for a  
while.

ATTORNEY RICARDO SOUSA: Yes, it has  
been a while, Mr. Chairman. Good to see you,  
members of the Board.

CONSTANTINE ALEXANDER: Were you  
the one that submitted the letter that says  
that basically we as a Board we have no right  
to even consider this case and why we're  
wasting your time?

ATTORNEY RICARDO SOUSA: No, that  
was not my time. I love coming here. You  
know that.

CONSTANTINE ALEXANDER: I mean talk  
about an officious letter.

JANET GREEN: It was an interesting

letter.

ATTORNEY RICARDO SOUSA: It happens to be a reservation of rights that was submitted by our -- by a consultant who also worked on this project.

CONSTANTINE ALEXANDER: We've never seen a letter like that before.

ATTORNEY RICARDO SOUSA: Amy White.

CONSTANTINE ALEXANDER: I'm not sure that the letter is accurate.

ATTORNEY RICARDO SOUSA: I hope you didn't take offense to it because we do respect the authority of this Board and we always have come here in the past and we'll continue to do so.

JANET GREEN: I was more interested that it came under the Tax Relief and Job Creation act.

CONSTANTINE ALEXANDER: That's what

lobbyists do. They tie in these little provisions.

ATTORNEY RICARDO SOUSA: It's an interesting place to insert a provision dealing with telecommunications. It's called -- in the industry it's called Section 6409 of the Tax Relief Act. And it deals with modifications such as this. However, we did have numerous discussions with the City Solicitor of the City of Cambridge relative to these types of upgrades and whether or not they would be exempt from this process, and it was determined that it was it was not exempt.

CONSTANTINE ALEXANDER: I would think that's right.

ATTORNEY RICARDO SOUSA: And that's why we respected the process and filed the application.

CONSTANTINE ALEXANDER: You want to mar this beautiful structure and put in more telecommunications.

ATTORNEY RICARDO SOUSA: We're not putting up a second billboard.

For the record, Ricardo Sousa from Prince, Lobel, Tye on behalf of the applicant, T-Mobile.

Mr. Chairman and members of the Board, the nature of this application is to modify the existing wireless antenna installation that's on the subject building located at 1925 Mass. Ave.

As I have done with other existing telecommunications installations for T-Mobile, T-Mobile is in the process of upgrading all of its installations throughout the country, and here in particular in the City of Cambridge, to

upgrade the installations to provide 4G level services. And essentially involves swapping out of old cabinets for new cabinets. But in addition to that, swapping out the old antennas for the new air antennas which have the radio units entirely within the antennas. That's the benefit of them. And so once again we're utilizing a location where there already is a wireless antenna installation. We currently have six panel antennas that are on the rooftop of this building and I can identify those for you. And what we're proposing to do is swap out those old six antennas with six new ones, and then add two new antennas. And I can show you the exact locations of those.

CONSTANTINE ALEXANDER: Why don't you?

ATTORNEY RICARDO SOUSA: And then

I'll walk through the photo simulations with you as well. And I have to say these are, I think, fairly well done photo simulations.

CONSTANTINE ALEXANDER: I would agree with that. I was going to commend you at some point for actually giving photo simulations that are meaningful.

JANET GREEN: Yes.

ATTORNEY RICARDO SOUSA: I can't take credit. Mr. Caron, Ben Caron, does a great job. You've commended him in the past. He does a very detailed job with the photo simulations and the insets that he provides as well, which provides more of a focus on the antenna.

TIMOTHY HUGHES: You might want to give a copy to them over there.

JANET GREEN: Give them his card.

ATTORNEY SUSAN ROBERTS: We know Ben

Caron, too.

ATTORNEY RICARDO SOUSA: I have no equity interest in Caron Associates. If I could, I would just like to describe the nature of -- here's the roof plan. And you have these as part of your plans. It's page E101 if you'd like to follow along yourselves. But Mass. Ave. runs along here. And there are two existing antennas located on the facade here, and we're just going to replace those with new antennas. There are two existing antennas on this facade also replaced with two new antennas. And the new ones are located here on the back chimney. And I'll show you these on the photos as well. Currently there's one panel antenna facade mounted on that chimney. We're proposing two. The nature of these new antennas is they have to operate coupled. They have to

have two per sector.

And in addition there's one antenna here on the platform that's existing on the roof. This is an existing railing, safety railing, that's on the roof already and we're utilizing that railing to install a second antenna adjacent to the existing antenna.

If I could, I'll walk you through those photos as well. Here. And so as depicted, the top shows the existing conditions.

There are two panel antennas here and they're going to replace in the same locations with two new panel antennas, and those will be facade-mounted. No pipe mounts on those. There will be low profile brackets up against the brick. So they're located here. On this facade we have two on the corners of the building. Once again the new antennas will also be located on the corners of the

building.

