

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 30, 2015

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan, Member
Janet Green, Member
Douglas Myers, Associate Member

Sean O'Grady, Zoning Specialist

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

(7:00 p.m.)

(Sitting Members Case #BZA-006133-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom, we're going to start with continued cases. These are cases that were started once before at an earlier time and have, for one reason or another, postponed until tonight. And the first case I'm going to call is case No. 006133, 209 Broadway.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair would report that we are in receipt of a letter from Anthony Galluccio,

G-a-l-l-u-c-c-i-o who is counsel for the petitioner addressed to Maria Pacheco.
(Reading) Maria, through you to the Board, Chair, and Members, we are not yet ready to proceed and would like to respectfully request a continuance on our request for setback and open space relief on 209 Broadway until the May 28th meeting so that we can get the seller and buyer agreed to a final plan and meet with the community as we agreed. Thank you for your thoughtful input and patience.

Now this is a case heard.

TIMOTHY HUGHES: That's correct.

CONSTANTINE ALEXANDER: May 28th.

TIMOTHY HUGHES: I'm not here.

CONSTANTINE ALEXANDER: You're not here?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Okay,
we're not going to do this on May 28th.

What's the next one after that?

SEAN O'GRADY: 6/11.

CONSTANTINE ALEXANDER: And we
have openings?

SEAN O'GRADY: We have one slot
left on 6/11.

DOUGLAS MYERS: And I have to say,
Mr. Chairman, I'm out of town and
unavailable on that night.

CONSTANTINE ALEXANDER: Don't be
sorry.

SEAN O'GRADY: June 25th.

CONSTANTINE ALEXANDER: June 25th.

SEAN O'GRADY: June 25th is the
next one.

CONSTANTINE ALEXANDER: Tim?

TIMOTHY HUGHES: I'm looking.

DOUGLAS MYERS: I'm free.

TIMOTHY HUGHES: I think I'm good.
I don't leave town until the 30th.

CONSTANTINE ALEXANDER: You'll explain to Mr. Galluccio why it's June 25th. And the May 28th request we couldn't get all the members together.

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we continue this case as a case heard -- of course, we don't have Jim on here either. You know, Jim is another member.

SEAN O'GRADY: Jim can sit the 5/14, 5/28, and 6/11 were the only dates he gave us. So we'll have to gamble on Jim.

CONSTANTINE ALEXANDER: Gamble.
If not, we'll have to continue it again.

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: This is a case that has been started back in March and it has community interest. I think we should require that they re-advertise so that the neighborhood could be made -- be apprized of the new hearing, because people from the neighborhood did show up the last time.

So we'll continue this case, but we're going to require that they file a new case as well to be heard -- well, you know, we can hear the new case on May 28th. That would be a new case, but it's not continued. I think we should stay with June 25th.

SEAN O'GRADY: Okay.

CONSTANTINE ALEXANDER: Let's be safe. Yes, okay.

The Chair moves that this case be continued as a case heard until seven p.m. on June 25th subject to the following conditions:

That the petitioner -- one, that the petitioner modify the posting sign to reflect the new date and the new time. And parenthetically they did not do that for this hearing. So they should be doubly apprized that they better put up a new sign with the right date and right time and it must be maintained for the two weeks required by our Ordinance.

That to the extent that the petitioner has signed a waiver of time for decision.

To the extent that there's going to be new plans and/or a new dimensional form, which seems to be the case, that

these must be in our file no later than five p.m. on the Monday before June 25th.

And, lastly, in view of the fact that this case is a case that has some neighborhood interest, that has been deferred for a long period of time, the Board is requiring as a condition to this continuance that the petitioner reapply for whatever relief it wishes to seek, reapply for a hearing on June 25th.

SEAN O'GRADY: Re-advertise or reapply?

CONSTANTINE ALEXANDER: I'm sorry, re-advertise. I'm sorry, thank you.

SEAN O'GRADY: Okay.

CONSTANTINE ALEXANDER: To re-advertise.

(Added as a further condition to the continuance: That as a further

condition of the continuance, that the petitioner be required to reimburse the city its out of cost expenses in connection with the re-advertisement.)

What about the notices to all the abutters?

SEAN O'GRADY: The re-advertised will be letters --

CONSTANTINE ALEXANDER: Okay.

SEAN O'GRADY: The new sign, and then also in the paper.

CONSTANTINE ALEXANDER: I didn't know if re-advertising included that.

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER:
Re-advertise to reflect the June 25th date.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

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

* * * * *

(7:10 p.m.)

(Sitting Members Case #BZA-006009-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, Douglas
Myers.)

CONSTANTINE ALEXANDER: The next
case I'm going to call is case No. 006009,
30 Brattle Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one
wishes to be heard.

Are we in receipt of a letter?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: We are in
receipt of a letter from James Gray,

G-r-a-y Wagner with the firm of Conn,
C-o-n-n, Kavanaugh, K-a-v-a-n-a-u-g-h.
(Reading) Please accept this
correspondence as the applicants ascent to
a request for a continuance of the
Variance hearing to a future night. We
would prefer to have the matter continued
to the 14th rather than the 28th of May,
but the understanding is that the Board
needs to consider the need for an
effectiveness of a new statutory notice.
Please let me know what the Board decides
and we will get the placard updated and be
ready to present to the Board.

This is a case not heard so we have
more flexibility.

SEAN O'GRADY: The Commissioner
would like it to be re-advertised.

CONSTANTINE ALEXANDER: Yes, I'm

going to get to that.

SEAN O'GRADY: Okay. So we can, we've made plans to re-advertise it for May 28th.

CONSTANTINE ALEXANDER: 28th, good. Okay.

Okay. The Chair moves that we continue this case as a case not heard until seven p.m. on May 28th on the following conditions:

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

That a new advertisement -- new notice be posted to reflect the new date, May 28th, the new time, seven p.m. And that the sign be maintained in accordance with our Ordinance for the 14 days required by our Ordinance.

And that to the extent that the

petitioner -- three, that to the extent that the petitioner is going to present new plans or a new dimensional form, these must be in our files no later than five p.m. on the Monday before May 28th.

And, lastly, that the petitioner is required to re-advertise this case. Re-advertising being -- meaning new newspaper ad, new signage, which I'm going to require, and also new letters to be sent to abutters and abutters to abutters who are entitled to receive written notice.

So, on the basis of this motion subject to those conditions, the Chair moves that we continue the case until May 28th.

All those in favor?

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

* * * * *

(7:10 p.m.)

(Sitting Members Case #BZA-006158-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006158, 10 Canal Park.

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

(No Response.)

CONSTANTINE ALEXANDER: No one is here wishing to be heard.

Do we have a letter this time?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: We have a letter from Anne, A-n-n-e K. Reynolds on the firm of Prince Lobel, L-o-b-e-l. She is counsel for the petitioner. (Reading) By this letter the applicant respectfully requests the Board to continue the public hearing for the above-referenced matter scheduled for Thursday, April 30th at seven p.m. to its public hearing schedule for Thursday, May 28, 2015. The applicant is requesting a continuance in order to allow the applicants further time to evaluate the feasibility of the design changes requested by the Board. Based on this request we understand the applicant's representatives may need not appear at tonight's hearing. Which is true.

We have time May 28th?

SEAN O'GRADY: We do.

TIMOTHY HUGHES: I think I'm on this case. And I'm not --

CONSTANTINE ALEXANDER: It's not heard.

TIMOTHY HUGHES: It was not heard?

SEAN O'GRADY: That's right. We said why don't you go and think about doing this.

TIMOTHY HUGHES: Remember we darted around for a while and then sent her back without opening the case?

CONSTANTINE ALEXANDER: Yes, we said, you know, look at the screening that Verizon did on Concord Avenue.

TIMOTHY HUGHES: That's good.

CONSTANTINE ALEXANDER: So we do have a spot on May 28th?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued -- you know, I'm going to ask them to re-advertise, too.

SEAN O'GRADY: Okay.

DOUGLAS MYERS: There were neighborhood people here.

CONSTANTINE ALEXANDER: It was a long night. Yes, there were neighborhood people here, that's exactly what made me think of it.

That this case be continued until seven p.m. on May 28th on the following conditions:

That petitioner has signed a waiver of a time for decision.

That a new posting sign be, be set up with the new date, May 28th, the new time seven p.m., and that the sign be

maintained for the 14 days required by our Ordinance. And to the extent that there are going to be new plans or photo simulations or dimensional forms, that these must be in our files no later than five p.m. on the Monday before May 28th.

And, lastly, that the petitioner is required to re-advertise this case. And re-advertising as discussed in the continuance for the case previously.

By the way, this re-advertisement should fit the -- and is true of the other cases, the same time frame that would be required if they were filing for a new application. I don't want them sending a letter out the day before on May 27th.

SEAN O'GRADY: We actually do all the re-advertising in-house.

CONSTANTINE ALEXANDER: You do it

all now?

SEAN O'GRADY: Yes, we do the letters, the papers, and the signs.

CONSTANTINE ALEXANDER: It's under your control?

SEAN O'GRADY: Yes.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor case. Case continued.

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

BRENDAN SULLIVAN: On the side to that, Sean, there is a fee for re-advertising?

SEAN O'GRADY: We have made people pay a fee in a few cases where they've

sort of been responsible for it. I --

BRENDAN SULLIVAN: I guess where I'm going --

SEAN O'GRADY: I don't feel that any of these people really have been the cause of this.

BRENDAN SULLIVAN: My thought would be if a petitioner continues once, you know, we'll give them sort of a free pass on that. If there is another -- I think it's getting to inconvenience the public tremendously on a lot of this where people sometimes don't know until 4:30 that evening whether or not there's a Zoning case or not. And it's almost like we're giving them a free pass and a free pass and a free pass. So that I almost think that there should be some consequence. And the only way that

there's a consequence is possibly this re-advertising, which I think is correct, but also that there be possibly a monetary amount attached to that, but that's administrative.

CONSTANTINE ALEXANDER: I think we have to amend our rules probably to do that. If we made it mandatory.

BRENDAN SULLIVAN: But that's just something to think about. I mean that's sort of --

SEAN O'GRADY: I think we do have the ability to do that. I think we have done that. I'm not pulling up anything right now where I can go, yes, I remember doing that in that case.

BRENDAN SULLIVAN: Well, it's just something to think about anyhow. I'm not sure about the other members of the Board,

but I feel that it's, it messes up our schedule. It messes up the schedule of people who legitimate cases who are ready to go forward who now have to get in line and --

SEAN O'GRADY: It creates a tremendous amount of work for Maria also. Maria has to do hundreds of letters.

