

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, DECEMBER 12, 2019

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Andrea A. Hickey

Jim Monteverde

Sisia Daglian, Assistant Building Commissioner

Maria Pacheco, Zoning Secretary

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3 (7:01 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Janet Green, Andrea A. Hickey, and
6 Jim Monteverde

7 CONSTANTINE ALEXANDER: The Chair will call this
8 meeting of the Board of Zoning Appeals to order. As is our
9 custom, we will start with continued cases. These are cases
10 that started at an earlier date, and for one reason or
11 another have been continued until tonight, and then we'll
12 turn to our regular agenda. And we have four continued
13 cases tonight.

14 But before we go to the continued cases, I need to
15 read a statement.

16 After notifying the Chair, any person may make a
17 video or audio recording of our open sessions, or may
18 transmit the meeting through any media, subject to
19 reasonable requirements that the Chair may impose as to the
20 number, placement and operation of equipment used, so as not
21 to interfere with the conduct of the meeting.

22 At the beginning of the meeting, the Chair will

1 inform other attendees at that meeting that a recording is
2 being made.

3 And I wish to advise that not only one but at
4 least two recordings are being made, one is being made by
5 our stenographer to assist her in the preparation of the
6 meeting, and by second is by a citizen of the city, who's
7 left his tape recorder on the front desk.

8 Is there anyone else planning to or going to
9 record this meeting? Tape it? Video it? None. Okay. So
10 with that out of the way, I'm going to call the first of the
11 continued cases, I'm going to call the first of the
12 continued cases.

13 The Chair will now call Case Number 017160 -- 747
14 Cambridge Street. Anyone here wishing to be heard on this
15 matter?

16 NICK ZOZULA: The 747 Cambridge one?

17 CONSTANTINE ALEXANDER: Yes.

18 NICK ZOZULA: I will. Good evening.

19 CONSTANTINE ALEXANDER: name and address for the
20 stenographer, please?

21 NICK ZOZULA: Yes, sir.

22 THE REPORTER: Can you spell your name, please?

1 NICK ZOZULA: Good evening Mr. Chair, members of
2 the Board. Attorney Nick Zozula, McDermott, Quilty &
3 Miller. Z-o-z-u-l-a, 28 State Street, Suite 802, Boston,
4 Mass. And we've talked to Evan Stellman -- that's S-t-e-l-
5 l-m-a-n of Kulsa Design at 17 Ivaloo Street, Suite 400 in
6 Somerville.

7 EDWARD DOHERTY: Edward Doherty.

8 CONSTANTINE ALEXANDER: You can bring your chair
9 up --

10 NICK ZOZULA: Yeah, I was going to say.

11 CONSTANTINE ALEXANDER: I don't want to exile you
12 to the back of the room.

13 EDWARD DOHERTY: Edward Doherty, D-o-h-e-r-t-y. I
14 am from Kem's Construction and Development, and we're at 200
15 Broadway in Lynnfield, Massachusetts.

16 CONSTANTINE ALEXANDER: And this case is not going
17 to be heard tonight, as I understand it. Because you've
18 changed your plans?

19 NICK ZOZULA: Actually, Mr. Chair, we haven't
20 changed our plans, we haven't changed our plans, we've
21 changed the usage of the commercial space.

22 CONSTANTINE ALEXANDER: That to me is significant

1 enough, given the interest of the neighborhood in this case

2 --

3 NICK ZOZULA: Okay.

4 CONSTANTINE ALEXANDER: -- that's that the case to
5 have readvertise, to disclose --

6 NICK ZOZULA: Okay.

7 CONSTANTINE ALEXANDER: -- what you're now
8 planning to do.

9 NICK ZOZULA: Okay.

10 CONSTANTINE ALEXANDER: And we'll continue this
11 case --

12 NICK ZOZULA: Okay.

13 CONSTANTINE ALEXANDER: -- so you don't lose any
14 rights.

15 NICK ZOZULA: Okay.

16 CONSTANTINE ALEXANDER: But presumably, almost
17 assuredly, your new case, if we can do it quickly enough,
18 will be heard before we would ever pick up the continued
19 case again.

20 And most likely it will be -- the continued case
21 will be quickly withdrawn, because I think it'll go up or
22 down with regard to the new case you're hearing.

1 NICK ZOZULA: Okay. So if I may understand
2 correctly --

3 CONSTANTINE ALEXANDER: Sure.

4 NICK ZOZULA: You're saying we should be -- you've
5 -- all we're changing is the previous utilization of the --

6 CONSTANTINE ALEXANDER: That's significant enough
7 --

8 NICK ZOZULA: -- under the circumstances --

9 CONSTANTINE ALEXANDER: -- okay.

10 NICK ZOZULA: Okay.

11 CONSTANTINE ALEXANDER: -- that that requires a
12 new advertisement, so the public is aware of what you're
13 planning to do now.

14 NICK ZOZULA: Okay, understood. If I may, because
15 we're still on the record, I'd like to just submit a letter
16 from the -- I don't know if it's gotten to you or not, but I
17 will submit it.

18 It's a letter that's from the current owner of the
19 property, the Polish-American Citizen's Club, who has
20 recently agreed to no longer remain on the property as part
21 of the new development.

22 I don't know if it was submitted or not, so I'd

1 like to submit it now.

2 CONSTANTINE ALEXANDER: Last I knew, it was not.

3 NICK ZOZULA: Okay.

4 CONSTANTINE ALEXANDER: I'm not sure how relevant
5 it is, but that's fine. I'll put it in the file.

6 NICK ZOZULA: It's relevant, because that's why
7 we're making the change to the --

8 CONSTANTINE ALEXANDER: Oh, I understand that.

9 NICK ZOZULA: -- ground-floor space. I also have
10 letters of support, but I will keep them for the next
11 hearing.

12 JANET GREEN: Is this a case heard or not?

13 CONSTANTINE ALEXANDER: No.

14 JANET GREEN: No.

15 CONSTANTINE ALEXANDER: This is not a case heard.

16 And I'm trying diligently not to have it heard tonight.

17 Okay, I'm going to suggest we continue this case until late
18 March, early April.

19 Again, this case is not going to be the
20 dispositive case.

21 NICK ZOZULA: Understood.

22 CONSTANTINE ALEXANDER: It's the new one. And

1 that one --

2 NICK ZOZULA: So.

3 CONSTANTINE ALEXANDER: -- will be heard much
4 quicker, depending on how quickly that your new
5 advertisement is.

6 NICK ZOZULA: So refile with a new application?

7 CONSTANTINE ALEXANDER: Yes.

8 NICK ZOZULA: And then the deferred matter would
9 be withdrawn?

10 CONSTANTINE ALEXANDER: Well, after we did some --
11 I don't think you want to withdraw it?

12 NICK ZOZULA: Correct.

13 CONSTANTINE ALEXANDER: After we hear the new
14 case.

15 NICK ZOZULA: Okay.

16 CONSTANTINE ALEXANDER: And then, depending on how
17 the new case goes, you can withdraw this case when we do
18 hear it.

19 NICK ZOZULA: So even though nothing structurally
20 is structurally is changing in the building, the relief we
21 require isn't changing?

22 CONSTANTINE ALEXANDER: No. I mean, it's a fair

1 point, but in my opinion -- I don't know if other members of
2 the Board feel differently -- I think given the neighborhood
3 interest in this case, I think it --

4 NICK ZOZULA: Okay.

5 CONSTANTINE ALEXANDER: -- behooves you as well as
6 us to have a more -- a better advertisement than you have
7 right now, given the new change in plans.

8 NICK ZOZULA: Okay. I mean, I suppose we defer to
9 the Board on that, but, you know, again, the decision for
10 the usage of that ground-floor space was made in concert and
11 in response to the feedback of the neighborhood. But you
12 know --

13 EDWARD DOHERTY: And that is the only change --

14 NICK ZOZULA: That is the only change.

15 CONSTANTINE ALEXANDER: You tell the world in your
16 advertisement that you were going to do -- your words -- to
17 get --

18 NICK ZOZULA: Because the advertisement said the
19 use was being used a certain way.

20 CONSTANTINE ALEXANDER: Yeah. And insisting you
21 were going to improve --

22 NICK ZOZULA: Whereas if it said it was a

1 commercial use, vanilla -- is unable to.

2 EDWARD DOHERTY: Okay.

3 NICK ZOZULA: It was the specificity of the
4 advertisement is what the issue is.

5 CONSTANTINE ALEXANDER: Yeah, yeah.

6 NICK ZOZULA: Okay, well that's on us for being
7 too specific then, I suppose.

8 CONSTANTINE ALEXANDER: Well.

9 NICK ZOZULA: Understood. So we will work with
10 the city to --

11 CONSTANTINE ALEXANDER: Yeah, start all over
12 again. I think you should have -- case when you started
13 this case.

14 NICK ZOZULA: Okay. Everything is ready, it's
15 just going to be work. Okay. Understood.

16 CONSTANTINE ALEXANDER: Okay. I'm going to
17 suggest -- what is the first session?

18 NICK ZOZULA: April?

19 CONSTANTINE ALEXANDER: Yeah.

20 NICK ZOZULA: April 16?

21 CONSTANTINE ALEXANDER: Sixteenth? Okay. The
22 Chair moves that we continue this case to 7:00 p.m. on April

1 16 as a case not heard, subject to the following conditions:

2 One, that with regard to this case, the petitioner
3 will sign a waiver of time for decision.

4 Two, you have to put up a new posting sign or
5 revise the one you have now, so that 14 days before April
6 16, that sign is posted, reflecting the new date, April 16,
7 and the new time.

8 And then lastly, to the extent that you have new
9 or different plans from what is now in the file for this
10 case, they must -- the newer revised plans must be submitted
11 to the file, no longer 5:00 p.m. on the Monday before April
12 16 hearing deficits. All those in favor?

13 BRENDAN SULLIVAN: Do you want to --

14 CONSTANTINE ALEXANDER: I'm sorry?

15 BRENDAN SULLIVAN: Do you want to ask for any
16 public comment on the continuation at all, or --?

17 CONSTANTINE ALEXANDER: I'd rather not get into
18 it.

19 BRENDAN SULLIVAN: Okay.

20 CONSTANTINE ALEXANDER: But I don't know anybody
21 with -- it's a suggestion. Anybody here wish to comment on
22 the continuance? Not on the merits of the case, just the

1 continuance? Apparently not? I don't see any hands up.

2 BRENDAN SULLIVAN: Okay, good.

3 CONSTANTINE ALEXANDER: Fair enough. Okay. All
4 those in favor of continuing the case on the basis I
5 mentioned --

6 THE BOARD: Aye.

7 [All vote YES]

8 CONSTANTINE ALEXANDER: Five in favor, case
9 continued. We'll see you presumably earlier than April 16,
10 and then for at least April 16.

11 NICK ZOZULA: We'll work with staff to figure that
12 out.

13 CONSTANTINE ALEXANDER: Good.

14 NICK ZOZULA: Thank you for your time.

15 CONSTANTINE ALEXANDER: Thank you.

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(7:09 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey, and
Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will next call
Case Number 017183 -- 310 Columbia Street. Is there anyone
here wishing to be heard on this matter?

ABDUL AHAD: Good evening.

CONSTANTINE ALEXANDER: Good evening. The floor
is yours.

THE REPORTER: Spell your name and give your
address, please?

CONSTANTINE ALEXANDER: First, start with your
name and address to the stenographer.

ALPHONSO SIRA: My name is Alphonso Sira, last
name S-i-r-a. I'm the architect, and the address is 523
Medford Street in Charlestown. Can you give your name?

ABDUL AHAD: My name, Abdul Ahad, A-b-d-u-l Abdul,
Ahad -- A-h-a-d, 10 Commerce (sic) homeowner.

JANET GREEN: Okay. I think you're going -- spell
your name one more time please, for the stenographer.

1 ABDUL AHAD: My name, Abdul Ahad. First name
2 Abdul, A-b-d-u-l, Ahad, A-h-a-d, Ahad.

3 JANET GREEN: Thank you.

4 ALPHONSO SIRA: 310 Columbia Street.

5 JANET GREEN: Thank you very much.

6 CONSTANTINE ALEXANDER: Do you want to speak? If
7 you want to speak, give your name and address.

8 ABDUL AHAD: I'm not sure I'm going to speak, so
9 --

10 CONSTANTINE ALEXANDER: Okay. Well, all right.
11 Okay. We continued this case last time because there was
12 some neighborhood opposition.

13 ALPHONSO SIRA: Yes.

14 CONSTANTINE ALEXANDER: And some Board members,
15 myself included, have some problems with the bulk of the
16 instruction or the impact on the neighboring properties.

17 ALPHONSO SIRA: Uh-huh.

18 CONSTANTINE ALEXANDER: And you've come back with
19 new plans?

20 ALPHONSO SIRA: Yes.

21 CONSTANTINE ALEXANDER: Why don't you just go over
22 them with us?

1 ALPHONSO SIRA: Yes.

2 CONSTANTINE ALEXANDER: And for the benefit of
3 anybody in the audience.

4 ALPHONSO SIRA: What we did is to -- so basically,
5 what we did is to reduce the massing of the building, and we
6 kept the front the same, and we brought the roof line down a
7 bit, so that we could allow more light to come into the next
8 -- to the adjacent neighbor.

9 And we basically kept the back new wall about 16.5
10 feet away from the back existing wall, so that it would
11 allow more light to come into the second floor, as the
12 neighborhood wanted. We worked with the neighborhood.

13 CONSTANTINE ALEXANDER: Interestingly, you didn't
14 reduce the number of rooms in that area instruction?

15 ALPHONSO SIRA: Right. They still want the same
16 amount, because even though we made them smaller, but that's
17 what they wanted too.

18 CONSTANTINE ALEXANDER: It'll be awfully crowded.

19 ALPHONSO SIRA: [Laughter]. I mean, there are
20 smaller rooms, yeah.

21 CONSTANTINE ALEXANDER: Yes. You're cutting it
22 basically -- the roof is going to be -- the third floor is

1 going to be half as big as before, but no reduction in the
2 number of rooms.

3 ALPHONSO SIRA: Right, exactly, yeah.

4 CONSTANTINE ALEXANDER: And you mentioned the
5 neighbor.

6 ALPHONSO SIRA: Yes.

7 CONSTANTINE ALEXANDER: Yeah. Now, tell me about
8 the -- or, the neighbor can speak for himself.

9 ALPHONSO SIRA: I mean, yeah, if you want to
10 speak, you're welcome to --

11 SRDJAN VAC: Sure.

12 ALPHONSO SIRA: But we work with him to -- you
13 know, give him what he wants.

14 CONSTANTINE ALEXANDER: Give the name and address.

15 SRDJAN DIVAC: First name S-r-d-j-a-n as in Nancy,
16 last name D as in David, i-v as in Victor, a-c, 314 Columbia
17 Street, Cambridge. So my --

18 CONSTANTINE ALEXANDER: What do think of the
19 project now proposed?

20 SRDJAN DIVAC: Well, it's -- I think it's a
21 compromise, and I think I accept the compromise. I think
22 it's a little bit painful for both sides, but I think it's a

1 good accomplishment. The only thing -- the only question
2 that I have is that I couldn't find the current plans on the
3 website.

4 And so, the only copy that I have is what I got
5 from the architect, and I'm not sure that what you are
6 getting is the same thing that I saw. That's the only --

7 CONSTANTINE ALEXANDER: I can show you what we
8 got. This is in our file. This is not on the website?

9 ALPHONSO SIRA: No.

10 CONSTANTINE ALEXANDER: No?

11 JIM MONTEVERDE: The continued cases are never on
12 the websites.

13 CONSTANTINE ALEXANDER: Ah. Go ahead.

14 SRDJAN DIVAC: So that's what I said.

15 CONSTANTINE ALEXANDER: Okay.

16 SRDJAN DIVAC: So I have no opposition to this.

17 CONSTANTINE ALEXANDER: You've got no opposition.

18 Anything else you want to say before I --

19 ALPHONSO SIRA: I mean, I could -- we have about
20 10 signatures for support, if you want them.

21 CONSTANTINE ALEXANDER: Sure. Oh yes.

22 ALPHONSO SIRA: I can give them to you. And I

1 think that's about it.

2 CONSTANTINE ALEXANDER: By the way, there's two
3 forms of relief, also a special permit for the basement --

4 ALPHONSO SIRA: Right.

5 CONSTANTINE ALEXANDER: -- for the accessory
6 apartment. That was not controversial the last time.

7 ALPHONSO SIRA: Right.

8 CONSTANTINE ALEXANDER: But we have to make sure
9 we deal with it tonight.

10 ALPHONSO SIRA: Yep. So what do we need to do for
11 that?

12 CONSTANTINE ALEXANDER: We'll do the variance case
13 first.

14 ALPHONSO SIRA: Okay.

15 CONSTANTINE ALEXANDER: Take a vote, and then
16 we'll go to the special permit case next. Any questions for
17 members of the Board?

18 BRENDAN SULLIVAN: No. Let me see the drawing
19 again, the latest one. I'm good.

20 ALPHONSO SIRA: Here are some more.

21 CONSTANTINE ALEXANDER: That's the end of the
22 time. While these gentlemen are looking at the plans, I'll

1 -- anybody else have any comments at this point? No?
2 Apparently not. I'll open the matter up to public
3 testimony. Is there anyone here wishing to be heard on this
4 matter? Apparently not. Again, any final comments you want
5 to make on the variance case?

6 SRDJAN DIVAC: I have one question, if I may.

7 CONSTANTINE ALEXANDER: Sure.

8 SRDJAN DIVAC: My question is, should there be any
9 imperative to even slightly change the plans during the
10 construction phase?

11 CONSTANTINE ALEXANDER: No, our practice is, if we
12 grant relief, it's subject to comply with the plans that
13 they filed. If they modify the plans, except for tweaks,
14 they have to come back before our board.

15 SRDJAN DIVAC: And would I know of that?

16 CONSTANTINE ALEXANDER: Good question. Would you
17 know about it? No, it's not re advertised. It's not re
18 advertised. Well, if you check the website, they will --
19 the website will tell you about continued cases, or new
20 cases.

21 Actually no, I'm going to take it back. If they
22 modify the plans, they have to file new applications, start

1 all over again with regard to the new plans. And then it
2 would be public notice to you. You would be notified.

3 BRENDAN SULLIVAN: If the -- if they had changed
4 the plans, which would affect the zoning application -- now,
5 they can change the interior, but should they change the
6 exterior, which changes the look, the number -- because
7 that's all math numbers at this point -- the Building
8 Inspector would pick up on that during his inspection
9 period.

10 He then would, obviously, have a conversation with
11 them, with the zoning specialist, Mr. O'Grady, and if it
12 deemed that it was outside of what we were approving
13 tonight, then they either have to rectify that, or the
14 alternative would be to seek -- come back and seek an
15 amendment to what we granted.

16 If they were to do the second, seek amendment, you
17 would be notified.

18 SRDJAN DIVAC: Thank you.

19 JIM MONTEVERDE: Refresh my memory -- obviously
20 you gain the three bedrooms on the third floor. Were there
21 bedrooms there before?

22 ALPHONSO SIRA: No, no, no. There was no third

1 floor.

2 JIM MONTEVERDE: Right.

3 ALPHONSO SIRA: It was two and a half stories.

4 JIM MONTEVERDE: Yep.

5 ALPHONSO SIRA: And it was just an attic.

6 JIM MONTEVERDE: And is there -- and the rationale
7 for adding the bedrooms? The hardship, the --

8 ALPHONSO SIRA: Well the -- I mean the family --
9 it's a growing family. The kids are coming back to live in
10 the house. So that's --

11 JIM MONTEVERDE: It's a one family or two-family
12 house?

13 ALPHONSO SIRA: Right now, it's a two-family.

14 JIM MONTEVERDE: And the intention will be, is?

15 ALPHONSO SIRA: It will stay a two-family, yeah.
16 So basically, it's an addition to the second unit on top.

17 CONSTANTINE ALEXANDER: What about the basement
18 apartment, if we grant --

19 ALPHONSO SIRA: That's just an additional -- we're
20 going for the additional apartment variance. It's an
21 additional --

22 CONSTANTINE ALEXANDER: No, no, no, you're seeking

1 a special permit.

2 JANET GREEN: Special permit.

3 ALPHONSO SIRA: A special permit, yes, for the --

4 CONSTANTINE ALEXANDER: Okay. But usually that's
5 -- I thought it would be done to create an apartment in the
6 basement?

7 ALPHONSO SIRA: Yes, it is. That's true.

8 CONSTANTINE ALEXANDER: But there you have three.

9 ALPHONSO SIRA: Well, right. I mean it's --

10 CONSTANTINE ALEXANDER: That's the question. For
11 two-family, you're not changing

12 ALPHONSO SIRA: We're not going to change it to
13 three families, but it's going to be -- we're trying to get
14 relief for the additional apartment law that it's passed in
15 Cambridge. So that's what we're seeking.

16 CONSTANTINE ALEXANDER: That's the -- right now,
17 there is two -- it's a two-family house.

18 ALPHONSO SIRA: Right.

19 CONSTANTINE ALEXANDER: If we grant the special
20 permit yet to come --

21 ALPHONSO SIRA: Yes.

22 CONSTANTINE ALEXANDER: -- it'll become a three-

1 family, will it not?

2 JANET GREEN: No.

3 ALPHONSO SIRA: No, it won't.

4 CONSTANTINE ALEXANDER: No.

5 ALPHONSO SIRA: It would stay as a two-family with
6 the additional apartment clause that it stated in --

7 CONSTANTINE ALEXANDER: So yeah, a bigger two-
8 family -- in terms of the apartment size.

9 SENINA AHAD: Yes, because the rooms are very tiny
10 where we are living now --

11 THE REPORTER: I'm sorry, can you get your name
12 and address.

13 JANET GREEN: You've got to talk into the Michael.

14 SENINA AHAD: Thank you, sir. This is Senina
15 Ahad, owner of Columbia Street. Thank you.

16 THE REPORTER: Spell your name, if you would.

17 SENINA AHAD: Yes, S-e-n-i-n-a, Senina; and Ahad,
18 A-h-a-d.

19 JANET GREEN: Thank you.

20 SENINA AHAD: Thank you. So actually, where we're
21 living now is very narrow. There is not much -- enough
22 space, and bathroom is one, and the rooms are very tiny.