And if I could take you to the other two sectors. And this is a unique location in the sense that it has four sectors. Many of these sites have three sectors, but because of the amount of traffic and phone calls that are made in this area, as you can well imagine, they needed four sectors to handle that. And so here we also have -- here is the back chimney I was talking about. If you look at the original photo, we only have one panel antenna that's facade mounted on that chimney. And we'd like to utilize two, adjacent to each other.

And then the last sector is located -- I'm sorry, this is the chimney that I pointed to. The last sector is located here which is on the railing. This is an existing railing. There is one -- currently

one panel antenna there and we are proposing two adjacent to each other.

So we've tried to mimic the existing design that was approved by this Board back in 2009 and we're just going up from six panel antennas to eight panel antennas. And we've tried to do it in a way that's consistent with some of the design requirements that this Board has requested in the form of using low profile brackets.

CONSTANTINE ALEXANDER: I noticed that and the Board appreciates that as well.

ATTORNEY RICARDO SOUSA: Sure.

With that I respectfully request that this Special Permit be granted. I'm amenable to answering any questions that the Board may have regarding the application.

CONSTANTINE ALEXANDER: Any questions?

DOUGLAS MYERS: I had some but you've answered them in your presentation.

ATTORNEY RICARDO SOUSA: Okay, good. Thank you.

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

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

(No Response.)

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

The Chair would note that we are in receipt of a memo from the Planning Board. (Reading) The Planning Board reviewed the Special Permit application to install antennas and equipment on the building and finds that this installation is about the same as the existing arrangement and does not

increase the visual chaos given the billboard location and exhaust equipment already on the roof.

You have a ringing endorsement from the Planning Board. And that's it.

I'm going to close public testimony. Anybody?

Any final comments?

ATTORNEY RICARDO SOUSA: I don't, Mr. Chairman.

CONSTANTINE ALEXANDER: Comments from members of the Board or are we ready for a vote?

BRENDAN SULLIVAN: Go ahead.

CONSTANTINE ALEXANDER: Okay.

All right, the Chair moves that this Board make the following findings with regard to the Special Permit being sought:

That the Petitioner has submitted

evidence that it is a duly licensed FCC carrier in good standing.

That the Petitioner has taken steps to quote the Planning Board, not increase the visual chaos that's on the structure already.

That what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

It will not adversely affect the development of adjacent uses.

That it will not create any nuisance or hazard to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the city.

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

Ordinance.

On the basis of these findings, the Chair moves that a Special Permit be granted to the Petitioner subject to the following conditions -- a Special Permit for the relief being sought subject to the following conditions:

That the work proceed and be in accordance with the photo simulations submitted by the Petitioner prepared by Caron, C-a-r-o-n and Associates Design. Oh, dated 9/23/2013. The first page of which has been initialled by the Chair.

And that the work proceed in accordance with the plans submitted by the Petitioner prepared by Turning Mill Consultants, Inc. And the date is September 23rd of 2013. The first page of which has also been initialed by the Chair.

On the condition that the Petitioner maintain the additional work that's being proposed in accordance -- as proposed on these photo simulations should they -- the appearance deteriorate or otherwise not be what is represented on these photo simulations. And that to the extent that the additional antennas are not used for a period of six months, that they be promptly removed, and the building structure be restored to its prior condition to the extent practical under the circumstances.

All those --

BRENDAN SULLIVAN: My only -- I guess my only comment is a little late here, but whether or not they're shown sort of a simulated brick. I'm just wondering if that's the right way to go or a solid color would be better.

CONSTANTINE ALEXANDER: I'm up to for whatever the Board -- other members would -- I think you prefer the solid color?

BRENDAN SULLIVAN: Well, the simulated brick is somewhat tacky I think. They never really get it right as opposed to a solid brick color.

ATTORNEY RICARDO SOUSA:  
Understood.

BRENDAN SULLIVAN: Might be better.

ATTORNEY RICARDO SOUSA: We have no objection to that, Mr. Sullivan, of course.

CONSTANTINE ALEXANDER: Why don't I -- let me modify the motion to say that the work has to be completed in accordance with the photo simulations and the plans except that we prefer that the structure be painted a solid color to match the brick as opposed to the brick, the faux brick that's shown in

the plans that you've submitted.

Is that it?

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

ATTORNEY RICARDO SOUSA: Thank you, Mr. Chairman. Thank you, members of the Board.

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(10:05 p.m.)

(Sitting Members Case #002617-2013:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 002617-2013, Three Gold Star Road Court.

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

ATTORNEY JAMES RAFFERTY: Thank you. Good evening, Mr. Chairman, members of the Board. For the record, James Rafferty. Offices at 675 Massachusetts Avenue, appearing on behalf of the Petitioner. Seated to my right Nelson Oliveira, O-l-i-v-e-i-r-a.