BRENDAN SULLIVAN: Right.

And I think there has to be some consequence for people delaying and delaying.

CONSTANTINE ALEXANDER: The only loss I put in there, which I agree with, I don't want to send a mandatory rule. There are cases nobody is interested in except the petitioner, and we have to for one small reason or another we have to continue more than once.

BRENDAN SULLIVAN: We can waive that I think.

CONSTANTINE ALEXANDER: We can waive that. As long as it's not a hard and fast rule, I agree with you.

BRENDAN SULLIVAN: You can throw that out for discussion, but I think that's an administrative thing.

SEAN O'GRADY: Okay.

CONSTANTINE ALEXANDER: Let me ask you a variation of that, re -- we take care of the advertising. Who pays the newspaper for the re-advertising?

SEAN O'GRADY: We do.

CONSTANTINE ALEXANDER: Why should we pay it?

SEAN O'GRADY: I mean, we collect a fee.

CONSTANTINE ALEXANDER: We collect

a fee with the original application?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Now, if we're going to require them to re-advertise, it's going to be on the City's nickel.

SEAN O'GRADY: Yes, it will be.

CONSTANTINE ALEXANDER: I don't want that.

BRENDAN SULLIVAN: That's where I'm going.

CONSTANTINE ALEXANDER: Yes. That's why I said re-apply. I figured we'd get the fee. You corrected me about the re-advertising. I think all of these cases with the re-advertising, the petitioner, we got three now, is required to reimburse the City for its out-of-pocket costs in connection with the

re-advertisement.

SEAN O'GRADY: Well, I would suggest that on 30 Brattle, that is clearly the City's responsibility. On the other two I would be leave it that --

CONSTANTINE ALEXANDER: Why is that --

SEAN O'GRADY: Well, the history of 30 Brattle is that they had come forward --

CONSTANTINE ALEXANDER: Right.

SEAN O'GRADY: -- we had taken the position -- we had looked into it and taken the position that they didn't need to come forward --

CONSTANTINE ALEXANDER: Yes.

SEAN O'GRADY: -- told them everything was fine, and they took their signs down and basically went away. We

then turned around and said, we've now had further discussions with different departments, we've taken a different position, and so this continuance is really on the City.

CONSTANTINE ALEXANDER: Well, then that rule shouldn't apply to 30 Brattle Street.

SEAN O'GRADY: But fees for Broadway and fees for Canal?

CONSTANTINE ALEXANDER: Absolutely, yes, certainly.

DOUGLAS MYERS: Should we vote to approve that?

CONSTANTINE ALEXANDER: I would have to, work it back into the votes for the other -- each of the three continuance votes we've already taken, work into there, the notion for two of them, Canal

Park and for Broadway, that as a further condition of the continuance, that the petitioner be required to reimburse the city its out of cost expenses in connection with the re-advertisement. That doesn't apply to 30 Brattle Street, though. Okay?

You all set?

SEAN O'GRADY: Yes.

* * * * *

(7:20 p.m.)

(Sitting Members Case #BZA-006077-2015:
Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call our last continued case for the evening, 006077, 184 Harvey Street.

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

MARK BOYES-WATSON: Mark Boyes --

CONSTANTINE ALEXANDER: Floor is yours.

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

JOSHUA WALKER: I'm Josh Walker the owner of 184 Harvey Street.

MARK BOYES-WATSON: So I'm just going to take you through what this is. It's kind of an -- almost like a strange case, but it's simple and strange at the same time.

So 184-186 are two side-by-side houses, both Josh and Ted who owns the other side have owned it since it was built. When Josh bought it, he was a single guy and now he has two children. Are they three and eight I think, or something?

JOSHUA WALKER: Yeah.

MARK BOYES-WATSON: And the houses are sort of straight simple townhouses with an attic. Several years ago, I'm forgetting how many years ago, 186 came back and said you know what, we'd love to be able to use the attic. And they came here actually and were granting permission -- excuse me. It turns itself back on when I put it in my pocket.

With regard to permission to put the dormer on by the Board and then they use

the attic as an office. So actually I know we were one of those cases where we continued, and we apologize for needing to continue as we sort of tried to sort out exactly what we're asking for here. And I think in my letter, which I don't know if anybody read, because if you didn't, I'll try to go back to it a little bit.

CONSTANTINE ALEXANDER: A letter from Kelly Speakman?

MARK BOYES-WATSON: Yes.

It sort of went through the history of the attic in this building. And I can answer questions or whatever on that. But the kernel on that is that the current -- Josh's thing is to have an extra space for his family, but entirely within the existing GFA, except that GFA was not permitted when the building was

first built. So it's not as of right for him to use that, it's not used today, but he wants to use it. And actually because Josh has actually photovoltaics all the way down the facade. So he doesn't want to build a dormer even if you granted him permission to do a dormer. Really what he's asking to do is make a small modification to the -- this dormer already exists, small modification to the dormer, which actually reduces the GFA because it cuts it back and has a little Juliet balcony.

The result in area consequence is that there's a slight reduction in what you would calculate if you normally calculated this as floor area. He will need to do the same restructuring on the color ties of the building done on the

other side. And it results in 506 square feet of GFA which is slightly less area that is up there today, but is additional and, therefore, the subject of the Variance.

And so I think that that -- there are no other exterior changes.

CONSTANTINE ALEXANDER: 186, their dormer is in the back.

MARK BOYES-WATSON: On the back, yes.

CONSTANTINE ALEXANDER: Okay.

MARK BOYES-WATSON: And that's where his photovoltaics are. Josh has photovoltaics all over his side, all on the back. They both have dormers at the front, their sister has it. So there they are. Right? So they're offhanded sister houses set back slightly from each other.

CONSTANTINE ALEXANDER: And the hardship is you need additional space. Because the hardship that was raised in 186 is flooded basement.

MARK BOYES-WATSON: They have that, too. I didn't really get to that. One of things is to use the -- serious water.

JOSHUA WALKER: It gets about a foot.

CONSTANTINE ALEXANDER: It's not usable.

JOSHUA WALKER: No, you can't finish it for storage or anything.

CONSTANTINE ALEXANDER: And the purpose of the Juliet balcony is just aesthetic?

JOSHUA WALKER: Lighting. Lighting and aesthetic. I mean you get

the sunset when it comes down, but I also wanted to open it up but we can't do rear lighting because of the sun panels.

CONSTANTINE ALEXANDER: I'm not a contractor. How does adding the Juliet balcony increase the lighting?

JOSHUA WALKER: Because we can do doors instead of a window.

TIMOTHY HUGHES: Doors instead of a window.

MARK BOYES-WATSON: We might do -- we haven't discussed because they're not subject to a Variance.

CONSTANTINE ALEXANDER: Say that again? I'm sorry.

MARK BOYES-WATSON: There are no skylights shown, just they would be as of right if they were anyway.

DOUGLAS MYERS: What are the

dimensions of the little Juliet balcony?

MARK BOYES-WATSON: Yes. It's six foot by five foot. So it's not really a use -- it's a step-out type condition. But it allows us to drop that door all the way down as was pointed out to the floor. So you get a nice piece of glass there.

CONSTANTINE ALEXANDER: You plan on using it, though, beyond opening and shutting the doors?

JOSHUA WALKER: Yeah, well I mean there are sunsets out there and as part of the being able to get some air up there and have enough in the attic?

CONSTANTINE ALEXANDER: When you want to get away from the kids, you and your wife would sit on the Juliet balcony?

JOSHUA WALKER: I don't know if it's getting up there or locking them up

there. You shouldn't write that down.

TIMOTHY HUGHES: I think it's too late. It's a matter of record. In fact, I made a note of it, too.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

TIMOTHY HUGHES: No.

JANET GREEN: I'm good.

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: There appears to be no one wishing to be heard. We do have a letter from Mr. Boyes-Watson, that you referred to -- you summarized what's in the letter. There's no need to read it I don't think. I don't think

there are any other letters in our file.

MARK BOYES-WATSON: There should be one more letter.

CONSTANTINE ALEXANDER: Let's see. I'll take the file apart.

JOSHUA WALKER: You should have the letter from Ted Magee my neighbor.

MARK BOYES-WATSON: Next door neighbor.

CONSTANTINE ALEXANDER: And what does it say, support?

JOSHUA WALKER: Just giving his support.

CONSTANTINE ALEXANDER: Yes, here it is.

DOUGLAS MYERS: Have the dimensions of the Juliet balcony changed in the course of the drawings that you've submitted to the Board?

MARK BOYES-WATSON: Well, I think as I noted --

DOUGLAS MYERS: I noted one earlier draft where it was three feet, five inches by five feet, four inches.

MARK BOYES-WATSON: I think the proponent had done some sketching. All I can say is that -- so that it may have. The reason it's like this is that it is the -- we went and measured the dormer, that's the size of the dormer, that's the size that this would become. So I'm -- actually don't have the exact comparison to the first submitted drawings. But the reason for the continuance was to get a little bit more accurate both in the request and the size of the, of that deck. So I can tell you that it will end up as five foot by five

foot.

The little deck is interesting. In of itself is an as-of-right element. So it doesn't require relief from the Board strictly speaking. It's really the area, the use of the area inside the building requires relief.

CONSTANTINE ALEXANDER: That's right.

DOUGLAS MYERS: Is any of the deck recessed?

MARK BOYES-WATSON: Yes. It's back.

TIMOTHY HUGHES: It's all recessed.

MARK BOYES-WATSON: It's back, it's back in the roof, yes. Yes. So actually, yes.

CONSTANTINE ALEXANDER: So you're

not getting any closer to the street line?

MARK BOYES-WATSON: You're not.
And in fact the house is set well back.
This dormer is well back from the street.

JOSHUA WALKER: Even the angle of
the house my side is further back from the
street than my neighbor's.

CONSTANTINE ALEXANDER: Other
questions?

DOUGLAS MYERS: No further
questions.

CONSTANTINE ALEXANDER: I will
close public testimony at this point.

Ready for a vote or discussion?

TIMOTHY HUGHES: I'm ready for a
vote.

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Okay. The
Chair moves that this Board make the

following findings with regard to the Variance being sought:

That a literal enforcement of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that a need of additional living space giving a growing family. Now this is the only way achieving that without moving to somewhere else.

The hardship is owing to the shape of the structure and the fact that you had attic space was not GFA before, it now becomes GFA because of the modest relief being sought.

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

In this regard the relief being sought is rather modest. It doesn't intrude any further on the streetscape. It allows light to be brought into the attic area.

That there is no neighborhood opposition to the proposed relief.