1 So the room where we're trying to extend now is a
2 little bit more room, a space to give us, you know, for
3 reading with my children and everything, you know? Because
4 now it's really too hard to fit in a bed, you know bed? And
5 the other bedroom is so tiny, really cannot stand in that
6 bedroom.

7 So whenever any stove or any, you know, stove or
8 refrigerator come, and they always complain that even the
9 staircase is so tiny and narrow, so difficult to move. So
10 that's why we're trying to extend it, so that you can move
11 freely. And they created a space for our son.

12 CONSTANTINE ALEXANDER: If -- should we grant you
13 the relief tonight, both for the accessory downstairs and
14 the roof --

15 ALPHONSO SIRA: Yeah.

16 CONSTANTINE ALEXANDER: -- how many kitchens will
17 be in the structure?

18 ALPHONSO SIRA: It will be -- let's see, there
19 will be three.

20 CONSTANTINE ALEXANDER: It's a three-family house.

21 ALPHONSO SIRA: Can I add, if you look at -- just
22 to -- let me just finish with them -- if you look at the

1 sheet A100, on the floor plan there's -- from what I
2 understand, there's an ordinance that was passed in the
3 city.

4 CONSTANTINE ALEXANDER: Yes.

5 ALPHONSO SIRA: And then you don't turn it into --
6 as far as I understand the wording, it doesn't become a
7 three-fam. Maybe I'm wrong. It stays as a two-family with
8 an accessory unit.

9 CONSTANTINE ALEXANDER: Yes. That's still three-
10 family.

11 ALPHONSO SIRA: Is it?

12 CONSTANTINE ALEXANDER: What it --

13 ALPHONSO SIRA: Okay. I mean --

14 CONSTANTINE ALEXANDER: -- what the ordinance did
15 was to allow use of the basements for living purposes.

16 ALPHONSO SIRA: Okay.

17 CONSTANTINE ALEXANDER: -- where there weren't
18 before.

19 ALPHONSO SIRA: Okay. So then --

20 CONSTANTINE ALEXANDER: They are going to have a
21 three-family house, when all is said and done.

22 ALPHONSO SIRA: Okay. So that's what it is, I

1 guess.

2 JANET GREEN: Three families will be living there,
3 although technically it's not listed as a three-family.

4 ALPHONSO SIRA: Right. That's what I thought.

5 CONSTANTINE ALEXANDER: Right, okay.

6 JANET GREEN: Yeah. It's two-family with an
7 appropriate --

8 CONSTANTINE ALEXANDER: With an accessory.

9 CONSTANTINE ALEXANDER: Okay, okay.

10 JANET GREEN: Okay.

11 CONSTANTINE ALEXANDER: Okay.

12 BRENDAN SULLIVAN: Can I see the application?

13 CONSTANTINE ALEXANDER: The application or the --

14 BRENDAN SULLIVAN: The application. Well yeah,
15 I'm sorry, the dimensional. Because they're requesting two.

16 CONSTANTINE ALEXANDER: Yeah, but because on -- I
17 think on the --

18 BRENDAN SULLIVAN: Were they accessory apartment?

19 CONSTANTINE ALEXANDER: Accessory apartment
20 doesn't count, as he points out. So it's still two, but in
21 real life, real terms, there's three. There's going to be
22 three -- in my opinion.

1 BRENDAN SULLIVAN: An accessory apartment means
2 accessory apartment to the primary unit. Is that how you
3 read it?

4 ANDREA HICKEY: That's my understanding of it.

5 BRENDAN SULLIVAN: So that it appears that there's
6 going to be an accessory apartment --

7 CONSTANTINE ALEXANDER: Right.

8 BRENDAN SULLIVAN: -- in the basement. Then there
9 is going to be an apartment. And then they are going to
10 live above that.

11 CONSTANTINE ALEXANDER: That's right.

12 JIM MONTEVERDE: Correct.

13 BRENDAN SULLIVAN: So how does the one in the
14 basement become an accessory apartment to the primary unit?

15 JIM MONTEVERDE: It's not.

16 BRENDAN SULLIVAN: Turns it into a three-family?
17 It's really three distinct --

18 ANDREA HICKEY: I don't know that they need to be
19 contiguous, if that's the test that you're suggesting? I'm
20 not certain on that point.

21 CONSTANTINE ALEXANDER: You know what? My
22 suggestion is that's up to the Building Department.

1 BRENDAN SULLIVAN: To determine?

2 CONSTANTINE ALEXANDER: Yeah.

3 BRENDAN SULLIVAN: Okay.

4 CONSTANTINE ALEXANDER: I think we've given the
5 dimension -- if granted, dimensional relief tonight, but you
6 may have a problem. You may have to come back to the Board
7 first --

8 ALPHONSO SIRA: Yeah.

9 CONSTANTINE ALEXANDER: -- to get your approval.

10 ALPHONSO SIRA: Well, I mean, as far as what I
11 read is that it has to be a limited 900 square feet. That
12 was part of it. And that's what I actually designed. It's
13 within 900 square feet.

14 And the resident -- the owner has to live within
15 the building. And they are living, so. I mean, it didn't
16 say that it had to be above it or adjacent to it, so.

17 CONSTANTINE ALEXANDER: Okay. Because again, I
18 think there may be an issue here. And that's going to get
19 resolved tonight. And it'll be the Building Department --

20 ALPHONSO SIRA: Okay.

21 CONSTANTINE ALEXANDER: Sisia, make sure when the
22 time comes when you grant relief that Sean or yourself focus

1 in on this.

2 ANDREA HICKEY: Yeah, I just wanted to add that
3 the accessory apartment does not count toward the
4 determination of lot area per dwelling unit. So I think the
5 distinction is important, whether this is a separate unit
6 that would count toward --

7 CONSTANTINE ALEXANDER: Right.

8 ANDREA HICKEY: -- lot area per dwelling.

9 CONSTANTINE ALEXANDER: But that is not the case
10 before us tonight.

11 SISIA DAGLIAN: And in terms of -- sorry, in terms
12 of building code, we would see it as a three family?

13 CONSTANTINE ALEXANDER: Isn't it a two-family?

14 SISIA DAGLIAN: A three-family.

15 ALPHONSO SIRA: Three.

16 CONSTANTINE ALEXANDER: Three-family.

17 SISIA DAGLIAN: Including codes.

18 CONSTANTINE ALEXANDER: Well, if it's a three-
19 family, then there would be a question as to whether they
20 can have a three-family, since it's --

21 SISIA DAGLIAN: Yeah. I'm just saying it's
22 different. The zoning is different.

1 CONSTANTINE ALEXANDER: Yeah. But again, this is
2 not before us tonight. It's something that might arise or
3 not? I don't know.

4 ALPHONSO SIRA: Okay.

5 CONSTANTINE ALEXANDER: We're going to deal
6 tonight with the shrunken roof and the accessory -- the
7 excavation of the basement.

8 ALPHONSO SIRA: Yeah.

9 CONSTANTINE ALEXANDER: With regard to the
10 accessory.

11 JIM MONTEVERDE: Can I ask a question?

12 CONSTANTINE ALEXANDER: Sure, sure.

13 JIM MONTEVERDE: Just so I understand, assuming
14 that the basement unit is accessory to the occupants, who
15 are on the second floor and the future third floor, so that
16 second floor currently has two bedrooms?

17 ALPHONSO SIRA: Right now it's got --

18 CONSTANTINE ALEXANDER: Three.

19 ALPHONSO SIRA: -- three, and we're going to demo
20 --

21 JIM MONTEVERDE: Oh.

22 ALPHONSO SIRA: One, yep.

1 JIM MONTEVERDE: So there's three, and you'll
2 basically be adding one, two, three --

3 ALPHONSO SIRA: Yeah, we're moving --

4 JIM MONTEVERDE: -- three, four?

5 ALPHONSO SIRA: Yeah.

6 SENINA AHAD: We're moving one.

7 ALPHONSO SIRA: We're adding three -- I mean,
8 we're adding two, because we're getting rid of one that's
9 there. We're going to turn that into a living room.

10 JIM MONTEVERDE: Correct. And then you'll -- so
11 you'll be two in the lower level, or basement level, right?
12 Two bedrooms? And then two additional ones on the third
13 floor.

14 ALPHONSO SIRA: Right, it's --

15 CONSTANTINE ALEXANDER: Three on the third floor.
16 The top one.

17 JIM MONTEVERDE: Yeah, but the one is a
18 replacement, right?

19 ALPHONSO SIRA: Right, exactly.

20 JIM MONTEVERDE: So really, you're adding four.

21 ALPHONSO SIRA: No, no, we're not adding four.

22 JIM MONTEVERDE: Sorry.

1 CONSTANTINE ALEXANDER: In total?

2 ALPHONSO SIRA: Yeah. It's going to be a total of
3 three. Well, no, it'll be a total of --

4 CONSTANTINE ALEXANDER: Five.

5 ALPHONSO SIRA: Yeah. Three on the top, and then

6 --

7 ALPHONSO SIRA: Right.

8 ALPHONSO SIRA: -- we're going to keep two on the
9 second floor.

10 CONSTANTINE ALEXANDER: Second floor.

11 JIM MONTEVERDE: And that's all justified by your
12 growing family that'll move in?

13 ALPHONSO SIRA: Yeah.

14 JIM MONTEVERDE: Okay.

15 CONSTANTINE ALEXANDER: As the petitioner has
16 given -- advised us and handed to us, there are letters of
17 support for this project. I'm not going to read it. They
18 are either in the form of a petition or a separate letter.

19 I'm just not going to go read each one, because I
20 don't think it's necessary to add anything more than what
21 we've already covered.

22 So I'll close public testimony. Any finally you

1 want to say, by the way? Last words? No?

2 ALPHONSO SIRA: No.

3 CONSTANTINE ALEXANDER: Okay. Discussion or ready
4 for a vote?

5 JANET GREEN: Ready?

6 CONSTANTINE ALEXANDER: Let's talk about the
7 variance, by the way. Yeah.

8 JANET GREEN: I'm ready.

9 ANDREA HICKEY: Ready.

10 JIM MONTEVERDE: Well, I just -- like the Board, I
11 just have a concern about the intensity and the development,
12 that it just feels like --

13 BRENDAN SULLIVAN: Accessory apartments -- 4.22,
14 "The purpose of this subsection is to allow for the creation
15 of accessory apartments in all districts. Many large
16 existing single and two-family homes, which this is not, or
17 other accessory buildings on their lots are underutilized."
18 This is not --

19 JIM MONTEVERDE: Not.

20 BRENDAN SULLIVAN: -- "Alterations of their
21 buildings to provide one additional dwelling unit would be
22 prohibited in most cases, due to the existing floor area

1 ratio and/or lot area for dwelling unit requirements, among
2 other zoning limitations.

3 Given contemporary lifestyles, housing needs and
4 energy and maintenance, it is beneficial to allow greater
5 flexibility in the use of such buildings to add new dwelling
6 units without substantially altering the environmental
7 quality of their surrounding neighborhoods."

8 I don't --

9 ANDREA HICKEY: I think what you're reading might
10 have been modified. I don't know what --

11 BRENDAN SULLIVAN: Okay.

12 ANDREA HICKEY: -- version that is.

13 BRENDAN SULLIVAN: All right. I think that's --
14 the purpose of the accessory unit is. And I don't really
15 think that this application warrants --

16 CONSTANTINE ALEXANDER: Okay.

17 BRENDAN SULLIVAN: Anyhow, that's my thing.

18 ANDREA HICKEY: But we're not on the special
19 permit yet?

20 CONSTANTINE ALEXANDER: That's right.

21 ANDREA HICKEY: Correct?

22 CONSTANTINE ALEXANDER: Right.

1 BRENDAN SULLIVAN: I'm just editorializing, if you
2 will.

3 CONSTANTINE ALEXANDER: And I think it's important
4 that we -- I think it's got to be revisited by the
5 Inspectional Services Department, drill down a little bit
6 harder than they had before. Because I have -- there are
7 real questions as to whether you can go ahead with project.

8 ALPHONSO SIRA: Which one?

9 CONSTANTINE ALEXANDER: You really are loading up
10 the building.

11 JANET GREEN: The second apartment.

12 CONSTANTINE ALEXANDER: What you're doing --

13 ALPHONSO SIRA: Okay.

14 CONSTANTINE ALEXANDER: -- with the case tonight.

15 ALPHONSO SIRA: Okay.

16 CONSTANTINE ALEXANDER: I understand your family
17 needs, but there's also the --

18 ALPHONSO SIRA: Well, I mean, it says that the --
19 one of the -- from what I understand, again, I'm no
20 attorney, but simplistic reading -- my simplistic mind, I
21 think it says that it's a way to supplement people that have
22 homes too, and to provide housing for folks.

1 So it's not just because you're increasing the
2 mass, it's just the need for housing too. And for the
3 supplementing of the income of a homeowner.

4 So I think it's not just because you're increasing
5 the size. And the square footage is there anyways. I mean,
6 it's a basement space, so.

7 CONSTANTINE ALEXANDER: The only difference is the
8 policy of Cambridge. Up until the ordinance was amended was
9 to -- not to use this kind of basement space for living
10 purposes. And because of the housing issues --

11 ALPHONSO SIRA: Yeah.

12 CONSTANTINE ALEXANDER: -- the zoning law was
13 changed to allow by special permit the excavation of
14 basements and --

15 ALPHONSO SIRA: Right.

16 BRENDAN SULLIVAN: Dimensional form, and that.

17 ALPHONSO SIRA: But it seems to my reading that
18 it's -- the whole point is to allow for more housing to be
19 built. I mean that's the --

20 CONSTANTINE ALEXANDER: But it's not without
21 discretion or without limitation. Yes, that is the purpose.

22 ALPHONSO SIRA: I mean, so then if you're going to

1 -- I understand that, but if it's -- actually that it's
2 actually there to provide more housing, why would you try to
3 not allow it?

4 CONSTANTINE ALEXANDER: Because of the -- it's not
5 a blanket -- more housing, you can do whatever you want.

6 ALPHONSO SIRA: Well, I'm not saying that it's --

7 CONSTANTINE ALEXANDER: -- more housing subject to
8 --

9 ALPHONSO SIRA: I agree --

10 CONSTANTINE ALEXANDER: And the question is
11 whether you -- you know, you go too far?

12 ALPHONSO SIRA: Well, I mean what is too far? How
13 do you define that?

14 JANET GREEN: That's right, but that's not the
15 question before us right now.

16 ALPHONSO SIRA: Okay.

17 JANET GREEN: We're talking about the variance.

18 ALPHONSO SIRA: Okay.

19 JANET GREEN: So let's talk about the variance
20 first.

21 CONSTANTINE ALEXANDER: All right. Now that we've
22 clarified all that. Let's get back to where we got -- the

1 vote on the variance. This is to allow the increase in FAR
2 by the construction of a third floor, as shown on the plans
3 that we have. Discussion? Or are we ready for a vote? Are
4 we ready for a vote?

5 JANET GREEN: Are we ready? Yes.

6 CONSTANTINE ALEXANDER: Okay. The Chair moves
7 that we make the following findings with regard to the
8 variance being sought:

9 That a literal enforcement of the provisions of
10 the ordinance would involve a substantial hardship, such
11 hardship being as that this structure has a third-floor that
12 can be used as an attic, and can be used for residential
13 purposes.

14 And the purpose of putting this third floor on,
15 which moves the attic, is to increase the living space in
16 the structure.

17 That the hardship is owing to the fact this is
18 already a nonconforming structure, and therefore any
19 modification requires zoning relief.

20 And that relief may be granted without substantial
21 detriment to the public good, or nullifying or substantially
22 derogating the intent or purpose of the ordinance.

1 So on the basis of all of these findings, the
2 Chair moves that we grant the variance requested on the
3 condition that the work proceed in accordance with plans
4 submitted by the petitioner and initialed by the Chair. All
5 those in favor of granting the variance please say, "Aye."

6 THE BOARD: Aye.

7 [All vote YES]

8 CONSTANTINE ALEXANDER: Five in favor, variance
9 granted.

10 ALPHONSO SIRA: Thank you.

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2 (7:30 p.m.)

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

6 CONSTANTINE ALEXANDER: Now let's turn to the
7 special permit. The floor is yours. Why -- what's up with
8 the special permit?

9 ALPHONSO SIRA: The -- yeah, I mean the special
10 permit is to --

11 COLLECTIVE: [Laughter]

12 ALPHONSO SIRA: -- like I said before, it's to
13 supplement the income for the homeowner night and to provide
14 housing, additional housing. And that's basically the
15 extent of the request at this point.

16 CONSTANTINE ALEXANDER: Yeah, but you got --
17 there's a legal standard you've got to satisfy. I
18 understand that we are -- we'll get what you're trying to
19 do.

20 ALPHONSO SIRA: Okay.

21 CONSTANTINE ALEXANDER: But why do you satisfy the
22 legal standard for the special permit? Are you aware of the

1 code the way it was?

2 ALPHONSO SIRA: Yeah, yeah.

3 CONSTANTINE ALEXANDER: Okay.

4 ALPHONSO SIRA: I mean, from what I read, I think
5 we satisfy it. So --

6 CONSTANTINE ALEXANDER: Well, tell me why.

7 ALPHONSO SIRA: Why? Because I'm within what it
8 says. I mean, it says that you have to be within 900 square
9 feet, and you -- from what I read in the ordinance, so it
10 meets it. And it's a two-family. It meets that also, and
11 it's something that is providing housing for the community.

12 ANDREA HICKEY: And owner-occupied --

13 ALPHONSO SIRA: Yeah --

14 ANDREA HICKEY: Which is --

15 ALPHONSO SIRA: -- exactly.

16 ANDREA HICKEY: one of the criteria.

17 CONSTANTINE ALEXANDER: Yeah. But the definition
18 of floor -- GFA, with regard to basement -- this was the
19 addition they made -- "any basement or separate living space
20 -- "

21 ALPHONSO SIRA: Yep.

22 CONSTANTINE ALEXANDER: I'm going to skip over

1 some words -- "shall be remitted by a special permit,
2 provided that the permit granting authority -- " that's us
3 --

4 ALPHONSO SIRA: Yep.

5 CONSTANTINE ALEXANDER: "-- finds that the uses
6 occupying such exempted GFA support --" that's in the
7 basement "-- the character of the neighborhood or district,
8 on which the application is located." So you have to address
9 that.

10 ALPHONSO SIRA: I mean there's no -- we're not
11 doing anything that is off, that is not meeting what the
12 neighborhood is now. It's an existing basement. We're
13 basically keeping it as is.

14 It's -- the only thing is we're going to drop the
15 slab a little bit, so that we can meet the code requirement
16 of six foot eight for the head clearance. And that's as far
17 as we're going to go, and that's --

18 CONSTANTINE ALEXANDER: Are there any other
19 basement apartments in the neighborhood?

20 ALPHONSO SIRA: I have no idea. I haven't done
21 that research, but I can actually --

22 SENINA ABDUL: We know that in the neighborhood --

1 ABDUL AHAD: We're not focused --

2 SENINA AHAD: -- there are not many basement
3 apartments.

4 CONSTANTINE ALEXANDER: One at a time, please.

5 SENINA AHAD: Yeah, there are many basement
6 apartments.

7 CONSTANTINE ALEXANDER: There are many in the
8 basement?

9 SENINA AHAD: Yeah.

10 CONSTANTINE ALEXANDER: Okay.

11 ABDUL AHAD: Okay. So

12 CONSTANTINE ALEXANDER: Okay.

13 ABDUL AHAD: Just more of a working basement, make
14 it apartment, just finish already. Left side has another
15 number, but it's -- and left side and back side, very nice,
16 very good. My house basement almost sits facing seven feet.

17 So, you know, Cambridge is a great city, but
18 city. So we link to the future, you know? A pretty
19 expensive, high living, you know? We -- retired, you know,
20 you're coming and renting. Maybe I can have the income, you
21 know? It's my family. So thank you very much.

22 CONSTANTINE ALEXANDER: Okay. Ready for a vote?

1 We have to make a various number of findings to grant you
2 the special permit. So I'll go through them right now, and
3 then we'll take a vote to see whether we believe you meet
4 these findings.

5 It appears that the requirements of the ordinance
6 cannot be met unless we give you the special permit, because
7 you cannot now use the basement space for living purposes.

8 The traffic generated or patterns of access or
9 egress resulting from what you're proposing to do with the
10 basement will not cause congestion, hazard, or substantial
11 change in established neighborhood character.

12 And you've told us that there are other basement
13 apartments here, so --

14 ALPHONSO SIRA: Yes.

15 CONSTANTINE ALEXANDER: -- it's not going to
16 change the neighborhood.

17 That the continued operation or development of
18 adjacent uses, as permitted in the ordinance, will not be
19 adversely affected by what is proposed. I take it your point
20 is, is that it's a basement apartment, it's not going to
21 have reverberations throughout the neighborhood.

22 And again, it's not something that's unusual to

1 the neighborhood, in terms of having basement apartments.

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

5 And generally, what is being proposed will not
6 impair the integrity of the district or adjoining districts,
7 or otherwise derogate the intent and purpose of this
8 ordinance.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the special permit requested. All
11 those in favor, please say, "Aye."

12 THE BOARD: Aye.

13 [Three vote YES -- Constantine Alexander, Janet
14 Green, Andrea Hickey. Two vote NO -- Brendan Sullivan and
15 Jim Monteverde.]