Mr. Chairman, the Board, you may recall this case. It was here a little over a year ago.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: But

unfortunately Mr. Oliveira, when he went to pull his Building Permit, realized that he had by a matter of weeks had missed the one year requirement. The decision is recorded in the Registry on 10/31. That was a mistake and by Mr. Oliveira that that was the operative date, when in fact the decision was stamped by the City clerk on 10/4. So we filed this as soon as Mr. Oliveira realized that on November 4th.

But the Board might recall this is a two-family house out in North Cambridge on Gold Star Road. And this is an unusual case because the house has a split roof, and this was allowing for an increase in volume by raising the roof and the side walls, but there actually isn't an increase in GFA as you see in the dimensional form. And the Board found last year that the relief requested was fair,

reasonable, and would improve the property and adjoining properties. And I would suggest that all of the reasons that were present a year ago remain present.

Mr. Oliveira is willing to execute the work. There was also a Special Permit dealing with windows. But as the Board knows, the Special Permits are valid for two years, so we don't need to reissue that. So --

CONSTANTINE ALEXANDER: You advertised for it. Just out of curiosity, you advertised for a Special Permit as well.

ATTORNEY JAMES RAFFERTY: Yes, maybe we did. But we -- we don't need it.

CONSTANTINE ALEXANDER: Oh, okay. You don't need it.

ATTORNEY JAMES RAFFERTY: We don't need it.

CONSTANTINE ALEXANDER: You're

withdrawing your request for a Special Permit?

ATTORNEY JAMES RAFFERTY: Yes. Yes, we should. I think, I think we were -- frankly, when this came, we were so quick to get this filed, we probably didn't -- we didn't focus on that. So, yeah, I think that would be unnecessary.

CONSTANTINE ALEXANDER: And this is the exact same -- tonight's Petition for the variance, the exact same plans that we approved roughly a year ago?

NELSON OLIVEIRA: Exactly the same.

CONSTANTINE ALEXANDER: No changes.

NELSON OLIVEIRA: No changes.

CONSTANTINE ALEXANDER: I'll open it public testimony. Have the neighbors spoken to you since then?

NELSON OLIVEIRA: No.

CONSTANTINE ALEXANDER: Same situation we had a year ago.

NELSON OLIVEIRA: Same.

CONSTANTINE ALEXANDER: Okay. Anything else?

ATTORNEY JAMES RAFFERTY: No, I would say if the Board were so inclined, I think it could adopt the findings in case 10307.

CONSTANTINE ALEXANDER: That's what I propose to do. I don't know if the Board is going to go along with it, but that's what my motion is going to be.

TIMOTHY HUGHES: I am going to just so you know.

ATTORNEY JAMES RAFFERTY: I would note that three of the members sat on the case a year ago.

CONSTANTINE ALEXANDER: Questions

from members of the Board?

ATTORNEY JAMES RAFFERTY:

Mr. Sullivan, Mr. Alexander, and --

CONSTANTINE ALEXANDER: And Janet.

ATTORNEY JAMES RAFFERTY: You know, I don't believe she did. Her name is checked on the front, but when you go into the decision where you list voting members, it's Mr. McAvey. Kevin?

JANET GREEN: That must be when I would come and listen.

ATTORNEY JAMES RAFFERTY: Your name is checked on the front. But when I read the decision and it says, you know, who voted, Sullivan, you, Scott, and does he pronounce is McAvey?

JANET GREEN: Kevin.

TIMOTHY HUGHES: We don't care, he's not on the Board anymore.

CONSTANTINE ALEXANDER: He moved out of town.

ATTORNEY JAMES RAFFERTY: Yeah. God, he was a breath of fresh air.

CONSTANTINE ALEXANDER: He never opposed.

ATTORNEY JAMES RAFFERTY: He was so refreshing. He said I want to thank you for having your business here. I said, where did they find this guy?

CONSTANTINE ALEXANDER: That's true. I'm going to open this matter up after --

ATTORNEY JAMES RAFFERTY: Not that I don't love the lineup we have these days.

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

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

(No Response.)

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

There appears to be no correspondence or anything else in the file.

Ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this Board grant the Variance sought by the Petitioner based on the following findings, that the findings we incorporate are the findings we made when we granted the variance for the exact project about a year ago. And on the basis of these incorporated findings, we grant the Variance on the same conditions that we granted the Variance about a year ago, which is namely that the work proceed in accordance with the plans that were submitted a year ago.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

ATTORNEY JAMES RAFFERTY: Thank you very much.

DOUGLAS MYERS: Should we withdraw the Special Permit?

CONSTANTINE ALEXANDER: It's operational law.