So on the basis of all of these findings, the Chair moves that we grant the Variance on the condition that the work proceed in accordance with a plan submitted by Boyes-Watson Architects, dated 4/23/2015, numbered A-101 and initialled by the Chair.

Is that the right one, Mr. Watson?

MARK BOYES-WATSON: Yes, that's right.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-006204-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006204, 1673 Cambridge Street.

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

(No Response.)

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

The Chair would report that we are in receipt of a letter from the petitioner, Hong Liu, H-o-n-g L-i-u.

(Reading) I am writing to request postponing the hearing on my Variance hearing of replacing the shed in my yard at 1673 Cambridge Street. The reason for the postponement is that the Cambridge Historical Commission had a hearing and it requested that I replace my shed with a wooden one to much better match the house in color and style, horizontal siding, etcetera, and lower height. I am in the

process of finding a readymade one or an architect to design one according to the specs. Therefore, I would like to postpone the Variance hearing until June 30, 2015.

This of course would be a case not heard. I assume we have plenty on our calendar June 30th.

SEAN O'GRADY: There's actually not hearing then. The next hearing is on July 16th.

CONSTANTINE ALEXANDER: What's the second one in June, June 25th?

SEAN O'GRADY: There is a June 25th, yes.

CONSTANTINE ALEXANDER: Is there space on that?

SEAN O'GRADY: There's plenty of space. I just offered July because I

didn't want an argument about I asked
for --

CONSTANTINE ALEXANDER: Fine. You
get an argument.

SEAN O'GRADY: I didn't mean from
you.

CONSTANTINE ALEXANDER: No, no,
no. I know who you're going to get the
argument from. What's the date again?

SEAN O'GRADY: July 16th.

CONSTANTINE ALEXANDER: The Chair
moves that this case be continued as a
case not heard until five p.m. on July --

SEAN O'GRADY: Seven p.m.

CONSTANTINE ALEXANDER: -- seven
p.m. on July 16th on the following
conditions:

That the petitioner sign a waiver of
time for decision.

That the petitioner post a sign disposing the new date, July 16th, and the new time, seven p.m. And that the sign be posted for the 14 days required by our Ordinance. And then in this regard the Chair would note that the petitioner ignore the requirement to pick up a sign for this case. I don't know whether or else we're going to proceed even if the Historical Commission did not request a change.

Further, that this petitioner has been before us before and is knowledgeable about our procedures, and so the petitioner should be told in no uncertain terms, Sean, that if that sign is not posted for the hearing, I'm going to make a motion that we deny the relief, no further continuances.

So we've got those two.

To the extent, and there will be new plans it would appear, and perhaps a change in the dimensional form, that these must be in our files no later than five p.m. on the Monday before the July hearing date.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-003500:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: Since we have time, the Chair will call case No. 003500, 196 Franklin Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

This is a case that we granted relief July 9, 2014, almost a year ago, to allow -- to grant a Variance to demolish and rebuild an existing non-conforming single-family residence. And also a Special Permit to maintain the existing single parking space for two units. We're now in receipt of a request from the petitioner to extend the time. Because by

law the Variance expires if not acted on by a certain period of time. And the letter is from John Roback, R-o-b-a-c-k. It's addressed to Sean O'Grady. (Reading) We spoke briefly on Monday, April 6th regarding the process I should follow to request a time extension for our construction project. I would like to request a six-month extension to begin construction at 196 Franklin Street. It is taking longer than expected to finalize arrangements with our contractors. The extension would provide ample time to finalize the contractors' timeline. And thank you for your consideration.

I am correct, am I not, Sean, that you only get one six-month extension?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: If he

doesn't get it done by then, he's out of luck.

SEAN O'GRADY: I actually have the Building Permit in already.

CONSTANTINE ALEXANDER: All those in favor of granting the request for the extension please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Extension granted.

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

* * * * *

(7:45 p.m.)

(Sitting Members Case #BZA-006357-2015:

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

CONSTANTINE ALEXANDER: We will continue our agenda and I will call case No. 006357, 41-41A Pleasant Street.

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

PATRICK BARRETT: Hello. My name is Patrick Barrett. I'm the property owner. I'm here with my architect Mr. Mark Boyes-Watson.

TIMOTHY HUGHES: We know him.

PATRICK BARRETT: I'm here seeking a Variance and Special Permits. Variances for dimensional relief for an existing two-family structure and a single-story commercial structure that I would like to turn into my home with an accessory

apartment below. So we're really looking to construct a two-family. The existing structure is non-conforming in just about every way as to height and as to setback as to FAR. And the project that we're presenting brings just about everything back into conformity with the exception to the setback. It's a BA-3 Zone, which is somewhat difficult to work with, but besides the fact that the requirements for this project were about 15 feet. I'm going to have my architect walk through the project itself. But the brief history of this building, it was built in 1989. It's a single-story structure that was raised up and it had a grocery store put underneath it. The small commercial structure has been everything from a TV repair shop to a hair salon and is sort of

zoned out of use right now.

And the hardship is the structures itself relative to it's been added onto and reconstructed and the foundational walls below. There's two different foundations, one's a cinderblock and set on just about nothing. I believe the back deck built in '95 is holding that up. And has been added onto repeatedly since the existence of the house. It's now in the state that we require almost complete demolition anyway. But I'll have Mark walk through it and answer your questions.

CONSTANTINE ALEXANDER: Mark, when you do that, I want to focus on the parking situation.

MARK BOYES-WATSON: Yes, absolutely.

CONSTANTINE ALEXANDER: And also

on the structure, too, but I don't want to let that slip by.

MARK BOYES-WATSON: Yes, because we have both -- I'll take us through.

So existing condition what Patrick was describing is this house got boosted up by a story that resulted in a four-story structure. And as I think is maybe -- we did go to see Historical who were content to see this -- understood the reasons you would take this down and supported the application to take it down. I just wanted to contextualize the house a little bit. What Patrick's trying to do here is actually not make a huge change. It is actually a narrow lot. It's less than 50 feet wide. It's a tricky lot. It happens to be very long, but it doesn't make it any easier to make the parking.

And the reason I'm starting to speak to the parking is that one the strategies to parking is to drive all the way to the back of the lot and pave the back of the lot, which is the exact opposite to why Patrick is attracted to the property. He has this great garden here if you can find a way sensibly closer to the street. So I'll go through that in a little bit.

You can see in this drawing, and I'll go in the next one, too, that the -- as Patrick said, the only -- the non- -- we're trying to eliminate as many of the non-conformities as we can. And we've eliminated the GFA non-conformities, the height non-conformity, the remaining non-conformity is setback related, and we've increased the setback on the left side and we've increased the front

setback, but both remain non-conforming. But because the house is more or less back where it was, and the Historical Commission noted that the kind of street line, the way the historical street line, that's a good thing. That front yard setback that happened for us, because we could have pushed it further from the street but they liked the way it is. And the other thing to realize is that is though this line is right out here, the actual house still starts further back, like it does today.

So, just then -- just this is a zooming in a little closer, and I put a little red line on here that shows this is that existing commercial structure. Here is the existing building in the back deck. And here you can see the relationship

between what's proposed and what was there. So it's a two-family structure. Patrick is maintaining the ability to use this. He's using it today like that, as accessory offices -- office from his residence, which is nice because he gets a street presence and he can maintain that. So the requirement is two parking spaces. So --

CONSTANTINE ALEXANDER: Although that, we can waive that by Special Permit.

MARK BOYES-WATSON: You could waive that by Special Permit. Although we're getting close to Central Square, and I know we've been in front of this Board, great, if you can give us the relief for this. I would like to have the two parking spaces.

PATRICK BARRETT: Can I speak to

that.

CONSTANTINE ALEXANDER: Yes, go ahead.

PATRICK BARRETT: I'm building this house for my family, and I have a wife and a young son. And while I'm very active in Central Square and the argument about parking is not so much necessary these days, we have a child. I feel like parking is necessary. And it is necessary.

CONSTANTINE ALEXANDER: One parking space. Why do you need two?

PATRICK BARRETT: Well, the requirements for two.

CONSTANTINE ALEXANDER: No. But we could waive that. We could make it just one parking space and you could have your garage, which is part of your project

now. And that's for your family. But what troubles me greatly is the fact that it's a very, very narrow lot.

You got people right next-door to you that have their driveway right along the property line. It's going to be not very pleasant and maybe not all that functional. And I understand the economics, why you want the parking space.

MARK BOYES-WATSON: So let's go through it, because I think first of all, Patrick's been talking a lot with the abutters and has a long story on that. And so if I can finish and then we can just go back to that. I know where you're coming from.

CONSTANTINE ALEXANDER: Go ahead.

MARK BOYES-WATSON: And one of the things that's happening here, and it's

Special Permit now for this parking, too.
It's not a Variance.

CONSTANTINE ALEXANDER: Yes.

MARK BOYES-WATSON: And so just going back to the Variances, for the left-side setback and the front setback is a Variance. The parking strategy, as you said, is we're actually -- the curb cut, the neighbor has a very, very tight curb cut also.

CONSTANTINE ALEXANDER: Right.

MARK BOYES-WATSON: So one of the things that's going to be very helpful, actually, when it's done, because it will actually get better for both sides. It ends up being adjacent driveways, so that's a nice thing that happens when we do this. It's nice for the abutters. Right now they're right up against that

commercial structure.

CONSTANTINE ALEXANDER: Yes, they are.

MARK BOYES-WATSON: And the doors, you know, it's kind of tricky. This is actually more of a -- it's a better neighborhood situation than it was before when this is done. So that's a nice thing about the way this is.

CONSTANTINE ALEXANDER: Better than what's there now. But you could -- doesn't mean -- this is the only solution.

MARK BOYES-WATSON: Right, right. I hear you.

And so what -- and the way that it works is that we come back off the street and we have our garage here that separates the rental unit from the little office.

And then the backup is here and out, and then we also park that second car here. So that's the proposal.

And then quick just on this, taking you through. There's a basement. There's that garage. Office, rental unit. You come in a front door off the street, up a stair, and now this is Patrick's home with a -- well, his first and second floor which is the second or third floors, and with living room space and then bedroom space. His deck is the same as the deck that's there today. More or less.

And so what that looks like is taking you through. So this is the street elevation, and I just want to remember to go back to that because it comes up in Charles Sullivan's memo is the flexibility to alter this to -- and I have a drawing

just so show you. But it is the front elevation. Here's the right side elevation where you see that garage door opening. Back deck. And then here is the left side elevation to the abutter.