16 CONSTANTINE ALEXANDER: One, two three. Opposed?
17 One, two opposed. Special permit, you need to get four
18 votes.

19 ALPHONSO SIRA: Okay.

20 CONSTANTINE ALEXANDER: So the special permit has
21 been denied.

22 ALPHONSO SIRA: So what do we need to do?

1 CONSTANTINE ALEXANDER: I'm sorry?

2 ALPHONSO SIRA: What is the next step?

3 CONSTANTINE ALEXANDER: The next step is that you
4 can proceed with your third floor.

5 ALPHONSO SIRA: Yeah.

6 CONSTANTINE ALEXANDER: And you can take an appeal
7 from our decision to the courts.

8 ALPHONSO SIRA: For just the special permit?

9 CONSTANTINE ALEXANDER: Just the special permit.
10 The variance has been granted.

11 ALPHONSO SIRA: Yeah.

12 CONSTANTINE ALEXANDER: Unless someone else from
13 the neighborhood challenges it.

14 ALPHONSO SIRA: Okay.

15 CONSTANTINE ALEXANDER: You're all right.

16 ALPHONSO SIRA: Within 20 -- what is the grace
17 period?

18 CONSTANTINE ALEXANDER: The -- it's, the way it
19 works is that after tonight's hearing, the Inspectional
20 Services Department takes our decision and writes up a
21 written decision.

22 ALPHONSO SIRA: Yep.

1 CONSTANTINE ALEXANDER: That decision is signed by
2 me as Chair, and then it's filed with the City Clerk.

3 ALPHONSO SIRA: Yeah.

4 CONSTANTINE ALEXANDER: There's a 20-day appeal
5 period from the time it is filed with the City Clerk.

6 ALPHONSO SIRA: Okay.

7 CONSTANTINE ALEXANDER: The process will take --
8 probably our decision will not be filed with the City Clerk
9 until 3:00 -- maybe four weeks from now.

10 ALPHONSO SIRA: Okay.

11 CONSTANTINE ALEXANDER: And then there's two -- 20
12 days after that.

13 ALPHONSO SIRA: Yeah.

14 CONSTANTINE ALEXANDER: And then if the 20 days
15 run with no appeal, the case is over.

16 ALPHONSO SIRA: Okay.

17 JANET GREEN: The only thing I would warn you from
18 my own experience with this, is that when they say, "20
19 days" that runs until 5:00 p.m. on the twentieth day.

20 ALPHONSO SIRA: Oh, okay.

21 JANET GREEN: Go in the twenty-first day.

22 ALPHONSO SIRA: Oh, okay.

1 CONSTANTINE ALEXANDER: Yeah.

2 BRENDAN SULLIVAN: And proposing it, I'll speak
3 for myself, Jim can speak for himself, I will say that I
4 think that this is contrary to the spirit and the intent of
5 the accessory apartment ordinance. And I will go back to my
6 previous remarks a few minutes ago, and add that into the
7 record as --

8 CONSTANTINE ALEXANDER: Do you concur with
9 everything? Do you want to add anything to it?

10 JIM MONTEVERDE: No, that's the concern I have.

11 CONSTANTINE ALEXANDER: Our written decision when
12 we -- if we decide that we deny the special permit, will
13 reflect those --

14 BRENDAN SULLIVAN: The dissenting votes --

15 CONSTANTINE ALEXANDER: -- grievances as to why we
16 did that.

17 BRENDAN SULLIVAN: Correct.

18 JIM MONTEVERDE: Correct.

19 CONSTANTINE ALEXANDER: Okay?

20 JANET GREEN: Mm-hm.

21 CONSTANTINE ALEXANDER: I think the case is over.

22 ALPHONSO SIRA: Thank you.

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(7:38 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey, and
Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017175 -- 68 Orchard Street. Anyone here wish
to be heard on this matter? You're back again?

CARL DUMAS: We're back.

CONSTANTINE ALEXANDER: This time, knowing a lot
more about dormer guidelines than you knew the last time?

CARL DUMAS: Yeah.

THE REPORTER: Can you spell your name and give
your address, please?

CARL DUMAS: Sure. My name is Carl Dumas, and I'm
at Mystic Avenue in Medford. I'm with Kneeland Construction
Company.

THE REPORTER: Can you spell your name, please?

JANET GREEN: Spell your name?

CARL DUMAS: D-u-m-a-s. Thank you.

CONSTANTINE ALEXANDER: Okay. These are your new
plans?

1 CARL DUMAS: Yes, yes.

2 CONSTANTINE ALEXANDER: Okay. And this time
3 you're complying with dormer guidelines, or at least as to
4 the length of the dormers?

5 CARL DUMAS: As to the length of the dormer and
6 the setback and sides.

7 CONSTANTINE ALEXANDER: Okay.

8 CARL DUMAS: We've had a couple of meetings with
9 the Building Department to see what we could do and try to
10 meet all homeowners' needs, and your needs, and this is what
11 we came up with.

12 CONSTANTINE ALEXANDER: We've got to deal with
13 their requirements with the variance. So come up and
14 respond.

15 CARL DUMAS: Sure.

16 CONSTANTINE ALEXANDER: We have to find that a
17 literal enforcement of the provisions of the ordinance would
18 involve a substantial hardship, such hardship. Now this all
19 starts --

20 CARL DUMAS: Right.

21 CONSTANTINE ALEXANDER: -- because you need more
22 living space, right?

1 CARL DUMAS: Correct.

2 CONSTANTINE ALEXANDER: And you're not -- and
3 right now, is the structure, I forget, noncompliant?
4 There's a noncompliance?

5 CARL DUMAS: It's noncompliant right now as to the
6 setbacks. It is compliant to the FAR, okay? We're going to
7 be slightly over the FAR requirement of 25. We're actually
8 going to be up to 0.545. We actually recalculated that, if
9 you want a copy of it, okay?

10 CONSTANTINE ALEXANDER: You should have given us
11 that.

12 CARL DUMAS: I think it never got into the file
13 somehow.

14 CONSTANTINE ALEXANDER: Well, it's not in our
15 file, right. But, yeah, when we ask for new plans by 5:00
16 p.m. of the Monday before, we also ask for new dimensional
17 forms.

18 CARL DUMAS: Right. I think it was set somehow;
19 we needed to recalculate it or something like that. But
20 anyway, everybody has it now.

21 CONSTANTINE ALEXANDER: And you have to also find
22 that the hardship that was identified was owing to --

1 CARL DUMAS: Yeah, I think we have a good case for
2 hardship.

3 CONSTANTINE ALEXANDER: What's that?

4 CARL DUMAS: I think we have a good case for
5 hardship.

6 CONSTANTINE ALEXANDER: Okay, I heard that.

7 CARL DUMAS: Okay.

8 CONSTANTINE ALEXANDER: I hear that now, but
9 that's a set point one. Point two is the hardship is owing
10 to the circumstances relating to the soil conditions, shape
11 or topography of such land or structures, and especially
12 affecting this lot.

13 CARL DUMAS: Right. It's a very unusual lot. And
14 the shape of it is very unique. And it really leaves us not
15 much choice as to create an addition other than what we're
16 choosing, which is the dormer.

17 If you take a look at the plot plan, it almost
18 looks like this lot was one of the first in the
19 neighborhood, because it's really like it's -- I almost
20 think it was a farmhouse or something like that and the
21 whole neighborhood grew around it, because it's really set
22 in the middle of many properties -- very unusual, and I

1 think that alone creates the hardship, because it is so
2 weirdly shaped and place --

3 CONSTANTINE ALEXANDER: No, that's good.

4 CARL DUMAS: -- unusual. So --

5 CONSTANTINE ALEXANDER: That's the kind of thing
6 we need to hear if we're going to grant the variance you're
7 seeking.

8 CARL DUMAS: Yeah. And, you know, we do have a
9 growing family. We have a need to increase the size of this
10 house. It's a pretty modest addition. We're looking at 275
11 square feet of addition space.

12 CONSTANTINE ALEXANDER: And the structure right
13 now has a total gross floor area of 1853 feet before you do
14 the work that you're proposing to do?

15 CARL DUMAS: Existing total living area, we
16 calculated 1708.

17 CONSTANTINE ALEXANDER: Oh, okay.

18 CARL DUMAS: Yeah.

19 CONSTANTINE ALEXANDER: Your form says 1853.

20 CARL DUMAS: Yeah, we recalculated, and I think
21 that actually conforms with the assessor's dimensions as
22 well, the 1708. And then the proposed living space totals

1 1983, okay? So that's 275 square feet additional.

2 CONSTANTINE ALEXANDER: And the last one is just
3 generally that we have to determine that granting you the
4 relief you're seeking will not be substantially detrimental
5 to the public good, or nullifying or substantially
6 derogating from the intent and purpose of the ordinance.

7 CARL DUMAS: Right.

8 CONSTANTINE ALEXANDER: And this I think you would
9 say that you're not doing anything that most other people in
10 Cambridge do.

11 CARL DUMAS: Well, this is true. I mean, we're
12 going over the exact same footprint. We're not changing the
13 occupancy at all, and when you come down to it, we actually
14 have our support from our neighbors as well.

15 CONSTANTINE ALEXANDER: Did you -- I forget, did
16 you apply for that support at the last hearing, or maybe we
17 never got that?

18 CARL DUMAS: We never got that far.

19 CONSTANTINE ALEXANDER: Right.

20 CARL DUMAS: Yeah.

21 CONSTANTINE ALEXANDER: So this should be in our
22 files. You're saying -- and I'm not going to read the

1 letters, but you're saying there is neighborhood support?

2 CARL DUMAS: There is neighborhood support, and
3 Honor, who is the owner of the house, can speak to that.

4 CONSTANTINE ALEXANDER: Any neighborhood
5 opposition?

6 HONOR MACNAUGHTON: No. No. Yeah, we spoke to
7 all of our neighboring neighbors.

8 THE REPORTER: Could you spell your name, please?

9 HONOR MACNAUGHTON: Yes, first name Honor H-o-n-o-r
10 MacNaughton, M-a-c-N-a-u-g-h-t-o-n. So we've spoken with all
11 of our neighbors who abut us, and they were all in support.

12 CONSTANTINE ALEXANDER: Okay. Thank you.
13 Questions from members of the Board at this point? I'll
14 open the matter up to public testimony. Anyone here wishing
15 to be heard on this matter? Apparently not. And we do have
16 the letters of support that you refer to. They were there
17 originally when the case started.

18 CARL DUMAS: Right.

19 CONSTANTINE ALEXANDER: I don't propose to read
20 them into the record, except to make sure the record
21 reflects that there was no opposition to what is being
22 proposed by your neighbors or anybody in the community.

1 CARL DUMAS: Correct.

2 CONSTANTINE ALEXANDER: So I'll close public
3 testimony. Discussion, or are we ready for a vote?

4 COLLECTIVE: Ready

5 CONSTANTINE ALEXANDER: The Chair moves that we
6 make the following findings with regard to the variance
7 being sought: That a literal enforcement of the provisions
8 of the ordinance would involve a substantial hardship, such
9 hardship being is that this is a small structure that in
10 terms of contemporary standards needs more living space, and
11 this will allow space in the building that's now not livable
12 -- I assume it's an attic, where you're putting the --

13 CARL DUMAS: That's right.

14 CONSTANTINE ALEXANDER: -- dormers, to now become
15 living space?

16 CARL DUMAS: Correct.

17 CONSTANTINE ALEXANDER: That the hardship is owing
18 to the shape of the lot, as you pointed out. It's required
19 because of where it's located, and shape. Any modification
20 requires zoning relief.

21 And that what is being sought will not be
22 substantially detrimental to the public good, or nullify or

1 substantially derogating from the intent or purpose of the
2 ordinance. In this regard, I should also note that the
3 dormers comply with our dormer guidelines, which is very
4 much a positive. And again, there's no neighborhood
5 opposition.

6 And what is being proposed will allow citizens of
7 the city to continue to reside in the city with more livable
8 space than they have right now.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the variance requested on the
11 condition that the work proceed in accordance with plans
12 submitted by Kneeland Construction Corporation dated
13 November 28, 2019, and the first page of which has been
14 initialed by the Chair.

15 All those in favor, please say, "Aye."

16 THE BOARD: Aye.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Five in favor, variance
19 granted.

20 CARL DUMAS: Thank you.

21 CONSTANTINE ALEXANDER: Just if you modify these
22 plans, you're going to have to come back, so --

1 CARL DUMAS: We're not going to modify.

2 CONSTANTINE ALEXANDER: -- we're happy either way.

3 These are the files. Thank you very much.

4 HONOR MACNAUGHTON: Thank you.

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2 (7:46 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017204 -- 6 Hawthorne Park. Is there anyone
8 here wishing to be heard on this matter? Seems like we just
9 saw you.

10 As I recall, I'm taking -- and I'm probably
11 recalling incorrectly, we had a recent agreement you wanted
12 to talk to your husband about it. We made sure we signed
13 off on it. Am I right or am I wrong?

14 SEAN HOPE: Yes.

15 CONSTANTINE ALEXANDER: Okay. And -- he can speak
16 for himself.

17 JANET GREEN: Your name, your name.

18 THE REPORTER: State your name for the record,
19 please?

20 REBECCA O'HARA: Rebecca O'Hara, R-e-b-e-c-c-a,
21 last name O'H-a-r-a. Okay. And my address is 6 Hawthorne
22 Park, Cambridge.

1 CONSTANTINE ALEXANDER: And this is another dormer
2 case?

3 REBECCA O'HARA: Yes.

4 SEAN HOPE: Yes. And at the last hearing, we had a
5 renovation for third floor living space. We also had egress
6 stairs that -- that

7 CONSTANTINE ALEXANDER: That's right.

8 SEAN HOPE: -- went to the ground.

9 CONSTANTINE ALEXANDER: Okay, now I remember.

10 SEAN HOPE: So there was an egress stair issue,
11 and the Board suggested that we not do a spiral staircase,
12 that we do a straight staircase. We've done that and
13 achieved that.

14 Also, there was an issue about the dormers, and as
15 the Board heard previously, there's dormer guidelines in
16 terms of size. There was a rear dormer that was larger, so
17 the overall was greater than 15 feet, and the Board asked
18 that we go look at it and see if we can modify it to bring
19 it into greater conformance.

20 And the applicant had talked to her husband about
21 that -- also recognizing that we leave four out of five of
22 the Board in weighing her options.

1 There is a revision that we filed with the Board
2 that didn't modify the size of the rear dormer. It was 11'
3 2" and now it's 8'4". So although it's still larger than
4 the 15 feet, we did bring it back into closer conformance.

5 CONSTANTINE ALEXANDER: And these are the right
6 plans now? We've got so many plans in our file -- that's
7 prepared by ZVZ Studio, LLC dated December 9?

8 SEAN HOPE: Can I take a --

9 CONSTANTINE ALEXANDER: Sure.

10 SEAN HOPE: -- quick look?

11 CONSTANTINE ALEXANDER: It's important, because
12 these are the plans they're going to be held to, if we
13 should grant relief.

14 SEAN HOPE: Can I give you a -- well,

15 CONSTANTINE ALEXANDER: They're different plans.

16 BOARD MEMBER: This number is not the same.

17 That's the one --

18 SEAN HOPE: Right. So those are the plans that
19 they submitted. I think that the architect is noting that
20 as we reduce the third-floor size, the square footage on the
21 plan would be reduced. So what is shown here -- so the
22 plans are updated in terms of what's being built. But the

1 square footage, that's referenced on one of the pages.

2 But to clarify that, what we did was we actually
3 updated the dimensional table --

4 CONSTANTINE ALEXANDER: Yeah, it should have been
5 submitted with the form.

6 SEAN HOPE: Yeah, exactly. So this is the plans.
7 And the dimensional forms now are consistent, so the square
8 footage has been reduced to what's on the dimensional form.

9 CONSTANTINE ALEXANDER: So in a word, the
10 dimensional form shows a lesser departure from our zoning
11 ordinance than was originally proposed?

12 SEAN HOPE: That's right.

13 ANDREA HICKEY: But shouldn't we have an accurate
14 plan?

15 CONSTANTINE ALEXANDER: We do.

16 ANDREA HICKEY: We do?

17 SEAN HOPE: Yes.

18 CONSTANTINE ALEXANDER: I assume. I mean, you
19 have to tell me.

20 ANDREA HICKEY: Well, if I misunderstood, I
21 thought you said that the square footage on that plan isn't
22 the same as --

1 SEAN HOPE: So that is correct. So the plans that
2 show the dimensions and drives are accurate. On the plans
3 though, they have the square footage of every floor.

4 JIM MONTEVERDE: Correct.

5 SEAN HOPE: And so, that third floor here is
6 larger than the dimensional form. So --

7 ANDREA HICKEY: And then this one, it's the size,
8 the correct size?

9 SEAN HOPE: On the dimensional form it's the
10 correct size.

11 ANDREA HICKEY: But on the plan it's not?

12 SEAN HOPE: On the plan it's not.

13 JANET GREEN: Yeah.

14 ANDREA HICKEY: Yeah. That's what I said. I
15 mean, I think they should match, whether --

16 CONSTANTINE ALEXANDER: They should.

17 ANDREA HICKEY: -- we cross out and have them
18 initialed or something.

19 SEAN HOPE: I think that's what the architect was
20 suggesting, to cross out the square footage on that.

21 ANDREA HICKEY: And maybe date them or something.

22 Date your -- so it's really just the text of the square

1 feet?

2 CONSTANTINE ALEXANDER: Yeah, as I understand, the
3 visual appearance is not changing. It's just the technical
4 aspects and how many square feet?

5 SEAN HOPE: That's right.

6 CONSTANTINE ALEXANDER: It's important --

7 SEAN HOPE: Right.

8 CONSTANTINE ALEXANDER: But nevertheless --

9 ANDREA HICKEY: Right. I just think they should
10 match --

11 CONSTANTINE ALEXANDER: Oh, no!

12 ANDREA HICKEY: In 10 years, when somebody looks
13 at this file.

14 CONSTANTINE ALEXANDER: Yeah, no, you're absolutely
15 right. And you're --

16 ANDREA HICKEY: Hopefully no one will look at it,
17 but --

18 CONSTANTINE ALEXANDER: I'll open the matter up to
19 public testimony. First of all, any questions from members
20 of the Board, besides --

21 COLLECTIVE: No.

22 CONSTANTINE ALEXANDER: Public to anybody wishing

1 to be heard on this matter? No one wishes to be heard. We
2 have letters -- I think you had letters of support last
3 time?

4 SEAN HOPE: We did.

5 CONSTANTINE ALEXANDER: And they're in the record
6 already, so we'll go through them. I will close public
7 testimony. Ready for a vote? Okay. The Chair moves that
8 we make the following findings with regard to the variance
9 being sought:

10 That a literal enforcement of the provisions of
11 the ordinance would involve a substantial hardship, such
12 hardship being is that the structure is presently
13 constituted as space that is not being used for -- cannot be
14 used for habitation.

15 Use will be if we grant the dormer relief, and the
16 exterior staircase modification, as now proposed, which is
17 no longer a spiral staircase.

18 That the hardship is owing to the fact that this
19 is an older structure, oddly shaped lot, and therefore
20 requires zoning relief.

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

1 derogating from the intent or purpose of the ordinance.

2 On the basis of all of these findings, the Chair
3 moves that we grant the variance requested on the condition
4 that the work proceeds in accordance with plans prepared by
5 ZVZ Studio, dated December 8 -- no 9, 2018. All those in
6 favor, please say, "Aye."

7 THE BOARD: Aye.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: Five in favor, variance
10 granted. Good luck.

11 COLLECTIVE: Thank you.

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2 (7:53 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number -- actually, we're going to start with our
8 regular agenda -- Case Number 017210 -- 11 Buckingham
9 Street. Is anyone here wishing to be heard on this matter?
10 You're seeking two forms of relief tonight, both the
11 variance and the special permit?

12 MAGGIE BOOZ: We are.

13 CONSTANTINE ALEXANDER: You know the drill.

14 MAGGIE BOOZ: My name is Maggie Booz, B-o-o-z,
15 Smart Architecture. I'm the architect for Laura and Tom
16 Beale, who are my clients at 11 Buckingham Street. And
17 we're seeking relief for -- first for a special permit for a
18 dormer extension, and second we're seeking a variance for
19 relocating a garage. Do you want us to --

20 CONSTANTINE ALEXANDER: Let's do the variance
21 first.

22 MAGGIE BOOZ: Yeah, I'm sorry.

1 CONSTANTINE ALEXANDER: Back from when it was
2 advertised, anyway.

3 MAGGIE BOOZ: Okay.

4 CONSTANTINE ALEXANDER: Okay. So let's talk about
5 the garage.

6 MAGGIE BOOZ: Yes. So there's an existing garage
7 on the site, 10 x 20. It's a metal garage that is in really
8 dilapidated shape. I'm sure you've seen these garages built
9 in the '20s or '30s. They're all around town. The garage
10 right now is six feet from the house, and our regulations
11 require it to be 10 feet from the house.

12 What we're doing to the house right now is putting
13 on a small addition on the back, and we are seeking relief
14 to move -- to build a new garage of the same dimensions
15 further back on the site, making the distance the 10 feet
16 away from the primary building, and then adhering as well to
17 the side yard setback required for accessory buildings.
18 Actually, it's a little further.

19 CONSTANTINE ALEXANDER: So the garage is going to
20 be the same dimensions as the existing --

21 MAGGIE BOOZ: It is, yes.

22 CONSTANTINE ALEXANDER: Just pushing it back?

1 MAGGIE BOOZ: Yes.

2 CONSTANTINE ALEXANDER: And upgrading it,
3 obviously.

4 MAGGIE BOOZ: And upgrading it, yes, exactly.

5 CONSTANTINE ALEXANDER: I didn't see any letters
6 in the file from neighbors just prior to -- given the
7 neighborhood --

8 MAGGIE BOOZ: I'm going to let Laura speak to
9 this. You just need to say your name.

10 CONSTANTINE ALEXANDER: Give your name and
11 address.

12 LAURA NASH: I'm Laura Nash, the spouse of Tom
13 Beale and the co-owner of the house. And we sent it to all
14 the abutters and people inside of the house. We received
15 three e-mails back from the people closest, and they all
16 said eminently practical -- fine, great, good luck.

