

BOARD OF ZONING APPEAL
for the
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 16, 2015

-held at-

Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

BOARD MEMBERS:

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan

ASSOCIATE MEMBERS:

Andrea Hickey
Jim Monteverde
George Best

ZONING SPECIALIST:

Sean O'Grady

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P R O C E E D I N G S

(7:00 p.m.)

(Sitting Members for Case #ZBA-006204-2-15,
1673 Cambridge Street: Constantine
Alexander, Brendan Sullivan, Jim
Monteverde, Tim Hughes, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom, we start with the continued cases. These are cases that started at a prior hearing, and for one reason or another, we didn't reach a decision.

So the first case I'm going to call -- continued case I'm going to call is Case No. 006204, 1673 Cambridge Street.

Anyone here wishing to be heard on that matter?

Please come forward.

HONG LIU: My name is Hong,
H-O-N-G, last name Liu, L-I-U.

CONSTANTINE ALEXANDER: Ms. Liu, we're not going to be able to hear your case tonight for two reasons: The first reason is the same reason we didn't hear

the case the last time. You have to advertise the hearing with a sign that has to be posted in accordance with the Zoning Bylaw, and that sign must be maintained 14 days before our hearing.

There's never been a sign on that property, and so, without that sign, we cannot proceed, that is number one.

Number two, you're proposing to put a shed. All you've given us is a photograph. That doesn't comply with our rules. We need to have a plan, a plot plan or something with dimensions that shows on the plan the dimensions of your proposed shed, where it's going to be located on the property, and the setbacks from the various property lines. That's not in our files either.

So before we hear this case, and as I said, it won't be tonight, we need to have both of those.

And that plan I referred to must be in our files by no later than 5:00 p.m. on the Monday before the date we're going to

continue this case to.

HONG LIU: Okay. Can I just say one suggestion? One word?

CONSTANTINE ALEXANDER: Okay. Please.

HONG LIU: Hi. My name is Hong Liu, a resident of Cambridge at 1673 Cambridge Street. Thank you.

What should I call you?

CONSTANTINE ALEXANDER: Whatever you want.

Your Honor is fine.

HONG LIU: Your Honor.

JIM MONTEVERDE: His Excellence.

HONG LIU: It was due to my misinformation or good wish that there was a shed from day one, and I can show you the photographs and --

CONSTANTINE ALEXANDER: We don't want to get into the merits of the case.

HONG LIU: Okay. Then I put in a vinyl, replace it, I thought as an existing one. So the vinyl, that was last year, and then I was approached that you cannot do it

if it is, you know, 'cuz with the different kind.

So I went to the Cambridge Historical Commission, and they give me okay to install a wood one, the same size, 666, wood under horizontal wall, and paint it red to match the main house in the same location.

So that's why I thought to make it easy it was to correct the confusion -- it's not brand-new -- is to put back a wood shed that was been there, and I, by mistake, put a vinyl, and now I want to put back a wood. And that's the --

CONSTANTINE ALEXANDER: We just need to see the plan that shows you're putting back the wood, and what its dimensions are to see if there are any zoning issues beyond that.

HONG LIU: I see.

CONSTANTINE ALEXANDER: And in terms of what the Historical -- and they wanted wood as opposed to vinyl, that's entirely understandable. But that's not

our issue. We don't get involved in the color, the fab -- generally, the nature of what's going to be constructed. We look at the dimensional issues as required by our Zoning Ordinance.

HONG LIU: Right. I only earnestly and sincerely wish that our Board Members would take into consideration that it's a corner location, 112 feet along Irving Street --

CONSTANTINE ALEXANDER: I don't want to get into the merits. You're arguing why you should do it, okay?

HONG LIU: Okay.

CONSTANTINE ALEXANDER: We will take that into consideration, believe me. We take all those factors into consideration. You're not the only property that's on a corner lot. So we're aware of that.

We have to have -- and starting, we have to have the public advertisement, and that sign -- and I told you last time -- you weren't here -- but the case

came up before, I continued the case that time. It was continued for failure to post a sign.

And, in fact, I stated in the opinion -- and we're not going to give any further continuances. You've been before our Board before. You're not unsophisticated when it comes to our Zoning Board.

I don't want to get into an argument, okay, but let's pick a date when you can come back and when you will be able to --

HONG LIU: But can I give you one more information? The poster was there.

CONSTANTINE ALEXANDER: Where?

HONG LIU: It's right next to the shed. I, out of caution, I even take a picture, and I posted the shed and the shed is vinyl. I couldn't do it. I put the trellis, which is wood.

Our neighbors are there. They can see. They pass by. I thought this is most public one and that's the --

CONSTANTINE ALEXANDER: Put it by the front entrance because I actually went by the property the first time and the second time, and I could find no sign, and coincidentally, when I went the second time, Mr. O'Grady was there, he was checking independently and he couldn't find the sign.

HONG LIU: Okay. I could have, you know, missed the exact date, but I put it there. I have my cell phone to prove that I posted it like ten or 12 days ago. Maybe I missed one or two days. I'm sorry, yes.

CONSTANTINE ALEXANDER: One or two days.