Now one of the advantages of rebuilding is that we can be -- even though we're asking for a Variance for the setback, we're co-compliant. The existing one is not Building Code compliant. It's right on the property line. So we've got a much better, safer condition here. And then the rear yard, the rear elevation facing the garden. And it's sort of deliberate that there aren't a lot of windows back here because really it's a private garden for the second and third floor unit.

And so, shall I save that historic

thing on the front facade or you want me to just --

CONSTANTINE ALEXANDER: To me it's abundantly clear that this -- from the structure point of view, this is far better than what's there right now. And there's a good reason to grant relief. I'm just questioning, just me, the parking situation. I don't think it makes a lot of sense, and I think it's -- it just doesn't make a lot of sense. I don't understand why we're doing this. I mean I understand why you're doing it. But I mean you know what I really mean.

PATRICK BARRETT: I have done extensive outreach to the neighborhood, and the abutter who shares that driveway with me is here with me tonight. I've gone over my plan extensively with the

neighborhood and there's been enthusiasm really for the project. I understand it doesn't necessarily speak to your concern about the parking, but my neighbor is greatly pleased that they'll now be able to move out of his driveway and actually see the oncoming traffic because right now he cannot. And as a result of making the driveway longer, it simply gives us the ability to take more cars off the street. And the idea of taking one parking spot off the existing street, is what we're doing, and not replacing at least another parking spot on top of that seemed like it was kind of what -- kind of more a detriment to the neighborhood. The parking is already difficult in there. And if I was to do a one for one trade, I don't think that it would be as palatable.

I've actually received responses from the Riverside Neighborhood Group that were (inaudible) I was adding another parking space on the lot and it simply was not doing one for one.

MARK BOYES-WATSON: It is actually interesting, this moment at the top of Central Square there, you really now only -- it's really a block from Central.

PATRICK BARRETT: Sure.

MARK BOYES-WATSON: So it tightens up. So it's sort of --

CONSTANTINE ALEXANDER: Are you going to use these two parking spaces for your use? Or I thought one was for your tenant?

PATRICK BARRETT: One's for the tenant as well. I, I guess it would really depend.

CONSTANTINE ALEXANDER: I'm sorry?

PATRICK BARRETT: I guess it would really depend. You know, right now we're --

CONSTANTINE ALEXANDER: That's point the. If your tenant doesn't need a parking space, why is it that we need to create this parking issue? For instance, you could have a two parking places in an area that's very congested?

PATRICK BARRETT: Well, the area is very congested, and that's why we have the extra parking space. I would more than likely be giving it to my tenants because I have --

CONSTANTINE ALEXANDER: We put that as a condition of the decision that you have to give --

MARK BOYES-WATSON: You know

what's interesting, also, obviously the -- is -- I mean, it's a serious investment. This is going to be great a serious investment so I think it is given that it's tight. It is an amenity for this house, in this spot to get the amenity of two spaces. It's a good thing.

CONSTANTINE ALEXANDER: How big of an apartment is the rental unit?

PATRICK BARRETT: A thousand square feet.

CONSTANTINE ALEXANDER: Chances are the person who is using that doesn't have a car. We're talking about two cars for you and the tenant will get on his bicycle.

MARK BOYES-WATSON: I'm not disputing that. I'm just saying that for the, for the intervention -- you know,

this could be a three-unit project. It could have like -- I think the reason that people are loving Patrick coming in here is first of all, he's very loveable, but also.

CONSTANTINE ALEXANDER: That's for us to decide, not for you.

MARK BOYES-WATSON: But also, that you know, it isn't sort of a -- it's not what a developer would do strictly speaking, you know, put three units parking all amongst -- we've been there. So I think that --

BRENDAN SULLIVAN: You're going to make it far more marketable, far more easier to rent. It will make it worth the investment into the property, and if the need for that other space is not now, it will be in the future. And so, I can see

the need for having an extra spot there if you will.

MARK BOYES-WATSON: So maybe what you should be doing is saying you'll be willing to put a charging station back there. I think one of the things for Zoning, you're really giving us relief to come to the lot line, the neighbors close, it would be primarily as a gasoline vehicle and we can do that kind of thing, right?

BRENDAN SULLIVAN: I don't see it as a detriment to the project, and I think that it, it's an amenity that may not have an immediate use but will be, it will be needed myself. And so -- and, again, the parking in that area, you know, snow days, street cleaning days, it's a shifting of cars and all that other stuff, so I, I'm

okay with the proposal.

PATRICK BARRETT: There was some slight dispute as to which neighborhood it belonged to, the Cambridgeport or the Riverside Group so I went to both. And both groups expressed happiness with what I was doing. But also that Riverside Group did mention the parking issue. And Cambridgeport took it for granted that I would be adding two parking spots and not just the one. You know, I have been around this area for a long time and it's just -- after five o'clock it's very difficult.

MARK BOYES-WATSON: Yeah, Central has become a place where actually the restaurant traffic -- it's interesting, it's the reverse of the neighborhoods where maybe it tightens up and loosens up

in the evenings where homeowners can come home and park. When you get close to Central, it's a restaurant driven business, and so it tightens in the evening. And actually all the city lots are not full during the day, but chockablock in the evening. So you've got an interesting parking dynamic going on. And I think it's just -- it's just not that many blocks from Central, as you get closer in, it's definitely an issue.

BRENDAN SULLIVAN: It's a hunt for a spot.

DOUGLAS MYERS: Could you move the parking space, outside parking space, further toward the rear without putting it in the backyard or asphaltting the backyard as you said, but just move it far enough back toward the rear that it would be at

the slightly more spacious in this location and would not be hard against the setback and would not require an undo or massive amount of asphaltting? It would seem to me at least looking at the plan, looking at -- I didn't see all of your plans that you're showing us tonight, but looking at Mr. Brooks's lot plan, that it would be feasible to move that space further back, comply with the setback, and in no way, it actually in no way be seriously detrimental to use of the backyard.

MARK BOYES-WATSON: Well, even that would require the relief requested, because as soon as that driveway requires the relief, right?

DOUGLAS MYERS: But your space nonetheless, need not be hard against the

property line.

MARK BOYES-WATSON: I agree. So you do have to come a long way back.

DOUGLAS MYERS: That's my question.

MARK BOYES-WATSON: Let me go through it.

So here we are. This is the, currently proposed. And the reason this car is pulled back so that you can do that out of the garage. You know, that's --

CONSTANTINE ALEXANDER: Right.

MARK BOYES-WATSON: So for us to get, let's say a five-foot setback here, we would be all the way back here before we could.

CONSTANTINE ALEXANDER: If we're going to give you relief anyway, I think where Doug is going, is you push it back

so that the parking -- here is the parking.

MARK BOYES-WATSON: So it's a bit further.

CONSTANTINE ALEXANDER: Yes.

MARK BOYES-WATSON: We don't have a problem with that. So bring it to here?

CONSTANTINE ALEXANDER: It gives you a little bit, yes; is that right?

Doug.

MARK BOYES-WATSON: We would be happy to do that. We would be happy to do that. I mean the truth is you have bicycles and what have you, what have you anyhow.

BRENDAN SULLIVAN: You could do asphalt and then to soften it --

MARK BOYES-WATSON: Suggesting maybe come up to the end of the stoop

which I could mark.

CONSTANTINE ALEXANDER: Mark it on this because these are the plans.

TIMOTHY HUGHES: Is the abutter on that side have a concern with this?

MARK BOYES-WATSON: They're here, maybe they can speak.

TIMOTHY HUGHES: I don't understand why we're changing all the plans if the abutter is good with it.

CONSTANTINE ALEXANDER: Well, maybe the abutter -- well, maybe we'll wait.

TIMOTHY HUGHES: Maybe we should listen to the abutter first. Anyway you look at it, we're going to have to issue some kind of Special Permit relief for parking, either to relieve the space or to allow him to do this. I personally think

having two spaces on the lot makes more space than relieving them the responsibility of the second space.

MARK BOYES-WATSON: Well, actually I think we would have to re-advertise. It would be a Variance for not having a parking space.

TIMOTHY HUGHES: I see.

CONSTANTINE ALEXANDER: Is the abutter here?

Sir. I don't know if you're following the discussion we've been doing because you're sitting there.

RICH BOUDREAU: My name is Rich Boudreau. I'm at 39 Pleasant Street. I've been there for 20 years.

CONSTANTINE ALEXANDER: 39?

RICH BOUDREAU: It's the right side of this property as you look at it.

CONSTANTINE ALEXANDER: Oh, right.

RICH BOUDREAU: And first of all, Patrick's been very upfront with me through the whole process the day they bought it, and I'm all for this. My wife's for it. The existing setup is a bit of an eyesore. And it's also -- the way the buildings are set, the grade is pitched, so that whenever I get a big storm, all the water is in my driveway and my backyard. One of the issues. But --

PATRICK BARRETT: I'll give you the snow on my side.

CONSTANTINE ALEXANDER: The required of the second parking space, above grade, pushing it a little farther lot in the lot. Do you have a view on that as opposed --

RICH BOUDREAU: I have no problem

with that at all. Right now there's an asphalt kind of patio there.

CONSTANTINE ALEXANDER: I think you're saying you'll go either way. Either where it is or pushing it back, you're indifferent?

RICH BOUDREAU: Correct. It's whatever you come up with I'm for because it's better than the existing.

CONSTANTINE ALEXANDER: Got it. Thank you.

By the way since we started public testimony, anyone else wish being to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one else. Okay.

We digressed from your presentation.

MARK BOYES-WATSON: Yeah, why

don't I quickly take you through. Well, I took you through -- I think I'm done. I wanted to talk about what's referenced in the letter from Charles Sullivan which is basically saying --

CONSTANTINE ALEXANDER: By the way, I'll read the letters before you do that?

MARK BOYES-WATSON: Yeah, yeah, yeah.

CONSTANTINE ALEXANDER: We are in receipt of a letter, it's actually addressed to Mr. Barrett from Charles Sullivan regarding this property.

(Reading) On March 5, 2015, the Cambridge Historical Commission voted to find the existing building at 41 and 41A Pleasant Street to be significant as defined in the City's Demolition Ordinance Chapter 2.78,

Article 2 of the City Code.

It further found that the building was not preferably preserved in the context of the plan -- for the plans for the replacement project described in the architectural drawings by Boyes-Watson Architects....

With the suggestion that the former details of the storefront at 41 Pleasant Street be replicated to the extent possible in the office entry facade of the new building delegating details to staff. Your architect sent a revised front elevation and plan view showing the amendment to the office entry design in conformance with the Commission's suggestion, which I have approved. When you have received approval for the Zoning Variance Special Permit, I will sign off

on the demolition permit application.