ATTORNEY JAMES RAFFERTY: I'll withdraw it.

CONSTANTINE ALEXANDER: Why don't you withdraw it.

ATTORNEY JAMES RAFFERTY: We'll request that we withdraw that.

CONSTANTINE ALEXANDER: The Chair moves that we accept the Petitioner's request to withdraw the application for a Special Permit.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(10:10 p.m.)

(Sitting Members Case #002610-2013:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas

Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 002610-2013, 22 Hingham Street.

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

MIKE SORRIERO: Mike Sorriero, 22 Hingham Street.

ADAM GLASSMAN: Adam Glassman, architect.

So we've got a preexisting non-conforming house.

CONSTANTINE ALEXANDER: Yes, we do.

ADAM GLASSMAN: Well, with approximately two occupiable floors totalling a thousand square feet. Take out the stairs, you've got about 800 square feet of living space. So my client would like to convert the attic into an occupiable third

floor. Just for context, this is Hingham Street. This is his property, 22, and they park over here, and student housing for Harvard over here.

Our proposal is to deconstruct the existing roof and maintain the bottom portion of the house and basically add on an occupiable third story. We think it's proportion in scale, is consistent with the neighboring structures. Harvard is the abutter. There's no place he can go but up.

The second floor has two legal bedrooms, two support spaces which are not legal bedrooms. His intent is to remain in the neighborhood, raise his family, and make this a place where he can live and settle.

CONSTANTINE ALEXANDER: I'm just trying to look at your supporting statement. You say that current structure cannot

support -- cannot accommodate a growing family.

Well let's get to the heart of it. I mean, you have a substantially non-conforming structure right now. In a 0.75 district you're at 0.96. In the relief you're seeking you want to go to 1.16. So you're going to be 50 percent roughly in excess of our permissible FAR. We don't usually look in favor of that, although we do when we have compelling circumstances. Supporting a growing family is usually one that we pay a lot of attention to. But then I look at your plans, and this additional living space on the third floor is going to be entirely devoted to a very large master bedroom suite. What does that have to do with a growing family?

ADAM GLASSMAN: Well, you've got two

legal bedrooms on the second floor.

CONSTANTINE ALEXANDER: Yes.

ADAM GLASSMAN: Those are children spaces.

CONSTANTINE ALEXANDER: Well, they've not been children spaces up until now.

ADAM GLASSMAN: No, they have not been.

CONSTANTINE ALEXANDER: And you could put a children's space on the third floor and maybe have a smaller addition.

ADAM GLASSMAN: We can't add to the sides and the first floor has one bathroom.

CONSTANTINE ALEXANDER: Yes. And you're not adding any bathroom to the second floor? It's all going to be on the third floor?

ADAM GLASSMAN: Yes. It's -- I mean

it's --

CONSTANTINE ALEXANDER: It's a disconnect.

ADAM GLASSMAN: We're trying to create a space where parents can be comfortable and kids can be in a safe place and can be closer to their bathroom. The house as it exists doesn't accommodate the family in any way.

DOUGLAS MYERS: Where would the children's bathroom be if they're on the second floor?

ADAM GLASSMAN: Well depends on what they're doing I suppose.

DOUGLAS MYERS: Which bathroom -- you're an architect which one would you expect the children --

ADAM GLASSMAN: The first floor.

DOUGLAS MYERS: -- to go downstairs

to the first floor?

ADAM GLASSMAN: That's the intent.

JANET GREEN: How long have you lived there?

MIKE SORRIERO: Two years ago. I love it.

JANET GREEN: Do you have children?

MIKE SORRIERO: I don't.

TIMOTHY HUGHES: That's why he needs a master bedroom.

MIKE SORRIERO: Well, when I bought the house, I wasn't thinking about making babies. Now I am. So there's a big difference. Before when I bought the house, the house was, you know, a good size. It looks much bigger from the outside than inside. I would say each floor, you know, if you take out the stairwell there, you've only got about 400 square feet. And here's -- I

mean, I got so lucky to buy this house, it's a dream come true. I'll never be able to buy another house in the neighborhood. And at the time, you know, maybe I didn't think about my kids running around the house, but now I do. So that's, that's --

JANET GREEN: What's the building in the back?

MIKE SORRIERO: The building in the back is a carriage house, yeah.

CONSTANTINE ALEXANDER: It's a residence, though?

MIKE SORRIERO: It is, yeah.

CONSTANTINE ALEXANDER: You rent it out?

MIKE SORRIERO: I rent it out, yeah. So, I don't know. I don't know, on the Assessor's card 109. Class 109. And I guess it's, it's one of these houses. I

think it's the smallest house in Cambridge. So I don't know. That's something to brag about, but I think it's cool. Yeah.

