

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 29, 2015

7:30 p.m.

in

Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Thomas Scott, Member

Janet Green, Member

Alison Hammer, Associate Member

Sean O'Grady, Zoning Specialist

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P R O C E E D I N G S

(7:30 p.m.)

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

CONSTANTINE ALEXANDER: The Chair
will call this meeting of the Zoning Board
of Appeals to order. And as is our
custom, we start with the continued cases.
We have two on the agenda for tonight.

First case I'm going to call is case
No. 005329, 43 Appleton Street.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair
notes that there is no one. The Chair
would also report that we are in receipt
of a letter from James J. Rafferty, Esq.,
addressed to Maria Pacheco. (Reading)

Please accept this correspondence at the request on behalf of the petitioner to withdraw the above-captioned case, that being this case, currently scheduled for Thursday, January 29th.

The Chair moves that we accept this request for a withdrawal.

All those in favor?

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-004610-2014:
Constantine Alexander, Timothy Hughes,
Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair
will next call case No. 004610, 10
Glassworks Avenue.

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

Good evening.

RICH McKINNON: Hi, Mr. Chairman,
members of the Board. My name is Rich
McKinnon. I have live at One Leighton
Street, unit 1905 in Cambridge, Mass. And
I appreciate the ability to have the
continuances. As I explained last time,
we wanted to accomplish a few things
during the time period. Ms. Carol O'Hare
and the East Cambridge Planning Team had a
sign forum for the community and we

attended that. Got a lot of good ideas. Most of them about having smaller signs. Then Ms. O'Hare was nice enough to meet with us individually afterwards, and we came up with a greatly reduced sign design.

We then went back to the East Cambridge Planning Team to present it. And I believe you have a letter from them.

CONSTANTINE ALEXANDER: I do. I will read it into the record at the appropriate time.

RICH MCKINNON: Mr. Chairman, I learned something from you a year ago. You said don't pick the sign you want and then see how it hangs out over the Zoning Ordinance. Start with the Zoning Ordinance.

CONSTANTINE ALEXANDER: Yes.

RICH McKINNON: And try to make your sign conform to it. And we've been able to make the new sign conform to all parts of the Zoning Ordinance. It's not lit. It's not projecting. Instead of 60 square feet, it's down to 25 square feet. And so the only Variance that we need is a height variance. And the reason we can't get it all in within 20 feet is we have the Gilmore Bridge going over, and the bridge itself is 14 feet from the ground. So you just wouldn't be able to see it driving over the bridge if it were only 20 just the up -- you know, the side bars of the bridge itself, would block it.

CONSTANTINE ALEXANDER: A question for you. And I think I know the answer, but I want to make sure I'm clear on this. I want to know which corner of the

building this sign is on.

RICH McKINNON: Oh, sure.

CONSTANTINE ALEXANDER: Okay.

RICH McKINNON: May I show it to
you?

CONSTANTINE ALEXANDER: Sure.

That's going to show the map of
the -- that's the sign, I know that. You
have that in the file.

RICH McKINNON: It's right here.

CONSTANTINE ALEXANDER: I know.
Just bear with me a second.

RICH McKINNON: Sure.

CONSTANTINE ALEXANDER: You're on
Cambridge Street, you drive into this
area.

RICH McKINNON: Yeah.

CONSTANTINE ALEXANDER: Glassworks
Avenue is at the end. You turn right on

Glassworks Avenue.

RICH McKINNON: That's right.

CONSTANTINE ALEXANDER: Driving on the street on the left is your apartment building or the apartment building?

RICH McKINNON: That's right.

CONSTANTINE ALEXANDER: Is that sign that you're proposing on the left as you go down?

RICH McKINNON: No, we've removed that sign altogether.

CONSTANTINE ALEXANDER: That's what I thought. It's on the other side or the other end of the building I should say?

RICH McKINNON: This will be coming from Bunker Hill College in Charlestown over to Cambridge, the sign would be on your right. The sign that we

had asked for before, we've withdrawn that application for -- there's now only one sign request.

CONSTANTINE ALEXANDER: Okay. One of the reasons I ask, and I wanted to get it on the table early.

RICH McKINNON: Yes.

CONSTANTINE ALEXANDER: Back with the old signs, and this sign proposals keep changing, understand.

RICH McKINNON: Right.

CONSTANTINE ALEXANDER: We had received a letter from the file, from the Regatta Riverview Condominium Association.

RICH McKINNON: Right.

CONSTANTINE ALEXANDER: I don't know if you're familiar with it. I want to read it into the record anyway.

RICH McKINNON: Please do.

CONSTANTINE ALEXANDER: And it says -- and this was dated September 18th.

RICH McKINNON: Right.

CONSTANTINE ALEXANDER: So we're back before this proposal.

But there was a sign on the Gilmore Bridge side?

RICH McKINNON: That's correct. Yes.

CONSTANTINE ALEXANDER: (Reading) The Regatta Riverview Condominiums houses 435 residential units via two, 24-story towers and directly abuts the Gilmore Bridge facing the 10 Glassworks Avenue location. See enclosed color photo, which is not enclosed. But anyway, we don't need that.

On behalf of the residents of the Regatta Riverview Condominium, the Board

of Directors hereby request that the Board of Zoning Appeals deny the Variance for the signage on the Gilmore Bridge location. While the proposed signage is not illuminated, it is significantly large and would create a direct visual pollution for our residents who face the property. The Regatta is a luxury condominium, one of the first residential buildings in the North Point. Such signage would retract from its marketability and curb appeal. To that end the Board of Directors at the Regatta -- the Board of Directors at the Regatta residence have worked diligently in keeping the signage to a minimum with the cooperation of the surrounding properties such as Cambridge College and EF and the BZA. The Regatta takes no issue with respect to the proposed signage

on Glassworks Avenue. We wish -- okay.

So basically they're opposing a bigger sign, but otherwise the same sign or the same area of the sign --

RICH McKINNON: That's correct.

CONSTANTINE ALEXANDER: -- that you're coming before us tonight.

RICH McKINNON: Right.

CONSTANTINE ALEXANDER: I don't know whether the Regatta Riverview Condominium is familiar with or is aware of what you're now proposing.

RICH McKINNON: Yes, they are. And I have a note from Laura. She wasn't able to get --

CONSTANTINE ALEXANDER: From whom?

RICH McKINNON: From Laura Cardouche (phonetic) who I believe you got --

CONSTANTINE ALEXANDER: Yes, I'm sorry, that -- she's the person who wrote the letter. She's the general manager?

RICH McKINNON: She sent me an e-mail today, but she's not able -- she wasn't able to get together with the Board. But basically, (Reading) Thanks, Rich. This is a great improvement from what the residents would be placed there. Look forward to working with you.

CONSTANTINE ALEXANDER: Great improvement? Okay. She didn't say -- she didn't specifically endorse it but implicitly.

RICH McKINNON: She can't speak for her board, you know.

CONSTANTINE ALEXANDER: My concern is simply that. I don't want these people to be blind-sided.

RICH McKINNON: Right.

CONSTANTINE ALEXANDER: I mean, she's not blind-sided. And kudos to you for reaching out to her and making sure she knows what's going on. But nevertheless I'm a little troubled -- we'll keep going obviously. I'm a little troubled that I would have liked -- see, that's the problem where this case is involved. You started with the signage proposals with all kinds of grief that you acknowledge. And all of a sudden you go back and modify and negotiate with certain neighbors. And then make a proposal before us with the community at large unless they came down to the Zoning office knows what's going on. And I'm especially sensitive because the Regatta Riverview was opposed to a

sign at this location for the reasons stated, and it was a bigger sign, and I think that helps you. But I would have liked you to reach out to them just like you reached out to the East Cambridge Planning Team and to the Planning Board. And I want to hear from the Planning Board. So that I knew what I would know as a member of the Board exactly where this condominium association is coming from.

RICH McKINNON: Right. My problem is that because of the holidays, they only met once in two months, whereas the East Cambridge Planning Team was meeting every other week.

CONSTANTINE ALEXANDER: So you come back before us in a month or two months from now. You've lived without the

sign on this property.

RICH McKINNON: Would you prefer we do that, Mr. Chairman?

CONSTANTINE ALEXANDER: I'm sorry?

RICH McKINNON: Would you prefer we do that?

CONSTANTINE ALEXANDER: Well, it's up to the members of the Board. I would personally prefer that, given the letter they did write. I would like to know from them. I mean, they're entitled to the same consideration, it seems to me, as the East Cambridge Planning Team.

RICH McKINNON: Yes.

CONSTANTINE ALEXANDER: And other neighbors. And --

RICH McKINNON: It's hard to argue that point with you.

CONSTANTINE ALEXANDER: Feel free.

Do other members feel as I do or not?

TIMOTHY HUGHES: I have to say that I don't find the e-mail to be unequivocal. It sounds like it's an ongoing thing. It says "Working with you." So I do think if that's the stumbling block for you, and it could be for me, for this condominium association, then we need their checkoff, their signoff on this. So I think we probably have to continue this case.

CONSTANTINE ALEXANDER: I think we can continue it -- by the way if everybody agrees as a case not heard, so we don't have to try to, you know, find the same five.

But do other members of the Board feel the same way?

I'm seeing nods. The record should

show that the other members are nodding their heads in the affirmative.

RICH McKINNON: So you're looking for a letter from the Regatta Condominium Association?

CONSTANTINE ALEXANDER: Yes, I want a report from the condominium association that they've seen the plans that you're now asking us to propose.

RICH McKINNON: Yes.

CONSTANTINE ALEXANDER: That they oppose, support, have problems, whatever they want to say.

RICH McKINNON: Okay.

CONSTANTINE ALEXANDER: I don't know how long it would take to have that meeting. So we have to pick a date as you well know. You've done this before.

RICH McKINNON: Yeah. She said

that she can get it circulated to all the members within the next week or two.

CONSTANTINE ALEXANDER: Oh, you didn't tell us that.

RICH McKINNON: Yeah. Oh, I just wanted to --

CONSTANTINE ALEXANDER: Okay. Definitely we're going to continue this case then.

SEAN O'GRADY: We can have you in two weeks. Can you get it done in two weeks?

CONSTANTINE ALEXANDER: Let's not push too, too hard. Let's say a month unless we have room a month from now.

SEAN O'GRADY: We can push it a month.

RICH McKINNON: Okay.

CONSTANTINE ALEXANDER: Okay. And

so you understand the drill?

RICH McKINNON: I do understand the problem.

CONSTANTINE ALEXANDER: You've been doing this a lot.

Okay, the Chair moves that this case -- yes, I'll make the motion, see how the vote goes.

The Chair moves that this case be continued as a case not heard on the following conditions:

The petitioner having already signed a waiver of a time for decision.

That the sign on the building, which you're properly maintaining, be further modified to reflect the new date which is February?

SEAN O'GRADY: 26th.

CONSTANTINE ALEXANDER: February

26th. Same time as tonight, seven p.m.
and it be maintained for the 14 days
required by our Ordinance.

And, further, to the extent that the
sign changes beyond what you have shown
tonight, that that new sign appear in our
files no later than the Monday before that
February 26th date. But I would say that
if you do change the plans, I'd want to
make sure -- I usually make sure that you
put an input in from the East Cambridge
Planning team, the Planning Board, if they
choose to comment. So far I don't think
they've commented, and the Riverview
Regatta Condominium. Okay?

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

(Aye.)

CONSTANTINE ALEXANDER: Five in

favor. See you in February again.

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

* * * * *

(7:45 p.m.)

(Sitting Members Case #BZA-005772-2014:
Constantine Alexander, Timothy Hughes,
Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: Okay, the
Chair will call case No. 005772, 37

Tremont Street.

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

JULIA SHANKS: I do want to be heard, thank you.

CONSTANTINE ALEXANDER: Don't just shout at us. You can talk in a modest voice. All right.

As you know, name and address for the stenographer, please.

JULIA SHANKS: My name is Julia Shanks and I live at 37 Tremont Street in Cambridge, 02139.

ZEKE BROWN: My name is Zeke Brown, I'm the architect working with Julia. Z-e-k-e.

CONSTANTINE ALEXANDER: And what do you want to do?

ZEKE BROWN: Julia would like to

add a small addition off of the back of the house here. It's a very unique situation. I don't know if you've had a chance to look at the photographs.

CONSTANTINE ALEXANDER: Why don't you review them for us anyway just to be sure.

ZEKE BROWN: Her house is here and it directly abuts on a shared lot line.

CONSTANTINE ALEXANDER: Is it attached?

JULIA SHANKS: Yeah.

ZEKE BROWN: Attached triple decker.

And the area in question we want to do a single-story addition is in the back here adjacent to the triple decker. So it doesn't extend beyond the triple decker any more than it currently does right in

here.

The only Zoning issue that we have is the side yard setback because of the zero lot line. But we're not really making the condition any worse than it already is given the current configuration of the house.

CONSTANTINE ALEXANDER: Are you blocking any windows by doing this?

ZEKE BROWN: So we've worked hard with the owner of this building to not block that window.

CONSTANTINE ALEXANDER: Okay.

ZEKE BROWN: And that was sort of the whole condition of getting her on board with this. So what we've done is design a little jog in the plan that will leave that window intact and operable. She's seen this. She's on board with it.

Julia's talked to a lot of her neighbors.

CONSTANTINE ALEXANDER: We have a lot of neighbors -- a lot of letters from neighbors.

ZEKE BROWN: So this has been --

CONSTANTINE ALEXANDER: One of those letters is her letter? That's an important letter.

JULIA SHANKS: I don't have an official letter from her. I sent her the drawings.

JANET GREEN: I saw that.

JULIA SHANKS: I sent her the drawings. And then this is her saying as long as we don't touch her windows, she's okay.

CONSTANTINE ALEXANDER: Okay.

What's the purpose of this addition that you're going to build?

JULIA SHANKS: Just a little more room.

CONSTANTINE ALEXANDER: What are you going to actually use it for?

JULIA SHANKS: So it's going to basically extend the dining room and the living room and have a little sitting room in the back.

CONSTANTINE ALEXANDER: Okay.

JULIA SHANKS: You know, truthfully the house is cozy. And I was thinking about moving, but honestly I don't want to move. I like my neighborhood.

CONSTANTINE ALEXANDER: Your neighbors don't want you to move either from what I'm going to read into the files.

JULIA SHANKS: So anyway, I do

love my neighbors. I love my neighborhood. I want to stay. And so, you know, truthfully I've been struggling over the last five years how I can make an addition within the confines. And finally I was like, oh, this is what I can do. So I've been working with my neighbor Renee to see, you know, just to make sure.

ZEKE BROWN: And currently it should be noted that currently there's a deck in this exact area.

CONSTANTINE ALEXANDER: Yes.

ZEKE BROWN: So we're not expanding.

CONSTANTINE ALEXANDER: Is the addition the footprint of the deck or not quite?

ZEKE BROWN: It's almost, almost exactly the size of -- it extends another

foot out. And we did that primarily to get the ten-foot minimum clearances on the fireplace from adjacent walls.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

JANET GREEN: This is probably, this isn't relevant really except that I'm curious, were these two houses built at the same time?

JULIA SHANKS: So my understanding is that two brothers owned the lot.

JANET GREEN: How did they get along?

JULIA SHANKS: They did not get along. And one of them said he wanted tenements and the other one said he wanted a Victorian, and they both said screw you.

TIMOTHY HUGHES: That's a good explanation even if it's not the right --

JANET GREEN: Even if it isn't.
Anybody would have guessed --

JULIA SHANKS: I mean nothing have
matches. The roof lines don't match.

CONSTANTINE ALEXANDER: That's
true.

JULIA SHANKS: You know, nothing
matches. So....

CONSTANTINE ALEXANDER: Other
questions?

THOMAS SCOTT: Side yard setback
that's in violation is the zero lot line
setbacks?

ZEKE BROWN: Zero lot line.

THOMAS SCOTT: There's no issue on
the other side of the house where you have
that stairway extending out?

ZEKE BROWN: On this side?

THOMAS SCOTT: Yes.

ZEKE BROWN: No.

CONSTANTINE ALEXANDER: According to the dimensional form, not. Hopefully you did it right. But there seems to be no other setback. Rear yard is fine.

ZEKE BROWN: Rear yard is fine.

CONSTANTINE ALEXANDER: Just that one setback.

THOMAS SCOTT: Okay.

ZEKE BROWN: Yeah. And so this side of the house is in violation of the side yard setback, but this portion here is not. We're lining it up with that.

THOMAS SCOTT: Okay.

CONSTANTINE ALEXANDER: Any further questions?

(No Response.)

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

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

(No Response.)

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

The Chair would note that we are in receipt of numerous letters -- numerous correspondence which I will read into the record. The one I'm going to read first, because I think it is the most relevant, is from the neighbor whose house this is going to be attached to. And it's actually on a -- petitioner wrote to that person and that person put a handwritten response.

Rob?

JULIA SHANKS: Rob.

CONSTANTINE ALEXANDER: Yes, Rob.

(Reading) Mark and I reviewed and the consensus is that they look fine as long -- they look fine. In the simplest of terms as long as our window is untouched.

And you've demonstrated to us that they're not going to touch the window.

We also have a letter from Nancy Young who resides at 18 and a half. And I -- it's from Nancy Young and Alexander Loud, L-o-u-d. (Reading) We are writing to express our support for our support for our neighbor Julia Shanks' request for a Zoning Variance so that she may make improvements to her house at 37 Tremont Street. Julia is a long-time resident of Tremont and is a very conscientious and considerate neighbor. We have full confidence that Julia would manage this

process in the manner that would minimally impact her neighbors and only during construction but the use of her new addition as well.

A letter from Mark Hanright, H-a-n-r-i-g-h-t and Teri, T-e-r-i Hanright. (Reading) I am writing this letter on behalf of Ms. Julia Shanks who is hoping to add a small extension to the rear of her home at 37 Tremont Street. Julia is known to be an accomplished chef -- you didn't bring any food -- and baker and is well regarded in our neighborhood. Her willingness to expand her present home instead of moving says a lot about your character. Cambridge needs to attract and keep people like Julia that help make a neighborhood. My sister Teri and I are fourth generation residents of

Cambridge, starting with my great-grandfather, who purchased the house at 34 Tremont Street that we have all lived in. Circa, 1900. There are still neighbors alive who remember my great grandparents. This neighborhood is special to all of us, including Julia. Please help her stay here and enjoy her home and her neighborhood.

A letter from David and Beth Pendery, P-e-n-d-e-r-y. (Reading) We are writing in support of the Variance request for Julia Shanks, 37 Tremont Street. She has been an active and responsible member of the Tremont Neighborhood Association for many years. As a resident and owner at 14 Tremont Street for the passed 30 years we have taken an active interest in Zoning and development issues in our

neighborhood. The proposed plans for renovation of the property have been presented to us and we find them to be compatible with the existing fabric of the street and enhancement to the liveability of the residents.