MARK BOYES-WATSON: So what I wanted to just make sure that the Board saw because it wasn't in our original submission was that. That. So we would like to be able to switch to the preferred historical facade so were you to grant approval, if you would allow the flexibility for us to deviate from the submitted drawings enough to comply with the Commissioner's request.

CONSTANTINE ALEXANDER: Okay.

Anybody have a problem with that?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Anything else?

MARK BOYES-WATSON: That's it.

CONSTANTINE ALEXANDER: No one else wish to be heard?

(No Response.)

CONSTANTINE ALEXANDER: We are in receipt of letter from Katherine Hoffman at 67 Pleasant Street. (Reading) As someone who lives on Pleasant Street and is often opposed to large development in my neighborhood, I am writing in support of a petition from Patrick Barrett to tear down the existing structure at 41 Pleasant Street and rebuild a building suitable for his residence. It is a tribute to Mr. Barrett that he is willing to put so much into this building in order to create a residence for himself. That's what she wrote.

Okay, last comments?

(No Response.)

CONSTANTINE ALEXANDER: I'll close public testimony.

Discussion? Why don't we -- is there any sense of what people would prefer with regard to the location of the parking?

A little farther back? Leave it where it is?

TIMOTHY HUGHES: I would prefer to get them whatever it takes to get them four votes.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: I'm in favor of it.

TIMOTHY HUGHES: I'm in favor of the plan as drawn.

BRENDAN SULLIVAN: I'm in favor.

CONSTANTINE ALEXANDER: I'm in favor of the plan for the structure. I still would like the parking pushed back a little bit. I would vote only for it

if -- well, I would give the Variance. On the Special Permit, I'd only do it for pushing the parking back.

DOUGLAS MYERS: I still think it would be -- it would be preferable to have the parking further back, but I would not want to see the project fail on that account.

CONSTANTINE ALEXANDER: No.

Okay, I'm going to make a motion for the Variance and a motion for the Special Permit with the parking pushed back and you can --

MARK BOYES-WATSON: Should we just give dimension six feet further back which I think is almost takes you to that stoop.

CONSTANTINE ALEXANDER: Do we have the plans?

Okay, let's start with the Variance.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner would not be able to modify in any suitable way a structure that is seriously non-conforming and not suitable for today's living standards.

That the hardship is owing to the shape of the lot. It is a very unusually shaped lot. As Mr. Boyes-Watson has pointed out, it's long and narrow and it's got a little V in it, it buckles in the middle.

And that relief may be granted without substantial detriment to the

public good or nullifying other substantially derogate from the intent and purpose of the Ordinance.

In this regard the Chair would note that the petition has support of neighbors, of the Historical Commission is in support, and that just generally would approve, upgrade the housing stock in the Central Square area.

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

That the work proceed in accordance with plans initialled by the Chair. The first page of which has been initialed by the Chair. They're multi-pages in length. Except that with regard to the front facade, that the plans may be modified to

the extent suggested by Mr. Sullivan in his letter dated April 27, 2015.

MARK BOYES-WATSON: I thought I brought another one for the file. But I don't have it.

CONSTANTINE ALEXANDER: Okay. That's -- that's what you want is to be able to modify?

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: To the extent that Charlie wants it modified.

Okay, that's with regard to the Variance.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Sullivan,

Green, Myers.)

CONSTANTINE ALEXANDER: And now the Special Permit. The Chair moves that we make the following findings with regard to the Special Permit being sought:

That the requirements of the Ordinance cannot be met without the Special Permit being granted.

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

That the continued operation or development of adjacent uses will not be adversely affected by the nature of the proposed change, parking changes.

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

the structure, or the citizens of the city.

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

So on the basis of these findings, the Chair moves that we grant the Special Permit on the condition that the work proceed in accordance with the plans referred to regarding the Variance that was granted except that the parking will be pushed back six foot deeper into the property. Six foot -- that the plans would not be followed, but it will be modified for the six-foot pushback.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

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

(8:15 p.m.)

(Sitting Members Case #BZA-006364-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006364, 245 First Street.

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

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair, Members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices at 675

Massachusetts Avenue in Cambridge. I'm appearing here on behalf of the applicant Jamestown Premier, 245 First, LLC, they're the owner of the subject property. Seated to my right is Mr. Dana Griffin, G-r-i-f-f-i-n. And Mr. Griffin is a Regional Vice President with Jamestown.

This is an application that seeks to allow additional GFA in a building by permitting the conversion of the top floor of a garage to occupied office space. If you look very closely at the photo, these two photos, it's like those old quizzes in the magazine, what's different about the picture on the right and the picture on the left? And after studying it for a short while, you'll see the picture on the left has glass in the punched openings in the ninth floor, the squares. So what

this is, this was an office building, the old Carter's Ink building was in front of this building at 245 First Street. It was part of a PUD Special Permit before the Planning Board back in 1983. Most of you were in high school then, but there were predecessors, volunteers such as yourselves, approving these projects. And there's a building that's actually out on 245 First Street, but the building that we're actually talking about, even though it carries a First Street address, is way down on Athenaeum Street and is -- but the buildings are linked between an atrium. And if you've been around Cambridge long enough, you might remember Michaela's Restaurant used to be in that atrium which was a trendy new trendy new restaurant that came in.

The fashion then was gross floor area for parking was excluded so you could build these very unattractive above grade parking garages that didn't count against your GFA. It happened to be a Zoning District back then that didn't even have a height limit. So the second office building, the tower, if you will, sits atop a nine-story parking garage. At the time the building was approved and constructed, the parking ratio was 1.5 spaces per thousand square feet of building, which today the city would not allow that. They would, they would work with you and constrain you probably to the 0.8 to 0.9 and it's going down all the time. Mindful of that, the Planning Board did opine on this case because we recognize that the building, when built,

meets its GFA and there are no additional opportunities for development here without the relief of the Variance, but it is a more logical and constructive use of this space. It has little impact on the facade. Some might suggest an improvement on the facade, but it's almost as if this move might have been anticipated because all the other levels of the garage have these wider openings to accommodate these sloped ramps, but these openings are actually of the same geometry of the windows on the building. And so Mr. Griffin and his associates after they bought the building began to assess the utilization in the garage and recognized that this is a portion of the building that could be put to a far more productive use. We did meet with Community

Development. We did have conversations with the Traffic Department. This is, I would say, consistent with the city's transportation policies, and the file contains communications from both the Planning Board and the Traffic Department.

CONSTANTINE ALEXANDER: No, I don't think we have anything from the Traffic Department. So that's one question I was going to ask you because the Planning Board says we should talk to Traffic.

ATTORNEY JAMES RAFFERTY: Well, I talked to Mr. Singanayagam just before the hearing and he acknowledged receipt of that e-mail from Mr. Shulman of the Traffic Department. Because when I did see the Planning Board recommendation, I recognized that even though I had talked

to the Transportation Department about this, they had not generated anything. So you will see that they essentially --

CONSTANTINE ALEXANDER: It wasn't in there.

DOUGLAS MYERS: 4:45 p.m.

ATTORNEY JAMES RAFFERTY: What time?

DOUGLAS MYERS: It looks like 4:45 p.m.

ATTORNEY JAMES RAFFERTY: Today?

DOUGLAS MYERS: Today.

ATTORNEY JAMES RAFFERTY: Really? I spoke to Mr. Shulman this afternoon.

CONSTANTINE ALEXANDER: That's when it got stamped.

DOUGLAS MYERS: No, that's the e-mail. The protocol on the e-mail.

CONSTANTINE ALEXANDER: Anyway.

ATTORNEY JAMES RAFFERTY: At any rate the comments from the Traffic Department essentially echo the comments of the Planning Board, and they go on to suggest that if relief were to be granted, that the applicant meet with the Traffic Department to explore, enhance bicycle opportunities and we're prepared to do that. In fact, when I reached out to the Traffic Department, I wanted to alert him to the fact that based on the -- frankly, the tenant population, the demands for increased bicycles, all that, they have looked at opportunities and are in the process of doing that, not particularly related to this but, just overall refurbishing.

CONSTANTINE ALEXANDER: Are there any bicycle parking spaces in the building

now?

ATTORNEY JAMES RAFFERTY: Oh, sure.

DANA GRIFFIN: Yeah, I don't know the count, but we're building actually a new bike room with locker rooms to accommodate more bikers.

CONSTANTINE ALEXANDER: With locker rooms?

DANA GRIFFIN: Yeah.

ATTORNEY JAMES RAFFERTY: Yes. A lot of those buildings, and as part of the PTDM plans, they almost require it so that bicyclists can change and shower.

BRENDAN SULLIVAN: Tried to get through Kendall Square between quarter of eight and quarter passed nine in the morning without getting, I mean it's --

CONSTANTINE ALEXANDER: Bicycle

city.

BRENDAN SULLIVAN: -- I swear you're in the middle of the Tour de France. Anyhow...

ATTORNEY JAMES RAFFERTY: Yes.

BRENDAN SULLIVAN: Heavily biked.

ATTORNEY JAMES RAFFERTY: Yes.

And right on the next block along Binney Street is this new cycle track that seems to be in favor now. There used to be one from the bike lane now to the raised cycle track.

JANET GREEN: By Western Ave.?

ATTORNEY JAMES RAFFERTY: Exactly, yes.

JANET GREEN: I saw someone using the Western Ave. one today. I haven't seen that.

ATTORNEY JAMES RAFFERTY: I still

worry about the conflict with the pedestrian but that's my -- but they work when they're used, but I think part of the criticism. I've actually heard Councillor Kelly opine on this. It may be of some interest to some members.

TIMOTHY HUGHES: Does he ride a bike?

ATTORNEY JAMES RAFFERTY: Yes, I read somewhere that he did. But some of the cyclists prefer to be on the road and then, but at any rate that's neither here nor there. That's noted by Mr. Sullivan. It is an area where there's a lot of bicycle commuting, and being responsive to that is very consistent with what's we're trying to achieve here. So that to the extent that the Board wishes to -- were to act favorably, the suggestion is one we're

quite comfortable with.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open up the matter to public testimony. Is there anyone here wishing to be heard on this matter, 245 First Street?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We are in receipt of a letter from the Planning Board or a memo I should say, which I will read. (Reading) The Planning Board recommends approval of the requested Variance that would authorize the conversion of existing above grade parking area to usable commercial floor area.