ADAM GLASSMAN: You know, for what it's worth, the street's got a lot of graduate students residents. It's got a lot of renters. And we have a chance to create a space for a family.

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

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

(No Response.)

CONSTANTINE ALEXANDER: The best I can tell no one wants to be heard.

I don't think we have any letters in the file.

ADAM GLASSMAN: And that's part of what I was getting at with renters and

graduate students.

CONSTANTINE ALEXANDER: Right.

You don't need to have them. I just want to make sure I don't miss them, that's all.

ADAM GLASSMAN: Okay.

MIKE SORRIERO: I kind of put the sign right out on the, you know, right on the fence.

ADAM GLASSMAN: Did you go by there?

CONSTANTINE ALEXANDER: I went by the property. I saw the sign.

JANET GREEN: What else did you consider?

MIKE SORRIERO: Gees, you know --

ADAM GLASSMAN: As far as design or as far as -- well, we did have -- we had options to consider as far as architectural style if that's what you mean. We could have -- in order to convert the third

floor -- well, there's no place to go but up. Getting that far, how do we develop the third floor? Well, we've got a vintage roof structure. And we actually had a roof contractor. Actually this guy specializes in roof dormers. The name escapes me. He came back and evaluated the structure. He said you can't live lift this gable. It's too -- it wouldn't be code compliant any longer.

We thought about constructing a gable roof and lifting that, but that would be a phony attempt to mimic a proportion that would no longer be there. And the dormers, if we tried to gable, wouldn't be real dormers. We can't set them back from the face of the building because he would be losing so much of this space. He would be losing occupiable headroom. Otherwise the

dormers would be to the front face of the building and then they're not dormers anymore. It's a box with a triangle pasted on the front. So we're trying to be honest about what we're doing. We've got neighbors with similar style. We demarcated -- that's a nod to the existing structure. We demarcated the point from which we're building up. It's not a contemporary addition. I'm not -- I don't know if I'm answering your question exactly.

JANET GREEN: I just wondered if, I mean, you say there's nothing up there now? There's no room?

ADAM GLASSMAN: Well, the highest point is less than seven feet.

JANET GREEN: Less than seven feet.

ADAM GLASSMAN: So we couldn't just add -- it would have been great just to add

dormers and keep the roof right where it is. That's -- we probably should have started at that. There's no occupiable space up there given the headroom.

CONSTANTINE ALEXANDER: With that, I'm going to close public testimony.

Discussion by members of the Board?

BRENDAN SULLIVAN: I just think it's a fast departure from what it is now. It's -- I mean, it suits your needs, but it's way over the top. I think it's adversely going to affect the streetscape. It's going to, you know, overpower the house next to it to the left, to the right, whatever. It's -- and it just -- something's going to look out of scale, out of place, you know.

ADAM GLASSMAN: It's got adjacent structures that it does not exceed the height. It does not exceed -- it matches

roof lines. We've got Harvard. The new Harvard dorm that is across the street.

BRENDAN SULLIVAN: Those would never be allowed to build today because of the Ordinance. And that's why we have this book, because they decided a long time ago that it was -- not too replicative. You know, the argument is well, somebody down the street, you know, has it. So, you know, we should have it then we don't even need this book. But they decided that that is not to be replicated. That's why we have the book.

DOUGLAS MYERS: I'm not an architect, but No. 24 at least --

ADAM GLASSMAN: 26?

DOUGLAS MYERS: Is that --

JANET GREEN: The one to the right?

DOUGLAS MYERS: The one to the right is 24 or 26?

ADAM GLASSMAN: I thought it was 26.

DOUGLAS MYERS: 26.

ADAM GLASSMAN: Yeah.

DOUGLAS MYERS: To me it's not really the same as what you propose. It's a bigger structure all the way back on the lot. It's broken up. It has some, some architectural features. The building that you propose is simply a blunt massive box-like roof that fronts on the street. And this at least has some degree of architectural features, a certain restlessness or something.

ADAM GLASSMAN: Well, the building there --

DOUGLAS MYERS: The building -- excuse me, the building that's two buildings down the street is not fairly, is not -- I don't mean fair, it's just not

adequately represented in your picture. That's actually not a thin -- the blue building I'm referring to -- is not a thin building with a flat roof. It's actually part of a much larger complex which has a lot of architectural diversity in its features. So I agree that your building, I think is certainly is consistent with everything on Hingham Street to the left, which are nothing but gabled properties. And also in terms of the Ordinance, our Ordinance is very clear about avoiding congestion. I think it creates a towering structure that's going to tower over the little cottage or bungalow in the back and make that very dark and congested and an unattractive property in the neighborhood. So, without talking about the interior design where I think the Chair has raised points with considerable merit, but

just talking about the effect on the neighborhood and on the streetscape, I have considerable questions about the design.