HONG LIU: Sure.

CONSTANTINE ALEXANDER: It's like being a little pregnant. You have to get the 14 days.

HONG LIU: Being a schoolteacher, I was, you know, finishing my school the last day and then I just rushed. Sorry.

CONSTANTINE ALEXANDER: When would you like to come back? Remember you need

to advertise for 14 days and you need to get those plans in on the Monday before the day we're going to hear it again. So I would suggest you take --

HONG LIU: I have an architect. I was just being, you know...

CONSTANTINE ALEXANDER: You'll be able to get the plans in a jiffy.

HONG LIU: Yes. Everything is here. I just want to put...

CONSTANTINE ALEXANDER: I'm going to make a suggestion, the first one in August, about a month from now.

SEAN O'GRADY: That's already filled.

CONSTANTINE ALEXANDER: Already filled. When after that?

SEAN O'GRADY: August 27.

CONSTANTINE ALEXANDER: August 27. Can you make August 27?

HONG LIU: Sure.

CONSTANTINE ALEXANDER: We're going to continue the case until August 27.

Again, one more time. I want to

make it very clear. We're not going to continue this case further. If you don't have the plans in timely, or you don't comply with the posting requirements, you're going to get denied, and you will have to take the shed down, and it will be two years at least before you can put a shed back up.

HONG LIU: Exactly. I understand, yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case not heard until 7:00 p.m. on August --

SEAN O'GRADY: 27th.

CONSTANTINE ALEXANDER: --
August 27th subject to the following conditions: That you post a sign that shows the date and the time -- time being 7:00 p.m. -- and that sign be maintained for the 14 days as required by our ordinance. And where it should be located, there are instructions at the Inspectional Services Department.

I would suggest you get those and

comply and we will check.

Number two: The second condition is that the extent there are going to be plans filed, and they have to be, as I've indicated, they must be in our file no later than 5:00 p.m. on the Monday before August 27. And you've already signed a waiver of time for decision.

I think those are the only two conditions.

BRENDAN SULLIVAN: Where is the sign now, tonight, right now?

HONG LIU: The sign is right next to the shed.

UNIDENTIFIED AUDIENCE MEMBER:
Irving Street.

HONG LIU: Irving Street.

BRENDAN SULLIVAN: All right. So, it's physically there?

HONG LIU: Yes. It's right next to the shed.

BRENDAN SULLIVAN: All right. So it needs to remain there, as the Chair said, very clear. Change the date and the

posting time. We will watch it and make sure that it is there.

CONSTANTINE ALEXANDER: And the time, too. You can do it with a Magic Marker. You don't have to get a -- just scratch out the old date.

HONG LIU: Okay. But the --

BRENDAN SULLIVAN: But lack of following the procedure -- we're not even getting into the merits of case -- but a procedural defect can be fatal to your case.

TIM HUGHES: Can I ask a question? Can you see the sign without walking onto the property?

HONG LIU: It's right next to the sidewalk.

TIM HUGHES: But it's on Irving Street, not on Cambridge Street which is the address of the property?

HONG LIU: Yes.

UNIDENTIFIED AUDIENCE MEMBER:
Should it be in the front of the house?

TIM HUGHES: It should be someplace

visible to the --

CONSTANTINE ALEXANDER: No more than 20 feet from the street. It should be at the address.

HONG LIU: I want to do it diligently and then just follow exactly what instruction says.

UNIDENTIFIED AUDIENCE MEMBER:
We'll do it right.

HONG LIU: Oh, good.

CONSTANTINE ALEXANDER: Any questions, Mr. O'Grady, or someone at Inspectional Services?

HONG LIU: I will get it to you. I'll double the time, 28 days.

CONSTANTINE ALEXANDER: That's fine. You won't get any credit for it. As long as it's 14 days before the hearing.

UNIDENTIFIED AUDIENCE MEMBER:
We'll get it right.

TIM HUGHES: As long as it's up for 14 days before the hearing.

HONG LIU: Yeah. And the other thing is that I have zobony (phonetic) and

I have all the things.

CONSTANTINE ALEXANDER: What is that?

HONG LIU: It's the informations and, you know, I was putting up informations and then I thought as an existing one, so I talked to the Inspectional Service Department, it's there already and kind've hesitate to redo it again, so again, this is an innocent error. Stupid error.

CONSTANTINE ALEXANDER: We have no doubt.

TIM HUGHES: No problem.

CONSTANTINE ALEXANDER: I think I made the motion.

All those in favor to continue the case say "Aye."

Five in favor.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, Andrea Hickey, Jim Monteverde.)

We'll see you on the 27th.

HONG LIU: Thank you.

CONSTANTINE ALEXANDER: Thank you.

HONG LIU: Thank you, your Honor.

(7:00 p.m.)

**(Sitting Members for Case #BZA-007034-2015,
22 Kenwood Street: Constantine Alexander,
Brendan Sullivan, Jim Monteverde, Tim
Hughes, Andrea Hickey.)**

CONSTANTINE ALEXANDER: The Chair
will now call Case No. 007034, 22 Kenwood
Street.

Anyone wishing to be heard on this
matter?