17 CONSTANTINE ALEXANDER: Well, you didn't submit it
18 to the -- you didn't give it to the --

19 MAGGIE BOOZ: We have, we --

20 LAURA NASH: Yes.

21 CONSTANTINE ALEXANDER: You have? Why don't you
22 just come out.

1 LAURA NASH: Yeah, no, I didn't -- yeah, I have it
2 here.

3 CONSTANTINE ALEXANDER: Yeah, can you give it to
4 them? If you don't mind, we'll leave it in our file so, you
5 know, complete a file.

6 LAURA NASH: Wait, did I give it to you? Yes, I
7 did.

8 MAGGIE BOOZ: I think we gave them back you.

9 LAURA NASH: Oh, here they are. It even has the
10 little map and picture.

11 CONSTANTINE ALEXANDER: Any questions on the
12 variance? I'll open the matter up to public testimony. Is
13 there anyone here who wishes to comment on the variance
14 being sought with regard to relocating the garage?
15 Apparently not.

16 We do have letters, one from Steve Sands. "Good
17 luck --" I don't have an address.

18 LAURA NASH: He's --

19 CONSTANTINE ALEXANDER: "-- no objections from me.
20 Good luck with the renovation.

21 LAURA NASH: He's from number 3 --

22 CONSTANTINE ALEXANDER: What's that?

1 LAURA NASH: -- Buckingham, I believe.

2 CONSTANTINE ALEXANDER: Okay, thank you.

3 LAURA NASH: They're on the next page, the
4 address.

5 CONSTANTINE ALEXANDER: And I'm not going to read
6 them all. There's -- well, I will say for the record, that
7 there are letters of neighborhood support, and no
8 neighborhood opposition, it would appear, at least expressed
9 opposition. Close public testimony? Ready for a vote on
10 the garage?

11 COLLECTIVE: Mm-hm.

12 CONSTANTINE ALEXANDER: I should point out that
13 the reason you need -- just for the record, need the zoning
14 relief is because the lot is not as wide as required by our
15 current zoning ordinance, and as a result, moving the garage
16 requires a variance. That's the basis of the case -- legal
17 basis for the case. So ready for a vote?

18 The Chair moves that we make the following
19 findings with regard to the variance being sought toward the
20 relocation of the garage: That a literal enforcement of the
21 provisions of the ordinance would involve a substantial
22 hardship, such hardship being is the current location of the

1 garage, which has been in existence for a good number of
2 years is and will be, when the other work is done too close
3 to the structure, and -- therefore to the residential
4 structure -- and therefore zoning relief is required.

5 That the hardship is owing to the shape of the
6 lot. It is by our current zoning standards too narrow, and
7 therefore relocating the garage requires zoning relief.

8 And that relief may be granted without substantial
9 detriment to the public good, or nullifying or substantially
10 derogating from the intent or purpose of the ordinance.

11 In this regard, the Chair would note that all
12 that's being proposed is to -- the garage is not going to be
13 increased in size, it's going to be farther from the
14 building, and it'll be in a better condition than the garage
15 that's there now, which is an older garage.

16 So on the basis of all of these findings, the
17 Chair moves that we grant the variance requested on the
18 condition that the work proceed in accordance with plans
19 prepared by Smart Architecture, dated October 29, 2019. All
20 those in favor, please say, "Aye."

21 THE BOARD: Aye.

22 [All vote YES]

1 CONSTANTINE ALEXANDER: Five in favor, variance
2 granted. Now let's talk about the special permit.

3 MAGGIE BOOZ: We're seeking a special permit under
4 the Article 8 provision that allows for less than 25 percent
5 increases in square footage over the original square footage
6 of a nonconforming building.

7 We're just over the 10 percent threshold, and for
8 adding onto a nonconforming building, and we're over by a
9 very, very small amount -- by about -- I think it's about 24
10 square feet.

11 And what we're trying to do here is rectify
12 something that happened in 1992, which was that a dormer was
13 removed from the location of where we're proposing this
14 dormer. And the wall of the rear bedroom in the house was
15 pushed in.

16 So they actually lost square footage in 1992. And
17 it was done in order to make a balcony and a set of doors
18 high enough to weekly out.

19 And what happened was there is a balcony out
20 there, and it actually extends along in front of the dormer,
21 in front of the whole original extended dormer that's along
22 that south side of the house. And it's just a real problem.

1 It has leaked continually. We were looking --

2 LAURA NASH: Yes, seven --

3 MAGGIE BOOZ: -- even yesterday looking at a
4 portion of the house, I haven't actually noticed the
5 interior that I had not noticed that there was leaking
6 before, and it's where the dormer is -- I mean, where the
7 balcony is extended, closer to Buckingham Street. It has
8 nothing to do with this dormer. But anyway, it's a bathtub.
9 It collects water.

10 CONSTANTINE ALEXANDER: It caused damage to the
11 structure?

12 JOHN BARNES: Yeah, it has caused damage.

13 CONSTANTINE ALEXANDER: You would think so.

14 MAGGIE BOOZ: It definitely has caused damage to
15 the structure. And we've now opened up the corner of the
16 kitchen downstairs, where the dormer ends against the slop-
17 ed gambrel of the rear part of the roof, and it's just
18 completely rotted. I mean, it's just gone.

19 So, I mean, we notice that the pain and swelling
20 off the exterior of the building at that corner, but it's
21 really terrible.

22 So we decided let's restore the dormer, let's put

1 on a roof over that entire balcony for the entire distance,
2 a very large -- I mean, it's, you know, it's 18 inches high,
3 but it's a roof that will just simply make that balcony go
4 away from the place where the dormer is, all along the front
5 of the extended dormer that exists along that south side.

6 And that's what we're seeking to do.

7 CONSTANTINE ALEXANDER: Again, no neighborhood
8 opposition, obviously, to this?

9 MAGGIE BOOZ: No.

10 CONSTANTINE ALEXANDER: Questions from members of
11 the Board? No? I'll open the matter up to public
12 testimony. Anyone here wishing to be heard on this matter?
13 No one wishes to be heard? I will close public testimony.
14 Ready for a vote? The Chair -- we have a bunch of findings
15 this time.

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

20 That traffic generated or patterns in access or
21 egress resulting from what is being proposed with regard to
22 the building modification will not cause congestion, hazard,

1 or substantial change in established neighborhood character.

2 And as presented by the petitioner, the building
3 modification is minor in nature, it will not impact the
4 neighborhood. It's near the rear of the structure, right?
5 Will not have any impact on the neighborhood and has no
6 neighborhood opposition.

7 That the continued operation or development of
8 adjacent uses, as permitted in the ordinance, will not be
9 adversely affected by what is being proposed. And again, I
10 think it's sort of obvious that is not -- self-evident --
11 that this will not impact anybody else's use of their land
12 or structures.

13 No nuisance or hazard will be created to the
14 detriment of the health, safety and/or welfare of the
15 occupant of the proposed use, or the citizens of the city.
16 And in fact, this will improve for the occupants of this
17 address the use of the structure itself by eliminating a
18 balcony, which is causing building damage.

19 And that no nuisance or hazard will be created to
20 the detriment of the health, safety and/or welfare of the
21 occupant of the proposed use, or the citizens of the city.

22 And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,
2 or otherwise derogate the intent and purpose of this
3 ordinance.

4 So on the basis of all of these findings, the
5 Chair moves that we grant the special permit requested,
6 again on the condition that the work proceed in accordance
7 with plans referred to with regard to the variance which is
8 granted. All those in favor, please say, "Aye."

9 THE BOARD: Aye.

10 [All vote YES]

11 CONSTANTINE ALEXANDER: Five in favor, good luck.

12 COLLECTIVE: Thank you so much.

13 CONSTANTINE ALEXANDER: I'm sorry for the delay.
14 I'm just seeing an old case involving the same property. It
15 was never brought to my attention before. Anyways, we'll
16 take it up when we go through the case.

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2 (8:05 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will call Case
7 Number 017207 -- 118-120 Aberdeen Avenue. You know the
8 drill, go ahead.

9 MICHAEL WIGGINS: Good evening Mr. Chairman.
10 Michael Wiggins with the Law Firm of Weston Patrick. And I
11 represent Mary Lonshteyn, L-o-n-s-h-t-e-y-n and Zack
12 Goldberg, and with me tonight is Blake Allison, who's their
13 architect.

14 CONSTANTINE ALEXANDER: Before you get into the
15 actual -- the merits of what you're seeking tonight, I was
16 just handed a file -- apparently it was an old case
17 involving this property. And we got relief to build a
18 dormer. And you wanted the dormers tonight. What happened
19 to this dormer?

20 MICHAEL WIGGINS: If you look at it, that's 2002.

21 CONSTANTINE ALEXANDER: Yeah.

22 MICHAEL WIGGINS: Well, they didn't own it. Yeah,

1 the prior owners did get a --

2 CONSTANTINE ALEXANDER: And they just never built
3 a dormer?

4 MICHAEL WIGGINS: That's right. They got a
5 variance from the Board, which actually was in excess of the
6 guidelines in 2002, and the Board noted back then that the
7 shape of the lot had a lot to do with it.

8 And I just put up a copy of the lot outline. We
9 have extra copies of it, and I think they are in the file,
10 if you'd like to look at an extra copy.

11 This is a house that was built in 1905, and has
12 been in need of renovation for many years. And Mary and
13 Zach both are professionals. Zach works in the house. They
14 also have a child and are planning to expand their family.

15 Mary is a gastroenterologist who works far from
16 here, but remotely has to be on call at home and needs an
17 office to be able to consult with people. So they have
18 acute needs.

19 They also have in-laws who visit them frequently,
20 and Mary's mother may end up living with them. So these are
21 all needs that they have, and they have been thinking about
22 this house. They bought it -- been there a couple years,

1 and they're trying to make it fit their needs and raise
2 their children right through all the way in Cambridge.

3 CONSTANTINE ALEXANDER: Yeah, the space where the
4 dormer will be built, is that now attic spaces? Living
5 space? Or --

6 MICHAEL WIGGINS: It's attic space, basically --

7 BLAKE ALLISON: Attic space, actually.

8 CONSTANTINE ALEXANDER: So you took -- you're
9 looking to take some space in the building, and make it
10 livable and habitable? Including grow in place, or a family
11 can grow in place?

12 MICHAEL WIGGINS: Exactly. And they want to be --
13 also to be able to keep their apartment. And there is an
14 apartment on the first floor, but that would end up being a
15 basement apartment.

16 It's a relatively slight -- it's about a 2.4 of
17 increase in the FAR based -- you know, on the basis of
18 what's going to happen in the attic.

19 This is along our lot, which is why the house has
20 inadequate side yard setbacks, and why we need also a
21 special permit, because there are some windows on the south
22 side that --

1 CONSTANTINE ALEXANDER: We'll take up the special
2 after we get the --

3 MICHAEL WIGGINS: Sure. But as far as the long,
4 narrow lot is concerned, the house itself is pretty long.
5 And so, the -- then I'm going to have Blake walk you through
6 exactly what his thinking was, but we have -- this isn't the
7 first plans that they've produced.

8 They've had several iterations, and they feel that
9 this is what will fit their minimal needs, and will also
10 produce something that aesthetically will fit quite well in
11 the neighborhood, and actually maybe set an example.
12 Because, frankly, there's a Rhodes gallery of uncompliant
13 dormers in terms of --

14 CONSTANTINE ALEXANDER: We've had a number of
15 cases on -- at least in my term on the Board.

16 MICHAEL WIGGINS: -- used as -- isn't the paragon.
17 But hopefully this design will be. So we do have the prior
18 variance today. I'd like Blake to just walk you through the
19 plans and the ovations, and explain to you the thinking
20 behind the need for this.

21 THE REPORTER: Could you spell your name for me,
22 please?

1 BLAKE ALLISON: Blake Allison, from Dingman
2 Allison Architects, 1950 Mass Ave.

3 THE REPORTER: Allison, A-l-l- can you spell it?

4 BLAKE ALLISON: Okay. So we looked at the site
5 plan. I'll just quickly mention what's going on in the
6 drawings -- basement, first floor, second floor, third
7 floor, which is currently the attic.

8 It's a very extensive renovation project of the
9 interior, and one of the main elements is a new stairwell,
10 which is currently at the front of the house.

11 And it doesn't work for the renovation as it is,
12 because right now it's one apartment on the first floor, one
13 apartment on the second floor, an unfinished attic that's
14 only accessible from the second floor, and then the basement
15 is accessible from both units, and it's split down the
16 middle, and it's unfinished space.

17 So the new stairwell is pushed down at the side of
18 the building, in a location where it can really service all
19 four floors, in the most efficient manner possible, which is
20 a little difficult because of the long, narrow shape of the
21 house, basically.

22 That leads to one of the dormers on the third

1 floor, which is on the south side. And the reason for
2 needing a -- basically a 15-foot dormer on the south side.
3 The other element of the top floor, the third floor, is the
4 bathroom. And that's the genesis of the dormer on the north
5 side. So --

6 CONSTANTINE ALEXANDER: There's no bathroom on
7 that floor right now?

8 BLAKE ALLISON: No. It's unfinished space --
9 unheated, and unfinished. So from the front wall to the
10 back wall it's 46 feet, which is a pretty long space without
11 any windows. So one of the objectives here is to try to
12 make this really quality living space, by providing windows
13 for air and light into the middle.

14 With them would be this space over there adjacent
15 to the stairway. See, the windows on the stairwell are not
16 really accessible because they're off that landing. So
17 you're down half a flight there. You'd have to reach up
18 like this to get to the window.

19 So what I hope to do is to provide another small
20 area with windows on the exterior wall of the dormer for
21 light and air. Conversely on the north side, there are
22 windows proposed for the new bathroom, but they're inside

1 the bathroom. They don't really benefit the overall space.
2 So the proposal is to include two small windows over here as
3 well.

4 And those windows can be seen in the elevations.
5 This is the south side facing the driveway, so this would be
6 one 15-foot dormer here, and on the north side another 15-
7 foot dormer here.

8 So we looked at lots of design possibilities for
9 reprogramming the whole building. It's four floors, so we
10 looked at lots of different combinations. Some of them
11 involve proposals for rather more in the way of third-floor
12 dormers, because this was obviously new space, what should
13 we do with it?

14 There was a big temptation to come to the Board
15 and ask for more relief in terms of lineal feet of dormer.
16 But we finally wound up scaling it back to what we would
17 hope would be a more reasonable proposal, with symmetrical
18 15-foot dormers on both sides.

19 They're located in the middle of the roof. At
20 this size, they're I feel very much in scale with the size
21 of the building. As you well know, up and down Aberdeen Ave
22 you can find dormers that are too small for the building,

1 you can find dormers that are way too big for the building.

2 So this was something where we felt that this was
3 the right scale architecturally and the right placement on
4 the room, so it's not seen from the street particularly. No
5 neighbors can see both dormers at the same time.

6 So this seemed like a way to make it all work
7 without putting excess volume onto the house, but also
8 without putting up dormers that looked ridiculously small --
9 the porches.

10 And I guess I should wait for the porches, right?
11 No, the porches are part of the variance, sorry.

12 CONSTANTINE ALEXANDER: Right.

13 BLAKE ALLISON: Again, the porches -- the idea of
14 expanding those was that the rear yard has really changed
15 since Zach and Mary bought the property, because the new
16 pathway out here and the old railroad right of way has now
17 been developed as a public park, and what used to be their
18 fairly private back space is now hardly private at all, at
19 least during the day. A lot of traffic there.

20 And as you can see, this angle and line back here,
21 well that was generated by the railroad right of way. So
22 the dimension from the back of the building to this corner

1 is quite close. Over here, it's a good distance, but
2 because of that -- the way that line cuts across the line,
3 that's pretty substantial impact on their green space in the
4 back of the house.

5 So expanding the porches on the first floor and
6 the second floor was generated by a desire to have more
7 private space that would be accessible to the house, and
8 mitigate the impact of the new public park.

9 CONSTANTINE ALEXANDER: As a point of view of FAR,
10 which is why you're here tonight, because you're right now
11 noncompliant to a minor extent, and you're going to go up a
12 little bit more, will be -- you're going to add 320 feet to
13 the structure?

14 BLAKE ALLISON: Yes, right. The interior -- the
15 two dormers would constitute a 2.4 increase in FAR. And the
16 porch additions would --

17 MICHAEL WIGGINS: It's 2.3.

18 BLAKE ALLISON: -- 2.3 increase in FAR. So
19 hopefully that would be considered de minimis.

20 MICHAEL WIGGINS: Just to add to the public
21 intrusion, I have a picture that I can show you looking from
22 that back yard. There is a small area that -- so the back

1 yard behind the garage, which would be really nice if you
2 were surrounded by trees and looking out, but you're looking
3 right at the people going by.

4 And they don't need to -- not saying that's a
5 great amenity for all the citizens in Cambridge, but for the
6 immediate abutters it's a little bit much. And so, that's
7 why it does help to have a little bit of privacy, to have
8 decks with roof on them.

9 CONSTANTINE ALEXANDER: Questions from members of
10 the Board? None. I'll open the matter up to public
11 testimony. Anyone here wishing to be heard on this matter?
12 No one wishes to be heard? We do have a letter in the file,
13 I believe. Let me see.

14 MICHAEL WIGGINS: Yeah. We do have letters from
15 the immediate abutters on both sides, and also an abutter to
16 an abutter one house next down from --

17 CONSTANTINE ALEXANDER: Yeah, we have a letter
18 from Storm -- S-t-o-r-m Barkus -- excuse me, B-a-r-k-u-s and
19 Cafer, C-a-f-e-r Barkus, 108 Aberdeen Avenue. That's where
20 they reside. "Our neighbors, Zach Goldberg and Mary --" I'm
21 going to mispronounce it --

22 MARY LONSHTEYN: It's Lonshteyn.

1 CONSTANTINE ALEXANDER: -- Lonshteyn, thank you, "
2 -- have informed us of their current zoning applications,
3 and that they are going before the BZA on December 12, 2019.

4 We have reviewed their plans by Dingman Allison
5 Architects for their home located at 118-120 Aberdeen
6 Avenue, and are in support of them. We wish them luck at
7 their hearing next week."

8 Same letter -- oh, it's another copy of the same
9 letter -- no, it's by -- it's by Emine Barkus and Adrian
10 Barkus at 110 Aberdeen Avenue.

11 We have a letter from James Jennings and Lenora
12 Jennings -- same letter. They reside at 122 -- 124 Aberdeen
13 Avenue. And again, the same letter -- this time from Janet
14 Mausteloer -- M-a-u-s-t-e-l-o-e-r and Levi Mausteloer, who
15 reside at 112 Aberdeen Avenue.

16 And one more from Alexis Rizzuto and Alex
17 Herbstridt, who reside at 114 Aberdeen Avenue. So there's
18 substantial neighborhood support for what is being proposed.

19 I'll close public testimony. Any further you want
20 to say?

21 MICHAEL WIGGINS: Well, if you -- I don't know if
22 you want to get to the special permit?

1 CONSTANTINE ALEXANDER: Well no, we'll take the
2 vote on the variance, and then we'll go to the special
3 permit.

4 MICHAEL WIGGINS: Sure.

5 CONSTANTINE ALEXANDER: All right. Questions from
6 members of the Board? I mean, a discussion or are you ready
7 for a vote?

8 COLLECTIVE: Ready.

9 CONSTANTINE ALEXANDER: Okay. The Chair moves
10 that we make the following findings with regard to the
11 variance being sought: That a literal enforcement of the
12 provisions of the ordinance would involve a substantial
13 hardship, such hardship being as that the petitioner is in
14 need of additional living space, and there is space within
15 this structure that is not living space, and therefore the
16 proposal before us tonight.

17 Also, the building has construction in 1905; has
18 an unfortunate placing of stairs. And this will be -- the
19 dormer approach will help deal with that.

20 That the hardship is owing to the shape of the
21 lot. It is a very long -- and more importantly narrow lot,
22 which is already a nonconforming structure, which means that

1 any modification of the structure requests zoning relief.

2 And that relief may be granted without substantial
3 detriment to the public good, or nullifying or substantially
4 derogating from the intent or purpose of the ordinance.

5 In this regard, the Chair would note that the
6 project, with regard to the variance at least, seems to have
7 unanimous neighborhood support. At least, there's no
8 neighborhood opposition that's apparent.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the variance requested on the
11 condition that the work proceeds in accordance with plans,
12 which I've now misplaced -- plans prepared by Dingman
13 Allison Architects, dated November 18, 2019, the first page
14 of which has been initialed by the Chair.

15 All those in favor, please say, "Aye."

16 THE BOARD: Aye.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Five in favor, the is
19 variance granted. Now let's turn to the special permit.

20 MICHAEL WIGGINS: We'll have Blake show you --
21 walk you through the windows. Actually, the dormers do
22 conform. They're not too close. It's the other windows on

1 the south side.

2 BLAKE ALLISON: Yeah, the -- all of the window
3 changes that require zoning relief are on the south side,
4 which is this elevation here.

5 The new dormer is actually -- because of the
6 following the guidelines -- those guidelines -- they
7 actually wound up putting the -- following the guidelines so
8 the windows in this wall are 11.5 feet back from the
9 property line, which satisfies the requirement for a side
10 yard setback.

11 So the windows in question are on the existing
12 wall of the building. The largest change is probably this
13 double window right here, which is in the new landing
14 location for the new stairwell.

15 These two windows need to be just moved slightly
16 because of the interior room arrangement. These are two
17 existing, small basement windows, and because the basement
18 becomes living space, they wanted to increase those windows,
19 the small window wells.

20 And then this is a new door access into the
21 basement space that's going to become now the new one-
22 bedroom apartment. So it's just that cluster of --

1 CONSTANTINE ALEXANDER: Have you spoken? I take it
2 the neighbors who -- one of the neighbors who wrote a letter
3 of support is the neighbor most directly affected by these
4 windows?

5 BLAKE ALLISON: Yes, exactly, right across the
6 driveway from --

7 CONSTANTINE ALEXANDER: Right. And no objection
8 from that.

9 BLAKE ALLISON: It's a shared driveway.

10 CONSTANTINE ALEXANDER: Okay. And no objections?
11 If you're aware of any. Okay. Questions from members of
12 the Board. I'll open the matter up to public testimony.
13 Anyone here wish to be heard on this matter? Apparently
14 not. We have the letters of support that I read into the
15 file with regard to the variance. I think we're ready for a
16 vote?