A letter from Tom Peters, 35 Tremont Street. (Reading) I am writing to support the Zoning Variance application of my neighbor Julia Shanks who lives at 37 Tremont Street. She shared with me the architectural drawings for the addition to the back of her house, and I don't have any objection to her plans. We have been neighbors for 13 years and she has always been a good neighbor and maintained the property nicely. I support her request for a Variance.

I believe there are more. I would

try to get all of these -- if people take the time to write, they should have the ability to get their views on record. I think I have just one more.

It's from Chris Drew, D-r-e-w.

(Reading) I am writing -- it's from Kathleen and Chris Drew, K-a-t-h-l-e-e-n, 28 Tremont Street. (Reading) I am writing on behalf of our neighbor Julia Shanks in regard to her request for a Variance from the Zoning Board to renovate and add on to her home at 37 Tremont. My wife Kathleen and I highly support Julia's request. We've owned our home at 28 Tremont since 1979 and have always wanted the best for our block and the homes on it. We consider ourselves very lucky and our neighbors. Julia Shanks is prime among them. Ever since she moved into 37

Tremont, Julia has been a wonderful addition to this community. She has constantly continually maintained and improved her single-family home turning it into one of the most attractive houses on the block. She single-handedly put in and keeps up well planted and attractive vegetable, flower, and shrub gardens in front of her home, along the side, and in her backyard. In addition to her care for her home and yard, Julia has fully immersed herself into the life and well-being of our block. She's the one to volunteer for streetscape improvements and block beautification for block parties and barbecues, and response to help from neighbors. Kathleen and I have studied the plans for the renovation of and in addition to 37 Tremont and we believe they

will enhance Julia's home, add benefit to the block, and fit well into the configuration of existing buildings. The project plan includes provisions for minimizing and convenience to our neighbors, all of whom should benefit from having a more an even more attractive home next to or near theirs at the project's conclusion. Again, we support Julia Shanks for a Zoning Board Variance renovation to an addition to her house. And that's it.

So it's unanimous and very flattering praise. It's very good. I'm impressed by the longevity of your neighbors. Everybody seems to have been there forever.

JULIA SHANKS: Yeah.

CONSTANTINE ALEXANDER: That's not

typical for Cambridge I don't think. You have a very stable neighborhood.

JULIA SHANKS: Yeah.

CONSTANTINE ALEXANDER: Anyway, I will close public testimony.

Any other comments from members of the Board or ready for a vote?

JANET GREEN: No. Ready.

THOMAS SCOTT: I think we're good.

TIMOTHY HUGHES: Ready.

CONSTANTINE ALEXANDER: Okay. Now for the mumbo-jumbo.

This is where I became a Jesuit priest and I mumble some incantation and then we take a vote and we pass it.

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

That a literal enforcement of the

provisions of this Ordinance would involve a substantial hardship to the petitioner. Such hardship meaning that the petitioner needs additional living space, and given the nature of the structure on the zero lot line, can't be done very easily without Zoning relief.

The hardship is owing to the topography of the land and structures. The fact that your structure is flush to the property next to you and, therefore, there is no -- if anything around that side requires Zoning relief because the setback issues.

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

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

It has unanimous and enthusiastic support of the neighbors and will improve the housing stock of the city of Cambridge.

Therefore, the Chair moves that we grant the Variance being requested on the condition that the work proceed in accordance with the plans presented by the petitioner and initialed by the Chair.

Before I take the vote, these are the final plans. Because if they're not, you have to come back before us. Sometimes the architects don't realize that.

ZEKE BROWN: Oh, no, I realize that. We've had this conversation.

CONSTANTINE ALEXANDER: Okay.

The plans are prepared by Brown Fenoloosa, F-e-n-o-l-o-o-s-a Architects. They're numbered A1.0, A2.0, A3.0, A4.0.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(8:00 p.m.)

(Sitting Members Case #BZA-005832-2014:
Constantine Alexander, Timothy Hughes,

Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005832, 10 Canal Park.

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

ATTORNEY MICHAEL ROSEN: Michael Rosen, 255 State Street, Boston, Mass. And I am counsel for KAYAK.

STEPHANIE VERGAKIS: Stephanie Vergakis, V-e-r-g-a-k-i-s, 42 Treadwell Avenue, Westport, Connecticut.

CONSTANTINE ALEXANDER: I want to be sure. Are you aware of the very, very substantial opposition to your proposal?

ATTORNEY MICHAEL ROSEN: Yes, I am.

CONSTANTINE ALEXANDER: And are you aware of what our Ordinance requires and how you're departing from what our

Ordinance requires?

ATTORNEY MICHAEL ROSEN: Yes, I am, sir.

CONSTANTINE ALEXANDER: And you still want to proceed?

ATTORNEY MICHAEL ROSEN: Absolutely.

CONSTANTINE ALEXANDER: It's your Constitutional right. Go ahead.

ATTORNEY MICHAEL ROSEN: Thank you. So we are here on behalf of KAYAK Corporation to install signage at 10 Canal Park. The signage would be located on the side that faces out to Land Boulevard. So I think that would be southerly from the property, and it would be a maxing out at 70 feet in height. It would be maxing out at 70 feet in height.

CONSTANTINE ALEXANDER: If it

would be helpful, you could come around here and you might hear it better.

FROM THE AUDIENCE: If he speaks into the mic, it's fine.

ATTORNEY MICHAEL ROSEN: Based on the application submitted and our review with Community Development and Planning, there were two reliefs needed. The first was to have the signs be at more than 20 feet above the ground level, and the second was as to one of the signs it is actually 33 and three quarters inches rather than the limited 30 inches, and I can explain that as we kind of get further into the presentation.

As kind of background, we did do research on what was allowed and we did a drive of the neighborhood. We looked at the other signage in the neighborhood;

Cambridgeside Galleria and the other businesses in that area. We then took out the Ordinance and we reviewed the Ordinance and we set up a meeting with Liza Paden. And in looking at the Ordinance, the Ordinance looks at the length of the building along a street projecting out onto a street, and on that basis there are 163 feet in length along Land Boulevard. The building itself is more than 100 feet from Land Boulevard. At one point it is 179 feet. At the other corner it is 191 feet. So as a result, you're allowed two square feet, two square feet per linear foot which would have allow 326 square feet of signage.

Further looking at it, we understand that there is no limit to the number of sides on a side of a building, but the

limits are that no individual sign can be more than 60 square feet.

We are proposing two signs. One sign is 27 and a half square feet and one sign is 30 square feet. So even though we're doing two signs combined, they are still no more than the cumulative 60 square feet.

CONSTANTINE ALEXANDER: Would you address for me why it will be a substan -- I want to focus on the iconic sign. Why it would be a substantial hardship if we don't allow you to put an illuminated sign of the size that your -- not the size, of the height you want. I understand the KAYAK, the logo, what you call the logo sign. But what's the purpose? What's the need? What's the hardship for the icon sign?

ATTORNEY MICHAEL ROSEN: What is the hardship?

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: Distinct from the name KAYAK. Distinct from the name KAYAK itself?

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: So we looked at the side of the building and we looked at where we could potentially put the sign. And --

CONSTANTINE ALEXANDER: I understand that, why you want to put it there. But why do you need an icon sign?

ATTORNEY MICHAEL ROSEN: Sure.

CONSTANTINE ALEXANDER: That's illuminated.

ATTORNEY MICHAEL ROSEN: When we looked at the location and recognizing

that we could do a 60 square foot --

CONSTANTINE ALEXANDER: You may have seen these pictures anyway. But you can see the blow up of what's in the file.

FROM THE AUDIENCE: Thank you.

ATTORNEY MICHAEL ROSEN: So, KAYAK looked at the regulations and saw that it could do a 60 square foot sign.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: The problem is that in looking at the regulations and trying to come as closely as we could, not looking to go to the top of the building, not looking to go above it, but just trying to take it above the street line so that it could be seen, visually there was not an area to put a 60 square foot sign. So as opposed to taking KAYAK and having to put half and half, we

decided that we would try to make the sign smaller and put it side by side.

CONSTANTINE ALEXANDER: If we were to deny relief for what you call the icon sign, how are you injured? Why should we grant relief? The KAYAK sign would be visible, size that you propose, visible from the street, set back to be sure, you can read it. Why -- I don't understand the purpose of the logo sign.

ATTORNEY MICHAEL ROSEN: Again, what we were trying to do, we did not have a --

CONSTANTINE ALEXANDER: I understand. You have 60 feet, you couldn't put 60 feet in one place. You want to break it up. In breaking it up, you're putting it too high, you're making it illuminated beyond what our Zoning

Ordinance allows. So abandon it.

STEPHANIE VERGAKIS: It represents -- it represents KAYAK. The three verticals, the airplanes, the hotels, and the --

CONSTANTINE ALEXANDER: I understand that.

ATTORNEY MICHAEL ROSEN: So one of the things that we're allowed to do in your signage ordinance is you're allowed to identify the company, you're allowed to identify the services that the company provides.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: And that is in your Ordinance that you are allowed to identify. So our services are air, hotel, and --

CONSTANTINE ALEXANDER: If I'm

walking down the street, I happen to know something about KAYAK. But KAYAK -- I'm walking down and I'm looking at, I'm going to know what KAYAK does from looking at those three what looks like Egyptian hieroglyphs? How does that tell anybody anything? It's just a pure attempt to advertise and to expand because you have 60 square feet to work with and you can't get it in one area, you want to put it in two areas. And you're doing it in -- and illuminated signs are not looked with favor in our community, particularly in this area. And now there are some around in the shopping center and the like, but some of those are pre-existing non-conforming uses. PF.

Chang wanted to put a sign down the street, a projecting sign, and we turned

them down. We said you don't need that sign. We don't want to have sign pollution along Land Boulevard. And here you're coming along with this. Now you weren't here when that case was brought before us. I'm just -- I'm sorry, I'm --

STEPHANIE VERGAKIS: It's a face-lit design. It's a face-lit design where the white -- and they're white. So the illumination will just go directly out. It's not a -- it's not gonna be lit all around.

ATTORNEY MICHAEL ROSEN: It's not a projected sign as you're calling it. It's not meant to illuminate the sky. It is meant to illuminate the signage itself, and we can get into that as part of our application if we get to proceed with our application and describe to you the type

of sign it is and how we came about doing all this. Again, you asked me why we did it. And I'm trying to explain to you why we're doing it.

CONSTANTINE ALEXANDER: And I haven't heard what the substantial hardship that would justify us granting relief for the icon sign. We're going to focus on that right now. What's the substantial hardship?

ATTORNEY MICHAEL ROSEN: The hardship is that this parcel has a unique topography and unique layout, a unique --

CONSTANTINE ALEXANDER: That's the second condition, soil conditions and the like.

The first condition is substantial hardship. What's the hardship?

ATTORNEY MICHAEL ROSEN: The

hardship is are we entitled to a sign or not entitled to a sign based upon that? I guess I would explain to you the hardship and then at the end of the day you could then look at the sign and tell me what you do or don't like about the sign. But obviously from the approach you're taking it doesn't matter what I say, you already have an opinion that you don't like the sign.

CONSTANTINE ALEXANDER: I'm sorry. I'm going to be frank. I look at that sign and I look at the building and I don't have a -- I'm waiting to be convinced. I want to hear why it would be a substantial hardship if we don't allow to you have an illuminated icon sign. I've not addressed the KAYAK, the logo, what you call the logo sign. But why is

it a hardship? I understand the special conditions. You're asserting the location of the building and the like. That's the second condition.

But the first condition is that you've got to demonstrate a substantial hardship.

ATTORNEY MICHAEL ROSEN: We have a location. We have -- it is outside a huge shopping center. There is not a lot of pedestrian access where it is. There are not a lot of sight lines to the building into the location. If you come into that area in Cambridge, it is very difficult to know what building KAYAK is in, where you need to be with respect to the shopping center in its entirety. And as a result, we want people to know as they're coming over the bridge and they're entering into

that area of Cambridge, that this is the building.

CONSTANTINE ALEXANDER: That's what the logo sign does. The logo sign tells you that KAYAK is there.

ATTORNEY MICHAEL ROSEN: That's what the signage does. If you want to make an independent decision that you think that that does and that doesn't, by all means that's your prerogative.

CONSTANTINE ALEXANDER: To be sure. Okay.

ATTORNEY MICHAEL ROSEN: So --

THOMAS SCOTT: Are the icons normally displayed with the logo sign or are they normally displayed together? You know, your literature --

ATTORNEY MICHAEL ROSEN: Yeah, some of the time they're stacked. Some of

the time they're side by side. There are different representations of it, but that is how KAYAK displays itself.

STEPHANIE VERGAKIS: If you look at their website, they're consistent throughout.

ATTORNEY MICHAEL ROSEN: And, again, if I can walk you through the application from start to finish, I think you would understand what it is that we're trying to do. And, again, at the end of the day if the Board does not believe that the icons are not necessary, I respect that part of the decision. But I would like to present as a whole because I think it would give you a sense of why we did what we did and why.

CONSTANTINE ALEXANDER: Go ahead.

ATTORNEY MICHAEL ROSEN: Thank

you.

So we went through the application, we saw that we could do a 60-foot sign. We saw that it could be illuminated. We saw that it could be up to 20 feet in height. We then looked at the property and looked at the building, and we met with Liza. And Liza pointed out that if we wanted to go higher than the 20, that we would need to come before this Board and get a Variance. We walked through it. She explained to us what she thought the issues and concerns might be. And then at that time she urged that we contact the community and the neighborhood groups. We actually did that. We did that at the end of June, the beginning of July, and we reached out to many people as they would put us in touch with.

As part of that we met with Barbara Broussard who I understand --

CONSTANTINE ALEXANDER: She's here someplace.

ATTORNEY MICHAEL ROSEN: She was here this evening.

CONSTANTINE ALEXANDER: She was. She's gone.

ATTORNEY MICHAEL ROSEN: I spent several hours with her. I sent her all of the plans. I met with her, I talked to her, and she told me that she was happy with what we were doing. She was comfortable with what we were doing and she was not going to oppose pose it.

CONSTANTINE ALEXANDER: Do you realize she wrote a letter in opposition? Are you aware of that?

ATTORNEY MICHAEL ROSEN: No, I do

not. Okay.

When I met with her, she actually told me that she was comfortable with it.

I then reached out to Carol O'Hare. I sent her everything electronically.

CONSTANTINE ALEXANDER: She's here.

ATTORNEY MICHAEL ROSEN: Carol then asked that we send her everything in full-sized prints. We sent her out everything in full-sized prints, and then we never heard another word from Carol, and that was the last week in July.

CONSTANTINE ALEXANDER: Are you aware that she has substantial written communication to us about --

ATTORNEY MICHAEL ROSEN: Absolutely. I saw it two days ago. I saw it on Monday. Again, we reached out to

her. We offered to meet with her. We offered to meet with the community group. We offered to make ourselves available to bring anybody and everybody that we could bring to come and meet with everybody to discuss what we were trying to do. We're trying to be a good neighbor. We're trying to do the right thing. Nobody responded to us directly.

CONSTANTINE ALEXANDER: Did you meet with the Planning Board? Did you ask the Planning Board?

ATTORNEY MICHAEL ROSEN: Planning Board was Monday unfortunately -- I'm sorry, it was Tuesday and it got canceled. And we did e-mail around and we asked Maria Pacheco, we asked Liza should we do anything? How should we go about addressing that issue. And she basically

said their recommendation is not mandatory, it is discretionary, and that if this Board felt as though they needed to hear from the Planning Board, that this Board would tell me tonight and we would have to address it.

CONSTANTINE ALEXANDER: That's exactly right.

ATTORNEY MICHAEL ROSEN: We did ask those questions, though, because we wanted to make sure procedurally we didn't do anything wrong.

CONSTANTINE ALEXANDER: You tried to meet with the Planning Board --

ATTORNEY MICHAEL ROSEN: Absolutely.

CONSTANTINE ALEXANDER: -- and the weather did you in.

ATTORNEY MICHAEL ROSEN: You know,

we did what we could. Three feet of snow made it difficult.

I'm going to go to the pictures, because I think --

CONSTANTINE ALEXANDER: Sure.

ATTORNEY MICHAEL ROSEN: So we did a site walk and we started at the corner just off of Graves Landing, and we walked down Land Boulevard all the way down to the end to the corner of the mall. And we walked by the end of the mall, we walked all the way up First Avenue? We walked through Canal Park. We came all the way back. We took a look at all the signs and all the buildings only in that specific neighborhood. We talked about our own experiences trying to find the building that day. It was both of our first trip to the building, and we talked about -- I

ended up parking at Two Canal Park. Stephanie parked at a garage further away, like trying to figure out where is the office, where are we going, how do we find it? So we found the spot that we felt most represented where somebody might be able to identify where that building is and how would they know that it's this building at this end of the mall, and I got to start looking for a parking space. This is where I want to be.

So we decided to pick a spot that was essentially at the edge of the bridge coming over Land Boulevard at the corner of the park. That's the place where you can see the corner of the building. You can't really see a ton of the building, and we took this picture directly in front of the building facing it exactly

perpendicular. So you can see that when the trees and the leaves are on the trees, how difficult it is to see the building, know that it's there, and identify it. But that if you're coming over the bridge, the corner of the building that we're proposing the signage on is the ideal location. You can actually see and understand that that building is there and that's where their offices are.

We then looked around at some of the other signage. We looked at the sizes of the letters of some of the other signs, the illumination of the other signs, and that's how we came up with the proposed concept.

This is now standing in that location along the corner of the bridge what we believe and, again, it's, you

know, this is a little squarer, this is at a little bit of an angle of what we believe it would look like.

For comparison purposes, we took -- we went to our signage and we did, you know, we looked at the 20-foot regulation. From the corner of the park at the 20 feet with the trees, the signage would be right here. So you have a double window here, you have a very small area of brick, another window here, and you have full tree cover during most of the summer. So we're renting the fifth and the sixth floor. Our lease allows us to put signage on one side of the building. We have to determine which side it would be. We believe it should be the side facing the street. It seems like the most obvious. We are not facing Graves Landing. We are

facing out. And I know a number of the letters said we're facing directly towards Graves Landing. We are not.

CONSTANTINE ALEXANDER: I understand that.

ATTORNEY MICHAEL ROSEN: And we made a point, you know, obviously we could do something here and there, we think it will be give us better visibility but we believe that would be the wrong thing to do having it face Graves Landing.

We looked at here and here. You know, we certainly could go higher. We think that's the wrong thing to do. We don't want to go higher. Although if we went up here, we could put a 60-foot KAYAK sign up here if we were allowed to go 60 feet one sign.