Although the request is a modest

change, it is nevertheless a positive improvement in relation to the city's current planning goals for the Kendall Square area. 245 First Street was originally developed as part of a planned unit development that was viewed and approved by the Planning Board in 1983. At the time it was typical in Cambridge and elsewhere for commercial developments to provide a large amount of off street parking. Over time the City's planning policies have evolved to limit the amount of parking created for new development and require property owners and businesses to invest in programmatic interventions to discourage automobile commuting. Such policies have demonstrated, particularly over the past decade in Kendall Square, that commercial growth can be accommodated

with reduced parking and less traffic impact as a result. The Kendall Square planning study completed in 2013 most recently recommended a parking for new commercial development should be limited to 0.8 to 0.9 spaces per thousand square feet of floor area. A ratio that is far exceeded by the existing building at 245 First Street. Increasing the amount of usable floor area and reducing amount of parking is a small but positive change in the right direction. However, the Planning Board also recommends seeking comments from the Traffic, Parking, and Transportation Department in case there are additional issues that should be considered. And as Mr. Rafferty has hopefully given to us, we have a letter -- or an e-mail from Adam Shulman

at the Traffic Department addressed to Mr. Singanayagam. (Reading) The Cambridge Traffic, Parking, and Transportation Department, TP&T, reviewed the BZA application for case No. 006364 and the comments from the Planning Board, the TP&T Department supports converting unused parking spaces into something more productive and therefore supports the requested Variance that would authorize a conversion of unused above-grade parking to usable commercial floor area. Based on information from the applicant, the parking garage has approximately 50 parking spaces that are not being used by office tenants. The reduction in spaces will not create an adverse impact to the on-street parking supply in the area. If approved, the project should re-register

the parking facility with the TP&T Department. TP&T also recommends that the project meet with the TP&T Department to explore and enhance bicycle parking.

Question: What this -- the lynchpin of all this is that there's unused parking spaces in this building. On what basis is that determination made? Did you do a parking study? How do you know or is it observation? Just curious as to the basis for the conclusion.

ATTORNEY JAMES RAFFERTY: From the -- just the, the tenants get leases with parking spaces allotted to them.

CONSTANTINE ALEXANDER: Oh, they do? There's -- it's not first-come, first-served like in a parking garage, you find a place and you drive in it?

ATTORNEY JAMES RAFFERTY: No, the

parking -- not to speak for you, but the parking is -- the quantity of parking is based on the lease. And then they also monitor the overall management of the garage, and we provided the Traffic Department with that data. And on average it's 50 spaces. And during summer and holiday seasons it's even less.

CONSTANTINE ALEXANDER: And how many spaces are you taking away by the work you want to do?

DANA GRIFFIN: 16 I think it is.

ATTORNEY JAMES RAFFERTY: 16.

It will bring the parking ratio from a 1.5 to about a 1.3, which is by Cambridge's standards is still a high parking ratio.

DOUGLAS MYERS: And what is the ownership status of the spaces themselves?

ATTORNEY JAMES RAFFERTY: They're owned by the building. These are office tenants who have leases. There's no condominium.

DOUGLAS MYERS: And the leases will have expired or are the spaces part of the lease?

ATTORNEY JAMES RAFFERTY: No, no. The space isn't tethered to a lease, but you -- based on the amount of square footage, you get so many cards to get into the building. And then if you get in early, I assume you park where --

DOUGLAS MYERS: And these spaces are owned by the same owner who is going to be participating in the larger reconstruction of which this is a part.

ATTORNEY JAMES RAFFERTY: The owner of the building, yes. So the spaces

are --

DOUGLAS MYERS: The ownership is the same?

ATTORNEY JAMES RAFFERTY: Yes. It's a single structure. The office building sits atop of the garage all owned by Mr. Griffin's company Jamestown.

CONSTANTINE ALEXANDER: Questions? Further questions?

TIMOTHY HUGHES: No, I'm good.

CONSTANTINE ALEXANDER: I think I've opened it up -- I don't know if I really opened it up to public testimony.

Is anyone here wishing to be heard on this matter besides the letters I read from the Planning Board and the Traffic Department?

(No Response.)

CONSTANTINE ALEXANDER: The Chair

notes that there is no one else wishes to be heard. I will close public testimony.

Discussion or are we ready for a vote? Vote?

BRENDAN SULLIVAN: Planning Board says all that I would say on it, too. I think that they -- you know, anyhow.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner be forced to maintain parking spaces that are no longer necessary and affect the economics of the building itself.

The hardship is owing to the --

ATTORNEY JAMES RAFFERTY:

Structure.

CONSTANTINE ALEXANDER: Well, the shape of the structure. It's a structure itself, but it's the fact that the structure is such that the parking spaces can be readily converted into office space given the window treatment or the opening, apertures of the area that's in question.

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

In this regard the Chair would note that this project has the support of both the Planning Board and the Traffic Department. That is the approach is consistent with the contemporary approach

to parking in this area, and is particularly -- potentially beneficial to the Kendall Square area.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with four pages of plans, each of which have been initialled by the Chair, not dated -- oh, yeah, March 13, 2015, is the date. And that they've been prepared by DBA-W architects.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

ATTORNEY JAMES RAFFERTY: Thank you very much.

* * * * *

(8:30 p.m.)

(Sitting Members Case #BZA-006370-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, Douglas
Myers.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006370, 154 Pleasant
Street.

Is there any one here wishing to be
heard on this matter?

ATTORNEY SEAN HOPE: Good evening,
Mr. Chairman, Members of the Board. For

the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight with the petitioners and the owners. We have Anne London and Brian London, owners of 154 Pleasant Street in Cambridge.

This is an application requesting Variance relief to construct a rear portion of their dwelling.

This is a series of little houses that are connected in shared party walls as well as shared front steps. Because of this non-conforming condition, there's zero setback for most of the property.

There is a small alleyway between the two connected portions, which you can reach the rear yard.

This addition, although we're calling it an addition, is reducing the footprint. There is an enclosed porch in

the rear yard. You really can't see it from the front, but if you go around to the adjacent Whitney Street, you can see that. And so in the Zoning the covered porch is already covered in gross floor area. So we're actually reducing the footprint to actually shape off what would be there, the kitchen, which is the nature of the hardship, will actually reduce a non-conformity.

Their hardship is really about the functional layout of this structure. There are some plans in the file, but essentially you can't open more than one appliance at a time because of that the way the structure is shaped.

The covered porch is not nearly as useful as the kitchen area would be.

The direct abutters who would be

most likely impacted by this addition are in support. There are letters in the file. They also have a neighbor down the street as well as what's in the file who submitted an additional letter of support. I'd like to give that to the Chair and have read into the record.

The petitioners almost one year ago had purchased this house and their plan is to make this their forever home. They have a toddler. They have done some interior renovations, and so this is the last piece that would allow them to be able to stay in there and remain in place.

I think there's no negative impacts because of where this addition -- often times the Board is concerned about massing as you're adding an addition to the rear yard. As I said, this is actually

reducing the massing and making it into ready conformance with the Ordinance, and it will have substantial impact and benefit for them. For those reasons --

BRENDAN SULLIVAN: Could I see the drawings?

ATTORNEY SEAN HOPE: We also have pictures as well if the Board -- it's kind of hard to see the back area. If you'd like to see those, we have images as well.

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

TIMOTHY HUGHES: No.

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

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

AARON OPPENHEIMER: I would.
Hello, my name is Aaron Oppenheimer. I

live in another unit in the row house. There are six units. That building was built 150 years ago and not really very well updated. It's pretty hard to put what we consider a functional kitchen in there. Their plan has no impact on the building and will be, you know, a pretty quick job. So there's no reason not to support it in my opinion.

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

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No.

We are in receipt of letters of support. There's basically a petition, a printed petition that has been signed by a

number of parties and personal comments added. I'm just going to identify those who have signed the petition, all of which -- well, the petition says: I, such and such, residing at, such and such, fully support the plan by the Londons of 154 Pleasant Street, Cambridge, regarding the removal of a back porch and squaring off of the exterior wall. The plan has been explained to me in detail, and the project is reasonable and not detrimental to the neighborhood.

And it's been signed by Elizabeth (Betsy) Chace, C-h-a-c-e.

Aaron Oppenheimer. You've already spoken.

And Joseph J. Hoffman who resides at 156 Pleasant Street.

And I don't know if I said, this is

Ms. Chace resides at 152 Pleasant Street.

And there's also a separate letter from Felicia G. Brady-Lopez and it's a letter, it's different in content, but to the same conclusion. A person -- this person, Ms. Lopez, is in favor of the relief being sought.

And then lastly, we've been given a letter from City Councillor Marc McGovern which I'll read into the record.

(Reading) I am a resident at 15 Pleasant Street, and I am writing to lend my strong support for the Variance application to allow for an addition to the rear of the petitioner's home at 154 Pleasant Street. He's a good distance away.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: The Londons' home is part of a series of row

houses that share party walls and front steps, creating a unique and important streetscape along Pleasant Street. I have reviewed the plans and believe the modest addition will have no negative visual impacts on the pedestrian experience, but will be of significant benefit to the petitioners' quality of life. In the past days I have come to learn that the Londons are working parents of a toddler and that the requested relief will allow for a functional kitchen area, as well as improving the very modest setback that exists in the rear. As a former Cambridge School Committee member and City Councillor I fully support appropriate Zoning relief that could help mitigate the hardships often existing in Cambridge's aging housing stock, especially for

families. I believe the hardship in is unique in nature in this instance and warrants full approval by this Board.

So a letter obviously in support.

And there are no letters or any indication of neighborhood opposition.

That's it for public testimony. I'm going to close public testimony.

We can open it up to discussion or we can go to a vote.

BRENDAN SULLIVAN: The only critique I would have is that there's no floor plan.

CONSTANTINE ALEXANDER: The plans are modest.

BRENDAN SULLIVAN: So I think, Counselor, going forward when you're asking for an addition like this, I think it's helpful to us to see the reason for

it with relationship to the interior layout and why it's necessary to bump it out. I mean --

CONSTANTINE ALEXANDER: You know what might be helpful are the photographs of the interior so you get some sense of what's there now at least.

BRENDAN SULLIVAN: Yes, right.

So anyhow, that would be -- modest is a kind word. But anyhow, I think a floor plan would be helpful -- would have been helpful. If I caught it in time, last week I probably would have asked, but I didn't, so we'll go forward.

ATTORNEY SEAN HOPE: I'll make sure.

CONSTANTINE ALEXANDER: I'm going to make a motion.

The Chair moves that we make the

following findings with regard to the Variance being sought:

That a literal enforcement of the Ordinance -- a literal enforcement of the provisions of the Ordinance would a substantial hardship to the petitioner. Such hardship being is the petitioner of a young family has got a kitchen situation that is very difficult to deal with and is detrimental to the ability for them to enjoy the benefits of their home.