17 COLLECTIVE: Yes.

18 CONSTANTINE ALEXANDER: Okay. The Chair moves
19 that we make the following findings with regard to the
20 special permit that's being sought: That the requirements
21 of the ordinance cannot be met unless we grant the special
22 permit.

1 That traffic generated or patterns in access or
2 egress resulting from what is proposed with regard to the
3 windows and door will not cause congestion, hazard, or
4 substantial change in established neighborhood character.

5 And I think the work speaks for itself in terms of
6 its impact on the neighborhood. It's no impact in short, at
7 least is my opinion.

8 The continued operation or development of adjacent
9 uses, as permitted in the ordinance, will not be adversely
10 affected by what is being proposed; in this regard the
11 neighbor most directly affected by the window changes is in
12 support of the project.

13 No nuisance or hazard will be created to the
14 detriment of the health, safety and/or welfare of the
15 occupant of the proposed use, or the citizens of the city.

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

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

1 with the plans referred to with regard to the variance we
2 just granted. All those in favor, please say, "Aye."

3 THE BOARD: Aye.

4 [All vote YES]

5 CONSTANTINE ALEXANDER: Five in favor, good luck.

6 COLLECTIVE: Thank you.

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1 ordinance.

2 And I see in your files that we have a request to
3 continue this case. So I gather you're planning -- which
4 you should, I think -- readvertise this case with new -- the
5 other relief you need to get.

6 And so, how quickly we hear that case depends upon
7 how quickly you get a new application in. And we'll
8 continue this case to a date farther down, on the assumption
9 that we'll never hear the case. I mean, if we grant you the
10 relief or deny it, with your new application this case will
11 basically become moot.

12 So unless you have comments, I'm going to propose
13 we continue this case until sometime in March, which should
14 give you more than enough time to prepare a new application.
15 Sisia, what time, what date?

16 SISIA DAGLIAN: We have the twelfth or the twenty-
17 sixth of March. It's unheard, so --

18 CONSTANTINE ALEXANDER: Okay. It's not heard,
19 yeah. Let's do the twenty-sixth just to -- both dates.

20 NEHEET TRIVEDI: Can I just make a comment or ask
21 a question?

22 CONSTANTINE ALEXANDER: Okay, I'm sorry. Ask your

1 question.

2 NEHEET TREVEDI: Okay. My name is Neheet Trivedi,
3 that's N-e-h-e-e-t. Last name is Trivedi, T-r-i-v-e-d-i.
4 I'm the owner of the neighboring property for the next case,
5 but we're applying together, as you know. So we can
6 probably deal with this quickly right now together.

7 I just have a couple questions, because this is
8 the first time we're --

9 CONSTANTINE ALEXANDER: Sure.

10 NEHEET TREVEDI: -- going through this. Just
11 clarifying so we know what to do. So the first thing is my
12 understanding -- I talked to Ranjit a couple days ago --
13 and he mentioned we didn't apply for relief.

14 My understanding is -- please correct me if I'm
15 wrong -- what we need to do is add relief for a variance --
16 is this correct? -- because of the size of the... we need a
17 variance relief from the -- because we have four compact
18 spots.

19 And my understanding is typically we need five in
20 order to get compact car in there. So we need to request
21 from the size of the spaces. Is that right?

22 CONSTANTINE ALEXANDER: To be honest with you,

1 that's more the province of the Inspectional Services
2 Department.

3 NEHEET TREVEDI: Okay.

4 CONSTANTINE ALEXANDER: Ranjit and us.

5 NEHEET TREVEDI: Okay.

6 CONSTANTINE ALEXANDER: We would pass on what you
7 would -- you come to us and say, "This is what we need -- "

8 NEHEET TREVEDI: Okay.

9 CONSTANTINE ALEXANDER: -- and we say yes or no,
10 depending upon our analysis of the legal requirements. So I
11 can't really answer that question.

12 NEHEET TREVEDI: Okay, that's fine. I think he
13 explained it, but we have specific questions we can cc on --

14 CONSTANTINE ALEXANDER: Oh yeah, cc -- that's
15 right. There are -- that's -- you start with them.

16 NEHEET TREVEDI: Perfect. Okay.

17 CONSTANTINE ALEXANDER: And then you come to us.

18 NEHEET TREVEDI: The only reason we're here is
19 because we Maria suggested that we still show up, and just
20 ask for the waiver.

21 CONSTANTINE ALEXANDER: I think it's always a good
22 idea to come in. And, as I said, we're going to do it in

1 October -- what was the date? Nineteenth? No twenty-sixth.

2 JANET GREEN: No, no, not October.

3 CONSTANTINE ALEXANDER: Not October. I meant
4 March, I'm sorry.

5 JANET GREEN: That other date.

6 CONSTANTINE ALEXANDER: Yeah. March.

7 SISIA DAGLIAN: Well, I don't know what date
8 they're going to get, based on --

9 CONSTANTINE ALEXANDER: The other case we
10 continued is on one Cambridge Street to March what?

11 SISIA DAGLIAN: April 16.

12 CONSTANTINE ALEXANDER: April 19?

13 SISIA DAGLIAN: April 16.

14 CONSTANTINE ALEXANDER: Oh, 16, I'm sorry. And
15 this one will continue to --

16 SISIA DAGLIAN: Can we do March 12 or 26?

17 CONSTANTINE ALEXANDER: Let's do the twenty-sixth
18 of March.

19 NEHEET TREVEDI: But just so I understand what you
20 said, and I think I understand -- let me chime in -- when we
21 reapply, you said this case becomes moot, so --

22 CONSTANTINE ALEXANDER: It doesn't become moot,

1 it's suspended.

2 NEHEET TREVEDI: -- that date -- it's suspended.

3 So this date -- this doesn't mean we're necessarily
4 presenting on March 26?

5 JANET GREEN: Correct.

6 NEHEET TREVEDI: We might present earlier, if we
7 get our --

8 CONSTANTINE ALEXANDER: Yeah, presumably --

9 NEHEET TREVEDI: -- petition in earlier.

10 CONSTANTINE ALEXANDER: -- I assume this case will
11 be decided much earlier.

12 NEHEET TREVEDI: Okay.

13 CONSTANTINE ALEXANDER: And how much earlier
14 depends upon how quickly you get your new application in.

15 NEHEET TREVEDI: Okay.

16 CONSTANTINE ALEXANDER: And it gets advertised,
17 you go through the same process you went through up for this
18 case.

19 NEHEET TREVEDI: Right.

20 CONSTANTINE ALEXANDER: And then in the meanwhile,
21 this case will stay in limbo until we hear that case.

22 NEHEET TREVEDI: Okay.

1 CONSTANTINE ALEXANDER: And then if you get the
2 relief you want, for example, the new case, when the time
3 comes for the continued case, you just would withdraw.

4 NEHEET TREVEDI: Oh, I see, okay.

5 CONSTANTINE ALEXANDER: You wouldn't even have to
6 come down.

7 NEHEET TREVEDI: Okay.

8 CONSTANTINE ALEXANDER: If you want to withdraw.

9 JANET GREEN: So we're talking about just one of
10 these two cases now?

11 CONSTANTINE ALEXANDER: Yeah, we're going to make
12 the same speech.

13 JANET GREEN: And then we'll do the same thing.

14 CONSTANTINE ALEXANDER: Yeah, I'm going to
15 incorporate it all by reference.

16 NEHEET TREVEDI: So is there anything -- once
17 again, this is our first time going through this, but is
18 there any other feedback that you have now, or that happened
19 --

20 CONSTANTINE ALEXANDER: Well, we don't want to get
21 into that.

22 NEHEET TREVEDI: Okay.

1 CONSTANTINE ALEXANDER: That will cause a lot of
2 applications for us and for you --

3 NEHEET TREVEDI: Okay.

4 CONSTANTINE ALEXANDER: -- to get into that. So
5 we just don't want to touch the case.

6 NEHEET TREVEDI: Okay.

7 CONSTANTINE ALEXANDER: -- whenever. We'd be
8 happy to answer procedural questions.

9 NEHEET TREVEDI: Okay.

10 CONSTANTINE ALEXANDER: -- but I want to talk
11 about the merits. You understand, you've applied for one
12 form of relief, the common driveway. And you now know you
13 need to get a second form of relief, regarding the width of
14 the driveway.

15 NEHEET TREVEDI: Right, okay.

16 CONSTANTINE ALEXANDER: I guess that will be a
17 variance -- I think it will be a variance, but I'm not sure.
18 Those are the only two that I'm aware of. I don't -- and
19 Ranjit in the Building Department will let you know if
20 there's anything else.

21 NEHEET TREVEDI: Okay.

22 CONSTANTINE ALEXANDER: I would suggest you sit

1 down with them.

2 NEHEET TREVEDI: Yep.

3 CONSTANTINE ALEXANDER: -- to be sure there's
4 nothing else.

5 NEHEET TREVEDI: Okay.

6 CONSTANTINE ALEXANDER: Rather than go through the
7 same drill again, and you don't want -- you have better
8 things to do on the evening than come down here. We don't
9 have better things to do, but you do.

10 NEHEET TREVEDI: No, that's the only thing he
11 mentioned, so we can double check.

12 CONSTANTINE ALEXANDER: Okay.

13 NEHEET TREVEDI: So I guess we're requesting a
14 waiver?

15 CONSTANTINE ALEXANDER: Ready for a vote?

16 NEHEET TREVEDI: Yep.

17 CONSTANTINE ALEXANDER: The Chair moves that we
18 continue this case as a case not heard, until 7:00 p.m. on -
19 - what was the date, April 26?

20 JANET GREEN: What's the date that this got
21 continued?

22 CONSTANTINE ALEXANDER: Oh no, March.

1 SISIA DAGLIAN: March 26.

2 CONSTANTINE ALEXANDER: Until March 20?

3 SISIA DAGLIAN: 26.

4 NEHEET TREVEDI: 26.

5 CONSTANTINE ALEXANDER: 26, subject to the
6 following conditions: You have to sign a waiver of time for
7 decision. Sisia has it right there, you can do it before
8 you leave. And you better do it before you leave.
9 Otherwise, we'll have to dismiss the case.

10 Second, you very nicely posted signs and
11 advertisements in this case. Take those signs and modify
12 them, or you put new signs up, reflecting the new date and
13 the new time. And those signs have to be maintained for the
14 14 days prior to the continued date.

15 And then lastly, I don't think that will apply in
16 this case, to the extent you have new plans with regard to
17 this case, not the new one, those have to be in our files no
18 later than 5:00 p.m. on the Monday before the continued
19 hearing date.

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

22 THE BOARD: Aye.

1 [All vote YES]

2 COLLECTIVE: Thank you.

3 CONSTANTINE ALEXANDER: And just please sign the
4 -- someone sign the waiver of time on the way out.

5 NEHEET TREVEDI: Thank you. In regard to 4143 --

6 CONSTANTINE ALEXANDER: Yep.

7 NEHEET TREVEDI: -- I have a question.

8 CONSTANTINE ALEXANDER: Sure. All right, let me
9 call the case first.

10 NEHEET TREVEDI: Sure, sure.

11 CONSTANTINE ALEXANDER: And then we can pretty
12 much --

13 NEHEET TREVEDI: It's fine.

14 CONSTANTINE ALEXANDER: You can stick around or
15 you can leave.

16 NEHEET TREVEDI: Hold on one second.

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2 (8:33 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017213 -- 41-43 Magoun Street. Anyone here
8 wishing to be heard on this matter?

9 NEHEET TREVEDI: Yes, I already told you my name.

10 CONSTANTINE ALEXANDER: Yeah.

11 NEHEET TREVEDI: It hasn't changed. The only
12 other question I have is as a matter of preference for the
13 Board, we have some other work that we plan to do, and my
14 understanding is we'll need to apply for it as well. Does
15 the Board have some sort of preference for, like, hearing
16 everything at once, or does that not --

17 CONSTANTINE ALEXANDER: If the work is related to
18 -- if there's some relationship between this work and that
19 work, we do want to hear them all at the same time.

20 NEHEET TREVEDI: Okay.

21 CONSTANTINE ALEXANDER: The other work you want to
22 do is completely unrelated to this driveway issue?

1 NEHEET TREVEDI: Yeah.

2 CONSTANTINE ALEXANDER: It's up to you. But if
3 you do it all at one time, you only have one filing fee, and
4 one advertisement so --

5 NEHEET TREVEDI: Okay.

6 CONSTANTINE ALEXANDER: -- it makes sense to do it
7 that way, but you don't have to do it.

8 NEHEET TREVEDI: Okay.

9 CONSTANTINE ALEXANDER: What I don't want -- what
10 we don't want to have, as I said, is this being a salami
11 approach. You ask for a little bit here, and then you come
12 back with the same concept, a little bit more. We want to
13 hear everything at one time.

14 NEHEET TREVEDI: Okay, okay. I think I
15 understand. Thank you so much.

16 CONSTANTINE ALEXANDER: Oh, we've got to take a
17 vote.

18 NEHEET TREVEDI: Oh.

19 CONSTANTINE ALEXANDER: Yes. The Chair moves that
20 we continue this case as a case not heard until 7:00 p.m. on
21 March -- help me --

22 NEHEET TREVEDI: 26.

1 SISIA DAGLIAN: 26.

2 CONSTANTINE ALEXANDER: -- 26, subject to the
3 following conditions: That the petitioner sign a waiver of
4 time for decision and you're in the process of doing that, I
5 hope.

6 That, again, the advertisement, the posting sign
7 that's there for this case needs to be modified -- new date,
8 new time, get a new sign or get a magic marker out and do
9 it, either way. It's up to you. And that has to be
10 maintained for the 14 days before the new hearing date, the
11 continued date.

12 And lastly to the extent that our new plans -- the
13 relief you're seeking, or modifications, that and any
14 dimensional forms, have to be in our files, or the
15 Inspectional Services Department files, no later than 5:00
16 p.m. on the Monday before the continued date.

17 NEHEET TREVEDI: Okay.

18 CONSTANTINE ALEXANDER: All those in favor,
19 please say, "Aye."

20 THE BOARD: Aye.

21 [All vote YES]

22 CONSTANTINE ALEXANDER: Five in favor, case

1 continued, as long as you sign that.

2 NEHEET TREVEDI: All right, thank you.

3 COLLECTIVE: Thank you.

4 CONSTANTINE ALEXANDER: We'll see you later. I'm
5 sorry for the confusion.

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2 (8:36 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017216 -- 315 Columbia Street. Anyone here
8 wishing to be heard on this matter?

9 JANET GREEN: Did we skip Lakeview?

10 CONSTANTINE ALEXANDER: Did I skip Lakeview? I'm
11 sorry, I'm going to call the Lakeview case first, because
12 there's -- I missed it. The Chair will now call Case Number
13 017214 -- 144 Lakeview Avenue. Anyone here wishing to be
14 heard on this matter? No?

15 SAMI FAM: Hi.

16 CONSTANTINE ALEXANDER: As you know, name and
17 address for the stenographer, please?

18 THE REPORTER: Spell your name, please?

19 SAMI FAM: I'm Sami Fam, S-a-m-i F-a-m at 144
20 Lakeview Ave.

21 JAN JURGELON: And I'm Jan Jurgelon, J-a-n J-u-r-
22 g-e-l-o-n at 144 Lakeview Ave.

1 CONSTANTINE ALEXANDER: You wanted substantial
2 legal relief, right?

3 SAMI FAM: Correct. This is a special permit,
4 very simple.

5 JAN JURGELON: Yeah. [Laughter]

6 SAMI FAM: We're hoping to install two new windows
7 on a nonconforming side. It's too close to the neighbors on
8 the right-hand side of the house. I think that's really the
9 only request that we're making.

10 CONSTANTINE ALEXANDER: The neighbor who will be
11 affected by this, have you spoken to him or her?

12 SAMI FAM: Yes, there's two neighbors -- a first
13 floor and a second floor, so they've given you letters. And
14 the house is -- it's a duplex, so we also have a letter from
15 the other side of the house. They're not really affected
16 by the --

17 JAN JURGELON: We thought, "Why not?"

18 CONSTANTINE ALEXANDER: Why not, you're right.
19 Better. More is better than lesser, okay. Why are you
20 relocating?

21 SAMI FAM: There's an ongoing renovation. We have
22 a building permit, so some of the work is going on. So

1 we've left these two windows out of the renovation, and --

2 CONSTANTINE ALEXANDER: Well, what is the function
3 of the two windows? Why are you --

4 SAMI FAM: Just -- well, one of them -- I have
5 them here -- so this is the --

6 CONSTANTINE ALEXANDER: I remember the plans that
7 you've got.

8 SAMI FAM: This is the house prior to the
9 renovation. And then this is the house post renovation. So
10 this window would be replacing that window.

11 And the reason for the replacement is the kitchen
12 is being renovated, so this window ends up being the middle
13 of the kitchen. It's supposed to be on the side of the
14 kitchen.

15 And then the second window -- so this is current
16 condition, this is proposed. So there's another window in
17 the master bedroom just for more light.

18 CONSTANTINE ALEXANDER: Okay. questions from
19 members of the Board?

20 BRENDAN SULLIVAN: Sounds very reasonable.

21 CONSTANTINE ALEXANDER: Me too.

22 BRENDAN SULLIVAN: I don't live there, but it

1 sounds reasonable to me.

2 CONSTANTINE ALEXANDER: I'll open the matter up to
3 public testimony. Anybody here wishing to be heard on this
4 matter? No one wishes to be heard. I'll close public
5 testimony. I don't think we have any letters, do we? Oh,
6 yeah, you mentioned.

7 JAN JURGELON: They should be in there. If not,
8 we have those.

9 CONSTANTINE ALEXANDER: They are. We just --
10 since they took time to write them, why don't you read them?
11 We have a letter from Anthony Shufflevotham -- S-h-u-f-f-l-
12 e-v-o-t-h-a-m, who resides at 148 Lakeview Avenue. "As
13 next-door neighbors on the right-hand side of 144 Lakeview
14 Avenue, in vision of the new windows, we support the two new
15 proposed windows.

16 "We have discussed the modifications with the
17 Fams, and have seen the proposed location and have no
18 objections to the proposed work."

19 Also a letter from Penelope Bragonier -- B-r-a-g-
20 o-n-i-e-r, who resides at 159 Lakeview Avenue. "As next-
21 door neighbors on the right-hand side of 144 Lakeview, in
22 vision of the new windows, we support the two new proposed

1 windows." Same letter -- "We have proposed the modifications
2 with the Fams, have seen the proposed location, and have no
3 objection to the proposed work."

4 There's a third letter in here from someone who --
5 let me see --

6 SAMI FAM: Yeah, that was an iPhone --

7 CONSTANTINE ALEXANDER: Yeah.

8 SAMI FAM: -- photo. So it's hard for me --

9 CONSTANTINE ALEXANDER: It's the same letter with
10 next-door neighbors, and blah, blah, blah, and it's signed
11 by Susan Barba, B-a-r-b-a, and Phillip Walsh, who reside at
12 142 Lakeview Avenue.

13 And I skipped over with the blah, blah, blah, but
14 they have no objections to the proposal. So close public
15 testimony. Ready for a vote?

16 CONSTANTINE ALEXANDER: Okay. We're talking about
17 special permits that we need a variance -- a number of
18 findings we have to make. The Chair moves that we find that
19 the requirements of the ordinance cannot be met unless we
20 grant you the special permit you're seeking.

21 That traffic generated or patterns in access or
22 egress resulting from what is being proposed will not cause

1 congestion, hazard, or substantial change in established
2 neighborhood character. Obviously, the modifications are
3 modest in nature, and the residents of the city most
4 directly affected by what is proposed are in support of this
5 being proposed.

6 That the continued operation or development of
7 adjacent uses, as permitted in the ordinance, will not be
8 adversely affected by what is proposed. And again, I would
9 refer back to the letters of support.

10 That no nuisance or hazard will be created to the
11 detriment of the health, safety and/or welfare of the
12 occupant -- I hope not -- or the citizens of the city.

13 And generally what is proposed will not impair the
14 integrity of the district or adjoining district, or
15 otherwise derogate the intent and purpose of this ordinance.

16 So on the basis of all of these findings, the
17 Chair moves that we grant the special permit requested on
18 the condition that the work proceed in accordance with the
19 plan for an elevation submitted by the petitioner, and which
20 has been initialed by the Chair, which this shows.

21 All those in favor, please say, "Aye."

22 THE BOARD: Aye.

1 [All vote YES]

2 CONSTANTINE ALEXANDER: Five in favor.

3 JAN JURGELON: Thank you.

4 CONSTANTINE ALEXANDER: Thank you.

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2 (8:43 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017216 -- 315 Columbia Street. Anyone here
8 wishing to be heard on this matter?

9 THE REPORTER: Spell your name and give your
10 address, please.

11 LINDSAY LOCKS: Sure. It's Lindsay locks. The
12 last name is L-o-c-k-s. And 315 Columbia Street. And my
13 husband is James Steinhilber, S-t-e-i-n-h-i-l-b-e-r. it's a
14 long one.

15 CONSTANTINE ALEXANDER: I'm not sure if you're
16 aware of this, but it's very relevant to your petition. The
17 city does not -- or the Planning Board, the Community
18 Development Department -- does not like front yard parking.

19 I mean, there's a lot of it in the city and that's
20 there, and our board doesn't like it either. We don't
21 support front yard parking, for aesthetic purposes.

22 And we're also talking about not only front yard

1 parking, but undersized parking, in terms of the
2 requirements of our ordinance. That's a big ask.

3 And the argument you've made is you'll take cars
4 off the street and help the parking in the area, the
5 congested parking.

6 The trouble is that doesn't work. Because you --
7 yes, you'll take some -- your cars off the street, but
8 you'll take the area where the people can park in your
9 neighborhood generally off the street. You know, all of a
10 sudden, it'll be just -- only you can use that space with
11 your driveway. And that's not good for the city.