So we came up with a concept that

let's bring it a little lower, let's have it be representative of our corporate identity, let's let people be able to understand who's here and where we're located and what we're offering.

CONSTANTINE ALEXANDER: So why did you want to propose to illuminate the icon and not the logo sign?

ATTORNEY MICHAEL ROSEN: No, the letters are illuminated. But the letters don't need relief for illumination because they are under 30 inches.

The icons need relief from illumination because the airplane is 33.7 inches.

CONSTANTINE ALEXANDER: So the KAYAK logo sign will be illuminated?

ATTORNEY MICHAEL ROSEN: The white. Just the white. Just the white.

So the only issue was we would have to change the entire corporate identity to shrink the airplane three inches, because the only thing that's outside of the 30-inch limit is the tip of the nose of the airplane. So in keeping with their exact corporate identity and everything they use, this is an exact proportion, this is 11 feet, two inches. This is 11 feet, two inches and it mirrors and it does exactly what they normally -- so we need that Variance for the three inches.

Again, just so you understand, that's the only part of that that is outside the 30-inch limitation.

So then it really becomes the height and can we go to this particular height in this particular location? And, again, trying to explain and show.

Now, we read the letters and we looked at the things that people said. Again, we -- let me do this real quick.

JANET GREEN: That's the one.

ATTORNEY MICHAEL ROSEN: This is what it would look like illuminated. Again, this is standing --

CONSTANTINE ALEXANDER: At ten o'clock at night say.

ATTORNEY MICHAEL ROSEN: Directly at the building.

Stephanie, can you explain to them as far as the lighting that we're using, the type and style of lighting we're using? The distance by which it will send --

STEPHANIE VERGAKIS: So it's a face-lit design. So they -- the orange is opaque. There's no halo coming around it.

It's really just going to be the KAYAK white letters that you'll be able to see and the icons are illuminated as well. They're LED lighting. It's top of the line. It is -- it's, it's the best you can do right now as far as environmentally and using amps and electricity. And there are LED lights are, you know, in the units, and then electrical supply is inside the building in the office space. And, you know, right -- you know, speaking to the sign company, you can see about one inch of the sign lit up 20 feet. So this is what, 30-something inches. So you're going to see it about, you know, 360 feet that you'll be able to see the sign. So it's really not -- it's not going to be visible from the other side of the river. It's, you know, I think we calculated 360

feet is just about to the edge of the river. It's actually before that.

ATTORNEY MICHAEL ROSEN: Since we had everything prepared in advance, when we read the abutters' opposition, we went out and we did some measurements and we did some testing and we wanted to understand fully what the concerns were to ensure that we could answer them for you tonight. So what I did is I actually did this myself. I went out and I picked spots on the far side of the river, and I went and I took photographs. And I want to identify the spots for you.

Do you know where the -- this is the Museum of Science.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: This is the building where this orange line is.

This is the park in front of the building.

This is the park on the other side.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: The police station is here.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: So there is a wrought iron gate that you can't go through. C is me literally leaning up against the wrought iron gate and holding the camera up above the wrought iron gate.

And B is the bench in the middle of the flat narrow area.

And then A is the bench, it opens up and it begins the running trail over here, and I went and stood at that bench so I could identify bench, bench, and wrought iron gate.

So starting at A, okay, this is with

no leaves on the tree. If you zoom in from position A and take a picture of it, that's what, you know, that's what it looks like with no sign. Now I'll point out, this is the sixth floor, the sign would be here. Okay? So to the extent that there are concerns that you would be able to see it from the river or the other side of the river --

JANET GREEN: Can you see it?

TIMOTHY HUGHES: Yes.

ATTORNEY MICHAEL ROSEN: Okay, so that's again, point A.

And, again, the sign would be down here. So it would be behind the trees.

And, again, this is without leaves on the trees. Okay?

And this is zoomed out, the same spot. This is also -- I mean, let me just

confirm. Point A No. 1, point A No. 2, point A No. 3. So you can see there's the sixth floor, and the signage would be down in here. So it would be behind the trees.

I then went to point B, and this is point B zoomed out. Again, you can see, you know, the cell towers are up along what I guess would be seven. I think it's a fake floor or it's, you know, mechanicals. So everything else would be below it and below the tree line.

And that's zoomed in on point B. So you can see, again, it would still be behind the trees in front of the building.

And now, I went to point C which is up against the wrought iron gate. Again, the same thing. In this location -- so you'll see the white spot, that's the corner of the sixth floor. If you look at

the -- this white spot is that white spot. So you're seeing the sixth floor, and this down here is the corner of the fifth floor. So you would be barely -- this is from at the police station, you would barely see the top of the sign over the trees from over there.

CONSTANTINE ALEXANDER: And the reason for illumination on both signs is why? You're not a retail operation? You don't have a need of people coming into your building except employees.

ATTORNEY MICHAEL ROSEN: So the company is an international company.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL ROSEN: The company operates some long hours, and the company has visitors come from all over the world all of the time.

CONSTANTINE ALEXANDER: All of whom have GPSs and can find your building very easily. I mean why do you need an illuminated sign?

ATTORNEY MICHAEL ROSEN: I guess the answer is if the GPSs work for everybody then nobody would need to have a sign on any building. And at the end of the day, you park your car --

CONSTANTINE ALEXANDER: No. You're not addressing my point. You're entitled to have a sign that complies with our Ordinance. You're entitled to have an illuminated sign that complies with our Ordinance. You're asking for signs that don't comply with our Ordinance, and I'm trying to understand what is the hardship to you if we don't grant you relief.

ATTORNEY MICHAEL ROSEN: For the

signs in general?

CONSTANTINE ALEXANDER: No, your sign, your business. There's a difference as I said, there are other kinds of businesses that need illuminated signs, need higher signs. I can understand the height of the sign. I want to get back to that at some point. But why do you need an illuminated sign?

ATTORNEY MICHAEL ROSEN: Because it gets dark at four o'clock. People come to our offices after four o'clock, five o'clock, six o'clock, seven o'clock, eight o'clock. We're not looking to keep it lit 24/7, 365. We're looking to light it at normal hours, no different than say EF Education.

CONSTANTINE ALEXANDER: I haven't seen that in your application by the way.

ATTORNEY MICHAEL ROSEN: Well, whatever the appropriate hours are for sign. We are not looking for 24 hours a day lighting. So to the extent that anyone has any concerns with that, that is not what we are looking for.

If you want to discuss the Variance and the hardship, I guess I would --

CONSTANTINE ALEXANDER: You have to.

ATTORNEY MICHAEL ROSEN: I mean you keep asking.

CONSTANTINE ALEXANDER: Yes, I want to hear it.

ATTORNEY MICHAEL ROSEN: I've read the cases from this particular Board. I've read 8 Education Street, One Kendall Square. 42 Francis Avenue. I read 275 Fresh Pond Parkway, 52 Church Street, 23

White Street. I looked at those six cases that were decided in the last two years.

CONSTANTINE ALEXANDER: There's a sign case on Francis Avenue?

JANET GREEN: The school, the school. It's about this big and it stands about this high.

ATTORNEY MICHAEL ROSEN: And I looked at the facts of the cases and the decisions of the Board that I found to be substantially and significantly similar to the requests and the reasons we're asking for relief here.

And No. 1, difficulty of identifying the building. I went there myself. You know, there are a lot of buildings, it's in the center of a huge shopping complex. It is difficult to identify. There's no signage for 10 Canal anywhere because they

don't own any land closer than 180 feet from the roadway.

No. 2, it is far from any main roads.

No. 3, there are intervening natural features. There is a park with trees that come up approximately 60 feet in height.

An as-of-right sign would be too small to be visible except at a close range.

It would not be -- A, you would not be able to inform people of the location of your business.

There is a unique courtyard located outside of the facility.

A sign would face a large outdoor courtyard as opposed to a public way.

Properties that are surrounded on all but one side by other properties.

The location of the main entrance.

The location of large mature trees blocking the view of the main entrance.

Difficulty for visitors coming to the building who would not be familiar with the building.

A section of road that has limited visibility from the distance.

An irregularly shaped lot.

Lots location vis-a-vis a street.

Literal enforcement would -- allowing only for a signage of a size and a height that would be difficult to alert public to the location of the premises.

A principal entrance located more than 60 feet from a street. In this case several hundred feet from a street.

Large shopping center with multiple

entrances on multiple streets in a busy area.

All of those things are the things that we were thinking about and looking at as we looked at this particular site. They are all factors that this Board has taken into consideration in allowing other signage that are the exact same things that impact our site.

Now mind you, I am also cognizant of the fact that Variances get denied. And I looked at those as well. And I looked at several of them denied by this Board, and quite honestly I agree with you. I looked at Foundation Medicine. Okay? I looked at their plans and I looked at what they were proposing. There's no impediment at putting a sign down at 20 feet on the street. Their building sits on the

corner. It's a big, huge building. There are plenty of places to put signage. And people can use their GPS at least to get close to a particular property. Of course once you park your car and you get out, you still have to walk around and find it, but again, I looked at Foundation Medicine, I'm not doing that here. That's not what we're asking for. And I think this is appropriate.

I looked at Ipsen, and I looked at what they were proposing. And, again, Foundation Medicine, they were looking for the max 60 square feet. Ipsen was looking for 135 square feet. And, again, I looked at this and I'm, like, I get it. Again, this isn't what we're looking for. We're not looking for the roof of the building.

CONSTANTINE ALEXANDER: Did we

decide that case?

ATTORNEY MICHAEL ROSEN: You decided it. I think they then filed an appeal. They may have withdrawn their appeal.

CONSTANTINE ALEXANDER: I don't think so. I don't think that's right. I think they saw the handwriting on the wall. There was a lot of neighborhood opposition.

ATTORNEY MICHAEL ROSEN: Okay. On this one?

CONSTANTINE ALEXANDER: I'm pretty sure. I don't think we decided that case. But, okay.

ATTORNEY MICHAEL ROSEN: Okay. So I mean -- absolutely. I mean, it's stand up, it's off the building.

CONSTANTINE ALEXANDER: That case

never came before us.

What about the Decatur, the pharmaceutical case where someone wanted -- I forget the name. They owned -- a major Japanese company owns a large Cambridge-based -- remember the name of that the company?

SEAN O'GRADY: I don't know.

CONSTANTINE ALEXANDER: I'm drawing a blank. Anyway, they wanted a sign, X company whatever the company's name. And under that Decatur cancer company and that sign was going to be too big. And my memory's not perfect, but I'm quite sure we said no, you don't need a sign that big just because all you're trying to do is get stuff in about Decatur. And I think the sign that got approved was not, was a sign that didn't

have a logo in it or a tag line.

ATTORNEY MICHAEL ROSEN: So I guess I would distinguish it on this: They were trying to exceed the 60 square foot limit for a sign. We're not. We're not asking for more than 60 square feet. And I guess I would ask you if they came in and their Decatur sign was within the 60 square feet but it said a Decatur company, would you have a different opinion? And I do think that that does --

CONSTANTINE ALEXANDER: 60 feet, they could do it as a matter of right.

ATTORNEY MICHAEL ROSEN: Again, I mean, your concern was that they were looking to expand the size to get it in. We're not looking to expand the size. We have -- we do have a hardship and our hardship is that the sign and the location

cannot be seen from the passing roadways. So I guess the first question is are we comfortable with the explanation? Do you have questions as to why we think that this appropriate height is the correct height based on what we're looking at? And then if it's a question of what the sign looks like at that height, I think that's a different discussion. Again, I would go back to the fact that if you're okay with the height, we would like to have our 60 feet. The more signage we have, the better chance that someone is going to see us, recognize us, and know that they're at the right location. In an ideal world this would be one flat area and we could put 60 feet of KAYAK. And if we come up here and this were flat, and I had 60 feet of KAYAK in the white and

orange, you would be happy with that. I can't do that because it's offset. I could have looked at 60 feet of KAYAK up here and asked you to let me go to, instead of 70, allowed you to ask me to go to 80 feet. I thought it would be better to bring it down to 70. We're not trying to be on the top of the building.

CONSTANTINE ALEXANDER:

Understood.

ATTORNEY MICHAEL ROSEN: Again, we did put a lot of time, effort, consideration. We asked to meet with everybody that would meet with us to talk to us about it in advance. And when people didn't give us feedback other than Ms. Broussard, and we did listen to her input to design this, we brought it down, we got it over the tree line, but we kept

it down as low as we could. We keep it facing away from all the residential properties. We designed the sign so that there's no illumination coming out at the residential building. It's illuminated correctly. It's illuminated internally. It's got solid sides so that the light is not protruding out.

JANET GREEN: Can I ask a question? I know you said that people need to find the building and that you had a hard time finding the building and that people will come from all over the world to come to your company.

ATTORNEY MICHAEL ROSEN: Yep.

JANET GREEN: But the people who are looking for your company don't need to see the airplane and the bed and the -- I mean, they already know what KAYAK is and

they're coming to find KAYAK apparently is what you're saying. I'm saying that there's a piece of it where you're saying here's the name KAYAK, this is where we are. That's different from having picture of an airplane and a bed and a taxi or car or whatever that is. And that's more like advertising for people who happen to be driving by and not really looking for the building.

STEPHANIE VERGAKIS: Well, we look at it as part of the logo to be honest with you. It is -- it represents KAYAK. It's similar to the actual logo which is their, you know, their work, you know, in the tiles that the --

JANET GREEN: Right.

STEPHANIE VERGAKIS: And so that's how we view it. We don't view it

as -- it's not, you know, it's not advertising. It's, it's identifying and that's part of an identifier for KAYAK.

ATTORNEY MICHAEL ROSEN: And I --

THOMAS SCOTT: But if that's true, though, you've separated the sign, so it looks like two separate and distinct signs, like they're not related to one another. And when I first saw it, I didn't understand why it was two signs separated. Like, they're not only separated, they're on different plains.

STEPHANIE VERGAKIS: Well, I mean that has to do with the building.

ATTORNEY MICHAEL ROSEN: Because we couldn't find more than 30 square feet.

CONSTANTINE ALEXANDER: So you live with the building that you have.

ATTORNEY MICHAEL ROSEN: You're

200 feet back from the roadway. A 30-foot sign is very, very small in comparison to 200 square feet. Now mind you, again, I wish we had had this discussion as we prepared and submitted the application. We reached out to everybody. I read your by-laws. The interest is served by use of signs by businesses and services to identify the premises or their products and services. It's in your by -- so we looked at. Okay, can we take our standard KAYAK design and can we fit it into 60 square feet? That's all we tried to do. You know, I guess my question to you would be if you don't want the icons there, would you be okay if we lifted it up ten feet and put a 60-foot sign that says KAYAK? I think I could probably sell that to my client.

CONSTANTINE ALEXANDER: You may not sell it to us and you may need a new petition. And you may find that you're asking for a little bit too much and everything goes down in flames. You might. I can't prejudge the case.

ATTORNEY MICHAEL ROSEN: Again, I'm not --

CONSTANTINE ALEXANDER: I mean don't threaten us is what I'm saying.

ATTORNEY MICHAEL ROSEN: I'm not. I'm asking honestly to have some interactive discussion.

CONSTANTINE ALEXANDER: I'm trying to be interactive.

JANET GREEN: You've done a huge amount of background work. You did a huge amount of work. You're absolutely right, and you looked at all the cases and this

and that, and the other thing. But here's our problem, you know? You're coming in and your hardship is identifying the building and being able to find it. We're saying -- and your clients are people who know that they're looking for KAYAK, and so we're saying we don't understand why as a different part you have a boat -- I'm forgetting the --

ATTORNEY MICHAEL ROSEN: The car, the bed, and the plane.

JANET GREEN: But I remember the word KAYAK.

ATTORNEY MICHAEL ROSEN: We're such a significant distance from the roadway that we designed the sign to use the full 60 feet. That's all. We were trying to use -- we're trying to make it -- and, you know, we looked at actually

splitting up the KAYAK. And how do you do that? You can't. You gotta have the five letters together. So we're just trying to make it noticeable.

STEPHANIE VERGAKIS: Like
identifiers of --

JANET GREEN: No, I get it.

CONSTANTINE ALEXANDER: You
mentioned you went before the East
Cambridge Planning Team, and I could have
sworn there was a --

FROM THE AUDIENCE: No.

ATTORNEY MICHAEL ROSEN: No, no,
no. We met with Liza Paden. Liza gave us
contact information. We contacted all the
different organizations. The only one
that asked to meet with us was Barbara
Broussard. I spent two, two and a half
hours with Barbara one morning going

through all of the plans. After I met with Barbara, Barbara reached out to Carol and said, I know Michael's contacted you, you know, I met with Michael. Carol e-mailed me. She just got back from vacation. And I e-mailed her. I e-mailed her everything. She e-mailed me back and said I can't read your e-mail, there's too much information, could you please print and send us full plans. I reached out to Stephanie. We sent her full plans. And then we reached back out, I believe that was July 31st, and said we would love to meet with you. We would be happy to come and talk to everybody and please let us know.

CONSTANTINE ALEXANDER: Let me say something really, reiterate what Janet has said. I have never seen -- almost never

seen a presentation as detailed and as thorough as you brought before us.

ATTORNEY MICHAEL ROSEN: Thank you.

CONSTANTINE ALEXANDER: It's not the usual fly by the seat of my pants. It doesn't mean I find it persuasive. But I think you do need to be congratulated on the depth of which you've gone and the steps you've taken with regard to this petition. I want that on the record.

ATTORNEY MICHAEL ROSEN: Thank you. We want to do the right thing and I appreciate that.

Thank you.

THOMAS SCOTT: And I just want to say I'm not offended by the logos or the icons if somehow they were incorporated with the logo of the sign. But having

them be separated like that is just distracting to me and it, it makes it look like it's something that's different, maybe it's not even part of your business. It seems like if you're going to have a sign, it should all be together so that when you identify, you know, you see the word KAYAK, you see the logo as well. Having them separated on different plains, you know, so far apart, they just seem -- it seems distracting and I don't get it. And I think I personally I --

STEPHANIE VERGAKIS: I feel like if you look at it straight on, though, it actually reads as -- it doesn't read separate.

THOMAS SCOTT: Yes, but you never see it straight on. You see it you're driving over the bridge or you're on a

boat in the river or you're across the river running, you never really see it like that.

ATTORNEY MICHAEL ROSEN: Again, I think the goal is catching people over the bridge onto Land Boulevard. I mean, I think the whole point is it was designed for that view. That's the view -- I mean, we -- we actually stood at the location and we said, okay, here's where we want to be, and if you turn around and you do the 360-degree turn from the exact same spot, that's what you see. That's where we want to be. We want to be at that point on that bridge where when you turn around, those are the identifiers you see.