CONSTANTINE ALEXANDER: I must say as you've heard already, I do have the same problem. I mean, the relief you're seeking is a radical departure from our Zoning Ordinance. And the only way to get there is a compelling argument, compelling at least to this Board, as to why you need all of this work you're doing. And I haven't, I'm not persuaded that there are not other solutions that have a less adverse impact on the streetscape. It's a big departure from what our Ordinance requires. So I'm having trouble as well supporting it.

BRENDAN SULLIVAN: Can I see the drawings, Gus?

ADAM GLASSMAN: As far as

alternatives go, we cannot add to the side. He can only increase his headroom at the third level and there's no way to do that without creating basically a consistent -- to keep the building as low as possible, a consistent legal head height at the added level.

BRENDAN SULLIVAN: How old is the house?

ADAM GLASSMAN: Late 19th century.

BRENDAN SULLIVAN: Yes. It's served the purpose. People have lived there. And all the way back since its inception. And now all of a sudden you're saying to us that it doesn't work anymore. Well, I think it can. I think it does.

ADAM GLASSMAN: It has two legal bedrooms. On the first floor it has no bedroom space. It's very -- we're talking about a 500 square foot.

BRENDAN SULLIVAN: When he bought it, it obviously was attractive. It served his purpose.

ADAM GLASSMAN: It was attractive. You know what, Cambridge is attractive for a lot of reasons. A lot of people come here young with one set of goals, agendas, and they decide they want to stay and raise their families here. This is somebody --

BRENDAN SULLIVAN: This book does not allow us then to accommodate every whim and lifestyle.

DOUGLAS MYERS: What you say is true. Sometimes --

ADAM GLASSMAN: I'm trying to explain the hardship here.

DOUGLAS MYERS: Sometimes people buy a new house. Sometimes we approve houses for growing families. Not in cases where we

feel there's going to be a radical affect on the streetscape. And not in cases where the FAR will be 65 percent over what the zone allows. You're asking us to approve that.

ADAM GLASSMAN: Proportionally it's a lot. It's just that it's a very small house.

DOUGLAS MYERS: No, we can't overlook it. I mean, I understand. I understand the need. I understand the desirability. I agree. Because of the configuration of the rooms, I don't think the need case is really, really strong because of the very large master bedroom, eight-by-ten walk-in closet. I have trouble reconciling that with the standards of hardship that this Board customarily applies, even in a family setting. But the increases that you're asking for -- we looked at a case earlier

tonight with increases of 15 percent, but you're asking for changes of 20 percent, 30 -- that could leave you with 65 percent over the max, the allowable FAR in this zone. That's a lot for us to approve in a structure that's already non-conforming.

ADAM GLASSMAN: Right.

DOUGLAS MYERS: I mean the Board of Zoning Appeal doesn't sit to do that, to make -- especially when we have doubts about the streetscape, the hardship, everything. I mean, we bend but you're short, I think, on a number of the essential elements and considerations that we would respond to.

CONSTANTINE ALEXANDER: Comments from Tim on Janet or not?

TIMOTHY HUGHES: I think everybody has said what I would have said.

MIKE SORRIERO: So there's no other

suggestions that to add more space for a family?

CONSTANTINE ALEXANDER: You have to ask your architect to come back -- one thing you could do, if we take a vote tonight and you're going to be turned down because you need four positive votes, and I don't think you're going to get one it wouldn't sound like, you can't come back for two years unless you've got substantially different plans. And then you've got to go through the whole procedure, we've got to make that decision, the Planning Board has to make that decision. What some people do is continue the case and go back to the drawing board. See if you come up with something now that you've heard us and come back with revised plans. That's up to you.

ADAM GLASSMAN: Can you give us a

little more guidance to what to you seems a reasonable use of the extra space? I mean, honestly we're trying to plan for the future. So it's not all mapped out that this is supposed to be this big, master suite. We're trying to figure out, you know, we know we don't have enough bedrooms. We know we're not putting in a game room. I don't think they've mapped out every use for every square foot for the extra space. It sounds like you don't approve of how the space has been assigned. If you can give us a little bit more guidance on how we might assign space.

CONSTANTINE ALEXANDER: I don't think it's -- I'll speak for myself, and I'm not a builder or an architect. You've got to come up with a solution that requires less additional space than what you're proposing.

ADAM GLASSMAN: Okay.

CONSTANTINE ALEXANDER: That's what it comes down to. It's not our job to get into the interior design except when you make a case for you need a space for a growing family, and then what we usually see is a dormer with some new bedrooms.

JANET GREEN: And a bathroom.

CONSTANTINE ALEXANDER: And a bathroom. You know, you come back with something -- there's a disconnect in my judgment.