12 LINDSAY LOCKS: Yeah. So I mean I guess the
13 argument is that the curb cut is there, and the driveway is
14 there, so --

15 CONSTANTINE ALEXANDER: Yeah, but --

16 LINDSAY LOCKS: Yeah.

17 CONSTANTINE ALEXANDER: Okay. But it's not a big
18 --

19 LINDSAY LOCKS: I don't -- yeah, well, no, it is
20 -- so I guess, I don't know if you remember we were here
21 about a month ago. And so, our understanding is that the
22 current structure has a nonconforming parking spot that has

1 been there for about sixty years. At least --

2 CONSTANTINE ALEXANDER: Well, if you do, you don't
3 need zoning relief then.

4 LINDSAY LOCKS: Well, the issue is that we've
5 asked to rebuild the structure, because of the major
6 structural issues, and we didn't realize that -- I guess
7 that the parking spot that is currently there is an
8 accessory to the current structure.

9 So when we rebuild the exact same structure on the
10 exact same foundation, we lose the parking spot that is
11 currently there. So we're really just asking to keep the
12 spot that is with the current place.

13 CONSTANTINE ALEXANDER: All right.

14 LINDSAY LOCKS: Otherwise, we are maybe
15 considering not pursuing the rebuild, because the rebuild
16 makes it -- we would lose our parking.

17 CONSTANTINE ALEXANDER: That's interesting facts.
18 Okay. Everybody has their own reaction. I'm still troubled
19 by it -- personally -- by what is being proposed. I mean,
20 it may have been there before, but it's going to be -- now
21 you don't have a legal right anymore of what should be
22 reconstructed on your structure.

1 And this is an opportunity -- at least in my
2 opinion, for the city to reclaim for the street itself a
3 parking area that's not exclusive to you folks.

4 Anyway, that's only one person. It's only one of
5 five. Anything else you want to say about it, in connection
6 with it?

7 JAMES STEINHILBER: It is the fact that it is in
8 the front yard that's troubling to you?

9 CONSTANTINE ALEXANDER: That, yeah, and also some
10 of the sides too. But that it's in the front yard in
11 particular is troublesome, from the city's point of view,
12 not just this Board or just me.

13 I mean, it's the Community Development Department,
14 the Planning Board. They just don't want us to be allowing
15 front yard parking, where we don't have to allow it. I
16 mean, this is a case where we don't have to allow it, or
17 there may be historical reasons why there was one parking.

18 That doesn't mean we won't grant relief. I'm --
19 I'm spouting off myself. We have to -- it's five of us.
20 We'll need four votes to get the relief you're seeking.
21 That's the law.

22 JAMES STEINHILBER: I guess I'll just reiterate

1 what you seem to accept, which is that there is -- we've
2 shown historical use of the space for parking for I think
3 since at least 1950, and likely longer.

4 CONSTANTINE ALEXANDER: Questions from members of
5 the Board?

6 JANET GREEN: I wondered what your neighbors
7 thought about your request?

8 JAMES STEINHILBER: So for our previous variance
9 application for a rebuild, we reached out to 10 neighbors,
10 got no objection. We see that as sort of part of this. But
11 because of this particular issue, we made an effort this
12 time.

13 It's mostly tenants around us that we spoke to, to
14 speak to the owner of the property abutting the driveway.
15 He had no objection. He had a few questions about the
16 project, but no objection to it.

17 CONSTANTINE ALEXANDER: Okay. That's useful.

18 BRENDAN SULLIVAN: If you do not park, do you park
19 there now?

20 JAMES STEINHILBER: Yes. Yeah.

21 BRENDAN SULLIVAN: Okay. So if you are not
22 parking there, do you find somebody parking across where the

1 curb cut is, or do they sort of respect that it appears to
2 be -- it looks like a driveway, it is a driveway and it
3 quacks like a driveway?

4 JAMES STEINHILBER: Exactly. We've never seen
5 anybody park. It's very clearly a curb cut --

6 BRENDAN SULLIVAN: Right.

7 JAMES STEINHILBER: -- driveway.

8 BRENDAN SULLIVAN: Okay. So okay.

9 LINDSAY LOCKS: And it's a pretty narrow one in
10 terms of --

11 BRENDAN SULLIVAN: No, no I've seen it and -- it's
12 tiny, but at least the general public has somewhat respected
13 it as it looks like it's a driveway that belongs to that
14 house.

15 JAMES STEINHILBER: Correct.

16 LINDSAY LOCKS: Yes, and when the car is in there,
17 it's also not -- you know, it's a nonconforming spot, but
18 the car fits on our property alone. It doesn't cover the
19 sidewalk or the --

20 BRENDAN SULLIVAN: And you use it and you maintain
21 it, and yada-yada, so okay.

22 CONSTANTINE ALEXANDER: Any other questions for

1 members of the Board? Comment?

2 ANDREA HICKEY: Well, I always worry about safety
3 with pulling head-in to a driveway space, and then having to
4 back out to come out. I don't know whether that's a concern
5 that any of my colleagues see?

6 CONSTANTINE ALEXANDER: Well, my guess is -- I'm
7 just going to guess -- is that's one of the reasons why the
8 Planning Board and Community Development don't like front
9 yard parking.

10 ANDREA HICKEY: It's one of the reasons why I
11 don't like it either. So we have to find that your request
12 would not sort of create a hazard. And I'll ask you to
13 speak to that, sort of backing out kind of blind to a space
14 is in my mind sort of inherently hazardous.

15 JAMES STEINHILBER: Sure. So something peculiar
16 about our space, I don't know if you guys are familiar with
17 Columbia Street, our section between Hampshire and Cambridge
18 is -- we're just before the part in which it kind of -- the
19 kind of angle of the street changes.

20 And so, because the angle changes backing out, we
21 have a uniquely good view of traffic. There is still
22 parking outside of our house, which I mean if somebody was

1 double parked almost into our driveway, that wouldn't
2 impede, that wouldn't obstruct you, but assuming that's not
3 the case, we have a clear view of traffic going both ways.

4 CONSTANTINE ALEXANDER: I assume -- I mean, you
5 mentioned in your application that there's a lot of parking
6 issues in the area. If people now park on -- they don't
7 cover the driveway, but they park on the edge of the
8 driveway on each side --

9 LINDSAY LOCKS: Actually no, that's what I was --

10 CONSTANTINE ALEXANDER: No?

11 LINDSAY LOCKS: -- going to say. So to the one
12 side of the driveway, the sidewalk actually juts out anyway
13 --

14 JAMES STEINHILBER: Yeah.

15 LINDSAY LOCKS: And there is sort of this, like, I
16 don't know if it's, like, I don't know if it's caution --
17 yeah, exactly. And so, you actually can't park any closer
18 to that. And that also I think speaks to the safety, is
19 that the road goes around there anyway, and so our driveway
20 abuts that curb of the sidewalk.

21 JAMES STEINHILBER: If I can say one more thing on
22 this, because it gets to the root lack of parking in the

1 area. The area past that jut, there is no parking. So
2 really the area within -- I don't know, a few hundred feet
3 of our house, there's only a few spots on the street. So
4 it's always a lot of competition.

5 And, you know, dwellings keep getting added. The
6 area behind us is just five dwellings with no parking. So
7 it's just going to keep getting worse.

8 LINDSAY LOCKS: But taking away our spot would not
9 add an extra parking spot, you know, half a -- not half, but
10 narrower than a full parking spot.

11 JAMES STEINHILBER: Correct.

12 ANDREA HICKEY: In your presentation, do you show
13 the proposed space as a dimensioned space that meets or
14 doesn't the dimensional requirements?

15 LINDSAY LOCKS: Yeah. We had a surveyor come
16 before the survey plot; I think as part of the application
17 for the -- yeah. So that's the existing --

18 ANDREA HICKEY: Right. But is the proposed face
19 shown on that?

20 LINDSAY LOCKS: The proposed face is the exact
21 same space that is there right now. The proposed -- we'd
22 already gotten approval to rebuild the house itself, yes,

1 so.

2 ANDREA HICKEY: I understand that. What I'm
3 looking for is a plan that shows the space that you're
4 requesting.

5 CONSTANTINE ALEXANDER: I think it's right here.

6 JIM MONTEVERDE: Well it's actually -- it's just -

7 ANDREA HICKEY: It's not shown as a space.

8 JIM MONTEVERDE: I have the same question -- no,
9 because it reads as the existing condition --

10 ANDREA HICKEY: It shows the driveway.

11 JIM MONTEVERDE: -- existing and proposed. In
12 essence, it's existing and proposed.

13 JAMES STEINHILBER: exactly.

14 JIM MONTEVERDE: It's the same thing.

15 ANDREA HICKEY: And -- but the width of the
16 driveway I guess -- whether the space meets the dimensional
17 requirements --

18 JAMES STEINHILBER: No, it's 6.8 feet wide.

19 ANDREA HICKEY: Right. So I have an issue with
20 that as well. It's not sort of a properly, legally
21 dimensioned parking space, in addition to the fact that
22 there are setback issues.

1 CONSTANTINE ALEXANDER: And I guess also you need
2 to see on the application if you grant the variance, you
3 need a special permit to park within the side yard setback.

4 ANDREA HICKEY: Right.

5 JIM MONTEVERDE: Right.

6 CONSTANTINE ALEXANDER: So this is a parking area
7 that you're seeking. And it really departs substantially
8 from our ordinance, unfortunately for you.

9 JANET GREEN: When you park, do you pull back so
10 you're really between the houses so the car is in fact
11 visible from people who would be coming along the street? I
12 mean, is your car kind of out of sight? Or is it --

13 JIM MONTEVERDE: Yeah. If you look at the photo
14 in the file, I think that illustrates it?

15 JANET GREEN: Yeah, that's what --

16 JIM MONTEVERDE: -- right?

17 JAMES STEINHILBER: Yes. It's showing.

18 JIM MONTEVERDE: Right?

19 JAMES STEINHILBER: Yeah.

20 ANDREA HICKEY: The photo in the file shows the
21 car parked really on the street end of the driveway, not

22 JIM MONTEVERDE: OKAY. This one, right? This

1 one?

2 JAMES STEINHILBER: Yes.

3 LINDSAY LOCKS: Yeah. That's the best one we
4 have.

5 JIM MONTEVERDE: Is the vehicle against the steps
6 , and not really nose into the drive?

7 BRENDAN SULLIVAN: I think, Andrea, your point is
8 quite valid that on -- well, generally it's a good policy if
9 issue not to park in the front yard setbacks. And yet, the
10 city is over -- it's a blight on the city, but people have
11 to get their cars off the street and to anyplace they can.

12 And I think it's a very valid point is the visual
13 aspect of it of backing out and pedestrians being able to
14 see. If it were between, say, two apartment buildings that
15 are right out to the side lot, and it's really just a narrow
16 alleyway, that would be a problem.

17 You know, I saw it both directions up and back and
18 so on and so forth. I think there was enough visual of a
19 car there if you're coming from left to right and right to
20 left, obviously, to see a car backing up.

21 ANDREA HICKEY: Right. Safety is really only one
22 of my concerns. I mean, the space itself lacks --

1 BRENDAN SULLIVAN: And the space --

2 ANDREA HICKEY: -- in dimensional sort of
3 requirements.

4 BRENDAN SULLIVAN: Yeah, the space --

5 ANDREA HICKEY: It lacks in terms of setbacks.

6 BRENDAN SULLIVAN: Yeah, the space is --

7 ANDREA HICKEY: It's an ask in every way.

8 BRENDAN SULLIVAN: Yeah. No, no, that's -- it is
9 what it is, and it's common in that neighborhood. You know?
10 I mean, that's my feeling on it, anyhow. It's not unusual.
11 In fact, it's somewhat the norm.

12 ANDREA HICKEY: Right. But we're being asked to
13 bless that.

14 BRENDAN SULLIVAN: Well, to --

15 ANDREA HICKEY: And --

16 BRENDAN SULLIVAN: Yeah, right. Yeah.

17 CONSTANTINE ALEXANDER: Any further discussion
18 among our Board members before I open up the public
19 testimony?

20 JIM MONTEVERDE: Which is the following on that
21 conversation, which is the part that troubles me is just the
22 too many dimensional pieces or otherwise that really don't

1 work. Not that I want to take away your parking space.

2 Trust me, I have a house, I don't have a parking space. I

3 wish I had one.

4 But there are just too many pieces that don't work

5 and I really hate to do is set the precedent for someone

6 developing something new to come in and say, "But you gave

7 them this one." And therefore, and I really wouldn't want to

8 go that route.

9 And it's just -- you know, parking in the front,

10 the undersized space -- there are just too many pieces that

11 don't work about it.

12 JAMES STEINHILBER: Just practically, if we were -

13 - if it's heading towards us being denied, I mean, we could

14 redo the plans. We could add a little -- at great cost,

15 we'd have to redo the foundation, et cetera. But we don't

16 want to lose our parking spot tonight, if there's a way to

17 continue it or --

18 LINDSAY LOCKS: Yeah. And I guess the follow-up

19 question is our current parking -- I mean, right, so we

20 obviously just bought this house. We -- it was actually

21 listed as having two parking spots when we bought it. And

22 so, I guess our -- we haven't started the actual

1 construction, we haven't knocked down anything.

2 So, I mean it would be sad, but, you know, like,
3 is -- I guess that's just clarification for us is the
4 difference between the current versus the future plan.
5 Like, if we don't touch the house at all, is the parking
6 spot allowed because it's grandfathered in? And the issue is
7 because of the new construction?

8 ANDREA HICKEY: I think the Inspectional Services
9 or the Building Department --

10 JAMES STEINHILBER: Right.

11 ANDREA HICKEY: -- would have to address that
12 question about whether it's grandfathered. That's not
13 something that we really have authority to opine on.

14 JAMES STEINHILBER: Exactly.

15 JANET GREEN: On the other hand, it wouldn't be
16 coming before us if it weren't for doing the --

17 CONSTANTINE ALEXANDER: No, but if they didn't do
18 it --

19 JANET GREEN: They'd still have to come -- yeah.
20 If they weren't doing the construction, would they have to
21 come here for the driveway?

22 CONSTANTINE ALEXANDER: That's where the

1 Inspectional Services Department --

2 JANET GREEN: The driveway would stay the same.

3 CONSTANTINE ALEXANDER: I don't know the answer to
4 that. And you were here before?

5 LINDSAY LOCKS: Yeah.

6 JAMES STEINHILBER: For the prebuild variance,
7 yes.

8 JIM MONTEVERDE: But for the -- for rebuilding,
9 for the house itself?

10 LINDSAY LOCKS: Yeah.

11 JAMES STEINHILBER: Correct.

12 JIM MONTEVERDE: Correct?

13 JAMES STEINHILBER: But we waited to touch
14 anything, because we wanted to come back and do this right.

15 LINDSAY LOCKS: Yeah. It was a mistake of our
16 architect in our original plan. He forgot to include the
17 parking spot. But yeah, the building is exactly the same.

18 BRENDAN SULLIVAN: Sisia, is it the extent of the
19 renovation to the existing house which triggers --

20 SISIA DAGLIAN: Except it's getting knocked down.
21 You know, like, the roof is being removed. So it's
22 considered --

1 BRENDAN SULLIVAN: So it's the extent, yeah.

2 SISIA DAGLIAN: Right.

3 BRENDAN SULLIVAN: Right, yeah.

4 CONSTANTINE ALEXANDER: Basically, building a new
5 structure on empty land.

6 BRENDAN SULLIVAN: Right. It's more than 50
7 percent. I mean, if that's the threshold, yeah, okay.

8 LINDSAY LOCKS: So to answer the question briefly,
9 if you weren't doing anything and that space had been used
10 and considered grandfathered, then conceptually that use
11 could continue?

12 CONSTANTINE ALEXANDER: That that would be -- the
13 first call would be the Building Department.

14 ANDREA HICKEY: Correct, yeah.

15 CONSTANTINE ALEXANDER: And then if they said no,
16 you could come back before us. But if they say yes, the
17 case is over. I mean, you're free to continue to use it.

18 BRENDAN SULLIVAN: I mean, my thought is if we
19 were to deny this, what is the effect on that? It would be
20 that we would be telling these people that they couldn't
21 park there? Or the alternative would be not do this
22 extensive renovation to their house.

1 So they would then have to have a value judgment
2 as to which is more important, the parking space or a nicer
3 house, accommodating house and so on and so for this, so
4 that the parking space is only wagging the dog here in a
5 sense.

6 And is this, you know, controlling really what you
7 do in a sense? If you lose a parking, now we have to
8 rethink the house thing.

9 Okay. If you decide, "Well, we really need the
10 house thing and the parking spaces is held hostage to that,
11 we are going to give up our parking space." But what is the
12 net effect of that? Okay, we have preserved a policy --

13 CONSTANTINE ALEXANDER: Right.

14 BRENDAN SULLIVAN: -- issue of the city of not
15 allowing it. But is that effect -- to me I think that's an
16 unreasonable effect on these particular people, given the
17 historical use of that space.

18 And then we are telling them then that they can
19 publicly park across their driveway because there's a curb
20 cut there and maybe nobody else will, or somebody may park
21 right up that curb cut, and then you may not be able to park
22 across it.

1 I think that's really becoming -- I think it's --
2 we're placing a burden.

3 CONSTANTINE ALEXANDER: Well, I think we're
4 forcing them -- not we, the city is -- forcing them to make
5 a choice. You renovate the house and do what you want to
6 do, and lose the parking space, assuming you vote it down,
7 or preserve the parking space, but then do not change the
8 structure.

9 ANDREA HICKEY: Or perhaps do a lesser renovation
10 that wouldn't trigger the question.

11 CONSTANTINE ALEXANDER: Yeah, that's right.

12 LINDSAY LOCKS: And we actually went through that
13 extensively, and we never wanted to rebuild this house. And
14 I -- and that was part of what we sort of talked about last
15 time. I mean, it was probably our mistake. It's currently
16 two apartments. It's not a single-family home. There are
17 major structural changes that had to be made.

18 I mean, the roof definitely needs to be redone,
19 and the staircases have to be moved. There were issues with
20 the width of the walls for modern insulation. Like, there
21 were just sort of all of these things that came up with our
22 contractor and our architect and our structural engineer.

1 We were trying to do a small-scale renovation, and the
2 reason it became a full rebuild was just the sheer number of
3 things that they felt that are honestly -- I mean, not
4 purely for comfort, but just literally in the logistics of
5 turning this into a --

6 CONSTANTINE ALEXANDER: My question is, is that if
7 you're not going to be -- if you can do all this work
8 without changing the structure -- in other words, all
9 interior or a new roof, or moving the staircase interior, if
10 you could do that, then continue to use your parking space,
11 because it'll be grandfathered. It's when you tear down
12 your structure.

13 And I guess I'm trying to say talk to your
14 contractor a little bit more or your architect. Is it
15 possible to do that? Keep your structure, so you don't have
16 to lose your grandfathered parking space? That's your call.

17 JANET GREEN: I would have --

18 CONSTANTINE ALEXANDER: Should be all right.

19 JANET GREEN: No, it went red. I think we're done
20 with time. I would have to say I agree with Mr. Sullivan
21 that I think that this is -- I think what they're doing to
22 improve the house, they should not have to pay the

1 consequences of the driveway in that when they're in the
2 location where that's not like one house that's going to
3 stand out and be completely different from all the others.

4 And it seems to me that -- I don't -- I don't -- I
5 think it creates a hardship for them to make a choice
6 between fixing a house that obviously has many things that
7 need to be fixed about it and losing their parking space,
8 and then having to park in a neighborhood where the street
9 parking is already so crowded.

10 I mean, there are just so many -- it seems to me
11 we have to balance that, and it's where do you split the
12 hair? I would say that I'm comfortable with this driveway.

13 CONSTANTINE ALEXANDER: Let me open the matter up
14 to public testimony. Is there anyone here wishing to be
15 heard on this matter? No, there is not.

16 And there are letters that you mentioned in our
17 files, which I don't think we need to read. Close public
18 testimony, I don't know if there's anything more you'd want
19 to say at this point? It's up to you.

20 LINDSAY LOCKS: I mean, I think our last plea is
21 really just that we are keeping the structure the same size.
22 We're not trying to make it bigger or change the shape of

1 the neighborhood in any way. It's really to improve the
2 aesthetics on the outside and then the safety and comfort on
3 the inside.

4 CONSTANTINE ALEXANDER: Okay. I'll now close
5 public testimony. I think we've had ample discussion. Is
6 there more discussion necessary, or are we ready for a vote?

7 BRENDAN SULLIVAN: I just think it's a fair --

8 CONSTANTINE ALEXANDER: I'm sorry?

9 BRENDAN SULLIVAN: I just think it's a fair and
10 reasonable request for this particular location, given the
11 historical nature and use of that -- what they're trying to
12 do to the house, and I would ask my Board members to think
13 of it in that light and not in this general trying to, you
14 know, observe the policy.

15 CONSTANTINE ALEXANDER: I guess my observation
16 would be if this parking area were a little more compliant
17 with our zoning ordinance -- it's not compliant in so many
18 ways that --

19 BRENDAN SULLIVAN: Well, yeah, and if we were --
20 if they were asking us to create a new one, I would
21 absolutely say no. But it's -- I mean it's the nature of
22 that neighborhood of totally substandard, out of compliance

1 everything that you could think of parking spaces, but the
2 historical use of that has worked, does work okay.

3 And I just think it's a fair thing to do for these
4 people.

5 JIM MONTEVERDE: So the only -- the part I get
6 stuck on is it's just -- it's dimensionally deficient in
7 both directions. And the discussion about being able to
8 pull into it, you're not on a sidewalk, you can pull out of
9 it, there's enough visibility.

10 I think that's your fortunately modest vehicle,
11 the dimension. I mean, the survey you're saying is 12.8
12 feet. Typical parking stall is 20 feet deep. We cheat and
13 make them 18. But 12.8 is just -- it's so undersized,
14 that's the only part I'm stuck on.

15 Because if it's not you -- I understand what
16 you're doing, I can see the photo, I can see the vehicle
17 that's there -- if it's somebody else, you know, that you
18 sell the property and it's just -- then it's, and someone
19 takes it as a parking space?