CONSTANTINE ALEXANDER: I want to try to bring, if we can, I don't want to interrupt your presentation, but bring the

presentation to a close, because we have a lot of letters in here, we have people in the audience. And I want to give everybody an opportunity to speak and not be here for a very late hour. So if you have any more to say, if you could hit the high spots.

ATTORNEY MICHAEL ROSEN: No, I mean I did make some notes on some of the public comments. And, again, obviously I made a -- you know, a concerted effort to take pictures from the other side of the river, show them to you.

Let me ask a quick question, rather than comment on the letters now, maybe if we let the abutters have their comments in general and then maybe at the end if there was anything that I --

CONSTANTINE ALEXANDER: That's how

we do it. That's our practice. And you'll have -- you'll hear from what's in our files written if you haven't seen it already.

ATTORNEY MICHAEL ROSEN: Yes.

CONSTANTINE ALEXANDER: We'll hear from the abutters, and then we'll close public testimony and you'll have a chance to make final comments and that will be it.

ATTORNEY MICHAEL ROSEN: Okay.

Do you want the cases that, you know, when I said I looked at the different cases and the decisions?

CONSTANTINE ALEXANDER: I don't, unless other members of the Board -- I don't necessarily find those persuasive in terms of how we should decide the case tonight.

ATTORNEY MICHAEL ROSEN: Okay.

CONSTANTINE ALEXANDER:

Particularly in signage every case is different.

ATTORNEY MICHAEL ROSEN:

Absolutely, positively.

CONSTANTINE ALEXANDER: You're all set? I'm not trying to cut you off.

ATTORNEY MICHAEL ROSEN:

Absolutely. Thank you.

CONSTANTINE ALEXANDER: Okay. You can sit right there.

ATTORNEY MICHAEL ROSEN: Okay.

CONSTANTINE ALEXANDER: Any further comments from members of the Board?

TIMOTHY HUGHES: No, I'm -- I think that the height is a no-brainer. So we're really talking about the

illumination and the separation of -- the problem with the idea that it's separated on two plains can't be remedied unless they raise it up even higher, and I don't see that, that would be --

CONSTANTINE ALEXANDER: That's only if --

TIMOTHY HUGHES: I couldn't see that happening at all.

THOMAS SCOTT: Why couldn't they scale down the icons and put them below the sign? They could be scaled down?

JANET GREEN: Or they could have a choice to just say KAYAK.

TIMOTHY HUGHES: You would be making it even smaller then. And it's really, it's not that big to begin with.

THOMAS SCOTT: It looks pretty big to me.

CONSTANTINE ALEXANDER: I continue to be puzzled by the fact that the signage is intended to identify that they're in the building, and they do that with their logo sign, and the rest is the icon sign is because that's what you like to do and we do it in all our corporate communications. Well, we may have facts and circumstances here that say you can't do it on this building. You can do everything else, you can have it on your website and have it on your literature, but maybe because of how high you want to go and the nature of the building, the answer is no. That's, that's the question we have to decide. We haven't decided it yet.

I'm going to open the matter -- I'm sorry, any further comments or questions?

TIMOTHY HUGHES: I'm good.

CONSTANTINE ALEXANDER: I'll have your opportunity, Ms. O'Hare.

I'm going to open the matter up to public testimony. Ms. O'Hare. Do you need a chair of some sort?

CAROL O'HARE: No.

ATTORNEY MICHAEL ROSEN: Do you want the chair or the microphone?

CAROL O'HARE: I do.

ATTORNEY MICHAEL ROSEN: I didn't know if you wanted a microphone or chair or both.

CAROL O'HARE: I'd like to sit.

ATTORNEY MICHAEL ROSEN: Go ahead.

CAROL O'HARE: Well, this is -- my name is Carol O'Hare. I live at 172 Magazine Street. Let me start by saying that I did not choose to meet with

Mr. Rosen after having reviewed the sign proposal because there is nothing about it that's, that's justifiable in my view, and so it was -- it would have wasted his time and my time and I explained that to him. I also explained it to you in my e-mail to you.

CONSTANTINE ALEXANDER: There's more than one e-mail in our file from you.

CAROL O'HARE: Well, there's two e-mails.

CONSTANTINE ALEXANDER: Yes.

CAROL O'HARE: One -- yes.

But in one of my e-mails to you I explained in a short blurb that he contacted me, he also contacted Barbara Broussard, but Barbara Broussard -- first of all, she wasn't here this evening.

CONSTANTINE ALEXANDER: I'm sorry,

my mistake.

CAROL O'HARE: And second of all, the ECPT did not meet about this sign. I -- I think Heather might be able to tell you more about that, but they were planning to meet last night, but just like the Planning Board hearing and their meeting last night, the snow blew it away.

So neither the Planning Board nor ECPT has even seen or reviewed this matter. I want to -- because I'm speaking on behalf of 63 other people, including Rhoda Fontasia (phonetic) who Fantasia (phonetic) who is stuck in New Hampshire in the snow and was -- is a Canal Park resident.

CONSTANTINE ALEXANDER: And who has written a letter to us.

CAROL O'HARE: I know she has.

And she and I have been talking and writing to each other. And she has actually asked me to read her letter into the record, which I will do.

So I am speaking on behalf of 63 other residents who have agreed with both my, my bullet points, which I sent to you and with her letter which I sent to you. Two-thirds of those residents live on Canal Park, and whether they can see -- they're condominium owners, and I think a couple of them are here and will speak later, but whether they can see the KAYAK sign directly and whether -- and whether it's a logo or the name KAYAK, it really doesn't matter to people. This sign is in your face and both, both Ipsen and Avalon have gotten the message that these signs do not -- for corporate

branding purposes, do not have to be up high and lit up, especially because in this case these are -- let me quote, these are -- this is Boston Business Journal announcing -- or a PR piece I guess.

CONSTANTINE ALEXANDER: Yes.

CAROL O'HARE: That KAYAK will be moving certain of its employees from Concord to East Cambridge. The particular employees that will be there are the engineering team that is high power, high tech people who are very familiar with travel, bookings, getting places as you pointed out. Specifically they're a mobile division.

So these -- here is my I thought somewhat amusing -- as somebody pointed out, they can go to Google -- this is the memo to the KAYAK engineering team that

tells them how to get from Concord to East Cambridge.

CONSTANTINE ALEXANDER: May I ask how you got this?

CAROL O'HARE: I made it.

CONSTANTINE ALEXANDER: No, no.

CAROL O'HARE: Got what?

CONSTANTINE ALEXANDER: It says KAYAK engineer.

CAROL O'HARE: I made it up. It's a joke. I thought I might amuse you.

CONSTANTINE ALEXANDER: I was concerned you were hacking, that's all.

CAROL O'HARE: No. I mean, KAYAK wouldn't tell its engineers how to use Google. This is tongue in cheek and I thought it might amuse you and somebody else pointed it out.

Their overseas visitors to their

offices in East Cambridge won't have any trouble, nor did I, finding the building. GPS. You can't tell me that they're sophisticated, not customers as you pointed out, not business retail customers, that they will not be able to find this building whether it is a -- whether it is a -- what do you call the images? The name or the images.

CONSTANTINE ALEXANDER: The icons we've referred to them.

CAROL O'HARE: The icons. Whether it's one or the other.

Now, I know you have historically given Variances for these, but you need to stop. And Ipsen understood that and Avalon understood that. Three city councillors have written to you, three city councillors.

CONSTANTINE ALEXANDER: I only saw one in the files. I'm puzzled. I only see one in the file.

CAROL O'HARE: I'll read them.

CONSTANTINE ALEXANDER: Well, give them to us for the file.

CAROL O'HARE: If you haven't seen them, I will.

CONSTANTINE ALEXANDER: Read them and then give them to us.

CAROL O'HARE: Of course.

And the State Rep Jay Livingston asked me to read his aloud to you.

CONSTANTINE ALEXANDER: Okay.

CAROL O'HARE: So that's in addition to all the other e-mails you've received from people that I have no idea who wrote to you because I couldn't get up there to review the file today in the

snow.

So Rhoda asked me to read her e-mail to you. I will read the city councillors' and the state rep's e-mails. I just -- and I will summarize my bullet points; that is, the bullet points that go through the legal and practical reasons why I beg you to stop granting these Variances amending the Zoning Law sign by sign, because we just can't tolerate all this branding all over the city. Nobody wants it. And it makes the few people like me and others who, who are crazy enough to spend time harping on this just, it's just a waste of everybody's time.

Here's the list of all the people who agree with my bullet points. Both sides.

ATTORNEY MICHAEL ROSEN: Can I get

a copy as well?

CAROL O'HARE: Yeah. I thought you read it in the file.

ATTORNEY MICHAEL ROSEN: The stuff you're presenting now has not been updated since the last time.

CAROL O'HARE: I sent this in on Monday.

CONSTANTINE ALEXANDER: It looks like a list that was attached to one of your e-mails.

CAROL O'HARE: Yes. I e-mailed it in --

ATTORNEY MICHAEL ROSEN: A two sided?

CONSTANTINE ALEXANDER: I don't need a copy of it. We have your e-mail in the file.

CAROL O'HARE: Okay, I just wanted

to --

ATTORNEY MICHAEL ROSEN: The version of it attached to the e-mail is dated July -- I'm sorry, January 22nd. This is dated January 29th.

CAROL O'HARE: Well, I sent an e-mail on Monday.

ATTORNEY MICHAEL ROSEN: Well, we have not been --

CAROL O'HARE: Take this.

ATTORNEY MICHAEL ROSEN: You just handed me one.

CAROL O'HARE: Okay.

CONSTANTINE ALEXANDER: Why don't you get to the letters from the city councillors and the state rep, and then let's try to conclude your comments. I'm sorry.

CAROL O'HARE: Well, I'm speaking

on behalf of 63 people.

CONSTANTINE ALEXANDER: I know you said that.

CAROL O'HARE: So may I read the bullet points, too?

CONSTANTINE ALEXANDER: Oh, by all means. That's what I mean by concluding your comments.

CAROL O'HARE: Oh, okay. Thank you. I don't want to alienate anybody. I'm just nervous and tired. You know?

CONSTANTINE ALEXANDER: So are we all.

CAROL O'HARE: I know. Especially with the --

TIMOTHY HUGHES: I'm not nervous, I'm just tired.

CAROL O'HARE: Well, I tried to wake you up with the memo.

FROM THE AUDIENCE: Speak into the mic, please.

CONSTANTINE ALEXANDER: Okay, yes.

CAROL O'HARE: Oh, speak in the mic? Can you hear me?

CONSTANTINE ALEXANDER: Yes.

CAROL O'HARE: Okay, this is from Representative Jay Livingston who represents part of East Cambridge and -- Dear -- he says: Dear Zoning Board, I am State Representative for the 8th Suffolk which includes Beacon Hill, Back Bay, and Cambridgeport and up into parts of East Cambridge. I represent parts of Boston and Cambridge along the Charles River, including the area in which KAYAK proposes its signs. I understand that KAYAK has requested Variances for two signs.

First, it has requested a Variance to place its signs 70 feet above the ground when Zoning only allows a sign 20 feet above the ground. And to illuminate its signs beyond what is permitted. I ask that you deny both applications. The proposed Variances are not necessary for KAYAK to make its location known to visitors or employees. Lower and less illuminated signs would accomplish that goal. Instead the proposal will distract from the Charles River basin skyline in a way that is inconsistent with regular state and Cambridge efforts to beautify the environment along the Charles River. The signs are unnecessary and inconsistent with other city and state goals, and I ask that the Variances be denied. Thank you for your consideration, Jay Livingston.

From Craig Kelley. (Reading) Dear Board Members, I write in opposition to the sign variance requested by KAYAK. I have shared my thoughts with you about such Variances in the past expressing my concerns that the City Council has affirmatively opted not to change our Zoning Law regarding signs.

By the way, that was in 2010.

(Reading) And it is frustrating to see repeated requests for Variances that seek to circumvent our existing Zoning Laws. I encourage both the Board of Zoning Appeals and the Planning Board to view this and future applications with disfavor, and if necessary, provide the Council with suggested language to change the Zoning Law to allow signs that perhaps the Board feels would be reasonable.

The Council could then consider those proposals, and if desired, change the Zoning to avoid the perceived need for Variances. Please feel free to contact me with any questions or concerns you might have.

CONSTANTINE ALEXANDER: Is there a third letter?

CAROL O'HARE: There's two more.

So as a P.S. to Craig Kelley's, he, you know, he's saying instead of -- he's saying exactly what I said, which is instead of amending the Zoning Law in effect sign by sign these are different from other kinds of Variances. You or somebody else like Mr. Rosen who is very talented and obviously a good researcher could propose a reasonable set of amendments and see if they fly.

CONSTANTINE ALEXANDER: Yes, we've had this discussion before as you know.

CAROL O'HARE: Okay. And that was my one sentence on that.

CONSTANTINE ALEXANDER: Right.

CAROL O'HARE: And so this is from Nadeem Mazen City Councilor. (Reading) As a Cambridge resident, I hope (sic) the Variance to the pre-existing sign ordinance necessary for KAYAK to construct 70-foot branding signs on the exterior of their new office space -- I oppose, not I hope. I oppose it.

Over the passed weeks I have learned of over 60 residents expressing opposition to the plans that are being brought before the planning -- Planning Board and BZA. The sign ordinance as it stands today was written taking into account the needs and

desires of a rapidly changing neighborhood with the intention of protecting its character. And an increase in sign size and area of illumination is contrary to this intention. It is also important to mention that the office with which the sign is attached houses KAYAK's company engineers engaged in website design and requires no off street traffic to be successful. The corporate community should be aware that buying up office space in East Cambridge does not entitle one to free billboard space beyond what is already allowed through the city's pre-existing sign ordinance. Given the above facts, I believe that the aforementioned Variances should only be approved if KAYAK makes legitimate attempts to engage the community and if a

compromise is reached with community leaders. Though this is my personal opinion and not an agreed City Council position or policy, we have had precious few full council discussions on advertising signage this term. To that -- to the extent that knowing the mind of a city councilor is helpful to either body, the Planning Board and you, you are free to interpret these words as my general policy position for non-retail entities.

CONSTANTINE ALEXANDER: One observation. He seems to be of the opinion that they're seeking relief for a sign that are greater, 70 foot signs. They're not. It's the height of the signs.

CAROL O'HARE: I think he

mis -- well, you can --

CONSTANTINE ALEXANDER: Okay. I'm not sure that how relevant his letter is to what we have before us that's all.

CAROL O'HARE: Well....

CONSTANTINE ALEXANDER: Go ahead, keep going. I wanted to make that observation.

CAROL O'HARE: I know. Well, it was clear from -- I sent images, I sent dimensions. He had this very short --

CONSTANTINE ALEXANDER: Okay, move on to your last letter, please.

CAROL O'HARE: He had this very short information piece, two Zoning Variances and exactly what they were. 70 feet above and greater illuminated area.

CONSTANTINE ALEXANDER: Okay.

CAROL O'HARE: So it was, I

believe a misstatement.

And from Dennis Carlone City Councilor. (Reading) To the Board of Zoning Appeal, as an architect, urban planner, and urban designer with some 40 years of experience working in the East Cambridge community, I am writing to express my personal opposition to KAYAK's request for a Variance to allow a large illuminated sign some 70 feet above ground level at 10 Canal Park. As a city councillor, I believe it is our job to establish Zoning Regulations, and I feel like this application controverts the intent, the spirit, and the language of the law. My hope is that the current law will continue to be enforced and I am generally opposed to Variances that appear to be primarily driven by a corporate

branding strategy rather than a legitimate public interest. Thank you for kindly including this letter in the record for this matter.

CONSTANTINE ALEXANDER: Can I have those letters for our file?

CAROL O'HARE: Yes.

CONSTANTINE ALEXANDER: There is one other city councillor who has written a letter, Mr. Toomey. Are you aware of that?

CAROL O'HARE: No.

CONSTANTINE ALEXANDER: I will read that when it's appropriate.

CAROL O'HARE: Fine.

And Rhoda's letter which is what all of the people signed up for, too.

(Reading) Dear Members of the Zoning Board, we in East Cambridge are once again

speaking out forcefully to oppose the branding signs proposed by KAYAK at 10 Canal Park. The height and illumination by night are completely out of conformance with the city's Zoning Ordinance Article 7. This sign -- these signs do not qualify for any sort of hardship which could be used to grant a Zoning Variance for its existence. As I see the drawings proposed by KAYAK, this sign will be a visible from across the Charles River and perhaps from the lovely Esplanade on Boston's side of the river. Is this a good idea? If we take the position that the sign is way finding, there is no way anyone could find this office with the signs -- there is no way anyone could find this office with a sign set at 70 feet. It is directly located just off Land

Boulevard and parking for access has to be from the Cambridgeside Galleria Mall.

This means walking to get to the building, so it makes perfect sense to place any identifying sign at Zoning height 20 feet above ground level. I urge you to please look at corporate sign variance requests very carefully, not just in East Cambridge, but throughout our city. We do not need this level of corporate advertising anywhere in Cambridge. It is up to you to take a meaningful and firm position with regard to branding signs. Building top branding signs do not deserve any special consideration nor Variances, and you must somehow begin to enforce the city's Zoning Ordinances. We as residents do not need to always, always object for every single sign variance request. You

can do it. As always, with great hope you will listen to us and I am sincerely yours, Rhoda Fantasia, Four Canal Park.

And I will just give you the captions of my ten bullet points.

CONSTANTINE ALEXANDER: Please do that.

CAROL O'HARE: I won't read --

CONSTANTINE ALEXANDER: Please.

CAROL O'HARE: These are not way finding signs. These signs would undermine, again, our Zoning Law. Expectations are raised by standard operating procedure of green lighting these sign variances. It creates a slippery slope of precedence for copycats who say they got theirs, we want ours. And, you know, as I said, Ipsen got the message, Avalon got the message, and many

people, including all the city councillors are telling you, please, there are environmental and dark sky concerns. And frankly, even if they turn the lights off at ten -- at ten o'clock, people are asleep at ten o'clock. It's dark to ten o'clock when people see the signs. I mean, most working people -- I'm not -- I'm retired obviously. I can spend all this time on this. Most working people are in bed at ten o'clock so who cares if they turn the lights off after ten o'clock or nine o'clock.

Okay. Obviously I and others, lawyers, believe that these signs do not even, if they recite substantial hardship, they don't qualify in any way for under the substantial hardship test and we appreciate KAYAK's corporate contributions

to our tax base and to travellers, you know welfare, but that's it.

CONSTANTINE ALEXANDER: Thank you very much as always for taking the time for a comprehensive presentation put before us.

CAROL O'HARE: And all the work.

CONSTANTINE ALEXANDER: Well, that goes to --

CAROL O'HARE: And I was not being, I was not being evasive with Mr. Rosen, I just thought there was nothing to talk about and so did everybody else.