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

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

In this regard the Chair would note that there is unanimous neighborhood support.

That what will be done is to improve some age, very old housing stock in the City of Cambridge.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the six pages of plans, each of which have been initialled by the Chair and made part of the file.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Good luck.

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

* * * * *

(8:40 p.m.)

(Sitting Members Case #BZA-006419-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, Douglas
Myers.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006419. It's 117
Appleton Street.

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

PRABAL CHAKRABARTI: Yes. Good
evening.

CONSTANTINE ALEXANDER: Good
evening. You've probably seen, give your
name and address to the --

PRABAL CHAKRABARTI: Yes. Prabal
Chakrabarti. Address currently, Nine
Granville Road in Cambridge. Future

address, 117 Appleton Road -- Street.

Thank you, Mr. Chair and the Board. So my family and I live in Huron Village on Granville Road. We purchased this property in -- last, let's see, in January after losing out on a whole bunch of properties and bidding wars and things. It had -- needs substantial renovations. It's in terrible condition. And so as part of that renovation, we would like to add four windows on a side that's an existing non-conforming side. It doesn't change the existing non-conforming nature. I included photographs in your --

CONSTANTINE ALEXANDER: Are these the same photographs you have in the file or new ones?

PRABAL CHAKRABARTI: Same photographs. One -- three on the first

floor, one here, two here, and then one on the second floor. It's to add some more light into the property. It's, it's kind of dark inside and we're doing a lot of other things inside. I included the floor plans. You know, it's just for our family to have some more light. The house, to be candid, is kind of characterless. It's just, it's just how it is. There's no other way around it.

And, you know, we talked to the neighbors. They love that we're going into the house, that we're making these changes and make it look nicer. It's been a rental property for a long time.

CONSTANTINE ALEXANDER: That's the question I have for you. You're going to affect a neighbor on the side, actually on a hill side.

PRABAL CHAKRABARTI: Yes.

CONSTANTINE ALEXANDER: So the neighbor who is most effected by your window changes is actually a little higher, higher than your house.

PRABAL CHAKRABARTI: Yes.

CONSTANTINE ALEXANDER: We have nothing in the file from this neighbor as to whether this neighbor supports, opposes. Have you spoken to the neighbor?

PRABAL CHAKRABARTI: I have spoken to the neighbor. Sorry, I didn't realize that I needed to get a letter from them.

CONSTANTINE ALEXANDER: Your representation is good enough. What did they say?

PRABAL CHAKRABARTI: They don't see an issue with it. Three of the -- so it's a little hard to describe here.

We're going to -- the fence is also just falling apart. We're going to put another fence there. We're going to share the cost of that fence. Most of the windows are actually going to be covered by the fence because they're higher.

CONSTANTINE ALEXANDER: Except for the second floor.

PRABAL CHAKRABARTI: Except for the second floor window. That it's only one window. They don't mind.

CONSTANTINE ALEXANDER: That's the point, is they don't have an objection to what you want to put in there?

PRABAL CHAKRABARTI: No. And that's the only, the only property that's --

CONSTANTINE ALEXANDER: The only one who will be affected by what you want

to do.

PRABAL CHAKRABARTI: Yes, right.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

DOUGLAS MYERS: You asked my question.

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: No one wishes to be heard.

As I said, we are not in receipt of any correspondence pro or con so I'm going to close public testimony.

Ready for a vote or discussion?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: Okay, so

this is a Special Permit so the Chair moves that we make the following findings:

That the requirements of the Ordinance cannot be met without the Special Permit inasmuch as you're modifying windows in the non-conforming setback.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard we're taking about moving or constructing four new windows.

That the continued operation or development of adjacent uses will not be adversely affected by what you're proposing. In this regard you represented to us that you have spoken to the neighbor most affected and he or she has no

objection to what you want to do.

That no nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants for you or the citizens of the city.

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

In this regard it is not uncommon for us to have Special Permit cases involving creation of or relocation of windows in a non-conforming setback. And if the neighbor or neighbors affected by what is proposed do not object, there seems to be no impact on the city itself.

On the basis of all of these findings, the Chair moves that we grant

the Special Permit requested on the condition that the work proceed in accordance with plans numbered A1, A2, and A3 and initialled by the Chair.

Before I take the vote, just so you understand, your architect or whoever prepared -- your contractor, these have to be the final plans. If you decide, if he decides two weeks from now they want to move the windows over a little bit or create a new window, you have to come back. This is it.

PRABAL CHAKRABARTI: These are the ones.

DOUGLAS MYERS: May I make one comment at this point?

CONSTANTINE ALEXANDER: Sure.

DOUGLAS MYERS: I'm sure I'm going to vote in favor of the Special Permit,

but I just say where the -- where additional Special Permit windows have a direct affect on one neighbor, it's customary that we do receive a letter. We have no reason to doubt your representations or question them in any way. We just want to emphasize that we are relying on your representations on a key point in Special Permit window cases, we're doing that. And we have no reason to question your representation.

CONSTANTINE ALEXANDER: And just to the fine point what Doug has said, if two weeks from now Mr. O'Grady gets a call from your neighbor saying I don't want these windows, I told him I didn't want them, and now I see you're going to grant them, it's -- this relief will be not good. You're not going to get your --

PRABAL CHAKRABARTI: Can I ask them to submit a letter?

CONSTANTINE ALEXANDER: Not now. As long as -- you made the representation, as long as the representation continues to be correct, that's fine.

PRABAL CHAKRABARTI: Okay. I may get a letter from them anyway, because if they sell their house and someone else moves in --

CONSTANTINE ALEXANDER: Keep it for yourself. Don't give it to us. Keep it in case you need it.

DOUGLAS MYERS: In your file.

CONSTANTINE ALEXANDER: Your own file.

PRABAL CHAKRABARTI: Okay.

CONSTANTINE ALEXANDER: All those in favor of granting the Special Permit on

the conditions that I just mentioned say
"Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Good luck.

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

PRABAL CHAKRABARTI: Thank you
very much.

(8:45 p.m.)

(Sitting Members Case #BZA-006489-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, Douglas
Myers.)

CONSTANTINE ALEXANDER: All right,
last but not least the Chair will call
case No. 006489, 704 Huron Avenue. And
before we get into the case, I wanted to
know if you still recommend Chacaro's

(phonetic) Restaurant, the sandwiches? In the Boston Magazine in the February issue there's an article on sandwiches, I guess, and they have a drawing, Ms. Reynolds, and her endorsement of this restaurant in Newton.

ATTORNEY ANNE REYNOLDS: It is fantastic. I do so recommend it.

Thank you. For the record, my name is Anne Reynolds, Prince, Lobel, Tye on behalf of T-Mobile.

As the Board knows -- well, T-Mobile, like the other carriers, are in the process of upgrading technology and filling in and increasing the capacity and efficiency in all -- or many of their existing cell sites. At this particular site, T-Mobile has three existing panel antennas facade-mounted on the building.

What they're looking to do is to upgrade the technology and add two antennas to each sector, for a total of six new antennas to be facade-mounted directly adjacent to the existing antenna. Three remote radio head boosters with those antennas, and then supporting equipment, penthouse, cabinets.

The cabinets would be located within an equipment room inside the building. The cables concealed by a cable tray that would be painted to match the building.

When this application was originally submitted and I brought photo sims, the applicant had proposed just facade-mounted and painted to match. We went back to them and said, no, you know, what the Board's been looking to do with a lot of these installations, can you find a way to

conceal this? Can you find a way to make it -- streamline it to what's already there? And so --

CONSTANTINE ALEXANDER: And they listened to you?

ATTORNEY ANNE REYNOLDS: Yes.

So they went back and we presented to the Planning Board last week, I believe the week before, a second proposal actually. This is it, where we moved the antennas as close together as possible and concealed them within a similar box out to what Verizon, who is the carrier that is currently on the building as well, a similar box, that's what they have. Concealing all the antennas. Having similar cable tray that covers the cables that they propose, and trying to line the boxes up. Actually, what we did was have

them try and line up the inside of this. Obviously the equipment's different so it's not the exact same size, but as close as possible. They did that.

So this is what they have now presented and updated the file with. And hopefully that is a more appealing design. I think it looks, you know.

CONSTANTINE ALEXANDER: But I think your position is you would go with either one. Your client would go with either one?

ATTORNEY ANNE REYNOLDS: Yes.

CONSTANTINE ALEXANDER: The original or the revised?

ATTORNEY ANNE REYNOLDS: Whatever the Board prefers.

CONSTANTINE ALEXANDER: Right.

ATTORNEY ANNE REYNOLDS: And the

reason -- we had had this discussion with the Planning Board and they, you know, had gone back and forth on aesthetically what they preferred and decided to leave it up to this Board to make that final determination in terms of their opinion. So we are, you know, we can go either way and are open to whatever the Board.

CONSTANTINE ALEXANDER: We don't have a letter or a memo from the Planning Board as I recall. Right? They didn't write anything.

ATTORNEY ANNE REYNOLDS: I didn't get a copy of anything, no.

DOUGLAS MYERS: With your permission, Mr. Chair, I would like to go around while the Board is deliberating and get a closer look at the large pictures.

CONSTANTINE ALEXANDER: They're in

the file here.

DOUGLAS MYERS: I'll stay put.

ATTORNEY ANNE REYNOLDS: They are actually both sides.

CONSTANTINE ALEXANDER: And Doug has a small one, Janet.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: Nothing from the Planning Board.

While they're looking at that, why don't you go through the other things we have to go through for this. This is in a residential area so we have to make certain findings, so we can address them. And you're licensed carrier in good standing?

ATTORNEY ANNE REYNOLDS: Yes. T-Mobile is a licensed carrier in good standing. And as you mentioned, this is

in a residential district. However, this is a modification of an existing facility, so A, respectfully the Board has previously found that the uses are predominant.

In addition to that, the nature of this proposed use is consistent with the equipment that's already existing on the building, and the mechanical equipment and etcetera, and not to mention the other facilities. And there are also other non-residential uses in the surrounding area including --

CONSTANTINE ALEXANDER: Golf course, cemetery, and community center.

ATTORNEY ANNE REYNOLDS: Golf course, cemetery, community center.

BRENDAN SULLIVAN: I would, my opinion would be that the cemetery is very

residential.

DOUGLAS MYERS: Long term.

CONSTANTINE ALEXANDER: Long term.