20 BRENDAN SULLIVAN: Well, but Jim, I think if -- I
21 think -- and I don't mean to be your advocate, but I sort of
22 feel somewhat strong about this that if -- I think I can

1 deal, and I can justify what I'm going to do coming down the
2 road with somebody else. You know, developer will say,
3 "Well, you know, you gave it to them and so on and so
4 forth."

5 JAMES STEINHILBER: Right.

6 BRENDAN SULLIVAN: But I think the set of
7 circumstances would have to be the same. And I don't know
8 if there's any other set of circumstances that would be
9 exactly the same as the historical use of the property, the
10 -- I mean, everything about this site is out of compliance.
11 The whole neighborhood is out of compliance.

12 JIM MONTEVERDE: No, no I get that.

13 BRENDAN SULLIVAN: You know, and yet if somebody
14 comes down and says, "Well, you gave it to them, that's a
15 substandard -- " you know, and they gave us these dimensions
16 that they want to create a parking spot, I would say no,
17 because you're creating this parking spot.

18 But it's the historical use of that space I think
19 which to me I think is a fair and reasonable request to
20 continue that use.

21 And obviously, they're not putting their Hummer in
22 there, you know?

1 CONSTANTINE ALEXANDER: You couldn't.

2 BRENDAN SULLIVAN: You know, your Prius you're
3 going to fit in there. So I think that it's -- it will be
4 -- I don't know.

5 JANET GREEN: If it's not creating one of a kind,
6 you know, I mean it is -- it's not like all of a sudden, one
7 thing in the neighborhood is going to be very different than
8 many other things.

9 BRENDAN SULLIVAN: It's not going to denigrate the
10 neighborhood.

11 JANET GREEN: Exactly.

12 BRENDAN SULLIVAN: So anyhow.

13 CONSTANTINE ALEXANDER: Any other comments? Or
14 ready for a vote? Okay. The Chair moves that we make the
15 following findings with regard to the variance being sought:

16 That a literal enforcement of the provisions of
17 the ordinance would involve a substantial hardship for the
18 petitioner, such hardship being as that a parking area
19 that's been used in the past will be lost to a petitioner in
20 a very densely populated neighborhood.

21 That the hardship is owing to the shape of the --
22 I guess the shape of the lot. It's a small lot, and the

1 location of the structure relative to the parking area
2 that's being proposed.

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

6 So on the basis of all of these findings, the
7 Chair moves that we grant the variance requested with regard
8 to the undersized parking space in the front yard setback on
9 the condition that what we're talking about will be as set
10 forth on the plan submitted by the petitioner and which has
11 been initialed by the Chair, as prepared by Maloney
12 Geospatial in Somerville.

13 All those in favor of granting the variance,
14 please say, "Aye."

15 THE BOARD: [Three vote AYE]

16 CONSTANTINE ALEXANDER: One, two, three. Opposed?
17 [Constantine Alexander, Andrea Hickey vote NO] Two
18 opposed. You need four votes. I'm sorry. Relief is
19 denied. With that, the next part of the case is moved. I'm
20 sorry, that's just sort of the way the law works. Case
21 over.

22 BRENDAN SULLIVAN: Can I get a two-minute break?

1 CONSTANTINE ALEXANDER: By all means. We're going

2 take a five-minute recess.

3 [BREAK]

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2 (9:14 p.m.)

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

6 CONSTANTINE ALEXANDER: Young American LLC, 1741
7 Massachusetts Avenue.

8 ADAM BARNOWSKY: Good evening Mr. Chair, members
9 of the Board. My name is Adam Barnowsky, B-a-r-n-o-w-s-k-y.
10 I'm an attorney with a law practice at 255 State Street,
11 Boston. And with me is Brian Militana, it's M-i-l-i-t-a-n-
12 a, he's the project architect.

13 JANET GREEN: Can I ask you just to get a little
14 bit closer to the microphone? People in the back can't hear
15 you, and since this is the last case, there are probably a
16 lot of people.

17 ADAM BARNOWSKY: Sure. Should I start over?

18 CONSTANTINE ALEXANDER: No.

19 JANET GREEN: Don't move, just --

20 ADAM BARNOWSKY: So as I mentioned, with me is
21 Brian Militana, Project Architect. Also Andrew Brady,
22 Lauren Friel -- I'm sorry, I did not get --

1 JANET GREEN: Sarah Martin --

2 ADAM BARNOWSKY: Sarah Martin, and they are the
3 principals of the LLC. So we're here regarding a special
4 permit parking waiver relative to the development of a new
5 restaurant and wine bar on the premises.

6 The property is located just south of Porter
7 Square and Mass Ave. It's in between Prentiss Street and
8 Exeter Park. It's on the first floor of a one-story
9 commercial, multiunit commercial building in the Business A2
10 Zoning District. This was formerly the location of a retail
11 space called, "Middleman." The space has been vacant for
12 approximately two years.

13 The immediate abutters to the right is East Boston
14 Savings Bank. To the left is a dental practice office
15 building. The location will be the restaurant wine bar
16 calle, Dear Annie. It's from the restaurant teams behind
17 Rebel Rebel and Field and Vine, which are both in
18 Somerville.

19 We currently have an application that's pending
20 with the Licensing Board for a beer and wine license on
21 location. As part of the prehearing Department review, they
22 flagged this parking issue before the Board. The licensing

1 application will go before the Licensing Board we anticipate
2 in mid-January, pending the approval of this Board.

3 There is an occupancy of the proposed restaurant
4 for 77 spaces -- I'm sorry, 77 patrons, and seating for 65.
5 The proposed use is allowed. It's an allowed use under the
6 by right pursuant to Section 4.3 of the zoning ordinance.
7 Under Section 6.36 we do need a parking waiver of 13, or --
8 we need 13 parking spaces essentially. So it's one parking
9 spaces per five patrons.

10 It's our understanding from ISD that there was a
11 prior parking waiver of six spaces for the retail space. So
12 we're seeing -- essentially what we're asking for is a net
13 increase of seven spaces for this site.

14 The waiver requires a special permit pursuant to
15 Section #10.40 of the zoning ordinance. It's worth noting
16 that this building in the use -- well, really the building,
17 which was built in 1927 predates the enactment of the zoning
18 ordinance.

19 So while we're a by-right use, there's kind of a
20 little bit of a push and pull there because we can have a
21 restaurant, but there are no parking spaces there. So
22 that's essentially the pickle that we're in today.

1 We provided a BZA application, which was prepared
2 by Mr. Militana of a whole host of all of the reasons why we
3 feel this is an appropriate location for a waiver; why we do
4 feel that a waiver is appropriate under the circumstances.
5 We can get into that in as little or as much detail as the
6 Board would like.

7 But briefly, we'd like the Board to consider the
8 location proximate to Porter Square T stop, the availability
9 of metered parking right out in front of the location.

10 So it's also interesting. There are a fair amount
11 of vacant spaces in this stretch of Mass Ave. The
12 businesses for the most part that are for example
13 immediately adjacent to this business, are mostly day
14 businesses. So this is a restaurant wine bar.

15 Predominantly you'll have people in there in the
16 evening. They will be there after the bank closes for the
17 most part. They will be there after the dental practice
18 closes. And a lot of the surrounding businesses that mostly
19 attract day customers.

20 So we think that there will be more parking spaces
21 available on the street. There's also a public parking lot
22 close by at Lesley University and there are nine bus lines

1 that are in the general area within about a half a mile.

2 Again, we can certainly elaborate on any of the facts that
3 you like.

4 Ultimately, we're trying to activate this space.
5 This is -- the amount of seating, 65 seats, is really
6 running the numbers. The threshold amount of seats that are
7 going to be required to run a successful restaurant
8 business.

9 These are successful business operators, they know
10 what it takes to run a successful restaurant, and the number
11 is really crucial. We think that it can be done in a way
12 that is respectful to the community.

13 It's worth noting that we have provided several
14 dozen support letters, we have a few more here. It does
15 seem --

16 CONSTANTINE ALEXANDER: More than several dozen.

17 ADAM BARNOWSKY: More than several dozen, right.
18 So this does come before the Board with the support of the
19 community and support of the neighborhood. With that, I
20 will be brief. We certainly can answer any questions that
21 the Board may have.

22 CONSTANTINE ALEXANDER: I was intrigued by -- and

1 I think I'm very -- important -- it says it's not a first
2 venture for you folks. This is -- you know, what it's like.
3 You don't have a lot of parking.

4 ADAM BARNOWSKY: No, it's tough over there.

5 CONSTANTINE ALEXANDER: I've been there, and I
6 know parking is a real problem. So, and as you pointed out,
7 there's plenty of public availability to park both on the
8 street, public transportation, both T and bus lines. So to
9 me, it's not much of a problem.

10 Anybody else want to comment?

11 JIM MONTEVERDE: No.

12 JANET GREEN: Could I ask how many employees will
13 you have when you're at your highest point of business in a
14 week or a day, or?

15 LAUREN FRIEL: Roughly between six --

16 JANET GREEN: Do you know how --

17 THE REPORTER: Could you just spell your name for
18 the record, please?

19 LEE FARRIS: Oh, I'm sorry. Me?

20 ADAM BARNOWSKY: Yeah.

21 LAUREN FRIEL: Sorry. My name is Lauren Friel.

22 Do you want me to spell it?

1 ADAM BARNOWSKY: Yep.

2 LAUREN FRIEL: It's L-a-u-r-e-n F-r-i-e-l.

3 between six and eight employees.

4 ANDREA HICKEY: And will they be parking in the
5 spaces that go with your --

6 LAUREN FRIEL: It's my experience in employing
7 restaurant staff that most of them rely heavily on either
8 walking or public transportation. And if there is a car
9 involved, they are either residents of the area -- actually

10 I have one in my place here right now, he's a
11 Cambridge resident -- or they'll use a Lyft or Uber service.
12 Driving isn't generally convenient for them, because, you
13 know, they don't want to worry about leaving their car.

14 ANDREA HICKEY: So -- excuse me, so what is your
15 envisioned use of the spaces that you do have?

16 LAUREN FRIEL: I'm sorry?

17 ANDREA HICKEY: What is your envisioned use of the
18 spaces that you do have?

19 LAUREN FRIEL: Who would be parking there?

20 BRIAN MILITANA: So we don't have --

21 THE REPORTER: Can you state your name for the
22 record, please?

1 ANDREA HICKEY: You need to say your name and
2 spell it.

3 THE REPORTER: Can you spell your name for the
4 record?

5 BRIAN MILITANA: B-r-i-a-n M-i-l-i-t-a-n-a. The
6 building takes up the entire lot. There are not parking
7 spaces currently.

8 ANDREA HICKEY: So there is no parking at all?

9 BRIAN MILITANA: Right. It's an abstract
10 exercise, based on what was previously permitted as a
11 waiver, versus the waiver we're asking for.

12 ANDREA HICKEY: Understood.

13 CONSTANTINE ALEXANDER: I'll open the matter up to
14 public testimony. A lot of folks -- okay, I guess I will
15 just say I don't recognize you, but I do not think you hear
16 a lot of opposition.

17 And so, I without say here just to endorse, you
18 can all go home earlier, if you don't have to speak. So
19 anyway, you're first, ma'am.

20 KITTY HUANG: Kitty Huang. K-i-t-t-y H-u-a-n-g, 3
21 Prentiss Street. I live right behind 1741 Mass Ave. This
22 corner of Prentiss Street and Mass Ave does not have the

1 capacity to support a parking space, the parking needs of a
2 65-seat restaurant.

3 Many people already park illegally on Prentiss
4 Street without residential permits to shop at the nearby
5 stores. A large restaurant will take away more parking
6 spaces from residents living on Prentiss Street.

7 In addition, restaurants come with frequent truck
8 deliveries. There is no space for trucks to park at this
9 location. Delivery trucks will either block the traffic on
10 Mass Ave by taking up one lane or block the one-way Prentiss
11 Street.

12 Delivery trucks for the store nearby often use our
13 driveway without permit -- without permission. The noise
14 and the vibration from the trucks lasting for an hour or
15 half-an-hour long disturbs our peace and quiet.

16 Like many Cambridge residents, I rely on the City
17 of Cambridge to give me a spot to park on the street.
18 Making the already difficult parking situation worse will
19 only drive more residents away from our city. Thank you for
20 listening.

21 CONSTANTINE ALEXANDER: Thank you. I'm going to
22 talk about make a couple of comments. The trucking issues,

1 that's not related to the parking. I mean, you're not going
2 to get big food trucks pulling into a small parking lot.

3 And the only -- if they had 13 spaces, they'd be
4 complying with the ordinance. I mean, we're talking about
5 six spaces. That's not a tremendous impact on the
6 neighborhood, in my mind.

7 KITTY HUANG: We have garbage trucks who had to
8 park into our driveway to back up to the business nearby,
9 and our driveway is between the driveway for 1741 and our
10 driveways are connected without a fence.

11 CONSTANTINE ALEXANDER: But to park -- garbage
12 trucks don't come in the middle of the night when the
13 restaurant is going to be attracting patrons.

14 KITTY HUANG: Right. They come at 6:00, and I
15 have lived next to a school convenient store. Their truck
16 delivers 24 hours a day. And then the recycling truck for
17 the business next door, they actually can come by as early
18 as 6:00.

19 And there was another garbage collection truck on
20 Exeter Street. They always come at 2:30 and 3:00. I
21 document the days they come every day, but I was too sleepy
22 to go out ask them why do they need to come at that day?

1 CONSTANTINE ALEXANDER: Okay.

2 KITTY HUANG: Thank you.

3 CONSTANTINE ALEXANDER: Thank you. Ma'am? Thank
4 you for taking the time to come down. I appreciate it
5 staying this late.

6 JUSTINA TYMOSZCZUK: And it's Justina, you know,
7 J-u-s-t-i-n-a. And I also live on Prentiss Street. It's
8 Apartment 9.

9 JANET GREEN: We need you to use the microphone.

10 CONSTANTINE ALEXANDER: Yeah, get a little closer,
11 please.

12 JUSTINA TYMOSZCZUK: Okay, sorry. So as he was
13 going over the neighbors, he forgot to mention us, the
14 neighbors to the back. I personally park -- I pay for a
15 parking spot in that driveway -- I've been doing that for
16 the past five years. I pay for it and I park three feet
17 away from the back door of that restaurant.

18 So there -- first of all, there is no parking.
19 There are five spots -- mine, a girl that parks next to me,
20 and three further down. There is nothing else. There is
21 literally nothing else. So I don't know where these numbers
22 are coming from. There's no other spots.

1 And going back to the trucks, if there's no -- I
2 mean, that's the only door they can deliver food through.
3 You're going to deliver the food through the --

4 LAUREN FRIEL: There's a loading zone in the front
5 of the restaurant.

6 JUSTINA TYMOSZCZUK: So you're going to deliver as
7 people are eating?

8 ADAM BARNOWSKY: Before.

9 LAUREN FRIEL: The deliveries come in before
10 service starts in restaurants.

11 JUSTINA TYMOSZCZUK: Okay. But there's going to
12 be -- I'm sure, because that's what happens all the time.
13 That's what the -- Nomad was saying and they still had
14 people delivering and bartering in the parking lot, so I
15 don't believe that that's going to be the case, that you're
16 going to be bringing in food when there's people sitting at
17 the tables in the restaurant.

18 LAUREN FRIEL: There wouldn't be people sitting
19 there, if the delivers come in during the day.

20 JUSTINA TYMOSZCZUK: Regardless, I get blocked
21 literally every single day. I have to go out -- I work
22 largely from home, but I have to go out and meet clients. I

1 can't stand there and wait until somebody who's somewhere on
2 Mass Ave comes back and gets their car. Often, that's what
3 I have to do. Often, I have to run around and check where
4 the people are, or I have to tow them.

5 And I just simply cannot imagine a bigger load of
6 people coming and parking there, because they're always
7 there for five minutes, "just five minutes, I'm just going
8 to get a bottle of wine." "I'm just going to get, you know,
9 money from the ATM." And that's literally my life.

10 And I just can't imagine this being any more
11 intense with people that will be working there, with people
12 that are going to be eating there, and there's obviously
13 other issues with having a restaurant literally in my front
14 yard, with garbage, with people smoking, traffic, smells,
15 whatever. But we're not talking about that.

16 But the parking, simply there is no parking in
17 that parking lot, and people are already parking illegally,
18 blocking me, and I have to run around and look for people,
19 find out where they are to help them with their cars, and I
20 just can't imagine that being more intense.

21 CONSTANTINE ALEXANDER: Thank you for taking the
22 time to come down. Yes, ma'am?

1 ELISE MOORE: My name is Elise. It's E-l-i-s-e.
2 My last name is Moore, M-o-o-r-e. And --

3 THE REPORTER: Your address?

4 ELISE MOORE: Oh, address. Yes. 12 Avon Place,
5 Cambridge. So right off of Avon Hill Street. You go one
6 block to Linnaean and I can walk right to the restaurant.
7 And I've been going to Field and Vine now.

8 I go there, like, once every seven to 10 days
9 because I can't stay away. Because his food is so good, and
10 the people that work there are so kind and so nice that I
11 almost feel like they're family.

12 And I think that Cambridge would be so incredibly
13 lucky to have this team of people and the food that they
14 bring that is -- literally -- they called it Field and Vine
15 because it comes from -- straight from the farms to table.
16 And that is a very successful model, not only in Cambridge
17 and Boston, but also all across the country right now.

18 And I think that that's sort of what we want to
19 see in Cambridge. And just having lived here in Cambridge
20 from Texas for a very long time, for so long that I don't
21 even want to say how long it's been, because it'll show my
22 age, I would have to say that I watch people literally leave

1 their homes to go to Giulia's. It's a ritual.

2 Friday nights they leave their homes, they don't
3 park, they leave their homes and walk there. They stand in
4 line for 30 minutes until Giulia's opens at 5:30. And Field
5 -- well, the new name of the restaurant is --

6 COLLECTIVE: Dear Annie.

7 ELISE MOORE: Oh, it is? Okay. So Dear Anne or
8 Dear Annie? Annie, sorry. Dear Annie is going to be just
9 like that. And the other popular restaurant is the Abbey,
10 which is just amazing. And very often I'll go there on a
11 Friday or a Saturday night and there's not a seat, because
12 there are so many people there.

13 And I do think that that stretch of Mass Ave, to
14 everyone's point, the parking really clears out at that time
15 of night. So I've never heard of anyone having a problem,
16 and the fact that the neighborhood around and surrounding
17 really supports those restaurants.

18 And they are going to be so gleeful to have the
19 quality and the level of kindness that this restaurant will
20 bring to our community.

21 So I guess you can tell, I'm a big thumbs up. I'm
22 a big thumbs up.

1 CONSTANTINE ALEXANDER: I get it, I get up.

2 ELISE MOORE: So -- and I don't know what else to
3 say because I just would be -- I could have had 50 people
4 here tonight, but it's a little late, and a lot of them have
5 children.

6 But I just wanted you all to know that I'm so
7 excited about it, I can't even stand it. And that place has
8 been empty for two years, and I loved Nomad. They didn't
9 leave, they just moved a few storefronts down.

10 CONSTANTINE ALEXANDER: That place has been empty
11 because the landlord wanted -- jacked the rents up
12 significantly, and drove the Nomad away.

13 ELISE MOORE: Oh. Oh, okay, okay.

14 CONSTANTINE ALEXANDER: Plan on paying the price
15 for being greedy when it comes to rent, having the place
16 vacant for a couple of years.

17 ELISE MOORE: Oh, okay.

18 CONSTANTINE ALEXANDER: In my opinion, anyway.

19 ELISE MOORE: Oh, okay. All right. I just -- I
20 wondered. So it would be very nice to have that storefront
21 be used instead of just sitting there, especially with the
22 quality and the family-like atmosphere, so.

1 CONSTANTINE ALEXANDER: Thank you very much. Sir?

2 THE REPORTER: Could you spell your name and give
3 your address, please?

4 MASON GLOUDEMANS: Yes. My name is Mason
5 Gloudemans -- M-a-s-o-n last name is G-l-o-u-d-e-m-a-n-s,
6 and I live on 5 Lancaster Street, Cambridge, Massachusetts.

7 Good evening. So I live on Lancaster Street,
8 which is kind of directly across Mass Ave, across from where
9 this location is going to be, and I live in the immediate
10 area, and also, teach in the immediate area, and I guess I
11 just want to speak to past just the business, but just the
12 character of these individuals and the character of their
13 business.

14 And I goes beyond just their business and it's
15 really -- these are activists that strongly affect a
16 positive impact to the community. Both of their locations
17 right now do that in their immediate communities, and I know
18 that that would just continue in our immediate community.

19 I think it's just so important to kind of set that
20 precedence of strong character in business as well, so they
21 can affect positive change in so many different areas,
22 beyond just the immediate business.

1 CONSTANTINE ALEXANDER: Thank you for coming down.
2 I saw a hand up in the back.

3 MAIA FLEMING: Maia Fleming, M-a-i-a F-l-e-m-i-n-
4 g, 184 Sherman Street, Cambridge. I'm not adding on that
5 much more. I will say that I went Christmas shopping in
6 this neighborhood and I walked there, and I'm a regular at
7 the Abbey, and every time I go there, I drive. I have never
8 not found a metered parking spot.

9 There are very few restaurants in this
10 neighborhood, and I think it would benefit from a restaurant
11 of this caliber and a wine bar of this caliber. I think it
12 would be really wonderful to have more evening businesses in
13 this area, and I think it's also two blocks to the Porter
14 Square T, and I can't imagine that this is going to be an
15 overflow situation. Thank you so much.

16 CONSTANTINE ALEXANDER: Thank you for taking the
17 time to come down. Sir?

18 THEO FORBATH: We're husband and wife. T-h-e-o
19 Forbath, F-o-r-b-a-t-h.

20 ALISON ROBERTS: Alison, A-l-i-s-o-n Roberts, R-o-
21 b-e-r-t-s.

22 THEO FORBATH: We live at 21 Foss Street around

1 the corner from where they're proposing to open their
2 restaurant, and only read about it actually in a
3 neighborhood newsletter, and couldn't be more excited.