CONSTANTINE ALEXANDER: Thank you. Anyone else wishes to be heard on this matter? I will read --

CAROL O'HARE: Thank you for your time.

CONSTANTINE ALEXANDER: You're welcome.

There are a number of other letters in our files. I think almost every person opposing which I will read at an appropriate time, but I'll give anybody a chance. If you have a letter in the file, I can read the letter. If you want something to add or you didn't write a letter, now's your time.

ANN O'MALLEY: My name is Ann O'Malley. I'm a resident of 10 Canal Park. And I want to thank you for your contribution. I've been listening to your questions all night. I know you're asking the right questions. Several of us are here in opposition to that sign, and we believe that there is a reason for the Zoning requirements and we ask you to

simply not grant the waiver.

CONSTANTINE ALEXANDER: Let me ask you a question -- you can sit down. You can sit down. -- in return. Are you opposed to any relief? Because there are things that we can talk about. We could talk about one sign 70 feet high. Two signs as they're requesting, 70 feet high, plus illumination for the what they call the icon sign. And I want to get an understanding of that. Because there is a whole range of choices for us to make. Would you oppose any relief whatsoever? Would you say to them sign no more than 20 feet high and they put forth a case as to why that wouldn't do the job in terms of identifying where they are?

ANN O'MALLEY: I think we all have to be reasonable. I understand it's a

commercial enterprise. I found it disingenuous to say that they needed foot traffic identification for that, for that, you know, that's what the sign was going to do. That is not that business. I don't know if there's any possibility of the sign going -- I wrote an e-mail, you know, you've got it in the file. I wondered if there was a possibility of making the sign go to bed at night so that the light pollution could be mitigated somewhat. I've had, I haven't heard anything about that. Personally I would like it just denied, but I also think we have to be reasonable. And I think you people are very reasonable frankly. I think you're asking the right questions. And I can't speak for everybody in Canal Park. I think most of us understand we

have to be reasonable.

CONSTANTINE ALEXANDER: So you should be aware that in cases in the past what we have allowed illuminated signs that don't comply with our Ordinance. We have put hours of when they're on -- that can be on and not. So that's always an option available to us, assuming we want to allow an illuminated sign at all. You should be aware of that.

ANN O'MALLEY: You know, I think that's well within the possible, and I frankly have confidence that you understand what the issues are.

CONSTANTINE ALEXANDER: Thank you.
Anyone else wishes to be heard?

HEATHER HOFFMAN: Yes. I thought I would use the microphone.

CONSTANTINE ALEXANDER: Sure.

HEATHER HOFFMAN: My name is Heather Hoffman. I live at 213 Hurley Street, down the street from the Cambridgeside Galleria, and I oppose this. I have opposed every branding sign. Most of them are in my end of the city. I look around and I don't think a single one adds anything to the beauty of this city or to people's actual ability to find these buildings. They're advertising. They're billboards. Cambridge has a policy against billboards except that it doesn't seem to encompass these.

CONSTANTINE ALEXANDER: Encompass what? I'm sorry?

HEATHER HOFFMAN: Encompass these. These are the functional equivalent for billboards. And I wanted to thank you very much for asking the hardship question

because that's really it.

Now, how are people going to get to this place? If I were coming from overseas, I would take a cab and I will bet you the cab drivers know how to get there.

If you're gonna take the T, again, you'll be on foot, as Rhoda pointed out. If you're parking at the Galleria, again, you'll be on foot. You're not gonna be looking for this thing up 70 feet. A sign down at ground level, a tombstone sign would be a ton more useful to a driver instead of trying to look up in the sky while you're going down Land Boulevard in heavy traffic and trying not to hit anybody.

So, I don't see the justification for this. And I would also like to speak

for a moment about the East Cambridge Planning Team. Barbara Broussard is not the East Cambridge Planning Team. This has -- I confirmed this with the, with the board member that I'm married to earlier today. This has not been brought up in any way, shape, or form at any board meeting or any general membership meeting. It was going to be on the agenda last night, but we know what happened to last night's meeting. Same thing that happened to the Planning Board review of this.

The only comments that I've heard, and this was brought up in announcements that it was going to be before this Board, and the comments were uniformly negative. So whatever Barbara might think, that's her opinion and it is not the general opinion of the neighborhood.

CONSTANTINE ALEXANDER:

Understood. Understood.

She didn't claim, I think, I remember her letter, she doesn't claim to speak for anybody but herself.

HEATHER HOFFMAN: Yeah, but -- and I think that it may well be unfair to KAYAK that it hasn't been brought to the planning team before this, but I, I don't make the agenda.

CONSTANTINE ALEXANDER: Okay.

HEATHER HOFFMAN: So, you know, I can't speak to that. But I would be very surprised if it did come -- that it got a very welcome reception. I think that in general what we've seen is -- and I think that this Board has evolved a whole lot in its approach to signs. We have, you know, Akamai, and Alilam (phonetic) and these

various signs, and I think that people have figured out that we don't like them. And that they are not making our city better. And so this Board has, has become far more -- far stricter about looking for actual hardship and actual compliance with the spirit, and that's been also accompanied by a lot more people showing up and saying we don't want it. And so I think that there's a certain meeting of minds here. And so I want to encourage you to keep that up because I think that you're pretty much on the right track, that these signs aren't needed and aren't a good idea.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wish to speak?

(No Response.)

CONSTANTINE ALEXANDER: No one else does. We do have other correspondence that has not been identified and I'll read it into the record. And before I do, I have two questions -- one question and one comment.

A complete consistent tenant throughout all this, we don't want branding signs, we don't want advertising, we don't want billboards. And I listen to you folks. All of that can be done, if they want to comply with the Ordinance in terms of size, location. So, you know, it's not a matter of no branding in the city. It's a matter of, you've got to do it in accordance with our Ordinance.

And further, if you feel you cannot -- if you can't do it and you feel that you have grounds for relief, that's

what the Variance process is all about. And that's what these folks are doing. Other folks have done before them. But they've got to demonstrate -- it's a tough standard for a Variance. A sign variance or a dimensional variance, certainly a use variance, you've got to demonstrate certain things. You've got to demonstrate a substantial hardship. You've got to demonstrate special soil conditions, shape or topography or the land of the structures, and you've got to -- we've got to find, they've got to demonstrate that we can grant relief without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of this Ordinance. That's what this case is about tonight. They believe that they can satisfy the

standard, and if they can, and we agree that they've satisfied, that relief will be granted. And then anyone has the right to challenge that in court, assuming they have standing, it doesn't necessarily end tonight with this case if someone wants to pursue it.

So I want to make that very clear.

I also have a question for you, Mr. Rosen. You haven't met with the East Cambridge Planning Team. My board members are going to throw me out of the room in a second. And you haven't met with the Planning Board. You've heard a lot tonight. You've seen the files. Do you feel you want to continue this case to give yourself a chance to get support on your side by meeting with the Planning Board and meeting with the East Cambridge

Planning Team or do you want to proceed to a decision tonight?

ATTORNEY MICHAEL ROSEN: Based on everything I'm hearing tonight, it seems as though everyone is just basically saying no sign, period, end of story, we don't want anything. If that's the result, I don't -- I mean, I would, you know, there were a couple of things that were said, and the last woman who spoke, first of all, thank you, I appreciate the fact that you recognize that we did reach out to Barbara and we didn't realize that that wasn't going to get us the meeting. You know, we asked Liza who do we -- you know, when we went in and met with Liza, we said we want to be pro-active, not reactive, who do we contact? Carol and Barbara. Fantastic. And we did it the

same day we met with Liza. Again, though, with -- if you look at the responses, Carol's answer is I didn't even bother getting back to him even though he went out of his way to send all the materials to us, because at the end of the day my answer is, no, I don't want it, period end of story.

CONSTANTINE ALEXANDER: So I take it your answer is you want to proceed with the decision tonight? Yes or no. We'll give you that opportunity. I'm not trying to suggest that we're going to come up with a different result, but I think you should be aware of --

ATTORNEY MICHAEL ROSEN: I do understand that. And I'm trying to get my arms around it. I mean --

CONSTANTINE ALEXANDER: You have

time yet.

JANET GREEN: He may want to hear our thoughts before --

CONSTANTINE ALEXANDER: Yes, that may change. You don't have to answer my question this very second. Let me go through the written communications.

ATTORNEY MICHAEL ROSEN: Let me tell you what I'm thinking. One of the letters written by one of the city councillors said, you know, they were opposed because we haven't made a legitimate effort, but we have made a legitimate effort.

CONSTANTINE ALEXANDER: That's irrelevant. That's irrelevant. You have, and I'm not -- don't debate it.

ATTORNEY MICHAEL ROSEN: Here's my point. If there's all this misinformation

out there --

CONSTANTINE ALEXANDER: That's true.

ATTORNEY MICHAEL ROSEN: -- am I doing -- am I doing anybody any good by dragging it out?

CONSTANTINE ALEXANDER: That's for you to answer.

ATTORNEY MICHAEL ROSEN: Okay. So --

CONSTANTINE ALEXANDER: Let me go through the other -- and you'll have time. I don't mean to put you on the spot.

ATTORNEY MICHAEL ROSEN: Thank you.

CONSTANTINE ALEXANDER: We are in receipt of a letter from Councilor Timothy J. Toomey, Jr. in the in addition to the other councillors that Ms. O'Hare read to

us.

(Reading) I am writing to express my opposition, to this case, requesting to install an internally illuminated sign -- 80 feet? From Land Boulevard. I'm sorry, 180 feet from Land Boulevard and over the 20-foot height limit. I have heard from a number of residents who feel that this will have a negative impact on them and how the building at 10 Canal is perceived from the Charles River. I hope the applicants will reconsider their needs for the sign and have discussion with appropriate abutters or that the Board will determine that this application is not worth the Variance -- worthy of a Variance.

We have a letter or an e-mail from Fred Fantini (phonetic), Four Canal Park,

unit No. 203. That's not covered by what you said.

(Reading) As a resident of Thomas Graves Landing, I join with my fellow residents of the building to voice my opposition to the Variance request by KAYAK to place a large illuminated sign bearing their logo atop their building at 10 Canal Park. I am not sure I understand the need to have a large sign atop, atop this building, illuminated throughout the night especially for a building so close to the river and abutting residences. I feel they should work within the parameters of the signage guidelines and a Variance is unnecessary. And it's interesting to note that the owners did not reach out to the closest abutters to engage in some dialogue.

There's a lot of stuff in here. I have to turn the pages to make sure I don't miss anything. Bear with me, please.

We have an e-mail from Marilyn Wellons, W-e-l-l-o-n-s, who resides at 651 Green Street, Cambridge, Massachusetts. Not exactly in the neighborhood.

TIMOTHY HUGHES: I don't think she can see it from there.

CONSTANTINE ALEXANDER: What's that?

TIMOTHY HUGHES: I don't think she can see the sign from there.

CONSTANTINE ALEXANDER: (Reading) Please deny this request. My comments about the Variance requested for the Ipsen sign, 650 East Kendall Street, sent to you 17 November, 2014 apply here as well. The

proposed signage is not the only means available to identify the premises. The petitioner's products or services deliver a commercial message. It does not comply with the Zoning Ordinance 7.011.g together with minimizing "the intrusiveness of signed structures" these criteria help define the "public interest" in (inaudible). And Cambridge Zoning powers under Mass. Law Chapter 40 serve to protect the health, safety, and general welfare of present and future inhabitants of Cambridge. Article 7 of the City Zoning Ordinance defines the means to (inaudible) and aesthetics and other qualities of life by minimizing the intrusiveness of sign structures. It further indicates its intent to control and reduce visual clutter and light. The

proposal before you, a request for a Variance, ipso facto acknowledges it does not meet these -- right, the criteria established to further these goals. It's hard to see how you might approve such a sign. Life in the proposed structure would intrude far beyond abutters and abutters to abutters to its intended audience the public M.G.L. Chapter 40 in the Zoning Ordinance seek to protect. Neighborhoods beyond East Cambridge could be adversely affected by the precedent set if this Variance is granted. For these and other reasons, even in Rhonda Fantasia's, Carol Bellieu's, and Carol O'Hare's communications, I ask you not to grant it.

We have Dennis Carlone. You read us that one.

I have communications from Ms. O'Hare, which she summarized already, including the list of people who she says -- whom she represents in terms of their opposition to the relief.

As you can see, we have a thick file.

A letter from -- we have from Councillor Nadeem Mazen.

We have a letter from Barbara Broussard, B-r-o-u-s-s-a-r-d. (Reading) Personally I'm opposed to any illuminated branding signs. Recently at an East Cambridge Planning Team meeting at which Liza Paden reviewed signage with our community, we were briefed on the sign ordinance in force in the city. Myself, along with others attending that meeting, decided that the large illuminated signs

high up on buildings in our community were unnecessary. What purpose did they serve other than as an advertisement? Certainly there was no hardship. The KAYAK sign is one example. Where they are proposing to place will not serve as a guide to anyone trying to find the entrance to their office. Vehicle access to 10 Canal Street is on the other side of the street. People looking for their company know where to find it. The Kendall Square Association is studying way finding for the area and should be in place soon. I see no reason to grant a Variance. Variances are for hardships. Kendall Square does not have to become a Times Square or a Hong Kong riddled with illuminated corporate branding. I ask that you deny the request for a Variance,

keep signage to the standard policy in effect in Cambridge. And she said she plans to attend the meeting but she may not be able to do that because of weather and the flu.

A letter from Arthur Strang (phonetic). (Reading) I oppose the KAYAK sign. I agree with the criticism of the Rhoda Fantasia.

A letter from Nancy Stiening, S-t-i-e.

FROM THE AUDIENCE: Stiening.

CONSTANTINE ALEXANDER: I'm sorry?

FROM THE AUDIENCE: Stiening.

CONSTANTINE ALEXANDER: Stiening, I'm sorry. It should be pronounced Stiening. But I'll -- if you say it's Stiening, it's Stiening, S-t-i-e-n-i-n-g.

(Reading) I am writing to -- in

opposition to the KAYAK software sign, which is too high, too large, and illuminated. In this location facing Land Boulevard, the KAYAK sign certainly will not guide anyone for that office. It's not going to guide anyone finding their offices at 10 Canal Street entrance is from the other side. Presumably people looking for that office know how to find it, and the rest of the community probably doesn't care. In general I think the Variances requested are for signs should be denied unless it was a true hardship being invisible (Avalon Lofts) and I prefer that Cambridge not be known as the city of corporate branding. I see Genzyme and Forsyth signs facing the river when I look out my window and they add nothing to the community or the view. Looking across

to Boston as I have said before, there are no lighted signs facing the river. Please let's keep it that way. Yes, the T billboards on O'Brien Highway facing East Cambridge of which we have no control. Please don't set a precedent which would affect signs through the city. Thank you.

A letter from Adel Keeley,
K-e-e-l-e-y. (Reading) Hello, I am a resident at 6 Canal Park. I'm delighted that KAYAK is opening business next-door to me at 10 Canal Park. I do not want an oversized lit sign 24/7 in an area that is residential and home to many in the area -- to also work in the area -- is residential and home to many in the area that also work in the area for MGH, MIT, Harvard, and other institutions of higher learning. I would request that you

decline the request for a Variance.

We have a letter from Rhoda Fantasia which of course has been read to us.

A letter from Susan Harrison at 21 Valentine Street. Both to us and the Planning Board. (Reading) I wonder why we create Zoning Laws regarding building height, sign height, etcetera. Could it be forgotten lessons of the past? I may also have an affection for the Shell sign on the river that dates back to me being two or three years old and knowing that I'm almost home when I see it. And I may even still wonder where the Coca-Cola sign disappeared to or the Sisco sign. But this is insanity. Human beings need darkness. Animals need darkness. Even trees need darkness. It is important to our lifecycle and health. What are our

priorities? And once approved, how did we say no to the next one? Enough. KAYAK is an on-line company. There is no need for any customer to have a lighted pathway to their doors. This is an advertisement, a billboard, nothing else, it should not be allowed. And it refers to KAYAK having wonderful maps of the site.

I think we're getting to the end.

A letter from David Levitt,
L-e-v-i-t-t. (Reading) Sidelines and signs do count as part of quality of life in Cambridge. Zoning restrictions are there for a reason. KAYAK has no compelling reason to install these signs. Please ask the Planning Board to refuse KAYAK's request for the signs. I live in North Cambridge. I hope that concerns regarding the positive and negative

effects of the development and quality of life will be weighted more heavily by the Planning Board than in the past. This letter was sent to -- well, sent to Liza Paden. For some reason it got in our files.

All right, I am going to stop reading. I think, I think that the message is clear. I have to make an observation that is amazing to me the amount of misconception there is in the city about our sign variance and sign relief and the right to have signs as well as the restrictions. It's almost a primal scream out here from the community about signs. We are not the body that's going to solve that.

The one city councillor said write us up some proposals. That's not our job.

That's the job of the City Council. And if they want -- if they kept what they're doing to us, and they continue to pass the buck to us and not deal with the issue and letting us either solve the problem for them or to dangle in the wind, and I'm not very happy about that. But anyway that's, that's my primal scream, it's not necessarily relevant to the case before us.

Mr. Rosen.

ATTORNEY MICHAEL ROSEN: I share your primal scream. I represent a business, we're trying to come into this community. We're new to the community. We're spending money. We're gonna have several hundred employees. We leased several floors and a what was mostly vacant office building, and we're spending

a lot of money; construction jobs, regular jobs. The misinformation in the responses from abutters is greatly troubling me and it leaves me to believe that it doesn't really matter how much time and effort I spend meeting with people, networking with people, at the end of the day the answer is gonna be the same, which is we don't want any signs. I'm perplexed because honestly I don't know what to do. I feel as though this particular client, and they are nothing more than -- they are a client. I'm, you know, I'm here as their lawyer. I believe they meet the requirements for a hardship.

You -- this Board has held in the past the inability to locate a building does form the basis for a request for hardship. I look at, is it owing to the

soil, shape, or topography of land or structures? I look at this lot. It does.

The lot is uniquely situated. It has zero frontage anywhere. It is 180 feet back from the nearest road. You come on Land Boulevard, you're up on a bridge, it slopes down through a park to the building. 20 feet from the ground level of the building it's just about eye level with the road, and there are fully mature trees. Despite what everyone else is saying, our clients aren't -- are engineers. Our employees know how to get there. Mobile engineers are the first group of people that are being relocated here. They're not the last. We moved in on January 2nd, and we moved in the first 60 or so employees. At the end of the day, though, our customers aren't people

who are using their mobile apps and going on to KAYAK and ordering things or booking things. Those are people that use apps. They're not paying KAYAK. The people who pay KAYAK are the people that enter into contracts with them, do advertising with them, negotiate business contracts.