ADAM GLASSMAN: You're saying if we came back with the same building form but we had two kids upstairs sharing a bathroom and the --

CONSTANTINE ALEXANDER: Well, you're going to have the same number of bathrooms.

BRENDAN SULLIVAN: It's the form --

ADAM GLASSMAN: Is the real objection to the FAR or is it to --

BRENDAN SULLIVAN: It's the form.

DOUGLAS MYERS: You've heard a lot about FAR, you've heard a lot about streetscape, you've heard a lot about the design of the third floor. Those are things that you should definitely, in my opinion, definitely keep in mind. Some people are adamant.

ADAM GLASSMAN: It's a 540 square foot house. We can't build up a half a floor. That doesn't get anybody anything. We can't build to the side. We can't turn the basement. There's just nowhere else to go.

TIMOTHY HUGHES: Well, you might have to give up the rental space and go out back.

CONSTANTINE ALEXANDER: I was going

to make that suggestion.

TIMOTHY HUGHES: There's no precedent for that style of house in that neighborhood. It's just, you know --

ADAM GLASSMAN: Okay. We thought this was similar in many ways to what we were trying to do. We thought ours was a --

TIMOTHY HUGHES: It's a multi and it's built with a modern kind of ethic -- aesthetic to it. And it's not taking, you know, a nice gable roof and squaring it off, you know. The -- I don't see that happening anywhere in this town as long as this Board is sitting here.

ADAM GLASSMAN: Okay.

TIMOTHY HUGHES: It would be one thing if we were turning this into you were going from a gable roof to a traditional looking triple decker, and that was a

possibility, but that's not what we've got here. You're just creating a box out of an otherwise attractive little house. It is a little house. I know that. I live in a little house, you know.

ADAM GLASSMAN: So I don't know what the formal is -- we don't want to take the vote now. We'll reschedule.

CONSTANTINE ALEXANDER: We'll reschedule. In your words we're going to continue the case. How much time would you think -- we're not going to be hear the case until when?

SEAN O'GRADY: Until January 30th.

CONSTANTINE ALEXANDER: Is that enough time for you to noodle and talk to your client?

MIKE SORRIERO: Sure.

ADAM GLASSMAN: Thank you for the

input.

CONSTANTINE ALEXANDER: Can everybody make it on the January 30th?

Okay. The chair moves that this case be continued as a case heard until seven p.m. on January 30th subject to the following conditions:

One, you have to sign a waiver of time for a decision. If you don't do that, we'll turn you down tonight. So that's what you have to sign. It's just by law we have to make a decision by a certain date or the relief is automatically granted. So we're not proposing to grant relief. And if you don't sign that, we'll take a vote tonight and turn you down.

On the second condition, that the sign that's there be modified to reflect the new date, January 30th. You can do it with a

magic marker. New time, seven p.m. And that the sign be maintained for the 14-day period required by our Ordinance. You can take it down now if you want, but you better have it up there for the 14 days prior to January 30th at least.

And on the last condition that the extent that you're going to submit revised plans, which you will it would appear, that those plans have to be in our files -- that and any revised dimensional form, which would also be necessary because you're going to have new dimensions presumably with new plans. They have to be in our files by no later than five p.m. on the Monday, of the Monday prior to the Thursday of January 30th. If that Monday is a holiday, than no later than five p.m. on the Friday before the Thursday of the hearing. If you don't do

that, we won't be able to hear the case. Our rules require that they be in our files. That we and interested citizens of the city can examine them before the hearing. That's the purpose of all that.

So make sure you do that. Make sure you modify the sign because those are two reasons we will not hear the case come January 30th.

You can come back with the same plans if you want and try to give us a more persuasive argument than what we've heard tonight.

ADAM GLASSMAN: Last question. If he had a letter vouching for his character in this case from everybody in the street --

CONSTANTINE ALEXANDER: It would help but not persuasive.

DOUGLAS MYERS: Not tonight.

ADAM GLASSMAN: Thank you very much.

CONSTANTINE ALEXANDER: Thank you.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor. Case continued. See you in January.

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

\* \* \* \* \*

(10:30 p.m.)

(Sitting Members Case #002604-2013:

Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Janet Green, Douglas  
Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 002604-2013, 18 Blackstone street.

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

These are impossible.

TIMOTHY HUGHES: Could we blame this one on the printer at ISD? Or does this hard copy come from Dewberry?

CONSTANTINE ALEXANDER: Introduce yourself for the record and we'll get into the presentation.

ATTORNEY SUSAN ROBERTS: Good evening. Susan Roberts from Anderson and Kreiger representing AT&T tonight on 18 Blackstone Street also known as 840 Memorial Drive. With me is Derek Patton from Centerline Communications and Deepak Rathore who is with AT&T. Deepak can talk to you

about the radio frequency coverage needs that we have for this area. And Derek's actually going to be the person who is going to describe the facility.