4 We go out to dinner too often, and there are not
5 enough restaurants in the neighborhood, and we have a big
6 concern about too many chains moving into the neighborhood
7 and not enough locally-owned businesses, which is one reason
8 we adore Porter Square and have lived there over 30 years.

9 And we do see plenty of parking at night in the
10 neighborhood, though I can appreciate what the Prentiss
11 Street neighbors are feeling about this. But I think it
12 could be worked out. I think there are opportunities to
13 improve traffic in Cambridge, and it would be just wonderful
14 to have you here.

15 ALISON ROBERTS: I just wanted to speak to the
16 community aspect. I feel like we've lost too many
17 independent businesses. It was a trend in Harvard Square.
18 I'm worried it's going to creep up Mass Ave. We have vacant
19 storefronts.

20 When we lost -- when Nomad and University Wine
21 were forced out -- thankfully they stayed, but we were
22 anxious about what would move in. We kept saying, "We hope

1 it's not more banks." Well, we got one bank. We don't want
2 another bank.

3 We want a business that's going to bring people
4 together, that's going to build community, and we just, you
5 know, hope that they will move into our neighborhood.

6 THEO FORBATH: Thank you.

7 CONSTANTINE ALEXANDER: Thank you for taking the
8 time to come down. Anyone wishes to be heard? Sir? Oh, I'm
9 sorry, I missed one.

10 ERIKA DUNYAK: Hi, thank you. My name is Erika,
11 E-r-i-k-a Dunyak, D-u-n-y-a-k. I'm at 3 Sergeant,
12 Cambridge. So I am a Cambridge resident, and also, a
13 frequenter of both of these establishments and love them
14 very much, but I actually wanted to talk to you -- I work at
15 Harvard Law School, and our office is very excited about the
16 proximity of Dear Annie.

17 CONSTANTINE ALEXANDER: Harvard endorses this.

18 ERIKA DUNYAK: I mean, I don't know that I can
19 speak for the whole institution -- just the employees. And
20 we all already have parking if we drive in. And I think
21 that that's true for a lot of people who are employed in the
22 area. So that's going to -- I would suspect be a lot of the

1 weekday patrons are going to be employees who, if they need
2 to drive, already pay for parking garages. So thanks.

3 CONSTANTINE ALEXANDER: Thank you also for coming
4 down. You don't know the neighborhood at all. Sargent
5 Street is a good distance away from the restaurant. There
6 was someone over here who wanted to speak on that. Maybe
7 not. Sir.

8 PHIL MINERVINO: Thank you. Good evening. My
9 name is Phil, P-h-i-l, surname M-i-n-e-r-v-i-n-o. I'm a
10 resident of 61 Frost Street, so that would put me in close
11 proximity to proposed establishment.

12 [Microphone conversation]

13 THE REPORTER: Yeah, could you repeat your last
14 name, please?

15 PHIL MINERVINO: My last name is spelled M-i-n-e-
16 r-v-i-n-o. I reside at 61 Frost Street. So I would be an
17 abutter to the potential business. I've -- I share traffic
18 concerns. I commute daily, and so, I come back into the
19 city at night, and I can look for a space.

20 But I have to say in complete frankness that
21 that's not my issue. I think a business like this that's
22 open in the evening, providing scurry traffic, enhances our

1 community. There are clearly a lot of vacant storefronts on
2 Mass Ave.

3 When I walk around with my young children, it's
4 fostered interesting discussions. They're too young to be
5 frequenting bars, but I would welcome the activity.

6 And I would also say that I think in this day in
7 age with Uber and Lyft that when many people are going out
8 in the evening to consume alcohol, they often don't drive
9 intentionally. So I would just add that. That's all I had
10 to say, thank you.

11 CONSTANTINE ALEXANDER: Thank you. Anyone else
12 wishes to be heard? I guess not. I will close public
13 testimony. Any final comments you want to make?

14 LAUREN FRIEL: I would just make the point.

15 CONSTANTINE ALEXANDER: You don't have to.

16 LAUREN FRIEL: I would just make the point the
17 concerns about the deliveries that the neighbors had --
18 there is a landing zone directly in front of the
19 establishment, so that's never been occupied whenever we've
20 visited, so --

21 PHIL MINERVINO: On Mass Ave?

22 LAUREN FRIEL: On Mass Ave.

1 CONSTANTINE ALEXANDER: On Mass Ave.

2 AUDIENCE: Are you going to put the garbage, like,
3 directly on my car? Because I think that's what --

4 CONSTANTINE ALEXANDER: I think that's -- no --

5 AUDIENCE: I think we should talk about that
6 separately. I know that I think you might be parking on a -
7 -

8 LAUREN FRIEL: We don't need to address that,
9 yeah.

10 JIM MONTEVERDE: Can I ask a question?

11 CONSTANTINE ALEXANDER: Go ahead.

12 JIM MONTEVERDE: Just for my edification, that
13 space behind --

14 LAUREN FRIEL: Yes.

15 JIM MONTEVERDE: -- what is that?

16 LAUREN FRIEL: Storage space, I think.

17 ADAM BARNOWSKY: Just an open space right now.

18 JIM MONTEVERDE: Looks like a patio. Glass wall?

19 ADAM BARNOWSKY: Yeah.

20 JIM MONTEVERDE: Fence? What does it plan to be?

21 BRIAN MILITANA: I think eventually it might be a
22 patio.

1 JIM MONTEVERDE: So you'll serve food outside,
2 drinks outside?

3 BRIAN MILITANA: I think that basically we didn't
4 want to apply for a patio, because what we want is further
5 back -- we want, like, a planted area to look onto there.

6 ADAM BARNOWSKY: If I can elaborate on that, the
7 applications before the licensing Board currently does not
8 include --

9 BRIAN MILITANA: Add a patio.

10 ADAM BARNOWSKY: Does not include a patio.

11 CONSTANTINE ALEXANDER: And I think if you wanted
12 to use patio, that wouldn't be a zoning issue, that would be
13 a licensing issue.

14 ADAM BARNOWSKY: Right. That's a licensing issue.
15 But just so this Board is clear, that that is not currently
16 a patio. It would have to go through municipal approval
17 process in the event that the applicant would like to
18 utilize that space.

19 CONSTANTINE ALEXANDER: And if there is opposition
20 to the patio use, that would be another forum.

21 LAUREN FRIEL: Right.

22 CONSTANTINE ALEXANDER: To hear the licensing.

1 ADAM BARNOWSKY: That would be an amendment to the
2 liquor license.

3 CONSTANTINE ALEXANDER: Right. It's not a zoning
4 issue.

5 LAUREN FRIEL: Yeah. I just want to add to
6 clarify that window space in the back is to give light to
7 that rear space, because it would be very dark back there
8 without that large, glass area.

9 JIM MONTEVERDE: And the driveway, is that for
10 your use? Is that where you're parking? Or are you parking
11 adjacent to it?

12 JUSTINA TYMOSZCZUK: I'm literally parked --

13 JIM MONTEVERDE: So you're at the space, and is
14 that a --

15 JUSTINA TYMOSZCZUK: Yes.

16 JIM MONTEVERDE: -- for your use at all?

17 [Simultaneous speech]

18 THE REPORTER: Sir, I can't.

19 CONSTANTINE ALEXANDER: The stenographer -- one at
20 a time.

21 THE REPORTER: I need her on the mic.

22 JIM MONTEVERDE: No, wait. Let me let them answer

1 my question first, please.

2 BRIAN MILITANA: So --

3 JIM MONTEVERDE: Whose is --

4 BRIAN MILITANA: -- that driveway.

5 JIM MONTEVERDE: Yep.

6 BRIAN MILITANA: -- it's my understanding that
7 that's on our landlord's property.

8 JIM MONTEVERDE: Right.

9 BRIAN MILITANA: So --

10 JIM MONTEVERDE: Have you used it at all?

11 LAUREN FRIEL: That would be between our landlord
12 and the woman who's --

13 JIM MONTEVERDE: Right.

14 LAUREN FRIEL: -- before the Board today. We
15 don't have any involvement. That's our landlord --

16 CONSTANTINE ALEXANDER: You have the legal right
17 to use this.

18 JIM MONTEVERDE: Except for use for egress.

19 Right?

20 LAUREN FRIEL: Correct.

21 JIM MONTEVERDE: Right?

22 BRIAN MILITANA: Right.

1 LAUREN FRIEL: Correct. So that would be an issue
2 that you would need to have with our landlord.

3 JIM MONTEVERDE: Okay. That's all I wanted
4 understood. Thank you.

5 JUSTINA TYMOSZCZUK: We're talking about parking
6 space, right?

7 THE REPORTER: Can you put the microphone --

8 JIM MONTEVERDE: No, I'm just curious what that
9 space is? Is it part of their establishment or not?

10 JUSTINA TYMOSZCZUK: Can I see it? Because I
11 didn't see what you were pointing at. So I can tell you
12 it's --

13 JIM MONTEVERDE: It's not -- it's on the survey
14 here.

15 JUSTINA TYMOSZCZUK: Where is Mass Ave? Oh.

16 JIM MONTEVERDE: Here. Mass Ave, Mass Ave.

17 JUSTINA TYMOSZCZUK: This is -- okay, this is a
18 strip. This is not 10 feet. This is maybe three or four
19 feet that maybe they can use, but the bank is using one,
20 two, three spots. I'm here, and the next person is here.

21 JIM MONTEVERDE: Yeah. You're over here, right?

22 JUSTINA TYMOSZCZUK: Right.

1 JIM MONTEVERDE: Mm-hm.

2 JUSTINA TYMOSZCZUK: That's what I'm saying.

3 JIM MONTEVERDE: Okay.

4 JUSTINA TYMOSZCZUK: But they're saying they have
5 seven spots or whatever.

6 LAUREN FRIEL: That's not --

7 COLLECTIVE: No. No one is saying that.

8 LAUREN FRIEL: That's totally different than what
9 you think is happening.

10 JUSTINA TYMOSZCZUK: Yeah, but you're saying --

11 LAUREN FRIEL: That's not -- you're not
12 understanding the zoning process. I can explain --

13 CONSTANTINE ALEXANDER: Please. Let's have --

14 LAUREN FRIEL: Can you explain to her, because
15 she's confused. She thinks that we're trying to put seven
16 spots.

17 CONSTANTINE ALEXANDER: We're not going to try to
18 put any.

19 JUSTINA TYMOSZCZUK: All I want is people to not
20 block me. All I want is for people to not block me.

21 LAUREN FRIEL: We understand that. I know, we
22 understand that. That's the world that we can't --

1 JUSTINA TYMOSZCZUK: I think you can, because if
2 you move in there and you have people working there, and you
3 have people parking on the street in the front and in the
4 back.

5 LAUREN FRIEL: They're not parking in the back.

6 JUSTINA TYMOSZCZUK: That's --

7 LAUREN FRIEL: We don't have parking spaces in the
8 back.

9 JIM MONTEVERDE: There will be no parking in the
10 back.

11 JUSTINA TYMOSZCZUK: I know, but people don't
12 understand that. Your patrons will not understand that.

13 CONSTANTINE ALEXANDER: Yeah, but miss, that may
14 be true. That's not relevant to the zoning issue before us.

15 JUSTINA TYMOSZCZUK: But if they don't have --
16 with their trucks -- because there's been trucks going in
17 and out of that area for Nomad and for the wine store for
18 years.

19 CONSTANTINE ALEXANDER: Right.

20 JUSTINA TYMOSZCZUK: And they don't have a spot
21 there either, but they park there, and I have to wait before
22 I go to work. This directly impacts not only my quality of

1 life, because it drives me bananas, but it also impacts my
2 paycheck. Do you know what I mean?

3 CONSTANTINE ALEXANDER: I know what you mean.

4 JUSTINA TYMOSZCZUK: Or I have to run around Mass
5 Ave looking for people that have parked their car, because
6 they're just -- they're going to be there for five minutes.
7 So that's what I'm saying.

8 CONSTANTINE ALEXANDER: Okay. Thank you. Anyone
9 wishes to be heard? Apparently not. And I think you have
10 indicated you have no further comments you want to make, or
11 not? It's up to you.

12 ADAM BARNOWSKY: All set, thank you.

13 CONSTANTINE ALEXANDER: Then I will close public
14 testimony. As I mentioned earlier, we have many, many
15 letters in support of the relief being sought, and generally
16 the support getting this restaurant into this space, but not
17 determinants. I will now close public testimony.
18 Discussion?

19 BRENDAN SULLIVAN: The use is allowed in the
20 zoning.

21 CONSTANTINE ALEXANDER: That's right.

22 BRENDAN SULLIVAN: And there are really -- the

1 parking for the use of that locus for deliveries, for trash
2 pickup and so on and so forth can be a real issue for
3 neighbors.

4 There are three parties to that issue: The
5 neighbors, who are impacted; the business operator; and the
6 landlord of that property. Two of those parties are here
7 tonight.

8 Maybe the kingpin of this whole thing would be the
9 landlord, who can come to some accommodation and some
10 understanding as to the use of the back of his property, and
11 the use of her property, that --

12 (Simultaneous speech)

13 CONSTANTINE ALEXANDER: Ma'am, please.

14 BRENDAN SULLIVAN: -- and these people are sort of
15 in the middle of the two of them.

16 CONSTANTINE ALEXANDER: Right.

17 BRENDAN SULLIVAN: Because you can't make an
18 agreement, you can only make an agreement for the space that
19 you occupy. And yet it's the exterior space which is
20 impacting the neighbors and the neighborhood.

21 CONSTANTINE ALEXANDER: Right.

22 BRENDAN SULLIVAN: We could probably request of

1 him, put a condition in there, "Deliveries not happen before
2 a certain time."

3 ANDREA HICKEY: And not happen at the rear, but
4 only in the front, in the designated --

5 BRENDAN SULLIVAN: Absolutely.

6 ANDREA HICKEY: -- area.

7 BRENDAN SULLIVAN: Correct. That trash pickup not
8 be before 7:00 a.m. type thing. And that really needs to be
9 communicated to the refuse.

10 ADAM BARNOWSKY: If I could just interject.

11 BRENDAN SULLIVAN: Yeah.

12 ADAM BARNOWSKY: At Field and Vine, we have a lot
13 of traffic where we are as well. So we have arrangements
14 with all of our deliveries that they can't come in a certain
15 spot, they have to come at a certain time. The trash has to
16 come at a certain time. And we have that, and it works to
17 kind of make --

18 BRENDAN SULLIVAN: So you've been down that road
19 before?

20 ADAM BARNOWSKY: Yes.

21 BRENDAN SULLIVAN: Okay.

22 ADAM BARNOWSKY: So it's definitely a possibility.

1 BRENDAN SULLIVAN: So it's the exterior of that
2 building and the back of that building, which is the issue.
3 It is a problem now. It will probably continue to be a
4 problem. These people haven't brought the problem. They --
5 I'm not sure if they will exasperate the problem with their
6 activity and so on and so forth, but anyhow.

7 ANDREA HICKEY: But they can't make it better.
8 They don't have any means by which --

9 BRENDAN SULLIVAN: And they can't make it any
10 better, right. So it's --

11 CONSTANTINE ALEXANDER: I think a further
12 observation too, the case is all about six parking spaces.
13 You know? I mean, that's what -- you have six more parking
14 spaces, you wouldn't be here tonight. And most of these
15 people wouldn't be here. Yet the loading problems would be
16 there -- maybe. Trash removal.

17 I think we should return to the zoning issue, and
18 how much of an impact is it to allow six less parking spaces
19 on the lot than is required by ordinance. Personally, I
20 don't have a problem with that. That's a modest amount of
21 --

22 BRENDAN SULLIVAN: Which that issue is an issue

1 with every other business all up and down Mass Ave.

2 ANDREA HICKEY: Right.

3 BRENDAN SULLIVAN: Changsho --

4 CONSTANTINE ALEXANDER: Right --

5 BRENDAN SULLIVAN: -- yeah, and so forth, they
6 took away all their parking space.

7 ANDREA HICKEY: And they're renting them out now
8 to folks that are not restaurant patrons, and Changsho -- I
9 don't know how to pronounce it -- space where the Cambridge
10 Trust is --

11 BRENDAN SULLIVAN: So anyway.

12 ANDREA HICKEY: But none of those restaurants --

13 BRENDAN SULLIVAN: Right.

14 ANDREA HICKEY: -- or establishments --

15 BRENDAN SULLIVAN: So I guess --

16 ANDREA HICKEY: -- have parking.

17 BRENDAN SULLIVAN: -- the issue is, is there a way
18 that we can soften somehow?

19 CONSTANTINE ALEXANDER: Well, I think you've
20 suggested it already, the conditions are regarding use of
21 the loading areas, regard timing of trash removal? Yeah, I
22 think they do it as part of it.

1 But I want to return us to the issue before us.

2 And do they need -- would we deny this petition because

3 there's six -- or there's seven?

4 BRIAN MILITANA: Seven.

5 CONSTANTINE ALEXANDER: -- seven parking spaces

6 short? I'm not ready to vote that way. I think we should

7 allow it, we should put the conditions on that maybe will

8 help the neighborhood, maybe. I hope it does, but I can't

9 be assured of that.

10 ANDREA HICKEY: Right. The conditions that the

11 applicants can control.

12 CONSTANTINE ALEXANDER: Yeah.

13 ANDREA HICKEY: We can't ask them to do something

14 they can't control, correct.

15 CONSTANTINE ALEXANDER: Right.

16 JANET GREEN: And this isn't their first time

17 having a restaurant.

18 BRIAN MILITANA: Right.

19 JANET GREEN: They've solved these problems in

20 other areas where they are. And I think you can take some

21 comfort with the fact that this isn't a new restaurant

22 coming in that doesn't know how to deal with trash and

1 traffic and deliveries. These people have experience, and
2 they told you how they do it in other places. I think you
3 can have some confidence about that.

4 BRIAN MILITANA: Right.

5 CONSTANTINE ALEXANDER: Ready for a vote?

6 BRENDAN SULLIVAN: Jim, you were going to chime in
7 on something.

8 JIM MONTEVERDE: No, thank you.

9 CONSTANTINE ALEXANDER: Okay. The Chair moves
10 that we make the following findings with regard to the
11 variance being sought: That a literal enforcement of the
12 provisions of the ordinance would involve a substantial
13 hardship, such hardship being is that the number of parking
14 spaces that are required citywide by our ordinance will not
15 really work with respect to the site in question, and
16 there's a site that has been vacant for -- testimony has
17 been that it's been vacant for at least a couple of years.

18 That the hardship is owing to the fact that the
19 lot is -- the lot is a lot. There's no more space on the
20 lot to get additional parking, and that the -- maybe the --
21 maybe -- quite likely, or it's quite possible that the need
22 for the additional parking is irrelevant, given the access

1 to public transportation through the T at Porter Square,
2 through the bus lines, through the fact that this is a
3 neighborhood where there's a lot of walk-in traffic.

4 That there is testimony, and I think I can quote
5 the first one of you, that many of the restaurants in this
6 area, or general area, people do not drive through. They
7 walk to them. There's ample population to support the
8 restaurants. And so, I don't see impact from the fact that
9 there's less -- six -- seven less spaces.

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

13 So on the basis of these findings, the Chair moves
14 that we grant the variance requested subject to the
15 following conditions: That the petitioner use at all times
16 reasonable efforts to avoid -- to require people who provide
17 merchandise -- well, not merchandise, but supplies to the
18 restaurant -- use the loading zones on Mass Ave and not the
19 parking lot in the back, which does impact the abutting
20 properties.

21 And further, that with regard -- the petitioner
22 use reasonable efforts to assure that trash removal occurs

1 during -- not be -- between the hours of 7:00 a.m. and 5:00
2 p.m., and so, not -- again, not to adversely affect the
3 living conditions from those residential abutters.

4 Any other conditions?

5 CONSTANTINE ALEXANDER: All those in favor of
6 granting the variance on with the conditions I've
7 enumerated, please say, "Aye."

8 THE BOARD: Aye.

9 [All five vote YES]

10 CONSTANTINE ALEXANDER: Five in favor, variance
11 granted. Good luck.

12 COLLECTIVE: Thank you.

13 LAUREN FRIEL: Special permit I think it was, not
14 a variance.

15 CONSTANTINE ALEXANDER: Oh, it's a special permit
16 --

17 JIM MONTEVERDE: Yeah.

18 CONSTANTINE ALEXANDER: Thank you.

19 LAUREN FRIEL: Thanks.

20 CONSTANTINE ALEXANDER: Don't worry. Just don't
21 go too far. I used the wrong section. We actually have a
22 special permit, not a variance, introduce a variance.

1 LAUREN FRIEL: Thank you.

2 CONSTANTINE ALEXANDER: The Chair moves that we
3 make the following findings: That the requirements of the
4 ordinance cannot be met unless we grant the special permit.

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

8 And although there is a potential for this
9 happening, the conditions of the -- we're going to impose
10 should at least ameliorate the impact of the trash removal
11 and the loading items.

12 That the continued operation or development of
13 adjacent uses, as permitted in the ordinance, will not be
14 adversely affected -- again, subject to the conditions that
15 we're going to impose, with respect to efforts involving
16 loading and trash removal.

17 No nuisance or hazard will be created to the
18 detriment of the health, safety and/or welfare of the
19 occupant, or the citizens of the city -- again, subject to
20 what we're going to impose.

21 And that generally, what is being proposed will
22 not impair the integrity of the district or adjoining

1 district, or otherwise derogate the intent and purpose of
2 this ordinance.

3 So on the basis of this, the Chair moves that we
4 grant the special permit requested, subject to the
5 conditions that I mistakenly imposed with regard to the
6 variance. All those in favor now?

7 JIM MONTEVERDE: Thank you.

8 [All five vote YES]

9 CONSTANTINE ALEXANDER: Five in favor again. Now
10 it's special permit granted.

11 COLLECTIVE: Thank you very much.

12 [09:56 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

In witness whereof, I have hereunto set my hand this _____ day of _____, 2019.

Notary Public

My commission expires:

August 6, 2021