KAYAK's lawyers are in Cambridge and this is their second largest office. It's going to be their second largest office in the world. They will have customers come there, and they will be people who get in cars and drive there. They will be people who might take a taxi, who might take a T, who might walk. But today is the perfect example if you're walking, you don't want to be outside walking for 25 minutes around the buildings to find the location. There's three feet of snow. There's no

sidewalks plowed. I consider myself a fairly intelligent human being. I have lived in Massachusetts my entire life. I used to come to Lechmere when I was a kid. I still have the Canon AE-1 camera I bought for my 16th birthday coming in with my parents, picking up my camera, and using it.

This area has developed and it has grown. There is a huge shopping mall there and there are commercial office buildings facing into a canal and not out to the streets. These are uniquenesses unique to structures, buildings surrounded by other buildings with sloping topography that makes this parcel unique.

If you stand here where we're proposing the signage, we turn around, in every direction you see signs. I would

offer that that means that there's not a substantial detriment, and it doesn't have to be any detriment. We get that if you turn on one more light bulb, it's one more light bulb. But it's not a thousand more light bulbs, it's not a neon sign. It is small by comparison, despite everyone's claims that it's huge and it exceeds the allowances. The allowances here are 236 square feet and no more than 60 square feet in any one sign. We're looking at two, 30-foot signs. That's less than a fifth of what would be allowed. If you take three inches off the nose of the airplane, truly the only Variance we're asking for is to come from the ground up above the tree line and that's it.

We tried to meet with everybody. And the truth of the matter is we would

continue to try and meet with everybody. I'm trying to come up with a solution so that I can go back to my client and tell them, look, I didn't just walk out of the room and call it a day, because the truth of the matter is I feel like if we just keep going forward, the answer that everyone is going to have as an abutter is to stand here and to say no more signs.

I have your frustration. It's not your job and it's not mine. The Ordinance is the Ordinance and Variances should be allowed when there is a hardship owing to topography, soil, shape, structure. It's unique to this particular lot and it can be resolved without substantial detriment.

So, I'm -- I want to make everybody happy.

CONSTANTINE ALEXANDER: Good luck.

ATTORNEY MICHAEL ROSEN: But I want to make my client happy. Well, so I'm going to ask you a question. Can you decide --

CONSTANTINE ALEXANDER: We ask the questions. Go ahead.

ATTORNEY MICHAEL ROSEN: Can you decide half my case tonight and not all of it? And by that I mean if, if we could bifurcate it into a determination as to whether or not a hardship exists for which relief would be granted, then I think that I could convince my client that we would go back to East Cambridge Planning, to Graves Condo, and see if there are minor modifications that we could make to our plan that recognize that reasonable people will make reasonable accommodations, but that this is a site that truly is

warranted for hardship? You know I've read the cases, I've read your decisions, and as I stated before, I read the ones you approved and the ones you didn't approve. And I truly feel that we fall in line with the ones that you did approve. And I feel as though that we've done probably as good or better a job as anybody who has come in here to present a sign.

We have specifically not faced them at the condos. We have specifically kept the size of them as a reasonable size. We're more than willing to shut them off at like ten o'clock at night. We're not looking for 24/365. We're using the newest technology so that -- we actually did the research to determine that the lumens won't go out more than

approximately 360 feet which won't even take you to the edge of the river.

I myself went to the other side of the river on January 23rd in five degree weather and stood outside and took photographs to show you that you can barely even see the building from the other side of the river with no leaves on the trees.

We are not a huge sign. We are not gonna be viewable from the Esplanade. We don't need the sign so that we can -- our engineers can find their way to work. We are not facing Canal Park. We are not looking for 24-hour relief.

The opposition is so full of chockfull of people who just don't want signs and as you said, that's not your job. And quite honestly, it's not mine

either.

If there were a way to split it, I would be more than willing and more than happy to contact my client right now and tell them we're gonna go and ask for a determination of a hardship tonight, but we're gonna go back and meet with Planning Board and East Cambridge Planning and come back and discuss whether we can make reasonable modifications to what we presented to give this Board a chance to make a determination as to the balancing of the relief that would be granted based on the existence of a hardship.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY MICHAEL ROSEN: I leave it to the Board.

Thank you.

CONSTANTINE ALEXANDER: Actually I

had plans to bifurcate this discussion, that's what I'm hearing tonight. A different kind of bifurcation that you have in mind. I think we should take -- there are two signs as we all know: The so-called logo sign and so-called icon sign. I would suggest to the fellow board members we talk about the icon sign first and then the logo sign. We're not going to take -- I'm not going to take a vote until the time to take a vote, but I'm going to ask my members to comment about their views on each of those signs starting with the icon signs. You get a sense of hopefully --

ATTORNEY MICHAEL ROSEN: Thank you, Mr. Chairman.

CONSTANTINE

ALEXANDER: -- essentially where we are.

So with that, I'm going to talk about the icon -- I would like the Board to talk about the icon sign.

Does anyone want to lead off or I can lead off?

TIMOTHY HUGHES: I'll lead off. First of all, I want to echo what Gus said about the City Council letter and kind of hanging us out in the wind. You know, there is nothing in the Ordinance against branding per se. If the City Council wants the sign ordinance to not be a branding -- to prescribe against branding, then they should rewrite the Ordinance. That's their job. And I take personal offense at Craig Kelley's idea that after all the volunteer work I do on this Board, he wants me to go and write this Ordinance for him besides when he's a paying

employee of the City of Cambridge. You getting all this? Good.

CONSTANTINE ALEXANDER: He's not seeking reappointment to the committee.

TIMOTHY HUGHES: And as far as, you know, I'm a son of a minister and as soon as I heard the comments about darkness, I couldn't help but remember that the Bible says men love darkness rather than light because their deeds were evil. You know, it didn't say that we need darkness.

ATTORNEY MICHAEL ROSEN: Can I use that?

TIMOTHY HUGHES: Yeah, absolutely. And then, and I know you want to talk about the icons first versus the logo. But, you know, I see them as part and parcel of the same thing.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: I feel like the height thing is a non-starter. We've done the height thing before for reasons that have been described, and Mr. Rosen has been, you know, done more than due diligence in presenting his case. I think that really what we're talking about is three inches on the tip of an airplane. You know? And as far as I'm concerned, I'm good with it.

CONSTANTINE ALEXANDER: Okay.

Anyone else?

JANET GREEN: I would say that -- I don't feel quite like you do, but I also don't feel quite like the --

FROM THE AUDIENCE: Use the microphone.

JANET GREEN: Yes, I'm sorry.

I don't start out thinking no sign. So I don't have that block right from the beginning. I think that -- but I did see when I looked at the sign before I read any of the letters or anything like that, I did find that the dislocation of the two parts of the sign were odd and they didn't read as one sign to me. So that -- so that the word KAYAK makes perfect sense to me. I'd like to understand a little bit more about the light, which I think you have taken real concern about that, and talk about the tiny little light and the projection or the non-projection or whatever you call it, about the light, that discussion I think is an important one for me. But the two different pieces of the sign, I don't see it just as the three inches of the tip of the plane. I

think it -- it doesn't blend in with the word KAYAK the way it's set up. And so it, I don't see any point to having that.

CONSTANTINE ALEXANDER: Thank you, Janet.

Anyone else? I could go next or it's up to you.

THOMAS SCOTT: I think if the icon portion of the sign was --

FROM THE AUDIENCE: Microphone.

THOMAS SCOTT: If the icon portion of the sign was illuminated from the proposal, I'd probably lean in favor of the KAYAK sign.

ATTORNEY MICHAEL ROSEN: Thank you.

CONSTANTINE ALEXANDER: Alison?

This is her maiden voyage on the Board of Appeals. You picked a good case

to start with.

ATTORNEY MICHAEL ROSEN: Glad to have you with us.

ALISON HAMMER: Thank you. I think, you know, I appreciate the importance of having great companies like KAYAK wanting to locate in the city of Cambridge. Also, though, as a resident, understand that our city is not like every other city and we have values which are unique to us. And I also like -- I also respect the rules of the Zoning Ordinance, and there's part of me that understands that you feel that you have some hardship, but I also feel that you were aware of these hardships when you chose to locate in this building very recently. And were -- I assume were aware of the sign ordinance at the time. In fact, that it

may or may not be perceived as a hardship. I'm have two minds of it, and I am concerned that you haven't sat down with the East Cambridge Planning Team and the condo association.

CONSTANTINE ALEXANDER: Thank you.

CAROL O'HARE: Mr. Chairman, you -- may I make one statement to correct --

TIMOTHY HUGHES: I would prefer that she didn't. All right? Public testimony is closed.

CONSTANTINE ALEXANDER: Now, I'm going to accommodate my fellow board member. You've had your opportunity. You've had your opportunity, Ms. O'Hare.

TIMOTHY HUGHES: It's getting late.

CAROL O'HARE: It's one sentence.

CONSTANTINE ALEXANDER: I don't care if it's five sentences or two words. It's over. Public testimony is over.

Okay, I'm going to add my views. I think the height issue, to me, is not a real issue. I personally would have no problem -- not no problem, but I could come to the conclusion that a sign 70 feet high in this location given the nature of this building is appropriate. I do not -- but I would do it only for one sign. It would be the so-called logo sign. I think the icon sign as it is is a separate sign and it's separated, it's not appropriate, and I'm certainly not in favor of any kind of illumination.

And by the way, on the logo sign, my assumption is that, that sign is going to be illuminated and illuminated in

compliance with our Ordinance. So the issue with the other sign is it was not going to be --

ATTORNEY MICHAEL ROSEN: The difference between 30 inches and 33 and that was the only issue.

CONSTANTINE ALEXANDER: I heard. Okay. So I guess I'm sympathetic to one sign 70 feet high, the logo sign, and not sympathetic to the other sign. That's where I'm leaning these days.

Okay, so you've heard -- we haven't put it to vote yet. And when we go to a vote, I think I will put it, I will vote each sign separately.

Do you want to -- you've heard one member suggest that you might want to meet with the East Cambridge Planning Team. You might not want to go for a vote

tonight. I think it's a good suggestion. And also the Planning Board, if you can get an appointment with them, but it's your call. You want us to put it -- I'm not ready to make a motion for a vote.

ATTORNEY MICHAEL ROSEN: Yes, please.

CONSTANTINE ALEXANDER: Yes, please?

ATTORNEY MICHAEL ROSEN: Motion for the vote.

CONSTANTINE ALEXANDER: Motion for the vote. Okay.

The Chair moves that with regard to the logo sign as identified by the petitioner, that the following findings be made --

JANET GREEN: Wait, Gus, one second. Can I say one thing?

CONSTANTINE ALEXANDER: Sure.

JANET GREEN: I think you should say the explanation of what it means of our vote that you can't -- you know, that --

CONSTANTINE ALEXANDER: I think this gentleman means it.

ATTORNEY MICHAEL ROSEN: That it can't be ratified, four out of five, appealable once it's filed with the clerk, 20 days.

JANET GREEN: And you can't come back for two years.

CONSTANTINE ALEXANDER: Without a substantially different --

ATTORNEY MICHAEL ROSEN: With a substantial change --

CONSTANTINE ALEXANDER: And you have to go through a procedure to

establish it's substantially different. You just don't file an application and come back. You have to go to the Planning Board and prove to them it's substantially different.

ATTORNEY MICHAEL ROSEN: Yes.

CONSTANTINE ALEXANDER: If you prove to them it's substantially different, and the Planning Board say, yes, it's substantially different, then we will hear it on the merits.

ATTORNEY MICHAEL ROSEN: Correct. Can you hear a minor modification or you cannot hear a --

CONSTANTINE ALEXANDER: I think substantial modification is the word. Let me see what the statute says and I'll answer your question.

ATTORNEY MICHAEL ROSEN: And

that's on a denial? You cannot come back on a denial?

CONSTANTINE ALEXANDER: I'll read it. Section 10.51 repetitive petitions. (Reading) No appeal application or petition which has been unfavorably acted upon by the Board of Zoning Appeal or Planning Board, shall be acted favorably upon within two years after the date of such final unfavorable action, unless:

A, four members of the Board of Appeal vote that there are specific and material changes in the conditions upon which the previous unfavorable action was based and describes the changes in the record of its proceedings.

All -- B, all but one of the members of the Planning Board consents thereto.

And, C, notice is given to parties

in interest of time and place for the proceedings on such reconsideration findings. That's the statute.

ATTORNEY MICHAEL ROSEN:

Acceptable. Thank you.

CONSTANTINE ALEXANDER: Are we back to -- do you want us to take a vote?

ATTORNEY MICHAEL ROSEN: Yes, please.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that with respect to the so-called icon sign, that -- excuse me, before I make the vote.

We can, and it's as been pointed out, we can as part of any vote to approve or grant a Variance for the icon sign, put the hours of illumination as a condition. I haven't heard --

JANET GREEN: We haven't had a

discussion.

CONSTANTINE ALEXANDER: No, I haven't heard anybody suggest what those hours might be. Members of the Board have a view on this?

TIMOTHY HUGHES: I don't specifically have a view, but if you think about light at night being, you know, interrupted for people's, you know, serenity and sleep, I think ten o'clock is a good way to put it because that's basically in conjunction with the sound ordinance in the city.

CONSTANTINE ALEXANDER: Okay. And seven o'clock. And also they can turn it on, I would suggest, that no earlier than seven in the morning.

TIMOTHY HUGHES: Whenever the sun comes up.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: It works for me.

JANET GREEN: So we're going to vote separately on the icons and the logo?

CONSTANTINE ALEXANDER: That's my proposal unless members of the Board feel separately.

TIMOTHY HUGHES: Which one is first?

CONSTANTINE ALEXANDER: Icon.

Okay, with regard to the so-called icon sign, the Chair moves that this Board make the following findings:

That a literal enforcement of the provision the of the Ordinance would involve a substantial hardship to the petitioner. Substantial hardship, financial or otherwise, that's what our Ordinance says.

That the hardship is owing to circumstances relating to the -- not soil conditions, topography of such land or structures and especially affecting such land or structure but not affecting generally the Zoning District in which it is located.

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

With regard to those findings -- based on these findings, the Chair moves that we grant the Variance requested for the icon sign on the condition that the sign be -- the illumination that -- which is part of the relief being sought for the sign, would

not be -- let's see, will be turned off no later than ten p.m. in the evening and can maybe turned on again as early at seven a.m. the following day.

All those in favor of granting this Variance with regard to the icon sign, please say "Aye."

TIMOTHY HUGHES: Aye.

CONSTANTINE ALEXANDER: One in favor. Motion denied.

Now I'm going to move to the logo sign. With regard to this sign, I would just repeat before I make my motion, that the only relief being sought for this sign is the height. The sign is not too big for our purposes of our Ordinance. It complies with the illumination requirements of our Ordinance. It is simply the height issue.

Okay, so based on -- the Chair moves that we make the following findings with regard to the logo sign:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

That the hardship is owing to the topography of the land and structures, and especially affecting such land and structure but not affecting generally the Zoning District in which it is located.

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

This motion is made on the basis that as I said before, I want to make sure it's part of the vote, that the only

relief that we're granting, should we grant the relief with regard to the logo sign, is the height. You know, oh, I've got to tie it to the --

JANET GREEN: The timing of this one as well?

CONSTANTINE ALEXANDER: Well, they don't have to comply with timing. We could put that in, but they're complying with the illumination.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: But also on the condition that the work, the sign comply --

ATTORNEY MICHAEL ROSEN: The sign ordinance?

CONSTANTINE ALEXANDER: No, I want a picture of the sign. We condition -- if we grant relief to --

ATTORNEY MICHAEL ROSEN: Do you have a set of plans?

STEPHANIE VERGAKIS: Yes, I do.

CONSTANTINE ALEXANDER: You have to give it to us if you don't mind.

STEPHANIE VERGAKIS: That's fine, I have another.

CONSTANTINE ALEXANDER: Okay.

Of course this has both the icon sign -- this is not what I had in mind. I thought you had a better picture. I thought I saw it in here. Maybe not.

That the sign be in the location designated -- on the condition that the sign be in the location specified in plans submitted by the petitioner prepared by ABC Sign, the first page of which -- all pages of which have been initialled by the Chair. So let me be clear since I muddled

around with this.

So it is only a sign that only allows height relief and that and no other relief, and that the location of the sign be as on this plan.

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

(Aye.)

CONSTANTINE ALEXANDER: Motion carried.

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

CONSTANTINE ALEXANDER: So you can put your logo sign as you proposed and not your icon sign.

ATTORNEY MICHAEL ROSEN: Thank you. Honestly I want to thank the Board. This was a one of the most productive,

intelligence hearings that I ever sat through, and I appreciate everyone's thought and comment.

CONSTANTINE ALEXANDER: Thank you again for -- thank you for your presentation.

TIMOTHY HUGHES: I have to say you're one of the best presentations I've ever seen.

* * * * *

(10:00 p.m.)

(Sitting Members Case #BZA-0057875-2014:
Constantine Alexander, Timothy Hughes,
Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 0057875, 23 William
Street.

Is there anyone here wishing to be
heard on this matter? And for the record,
this is not a sign case.

TIMOTHY HUGHES: Not unless they
paint something on this dormer.

CONSTANTINE ALEXANDER: Okay, sir,
your name and address for the
stenographer.

DOUG OKUN: My name is Douglas
Okun, O-k-u-n. I'm an architect. 156
Mount Auburn Street, Cambridge, Mass. And

I'm here to represent Jonathan Marcus the owner of 23 William Street.

JONATHAN MARCUS: The owners are Edward and Karen Marcus us who are my parents.

DOUG OKUN: But he lives there.

CONSTANTINE ALEXANDER: Okay. He wants to take a shower on the top floor.

DOUG OKUN: Exactly.

JONATHAN MARCUS: That would be nice.

DOUG OKUN: And I guess the story is that Jonathan was unfamiliar with the Zoning and he hired a contractor. Contractor drew up plans and submitted them, and the dormer was too large for the Zoning.

CONSTANTINE ALEXANDER: That's correct. Well, that's not quite right.

DOUG OKUN: Talked to Sean --

CONSTANTINE ALEXANDER: They didn't comply with our dormer guidelines.

DOUG OKUN: Okay.

CONSTANTINE ALEXANDER: We treat the guidelines almost as mandatory.

DOUG OKUN: True.

So we discussed it at great length and Jonathan -- we had the desire to come here and meet with you and plead his case. So, we're familiar with the guidelines and I don't know if you have the plans.

CONSTANTINE ALEXANDER: I have the plans are in our files. This is the one that shows the dormer.

DOUG OKUN: That's the outside. And then the plans.

CONSTANTINE ALEXANDER: At least in terms of length it's 17 feet nine and

five-eighths inches.

DOUG OKUN: Yeah.

CONSTANTINE ALEXANDER: That's the one he proposed.