CONSTANTINE ALEXANDER: Before you get into anything further than that. I don't mean to be rude and interrupt you, given the photo simulations, I don't want this to be a case heard if we -- do we want to hear the case tonight or not? I'm of a mind not to hear the case tonight on the grounds that these photo simulations are totally inappropriate, and unhelpful but that's me.

TIMOTHY HUGHES: Well, the only thing I will say for them is that all of the additions are highlighted -- backlighted by the sky. There's nothing on the facade, right?

DEREK PATTON: Correct.

TIMOTHY HUGHES: That you can't see. There's nothing on the building itself which is really the dark place.

CONSTANTINE ALEXANDER: That's a good point, Tim.

TIMOTHY HUGHES: You might be able to --

CONSTANTINE ALEXANDER: What's the pleasure of the Board? Do you want to hear the case tonight or not?

TIMOTHY HUGHES: I always want to hear the case rather than continue it.

CONSTANTINE ALEXANDER: I know you do.

TIMOTHY HUGHES: You wouldn't know it from 288 Norfolk Street, would you?

ATTORNEY SUSAN ROBERTS: I'm not going to talk about that one.

CONSTANTINE ALEXANDER: Quite

frankly the only reason to continue it, because I think Tim's point is very well taken, is to drive home the point that we expect -- not from you, it's not your job -- we expect better photo simulations. And if we don't get them, we're not going to give relief. That doesn't mean we're not going to hear the case.

ATTORNEY SUSAN ROBERTS: No, honestly it is my job. And I need to make a better effort to make sure that you do have photo sims that are helpful. And if they're not helpful, then we need to do a better job in making sure that you've got materials that will allow you to consider the site.

CONSTANTINE ALEXANDER: Well, again, people want to hear the case?

ATTORNEY SUSAN ROBERTS: In a way that's appropriate. So, I just wanted to

say --

CONSTANTINE ALEXANDER: Wait a minute. I don't want to get into the case if we're going to continue it. It's not your interest. What's the pleasure?

UNIDENTIFIED AUDIENCE MEMBER: Can I say anything about it?

CONSTANTINE ALEXANDER: Wait a second.

TIMOTHY HUGHES: Whether we're continuing it or not is the discussion. Yes.

UNIDENTIFIED AUDIENCE MEMBER: If these photos are not what you consider to be accurate photos, I have to live across the street from this project and I'd like to know what it looks like in real photo.

CONSTANTINE ALEXANDER: It's not that they're misrepresented. It's just that they're so dark.

UNIDENTIFIED AUDIENCE MEMBER:

Well, okay I live across the street so it's important to me what it looks like.

DOUGLAS MYERS: My -- I'm not adamant and my salience is low on this. But I will say, and I completely agree, Tim is valid. Probably is a basis for a decision. They're sufficient. But they still leave a lot to be desired because there's no context. There's no contrast. The building is a dark mass. And, you know, you get no sense of anything vivid or lifelike or real. It's just rooted industrial mass.

BRENDAN SULLIVAN: It's difficult to see the real impact.

JANET GREEN: It is. I think, you know, it's not attractive to begin with and this makes it look like it's worse.

CONSTANTINE ALEXANDER: I'm going

to make a motion --

BRENDAN SULLIVAN: Yes, it's difficult to see the real impact or the lack of impact or how it blends in. How it assimilates to the building without a true representation.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we continue this case as a case heard -- as a case not heard. Sorry, apologize. As a case not heard until seven p.m. on....

SEAN O'GRADY: February 13th.

CONSTANTINE ALEXANDER: February 13th.

On the condition that the Petitioner sign a waiver for a time for decision.

That the Petitioner submit new photo simulations, and any revisions to the plans that they wish to make, no later than five

p.m. on the Monday before February 13th.

And lastly, on the condition that the posting sign be modified to reflect the new date and the new time and be maintained for the 14-day period required by our Zoning Ordinance.

All those --

UNIDENTIFIED AUDIENCE MEMBER: Can I ask for a picture on its impact on 11 Blackstone Street? Which is the building right behind 18 Riverside and it's not on here at all. Okay?

CONSTANTINE ALEXANDER: Could you --

ATTORNEY SUSAN ROBERTS: And can I have your name, please.

RAYMOND FAULKNER: Raymond Faulkner.

CONSTANTINE ALEXANDER: It's not

technically required of them, but if they want to accommodate you, I would support that.

ATTORNEY SUSAN ROBERTS: And you're at 11 Blackstone?

RAYMOND FAULKNER: Right.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

(Whereupon, at 10:40 p.m., the Zoning Board of Appeal Adjourned.)

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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

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**IN WITNESS WHEREOF**, I have hereunto set my hand this 31st day of December, 2013.

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