BRENDAN SULLIVAN: But anyhow.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS MYERS: Can you say what were the reasons that these antennas are going to be placed on such a low position on the building, what seems to be from the simulations, the third or fourth floors?

ATTORNEY ANNE REYNOLDS:

The -- it's actually -- the center of the antennas' actually at 108 feet. The height of the -- above that is too high for the antennas to work properly. So I think, actually, I'm going to see how tall the building itself is 218 feet. So they're about halfway up. 108 is the center of it. But they don't work or they

won't work properly at the higher height and so that's why the height was chosen.

DOUGLAS MYERS: And you said that the existing installation on the side of the building, did you say it was AT&T?

ATTORNEY ANNE REYNOLDS: It's Verizon.

DOUGLAS MYERS: Verizon?

ATTORNEY ANNE REYNOLDS: That's my understanding anyway.

BRENDAN SULLIVAN: This has come up before, and actually I think it's come up on this building originally is why not way at the top? And because you would always think of the old radio towers as being as high as possible so they could project their signal to a greater distance. Whereas, these I think have to bounce from one to the other to the other

to the other and so on and so forth, and have to do that at a certain latitude and cannot sort of go like this I guess. Is that --

ATTORNEY ANNE REYNOLDS: Right, yes.

BRENDAN SULLIVAN: Simplistic way of covering it?

ATTORNEY ANNE REYNOLDS: And now they're covering a smaller area the way the technology has changed and they need to control that area.

DOUGLAS MYERS: I wasn't present in the approval, if this Board did approve the existing Verizon installations, and I realize I'm probably a voice crying in the wilderness, and I don't want to seem ungrateful that you proposed sort of a boxed screening approach as opposed to the

isolated separated antennas. I find it disquieting that now addition to the antennas being on roofs throughout the city, that now we're going to have these protuberances creeping up the sides of the building. I find it very unsightly. It's like tumors that are growing out of the side of the building. And I grant you that's, that's more, it's more -- it's less offensive to have that than to have a series of warts and proliferation of small antennas, but I find that disquieting. And I mean is there any alternative?

BRENDAN SULLIVAN: The alternative -- I thought of that. I don't mean to interject here.

DOUGLAS MYERS: No, please, I welcome it.

BRENDAN SULLIVAN: It would be

less expensive for the carriers to rent an apartment and in lieu of the windows have those as antennas then it would be to put these on the side of buildings, and it would be totally self- -- so rent an apartment, take the windows, put the antennas where the windows are and we would not know any different. Anyhow. That's being silly.

DOUGLAS MYERS: No, I mean as I said, I may be -- I may be a distinct minority on this, but I nonetheless would ask is there anything you would say in response to the concerns that I've just expressed?

ATTORNEY ANNE REYNOLDS: My only response to that in particular with this building is, as you said, they're often -- the buildings are not this tall

and it often is they're 60 feet or whatever, lower where we're able to go on the roof because that hits the height that we're looking for. But because this building is 200 feet tall, the top of it is too high. Typically I don't -- that's not the typical height of the building.

DOUGLAS MYERS: But you can see the situation recurring, if necessary, given the configuration of the buildings you have to deal with, you can see this situation recurring throughout Cambridge then? In future cases?

ATTORNEY ANNE REYNOLDS: If there was a taller --

CONSTANTINE ALEXANDER: There could be taller buildings and it also depends on the topography of the area, too. If you're on a hillside, the

hillside plus the grade of the hill, plus the building height itself, would put you up too high, too, and that would require you to put the antennas on the side of the building.

So to me this is, this is somewhat of a unique situation, the size of the building and the area located. It's not, I think we have to worry about that Lesley building on Mass. Ave. or other buildings are going to have the same warts or tumors growing on the side of the building, at least I hope not. But I think that's the answer to your question.

BRENDAN SULLIVAN: It is an unusual and unwelcome feature to the building.

CONSTANTINE ALEXANDER: No question about it.

BRENDAN SULLIVAN: But I think we went through when Verizon first came down and suggested it there and there was a pushback, but then it was if not here, then where in that area in order to get coverage? And even though there are some antenna over by the Star Market and Mount Auburn Street, that area, that type of area there, that this was a black hole. And that this building was centrally located suitable, however, it doesn't work up there. And so in looking at all of the other options other than putting something, a tower in the middle of a golf course which, you know, may be not the worst thing in the world either, make it look like a tree or whatever it may be, that this was a central spot. But the unusual feature of it was that it was too

high and so it had to be put there, and I think we very reluctantly held on those and said well, okay.

CONSTANTINE ALEXANDER: Not once or twice but this is the third time we've been granting a Special Permit for this building. Metrowest I think has got some antennas on here.

ATTORNEY ANNE REYNOLDS: Yeah, those are actually -- they've been decommissioned and they have to take it off.

CONSTANTINE ALEXANDER: Oh, is that right?

ATTORNEY ANNE REYNOLDS: I actually believe that there are the mounts are up that will come down as part of this.

DOUGLAS MYERS: I certainly, I

don't want to prolong the discussion and I certainly am grateful for the comments of my fellow Board Members not only on the merits of what you've said but filling me in on the history. I think the precedent is of some weight, to some value to me that we've granted an installation to Verizon on this building that is persuasive to me, although I must say if this were a clean slate, I would still have a lot of reluctance about putting up the first one. But I do think that in view of what all my colleagues have said and that there is an installation already on the building, that's enough to persuade me to vote for it. But I, the record will reflect my reservations, and I certainly would revisit this issue in future cases especially on a clean slate.

CONSTANTINE ALEXANDER: What's the pleasure of the Board in terms of the alternative that's been offered to us? The closed box or the initial proposal? I like the closed boxes myself.

TIMOTHY HUGHES: I like the closed boxes, especially if the other carriers are already doing that.

JANET GREEN: If you've already got that and try to line it up --

CONSTANTINE ALEXANDER: So we'll tie it though those.

DOUGLAS MYERS: I agree.

CONSTANTINE ALEXANDER: Brendan?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: All right. Going to make a bunch of findings here.

First, let me open the matter up to public testimony.

Is there anyone here wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We are in receipt of no correspondence, including anything directly from the Planning Board. But we had a representation from the petitioner's counsel that the Planning Board basically has left the matter up to us.

So, the Chair moves that we make the following findings with respect to the relief being sought:

That the petitioner is a licensed FCC carrier in good standing.

That since the petitioner is proposing to erect a facility in the residentially zoned district, we have

confined, as we have found in the past, that there are no, that there is a demonstrated need for the facility to provide improved carrier service and that there are no alternative functionally suitable sites in non-residential locations.

That the character of the prevailing uses in the area will not be affected by what is being proposed.

And then further we have to make a specific finding, that we have to find that non-residential uses predominate in the vicinity of the proposed facility location, and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

In this regard the Chair would note

that we have made this finding about non-residential uses predominating twice before. The neighborhood has not changed. And, in fact, in the immediate vicinity of the structure there is a golf course, there is a community center, and there's a cemetery. So it's not just all single-family residences. It is an area that has both multitude of uses although it is Zoned residential.

So on the basis of these findings we have to make additional findings: Namely, that the Ordinance requires that the Special Permit be granted. So they cannot proceed without it, without our relief.

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

In this regard with regard to congestion and the like, it's been represented to us in the past that the facilities like this, that the maintenance that's required is sporadic in nature, maybe once or twice a month. It's not a constant flow of traffic by personnel associated with the petitioner.

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

Again, we have a history of this property, and the fact that there has been no adverse impact on adjacent uses.

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

And that what is being proposed will

not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

On the basis of these findings, the Chair moves that we grant the Special Permit on the following conditions:

That the work proceed accordance with photo simulations and plans attached to a letter from the petitioner's counsel dated April 24, 2015, and initialled by the Chair.

That to the extent that this equipment that we're approving tonight is no longer put to use for a period of six months or more, that the equipment be removed and the property be restored to its prior state to the extent reasonably possible.

And then further we have special conditions that we are now imposing on telecommunications cases and that it reads as follows:

Inasmuch as the health effects of the transmission of electromagnetic waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

A, that the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emanating from all of the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report

has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit terminated tonight.

B, that in the event that at any time federal authorities notify the petitioner that its equipment on the site, including but not limited, to the Special Permit granted tonight fails to comply with the requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner, within ten business days of receipt of such notification of such failure, shall file with the Inspectional Services Department a report disclosing in reasonable detail that such failure has

occurred, and the basis for such claimed failure. The Special Permit granted tonight shall ipso facto terminate if any of the petitioner's federal licenses is or are suspended, revoked, or terminated.

C, that to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs A and B, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraph A or B above. Any such new application shall not be deemed a repetitive petition and therefore will not be subject to the two-year period during which repetitive petitions may not be

filed.

D, that prior to the installation of the equipment the petitioner shall file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the petitioner with a geographical area that includes Cambridge. Stating that A, he or she has such responsibility. And B, that the equipment being installed pursuant to the Special Permit we are granting tonight will comply with all federal safety rules and will be situated and maintained in locations with appropriate barricades and other protections such that individuals, including nearby residents and occupants of nearby structures, will be sufficiently protected from excessive radio frequency radiation under federal law.

And I should have also mentioned, too, that with regard to this equipment that we're approving tonight, the Special Permit, that you must maintain in the state on your, that deteriorate and condition that they have to be restored to their prior condition. We can't -- we've had situations in the past where telecommunications carriers, not your client, have allowed the equipment to deteriorate and the disguising element of the equipment is now lost because of the deterioration. So you got to put it up in accordance with the photo sims and you have to keep it in the same conditions that the photo sims would suggest be the case.

ATTORNEY ANNE REYNOLDS: Can I ask one question on that last condition?

CONSTANTINE ALEXANDER: Sure.

ATTORNEY ANNE REYNOLDS: The -- we have filed an application our Affidavit which actually specifically addresses that requirement prior to the installation. My thought was would it make sense to have this updated after the installation so they can test --

CONSTANTINE ALEXANDER: Oh, yes.

ATTORNEY ANNE REYNOLDS: Rather have it something they're filing prior to the installation.

CONSTANTINE ALEXANDER: That's a good suggestion. That it should be done within ten business days following the completion of the installation.

ATTORNEY ANNE REYNOLDS: Rather than prior. Okay. Because then we're just doing off the plans. All right. So

they'll update that. Okay.

CONSTANTINE ALEXANDER: And I'll modify that condition for future grants of relief.

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

(Aye.)

CONSTANTINE ALEXANDER: All in favor.

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

(Whereupon, at 9:10 p.m., the
Zoning Board of Appeals
Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

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

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this July 11, 2013.

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

My Commission Expires:
April 29, 2022

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