THOMAS SCOTT: So are you saying it's been constructed?

DOUG OKUN: No.

CONSTANTINE ALEXANDER: I think they got a wake up call when he went to get a Building Permit.

DOUG OKUN: And so we're here tonight, we're here tonight.

CONSTANTINE ALEXANDER: Why can't you comply with the dormer guidelines?

DOUG OKUN: Because Jonathan to make it a master bedroom suite.

CONSTANTINE ALEXANDER: No, that doesn't get you this, Jonathan. That's no hardship.

DOUG OKUN: Well, wait a minute, I haven't finished yet.

CONSTANTINE ALEXANDER: I'm sorry. It's been a long night.

DOUG OKUN: I can see that. I appreciate your efforts.

CONSTANTINE ALEXANDER: I apologize.

DOUG OKUN: But the hardship is he's spending all the money and he can't get what he wants and he's got to pop in a bathroom. And so it's considerably smaller than he would like and it's only this. And --

CONSTANTINE ALEXANDER: Yes. I'm still waiting to hear a persuasive reason why we should grant relief or allow you to depart from the former guidelines?

DOUG OKUN: Because we

don't -- you know, the old Rolling Stone song? You can't always get what you want?

THOMAS SCOTT: So the question is could it be 15 feet or does it --

CONSTANTINE ALEXANDER: Yes, that's the question exactly. Could you do one that's 15 feet?

THOMAS SCOTT: Could you accommodate what you need in 15 feet? Because that's what our guidelines suggest.

JONATHAN MARCUS: Yeah, the bathroom itself actually could fit in 15 feet, however, the stairwell to come up is right at the end of that and that extra amount allows us to have the -- well, that's actually where the existing dormer is. It allows the headroom for the stairwell to come up. Or we can shorten

it from the other end, and then which would compress the bathroom and it would -- I feel would look kind of incomplete from the outside sort of stopping this like apparently random looking distance from the end. I just thought it would look more complete both inside and out to have this extra two and a half feet.

DOUG OKUN: Jonathan has spoken to the neighbors. The neighbors are all in agreement with him. He's got letters.

CONSTANTINE ALEXANDER: Thank you.

JANET GREEN: It was difficult to read your plan. Just as sitting there on the --

DOUG OKUN: What?

JANET GREEN: It was difficult to read the plan.

DOUG OKUN: That's off.

JANET GREEN: Because if you -- when you were showing it, you only showed the piece that was going to be affected by the dormer and not the surrounding parts on the inside.

Can I see the boards? Yes.

DOUG OKUN: This is the way it is.

JANET GREEN: Yes.

DOUG OKUN: And there's two little rooms up here. And the bathroom here that you can't move around in.

JANET GREEN: Yes.

DOUG OKUN: The stair coming up. And what he'd like to do is to have --

JANET GREEN: It says proposed where it said existing on this plan that you gave us.

TIMOTHY HUGHES: This copy of that

picture there says this is the proposed and it's not. It's existing, right?

JANET GREEN: Okay.

DOUG OKUN: This is demolition.

TIMOTHY HUGHES: So can I see the proposed then?

DOUG OKUN: Here is the proposed plan.

CONSTANTINE ALEXANDER: Do we have that in our files?

DOUG OKUN: I don't know.

CONSTANTINE ALEXANDER: If we don't, then we're not going to hear the case tonight.

JANET GREEN: I think that is in here.

TIMOTHY HUGHES: Is this the only set of plans? Oh, yeah -- no, this is again --

JANET GREEN: I really thought that I saw --

CONSTANTINE ALEXANDER: Here's another set here. I think it's identical.

TIMOTHY HUGHES: Oh, here it is.

JANET GREEN: I knew I seen it. I just couldn't figure out --

CONSTANTINE ALEXANDER: Okay.

I can only observe that I am not persuaded to grant you the Variance that you want simply because I think you can comply with the dormer guidelines, and not being the ideal be very much like you to comply with the dormer guidelines, it might not be the ideal bathroom you would like, but it would be serviceable, functional bathroom, with a shower on the top floor. And I think we've been very, over the years, very consistent about

this. We don't depart from the former guidelines unless there is absolutely no alternative. And I think there is an alternative here. You're not going to get my vote.

THOMAS SCOTT: It seems the bathroom is oversized. If you reduced it from two and a half feet, you could have a single bowl vanity, you don't have to have a double bowl vanity and you could still get your shower in there.

JONATHAN MARCUS: The sort of overall idea for the project. I guess starting with the existing house with the second and third floors, they're sort of five separate bedrooms, like, more like a boarding house. And we thought we wanted it to be arranged more like for a family where you have -- the parents have their

space at the top and kids the next floor. And just thinking about like parents who would go to the work in the morning, like having the double vanity, the two sinks you're able to sort of get ready at the same time. And I mean, you can understand what I'm thinking.

CONSTANTINE ALEXANDER: We understand perfectly.

JONATHAN MARCUS: And I realize I'm pretty new to this so thank you for explaining this to me.

CONSTANTINE ALEXANDER: And you've heard unless you fell asleep which I can understand. You heard about the requirements the for a Variance, and you have to show a substantial hardship it's owing to circumstances that lead to soil conditions, shape or topography, etcetera,

etcetera, etcetera, and we have to comply. And we can grant relief without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

Dormer guidelines are an integral part of that third one. In fact, you know, we have departed from the dormer guidelines, but on very compelling cases why, you know, there's no other way for us to get the initial space we need. It's usually a bedroom for a growing family, not just a bathroom for a master bedroom suite. And we hear that and we believe it and it's been demonstrated to us, we grant relief, it does not comply with the dormer guidelines. I don't -- I'm only one of five and you need two -- you need four of

five to get the relief. I don't hear that.

JONATHAN MARCUS: Okay.

CONSTANTINE ALEXANDER: I think this is basically what you'd like to have, and I understand that. There's nothing wrong with that. And what you would like to have and what we can grant you are two different things.

JONATHAN MARCUS: I'm learning here. Thank you.

TIMOTHY HUGHES: And I should point out that there is another element of it where it doesn't conform, whereas the shed, the roof of the shed dormer goes right to the ridge line.

DOUG OKUN: The existing one does.

TIMOTHY HUGHES: Yes.

DOUG OKUN: I mean, we could

change that. That's not an issue.

TIMOTHY HUGHES: This is not -- let me finish my point.

DOUG OKUN: Oh, sorry.

TIMOTHY HUGHES: My point is that there are reasons for the ridge line thing to happen. You know, it has to do with headroom and stuff. There are reasons to bring it out to the existing wall at times because of existing staircases and stuff. And we have often compromised on those two points, but rarely do we compromise on the 15-foot maximum. Rarely.

CONSTANTINE ALEXANDER: That's right.

TIMOTHY HUGHES: And I -- how big would it be if you pulled the window out? Even if you kept a double bowl sink and you just pulled the window out? How

much -- would you get down to 15? I'm guessing the window is not two foot, nine. But how close would it be?

CONSTANTINE ALEXANDER: He can look at that. I would make a suggestion. I think what you're hearing, I think, is that if we go to a vote tonight, you're going to lose.

JONATHAN MARCUS: That's fair.

CONSTANTINE ALEXANDER: And you're gone for two years.

JONATHAN MARCUS: We're having a conversation and now I get to learn what to do next, and I appreciate your time.

CONSTANTINE ALEXANDER: We will continue this case, give you a chance to reconsider your plans with your architect. Submit new plans that either comply with the dormer guidelines or come much closer

than you do now and have a good reason why you don't comply with the dormer guidelines and then we would take action. I think that's the appropriate thing to do tonight frankly.

DOUG OKUN: Okay. I think that's a good suggestion. We eliminate this and bring this up to here.

TIMOTHY HUGHES: If you can get close to 15 or get to 15 by doing that, then you can keep your double bowl sink. You're just going to lose a little light, you know?

JANET GREEN: It's windows and --

JONATHAN MARCUS: All right.

TIMOTHY HUGHES: There are other ways to get light in. You can put a skylight in.

JONATHAN MARCUS: I think --

TIMOTHY HUGHES: Do you know what that gets you? I mean, I don't want to say definitely that's going to do it. If it gets to 15, I think you're in good shape. But if it gets you to 16, we still might have a problem. And so. So that's -- I don't know how big that window is because I can't scale it.

DOUG OKUN: If we get to 15, we don't have to come back?

TIMOTHY HUGHES: You have to come back with the plans so we can sign off on it.

DOUG OKUN: Okay, we'll see you.

CONSTANTINE ALEXANDER: All right.

I'm going to make a motion to continue this case. This will be a case heard. So we got to get the five of us together.

DOUG OKUN: Okay.

CONSTANTINE ALEXANDER: First of all, how much time do you think you need to prepare new plans? And they have to be in our files by the Monday -- five p.m. on the Monday before whatever Thursday we're going to hear the case. How long and don't push yourself, when do you -- it's up to you, but when do you think you can be ready to re-file revised plans?

DOUG OKUN: A week.

CONSTANTINE ALEXANDER: So we would hear this case on -- do we have room on the agenda?

SEAN O'GRADY: The 12th.

CONSTANTINE ALEXANDER: On the 12th. Can everybody make it the 12th?

TIMOTHY HUGHES: I know it's Lincoln's birthday. I can make the 12th.

DOUG OKUN: Okay. Thanks for your time.

CONSTANTINE ALEXANDER: I'm going to make a motion. And listen to my motion very carefully because if you get it wrong, we're not going to hear the case on the 12th.

DOUG OKUN: Okay.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard on the following conditions:

One, you have to sign -- Mr. O'Grady is putting together a waiver of a time for decision. That just recognizes we're going to extend this case.

Two, that the sign that you now have on the property must be modified, do it with a magic marker. Cross out tonight's date and whatever time is on the sign, put

in the new date, February 1st and the new time, seven p.m.

JONATHAN MARCUS: And may I do that?

CONSTANTINE ALEXANDER: Yes, yes. And you must maintain that modified sign for the 14 days prior to our February 12th.

TIMOTHY HUGHES: Which means you got to change the sign tomorrow.

CONSTANTINE ALEXANDER: That's true. That's true. You have to do it tomorrow morning.

TIMOTHY HUGHES: You have to change the sign tomorrow morning. You know, crack of dawn. As soon as the sun comes up and you can read it. Or take a flashlight out tonight and do it, I don't care. But, you know, it's got to be done.

CONSTANTINE ALEXANDER: And third, this is a very important condition. You're going to come back with revised plans obviously or hopefully. Those plans must be in our files no later than five p.m. on the Monday before February 12th. If they're not, we're not going to hear the case on February 12th. The purpose of that is to allow interested citizens of the city to come down to read the files and understand what you want to do. It also allows us to prepare for cases to read so we can have hopefully informed discussion that night. Those are the three conditions.

All those in favor of continuing this case on the conditions that I specified say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

JONATHAN MARCUS: May I ask one question? Should I get new letters from all the neighbors?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: It's up to you. I mean it helps your case whether you think it's essential. The letters we have now, which are based on dormer that's not going to be before us, don't count because they're not germane. Now, if you think --

TIMOTHY HUGHES: But rarely the people object to something getting smaller.

CONSTANTINE ALEXANDER: That's

right.

TIMOTHY HUGHES: Just so you know.

CONSTANTINE ALEXANDER: I'll leave
it up to you.

JONATHAN MARCUS: Thank you.

TIMOTHY HUGHES: If you got
nothing else to do for the next two weeks
you can get new letters.

SEAN O'GRADY: All set.

* * * * *

(10:10 p.m.)

(Sitting Members Case #BZA-005933-2014:
Constantine Alexander, Timothy Hughes,
Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: And now
what we've all been waiting for. The
Chair will call case No. 005933.

Let me ask you a question
before you -- tell me why and tell this
Board why we should not continue this
case. There's no supporting statement in
the file. I know you were brought into
this case, as I understand it, late. But
there's no supporting statement.

ATTORNEY JAMES RAFFERTY: Well, I
don't know why there isn't. We got a call

and brought it over. But there was a supporting statement in the file. Well, the application was prepared most charitable way by a non-lawyer. I only became involved in the case last week. I got involved with three things.

One is I had them review the dimensional information and get accurate measurements because I found they were relying on Assessor's records.

We also then had conversations about sizing and really making every effort to reduce the size. And the plans were reviewed. And I did see the thinness of the application. Only one of the four statements is even addressed in the, in that application. So I did all that.

I did learn today, or my office informed me at the end of the day that we

thought that went over on Monday. And I understand the reason for the Monday requirement, but I would say that the plans were there, the dimensional information was there. As the Chair just noted, it's to allow neighbors and abutters to have an understanding. In this case, the applicants did an extensive outreach of the four abutters. All four of them have sent communication to Ms. Pacheco by e-mail in support of the application. So I think the spirit and intent has been met of the regulation, if you will, of the rule with regard to the Monday filing, because the relevant plans and dimensional information was in the Monday filing.

The statement, the hardship -- I mean, I suppose one could redo everything,

come back in two weeks, but it doesn't strike me as the most efficient use of the Board's time.

CONSTANTINE ALEXANDER: It may not be the way we're going to go. My only comment would be, at least for me, in reviewing plans, which we did have in the file, timely, and a dimensional form, it's also very helpful to see the supporting statement. What's behind -- I see in the plans a room is going to be created, 16 feet by I think 20 feet. I forget the dimensions. And the plans do say a family room I believe is what I see.

ATTORNEY JAMES RAFFERTY: That's correct.

CONSTANTINE ALEXANDER: It would have been nice to know more about it. I'll leave it up to members of the Board.

Do you want to hear the case tonight without having the support statement?

ATTORNEY JAMES RAFFERTY: The supporting statement is in the file. I don't know if some Board members had a chance to review --

CONSTANTINE ALEXANDER: They --

ATTORNEY JAMES RAFFERTY: No, no, no. There was one filed at noontime today when the call was made.

CONSTANTINE ALEXANDER: Was there?

SEAN O'GRADY: I don't know about that.

ATTORNEY JAMES RAFFERTY: This was --

CONSTANTINE ALEXANDER: You can go over it tonight anyway.

ATTORNEY JAMES RAFFERTY: But it should be -- we received that phone call,

and that was hand delivered. It was given to Barziris (phonetic). And I said, well, make sure that Maria has it. I'm concerned that -- because anyone who reviewed the file after noon would have seen the supporting statement.

ALISON HAMMER: I think I did see it in the file this afternoon. It's just --

CONSTANTINE ALEXANDER: I don't see it.

TIMOTHY HUGHES: I would be willing to hear this case if we stop talking about this and he just reads the supporting statement.

CONSTANTINE ALEXANDER: That's what I say.

ATTORNEY JAMES RAFFERTY: Well, I didn't get that sense. How about I begin

by telling you who my clients are.

TIMOTHY HUGHES: How about that.

CONSTANTINE ALEXANDER: That to me is a very important question. I want to know who you really are, but --

ATTORNEY JAMES RAFFERTY: It goes to the heart of the hardship.

TIMOTHY HUGHES: We're going to hear it, right?

CONSTANTINE ALEXANDER: Yes. Unless people feel otherwise.

TIMOTHY HUGHES: No, I'm ready to hear it.

JANET GREEN: We're good.

THOMAS SCOTT: I'm good.

ATTORNEY JAMES RAFFERTY: If that's not there, because that was -- I understand it wasn't there. I thought it was there on Monday. I learned -- I got a

phone call today. I don't know why it's not there now.

JANET GREEN: It came in right before noon so I probably just missed it.

ATTORNEY JAMES RAFFERTY: For the record, James Rafferty. I'm an attorney with Adams and Rafferty at 675 Mass. Ave. in Cambridge appearing this evening on behalf of the applicants. Seated to my far right is Francis Frei, F-r-e-i. And to my immediate right is Ann Morriss, M-o-r-r-i-s-s.

And Ms. Frei and Ms. Morriss are Cambridge residents. They currently are renting and have been for approximately six years. They're raising their two sons in Cambridge, and an opportunity presented itself to purchase a home. Ms. Frei works in the academic world, an institution just

over the Charles River which allows her to have an easy commute and walk to work. And Ms. Morriss has a Cambridge-based company in Kendall Square. So Cambridge means a great deal to them.

They have two sons. Alex is 7 and Ben is 3. And they became aware of this opportunity to purchase this house.

And if you've had an opportunity to go by the house, you're familiar with the house, seen photos, it's a very grand and beautiful home. And I know Ms. Frei and Ms. Morriss are grateful for the opportunity and recognize that. What they have here is something of significance and a very historic home.

As wonderful as the home is, the reason for the request is to allow for the addition of a family room in the back of

the house. And the family room has a couple of reasons. And the hardship is really related to the structure itself, because as grand as the house is, it has very large formal grand spaces, and they have two very young boys. And the house benefits from a fabulous rear lawn. This addition would be well within the allowed setback, but the current organization of the house doesn't lend itself particularly well to modern living. And I cautioned both Ms. Frei and Ms. Morriss, I said, you know, you come in, you want 280 square feet, it's a small amount in the context of FAR, but if you look at straight GFA, I come here enough that it's not insignificant. But having said that, if you had the opportunity to review the floor plan, the room was reduced in size,

and Ms. Frei could share with you some particular -- one of their sons has a particular medical provision around food and the type of food that he eats, and they're looking to be able to have a room right off the kitchen where they can eat, where they can gather. And they decided to come to the Board and seek this relief in recognition of the fact that the -- it is a low impact change. It certainly doesn't derogate from the intent of the Ordinance. It cannot be seen visually. It's done in this -- in a contextual appropriate way. It enjoys the support of all of the abutters. They've done an admirable job in reaching out, but they -- at the end of the day the house is big. They are assisted in raising their sons by two family members, a grandmother

and an aunt who live with them on a regular basis. So there are frankly four adults living in the house. But as grand as the home is, the kitchen in the rear is being renovated. So when I looked at it, I said why don't you do your best to make that room as small as it could. And I think in the early planning you might have seen that the room was 18-by-20 and I think it's been reduced to 16-by-20.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY JAMES RAFFERTY: At 288 feet.

As the architect explained to us in the meeting, programatically there is a certain minimum of depth and width and it gets too small and it doesn't function.

But as I said, both of these women really value Cambridge and the opportunity

to raise their family here. And it really would allow them to utilize the open space in the property to have ready access to the backyard and really to allow for them to, to allow that the preparation and consumption of food to occur in a very family-friendly harmonious setting. And Ms. Frei did ask if she could take a minute, she would share with you just a little bit of what is somewhat unique about that particular personal circumstance if the Board were inclined.

FRANCIS FREI: Would you or, Ann, would you?

ANN MORRISS: Yeah, I would share some context. So our oldest son Alex has a rare metabolic condition called MCAD deficiency, so he's missing the enzyme that converts fat into sugar. So our

lives very much revolve around food and eating and making sure that his sugars are up and that the chance to make sure that he's well taken care of in the context of the family life with good sight lines and being able to all be in a room means very much to us and it's very much part of the context for this proposal.

CONSTANTINE ALEXANDER: Let me, let me give you my problem, and I'm very clear, I know it revolves around substantial hardship which is -- we heard too much tonight about. We see cases all the time that people want to put additions to their structure. These are people who live in the structure. They often have growing families or maybe a senior, a parent who needs to move in. They're invested in the neighborhood. They've

been living there. They don't want to move out of the neighborhood. They maybe can't afford to buy another house and that's the basically the hardship. They need more space. We want to sit here. You don't even own this property. What is your hardship? If we turn this relief down, you're free to go out and buy another house in Cambridge that perhaps is even better suited to your, to your family issues. It may not be a grand as you put it, it looks like a grand house from the outside. As grand as this one, but it's -- I don't see the hardship. I mean the hardship -- people who would benefit frankly from this relief, if we grant it, are the sellers of the house who are going to be able to get a price apparently they want for it. I have a problem. I don't

see -- this is a unique situation. The fact that you want more space it's not unique, but you don't own the property.

ATTORNEY JAMES RAFFERTY: Can I address that?

CONSTANTINE ALEXANDER: Please.

ATTORNEY JAMES RAFFERTY: Because with all due respect the assessment around the seller is irrelevant.

CONSTANTINE ALEXANDER: That's not relevant. I withdraw that.

ATTORNEY JAMES RAFFERTY: But my point is there's a contract and the house will be purchased next week. They're going to own the house. It isn't contingent upon Zoning approval. They're buying this home. They live on Coolidge Hill. Their sons are going to school in Cambridge. They want to be part of the

Cambridge community. They started looking for the house. They didn't think this opportunity would present itself in the manner that it did, so they're very fortunate that they were able to look here.

The hardship really has to do with the structure. And as wonderful of a structure it is, it really would be very disruptive to the fabric of the building. So we're looking at an FAR of 0.54. And existing conditions I believe --

CONSTANTINE ALEXANDER: It's 0.57.

ATTORNEY JAMES RAFFERTY: No, it's a 0.54 going to a 0.57.

CONSTANTINE ALEXANDER: And the GFA is well in excess of what is permitted. You're right now at 46.06 in a district of 42.01. You're at 46.06 and

you would go to 48.94. That's excessively permissible. Not fatal. You are --

ATTORNEY JAMES RAFFERTY: Well, it's in excess and the percentage change is reflected in the numbers, I agree. But by way of context, the homes that surround it are similarly sized. It is not out of scale with any of those structures. And as we know, these houses well predate the adoption of Zoning. And so it's not unusual to find -- what's unusual about this frankly, is that the open space which is quite large is satisfied here and the setbacks. If this involved an encroachment on setback, I would say that I wouldn't, I wouldn't think that would be appropriate. I sat here one night with my neighbor across the street wanted a front setback, and I never do this, but

apparently it's now okay. And I thought well, good luck to him and the Board. But that was GFA and that was a setback and that was for a family member. And I thought well, that's kind of interesting. So, I don't come here lightly or advise clients to do this lightly, but I don't think the test in all frankness is that there are other houses you could have bought. This is, this is the house they bought. They've looked at the home and they've tried to look at the modern accommodation. And it is over. It does necessitate a Variance. It does have to do with the hardship. You can look at this floor plan. I think to get some appreciation, I'm sure people on the Board have seen homes of this scale if you see the photo of it. And it may seem a bit

unusual to argue the hardship is that the house is too grand. And it's not the case that it's too grand, but there's a certain organization in historic quality to these spaces. So with the kitchen in this corner of the house and trying to create an opportunity for living to occur here, these are very formal spaces. And so this is a few hundred square feet more. It's a single story addition. It doesn't encroach upon the rear setback. It enjoys the support of the neighbors. And the interior modifications that would be necessary to achieve this would be very disruptive to the historic fabric of the structure. And it's for that reason that the applicants --

CONSTANTINE ALEXANDER: I think you alluded to something and I want to

make sure I got it right. Are you suggesting that you're committed to buying --

ATTORNEY JAMES RAFFERTY: It's exactly --

CONSTANTINE ALEXANDER: There's no condition for the Zoning relief.

ANN MORRISS: No.

CONSTANTINE ALEXANDER: If we were to deny relief tonight, you would have that -- you would have to buy that house. You can sell it, I guess, but otherwise you have to buy the house without the room that you would like to have?

ATTORNEY JAMES RAFFERTY: Yes, yes. And I think the only reason to accelerate --

FRANCIS FREI: We would reorganize the rooms.

ATTORNEY JAMES RAFFERTY: Yes.

To accelerate the process, the seller agreed that they could make this application. But before this decision were ever issued or as it goes, there's a closing date scheduled for the early month. So, no, I wouldn't want to come here and say we need this and if we don't get this, then we won't buy. They would.

Ms. Frei said they would begin then to make alterations to the interior of the house, which they feel would diminish the scale and the historic character of the house. So they've sought this approach thinking that the hardship is there. And just as important as the hardship is the understanding about whether or not it derogates from the integrity of the Ordinance. And I think one of the good

gauges of that is a better reaction and when you see that.

It is not viewable from a public way, which is a standard, you know, not particularly dispositive here, but has some bearing on impacts, public impacts and public good which I think the Board can make, take acknowledgement of.

And yes, it's not -- it's a little bit different. It's not the case of a growing family not with enough room. But it is a case of a growing family looking to create an environment that's more conducive to two young boys and possibly an expanded family. And so, it's for that reason that -- these are not developers looking to fix the house up and flip it or make a profit. There's no pro forma at work here. This is -- these are two women

who are excited about owning this house and have decided to seek the Board's approval to -- and I think they went about this in a very thoughtful manner. Their outreach to the neighbors frankly I found to be quite exceptional. They received some very nice personal notes. And I would say in all due respect, this is a neighborhood where people pay attention to what goes on around them. So the fact that they reached out and made personal visits to people, told them their story, they've been warmly welcomed into the neighborhood. So they're excited about going there and we wouldn't want to come here and say if they don't do this, they'll be out in the street. I wouldn't overstate the case other than to say they tried to reduce the footprint. This is

all appearing on a deck. You may see there's a rather large deck so, and it's actually tucked in. There's a wing right here so if you've seen the rear elevation, it really --

CONSTANTINE ALEXANDER: Yes, I've seen it.

ATTORNEY JAMES RAFFERTY: We're talking about this piece right here.

If it's all about math, it's 282 feet and -- but I think the Ordinance recognizes factors beyond arithmetic and we hope that we've been able to demonstrate that.

I think you have all the e-mails. When I looked at the file today --

CONSTANTINE ALEXANDER: I'm going to read them at an appropriate time.

ATTORNEY JAMES RAFFERTY: There

was one that came in late today.

CONSTANTINE ALEXANDER: From whom?

ATTORNEY JAMES RAFFERTY: From Mr. Keshishian in the former Weld residence. You know. That's the one next-door.

CONSTANTINE ALEXANDER: We granted him relief.

ATTORNEY JAMES RAFFERTY: You know, I wondered about that.

CONSTANTINE ALEXANDER: He built a mudroom or something.

ATTORNEY JAMES RAFFERTY: The driveway.

THOMAS SCOTT: There's no dimensions on the plan to tie the addition to a size that we're approving.

ATTORNEY JAMES RAFFERTY: You know, I noticed that, but it appears on

the plot plan.

THOMAS SCOTT: And there's no existing condition. So we have nothing to compare it to.

ATTORNEY JAMES RAFFERTY: The plot plan has the dimension of the room in the setbacks. And that's a revised plan because it's got a January -- that's the plot plan that after the room was reduced. I think that's -- does that have the 18-by-20 or the 16-by-20 on it? Is that the one I wrote -- I think I made a note on the file today on that plan.

CONSTANTINE ALEXANDER: This is not the right one.

ATTORNEY JAMES RAFFERTY: Yes, that's the one I wrote. See my handwritten note.

CONSTANTINE ALEXANDER: Oh, yes,

yes, you're right. Revised copy in file dated January 23, 2015.

ATTORNEY JAMES RAFFERTY: And that's the one that Mr. Scott's looking at, and that went into the file on Monday along with the revised dimensional form and the revised copy.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: There appears to be none. I'll open the matter up to public testimony.

Is there anyone wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one wants to be heard.

We are in receipt of communications.

One from Bartan B-a-r-t-a-n Keshishian,
K-e-s-h-i-s-h-i-a-n. My name is bar tan
Keshishian. (Reading) My name is Bartan
Keshishian. I'm the owner of the house at
28 Fayerweather Street. I understand my
new neighbors Ann Morriss and Francis Frei
have applied for a Variance to make an
addition to the rear of their new home at
22 Fayerweather Street. I hereby give my
approval to their proposed addition.

A letter from Paul A. Maeter,
M-a-e-t-e-r. Actually an e-mail. Yes.
It's addressed to Maria Pacheco.
(Reading) My wife Gwill, G-w-i-l-l York
and I live at 16 Fayerweather Street,
next-door to 22 Fayerweather Street, where
the new owners are seeking a Variance to
build a family room. Given the layout of
the neighborhood, we are the only abutters

who will see the new room and who could have a reason to object. We are supportive of the project. We have seen the plans and it looks like a thoughtful, moderate extension of the building footprint. It will have almost no affect on our view. We would like to express our hope that the BZA grant the Variance as proposed.

A letter from Peg Flanagan, 21 Fayerweather Street. (Reading) This is a letter in support of allowing our new neighbors to add a small room to the back of their home to render the home more liveable in keeping with the way that today's modern families seem to live in the kitchen with ready access to the outdoors. I understand construction in Cambridge is strictly controlled, however,

it appears that the proposed plan is in no way an extraordinary or unreasonable barious, b-a-r-i-o-u-s of the current Zoning Regulations.

Are there any other ones that I haven't identified?

ATTORNEY JAMES RAFFERTY: That's four, right?

CONSTANTINE ALEXANDER: Mentally I counted off three. Maybe I'm wrong. One, two, three -- no, there are four. No, three. Maeter, Flanagan, and --

FRANCIS FREI: Chen. I'm wondering if it's an elderly gentleman who we had a long conversation with who may have written a letter.

ATTORNEY JAMES RAFFERTY: He sent you an e-mail.

FRANCIS FREI: I'm actually not

sure he's on e-mail. And we had a chat with him.

TIMOTHY HUGHES: The letter was going to get delivered but the storm got in the way.

CONSTANTINE ALEXANDER: There was no sign so they couldn't find it.

ATTORNEY JAMES RAFFERTY: There's a sign.

But what Ms. Frei is referring to --

TIMOTHY HUGHES: It's too high.

ATTORNEY JAMES RAFFERTY: -- it's actually Channing Place comes in around the back. So they made the effort to go out to Channing Place and they visited with this gentleman I recall, and then they contacted me. What a pleasant encounter they had. And he offered -- he gave you candy for your son.

FRANCIS FREI: One for each boy.

ATTORNEY JAMES RAFFERTY: So, I mean --

FRANCIS FREI: Can we be helpful in answering any questions? And --

CONSTANTINE ALEXANDER: If we had any -- you hopefully will be helpful to us. I'm just trying to get the plans. And as Mr. Rafferty knows, when we make a motion, we tie it to specific plans. And you probably heard from the other cases.

FRANCIS FREI: Yes.

CONSTANTINE ALEXANDER: These look like duplicates. Am I right? This is different. And we have the construction plans here.

ATTORNEY JAMES RAFFERTY: Yes, these are both the same. These say 20-by-16.

CONSTANTINE ALEXANDER: Just give us one.

ATTORNEY JAMES RAFFERTY: Neither one is right.

CONSTANTINE ALEXANDER: Now I'm confused.

JANET GREEN: That's the big one.

ATTORNEY JAMES RAFFERTY: That one says 20-by-16. The one that --

THOMAS SCOTT: So this is my point, there's no dimensions on the architectural drawing. There's no information about the exterior materials about what you're doing on the outside of the building to match the existing house. I just think this set of plans are a little bit devoid of information and they're very minimalist. And, you know, we're going to approve this, Sean has to,

you know, oversee the work, and it's pretty hard for him to decide, like, what, you know, what they're building. Because they're not saying what they're doing here. There's no dimensional information.

ATTORNEY JAMES RAFFERTY: Well, no, no, the --

THOMAS SCOTT: The dimensions are on a site plan, not on the architectural plans. And there's no information about any of the exterior materials on the plans. So is it clapboards? Is it shingles?

FRANCIS FREI: It's going to be identical to what the house already is.

THOMAS SCOTT: It doesn't say what it is.

ATTORNEY JAMES RAFFERTY: So you're saying the elevation should be more

descriptive than what they are?

THOMAS SCOTT: I'm just being picky, but I think the plans should have been a little more.

ATTORNEY JAMES RAFFERTY: All right.

THOMAS SCOTT: That's a nice picture, but it doesn't say anything.

ATTORNEY JAMES RAFFERTY: Okay.

THOMAS SCOTT: And I really think it should. You know?

ATTORNEY JAMES RAFFERTY: These are scaled but then they don't have dimensions on them with floor plans.

CONSTANTINE ALEXANDER: Well, what we could do?

ANN MORRISS: This is our first time going through this process.

CONSTANTINE ALEXANDER: No, no.

We know that.

THOMAS SCOTT: And I'm not picking on you or, you know, I'm just saying.

CONSTANTINE ALEXANDER: The plans are --

THOMAS SCOTT: The plans are schematic. I would go back to your architect and say you need more detail. Certainly if someone is going to build this, there's not enough information to build it.

ATTORNEY JAMES RAFFERTY: Does that suggest there's not enough information for the Board to reach a conclusion?

CONSTANTINE ALEXANDER: That's what I'm puzzled about. I don't want to hold it up necessarily, but we do have our standards as you know.

ATTORNEY JAMES RAFFERTY: No, I agree. And I think we know the square footage. We know the footprint. You're quite correct. The detail on the elevation is lacking and the -- I don't know why the floor plan isn't dimensioned. It's, it's scaled, but it's -- particularly -- at least I would think that the room itself should -- could be dimensioned.

THOMAS SCOTT: It should be identified. Yeah, it's hard to tell from that plan. It's labelled the family room so we know what it is. It's not really identified.

CONSTANTINE ALEXANDER: Can we do it on February 12th? I'm going to move that we continue this case as a case heard to February 12th.

TIMOTHY HUGHES: I would vote against a continuance, but that's fine.

CONSTANTINE ALEXANDER: Majority vote on a continuance.

TIMOTHY HUGHES: Yes, I know. I don't see any reason why we can't just write it on the plan and get them out of here. You know what you want, just write it down there and let's do it. Why cloud the calendar with --

CONSTANTINE ALEXANDER: Who is going to write it on the plans?

SEAN O'GRADY: Ask Jim for that I guess.

CONSTANTINE ALEXANDER: Are you up to it?

ATTORNEY JAMES RAFFERTY:
Absolutely.

CONSTANTINE ALEXANDER: You're

going to be here the 12th anyway. Why don't we get plans -- I know Sean --

ATTORNEY JAMES RAFFERTY: With all due respect, but if Mr. O'Grady is comfortable -- I totally defer to the Board. If Mr. O'Grady is comfortable, we know the dimensions and we can submit elevations, you know, next week with more detail and before, before the decision is ever written. I mean as a condition before the -- we could dimension the elevations and material description on it.

SEAN O'GRADY: Well, I mean you know what -- you have clapboards or shingles. You know what they are. You can write that on.

FRANCIS FREI: It's exactly.

SEAN O'GRADY: And then they're good to go. If you guys are --

CONSTANTINE ALEXANDER: Like I said, we're going to be -- five us of are going to be here in two weeks. I don't see any -- I haven't heard any reason why the world's going to stop forever if you folks wait two more weeks. We get it all done right. It's been a long night.

ATTORNEY JAMES RAFFERTY: I don't have objection to that.

CONSTANTINE ALEXANDER: You can still vote against it, Tim.

TIMOTHY HUGHES: Yeah, I will.

JANET GREEN: He's voting against the continuance.

ATTORNEY JAMES RAFFERTY: What we'll happen now is my clients will then say what does this all this mean? And I would say, you know, in my experience I don't think they'd have us come back in

two weeks in order to turn you down. So I think you could leave here with some reasonable assurances that they wouldn't be putting you through this exercise.

THOMAS SCOTT: If your architect was here and could add those notes to the plan, I'd be happy with that this evening.

TIMOTHY HUGHES: You're the architect on the Board.

THOMAS SCOTT: Right there.

CONSTANTINE ALEXANDER:
Mr. Rafferty is doing his usual good job.

JANET GREEN: Excellent job.

ATTORNEY JAMES RAFFERTY: One of the best you ever heard I bet. I'm sitting back there going the best you ever heard?

CONSTANTINE ALEXANDER: On sign cases. On sign cases. You don't take

sign cases. You're too smart to do that.

TIMOTHY HUGHES: That's right, on a sign case. I thought it was a great pitch on a sign case.

CONSTANTINE ALEXANDER: It's a sign case.

Is there anyone here that would be opposed to relief before we put these folks into making --

TIMOTHY HUGHES: No, that's why I'm voting against a continuance because I'm ready to vote for it tonight.

CONSTANTINE ALEXANDER: I know. You made it very clear. Okay. I think you heard there is no opposition.

FRANCIS FREI: And it's dimensions and materials?

ATTORNEY JAMES RAFFERTY: I'll explain.

CONSTANTINE ALEXANDER:

Mr. Rafferty can tell you.

FRANCIS FREI: It's a late night.

Thank you very much for your time.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard. He'll explain that to you. Subject to the following conditions:

That you sign a waiver of notice of time for decision because the case is getting extended. Which is always done.

That you take the sign that's on the property now and modify it. You can do it yourself with a magic marker or have this gentleman come out and do it for you.

Reflect the new date, February 12th, and the new time, seven p.m. And you must maintain it there for 14 days unless someone --

TIMOTHY HUGHES: Which means you have to do it right away.

CONSTANTINE ALEXANDER: Tomorrow morning.

JANET GREEN: Which is really true.

TIMOTHY HUGHES: We already had this conversation with the last one, crack of dawn, get a flashlight.

CONSTANTINE ALEXANDER: Revised plans, more complete plans, be in our files no later than five p.m. on the Monday before February 12th. Should give you more than enough time.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Scott, Green Hammer.)

CONSTANTINE ALEXANDER: Opposed?

(Hughes.)

CONSTANTINE ALEXANDER: One

opposed.

(Whereupon, at 10:45 p.m., the

Zoning Board of Appeals

Adjourned.)

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

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