If there's anyone in the audience
here who is interested in this case, and
you want to move your chairs so you can see
the board, feel free to do so.

WILLIAM SCHAEFER: I'm William
Schaefer. I'm an architect practicing in
Cambridge since 1984.

To my right is Mr. Keith Krisa, who
is a biotech research individual, and he's
the owner and living at 22 Kenwood Street.

And the project is a renovation of

half of a duplex house at 22 Kenwood.

CONSTANTINE ALEXANDER: Is it condominiumized or is --

KEITH KRIS: It's a condo.

CONSTANTINE ALEXANDER: Did your fellow condo owner approve of what you're doing?

KEITH KRIS: He did and he's here.

CONSTANTINE ALEXANDER: Oh good.

WILLIAM SCHAEFER: Mr. Krisa purchased the house in 1998, and now would like to update the facilities by providing a new bathroom with natural light and ventilation of the second floor.

And there's a small list of goals, and I'll state what those are.

The hardship is there's not enough square footage at the existing first and second floors to achieve his renovation goals.

Those goals are to make a full service kitchen, which will replace the existing kitchen, which is very outdated and too small to serve normal dining and

kitchen requirements; to provide a half bath at the first floor -- there's none now -- a normal requirement for houses in this area; to provide a full bath at the second floor -- there's no bath at the second floor; and at its new location, it will be central to all the bedrooms and have natural light and ventilation.

The last item for the renovation is to add a dormer at the third floor, and this will enable the owner, who is also a practicing artist, to have an enlarged space to use as a studio and a third bedroom.

CONSTANTINE ALEXANDER: With regard to the dormer, am I not correct, that you're not complying fully with the dormer guidelines?

WILLIAM SCHAEFER: No, we intend to --

CONSTANTINE ALEXANDER: Aren't you into the ridge line?

WILLIAM SCHAEFER: We're going to the ridge line. Yes, we would like to go

to the ridge line.

CONSTANTINE ALEXANDER: You're not supposed to.

WILLIAM SCHAEFER: Yes, I understand. Because he's the artist and we're trying to get him a little bit of height to make that space because he's going to be painting in that room, so we're going to the extended height to enable to him to do that.

CONSTANTINE ALEXANDER: That's an element of the dormer guideline that we are most generous about in terms of not insisting on strict compliance thanks to Mr. Hughes here.

WILLIAM SCHAEFER: Okay.

CONSTANTINE ALEXANDER: The length of the dormer is what, 13 feet, roughly?

WILLIAM SCHAEFER: Approximately, yes.

CONSTANTINE ALEXANDER: 15 feet is dormer height?

TIM HUGHES: Yes.

CONSTANTINE ALEXANDER: That's the

most important element for this Board. So you're there.

WILLIAM SCHAEFER: Yes. So we're there working on that requirement, yes.

BRENDAN SULLIVAN: Can I see the plan again?

WILLIAM SCHAEFER: In terms of the drawings over here, and the set you also have, I can bring these a little bit closer so that you can see them. This is --

CONSTANTINE ALEXANDER: These are the same as what we have here.

WILLIAM SCHAEFER: Yeah, this is the same that you have in there.

We did augment those plans. We made two minor changes.

Well, I'll just go through it. This is an existing space on the first floor, and it's a sun room and a bathroom.

So what we did is made that part of a new kitchen. So now what used to be a very tiny kitchen, a bathroom on the first floor is now a full size kitchen with a dining area and a half bath. Just standard

requirements.

And then on the second floor, we had intended to make an addition that would have bumped out over the first floor. And after talking with one of the abutters, we shrank that down a little bit and we actually built a little bit of a mock-up. And we cut an angle on it, so that the view angle from that person's living facilities would be acceptable to them.

So we worked pretty closely with them, did the mock-up, and they seemed to be all right with that modification.

And then for us to get a bathroom on the second floor, above the little bump-out here, we made a linear bathroom. It's like four feet by 12 feet. We were able to put a tub, a shower, a vanity and a water closet in a very small area, and then, that way, he gets a bathroom on the second floor that's accessible to all the bedrooms.

So, that's the extent of our renovations.

CONSTANTINE ALEXANDER: If I'm not mistaken, you're doing one other thing, you're adding a deck on the second floor?

WILLIAM SCHAEFER: Well, the deck, yeah, it would not have been a deck on the second floor. It would have been part of the addition. So when we cut it back -- so it shows on this model here.

So, essentially, this is the rear, and we had intended to build this the whole way, but for the view angle, this way, we cut it back. So then that made -- it just seemed logical since we cut it back to make that into an accessible area.

CONSTANTINE ALEXANDER: This is a very tight neighborhood needless to say.

WILLIAM SCHAEFER: It's a tight area, yes.

CONSTANTINE ALEXANDER: And decks often create privacy issues for abutters, and there can be noise issues as well.

WILLIAM SCHAEFER: Sure.

CONSTANTINE ALEXANDER: The dimensions are not that great on that deck.

It could be a party deck. I don't think --

WILLIAM SCHAEFER: It's not.

CONSTANTINE ALEXANDER: The neighbor most affected by your deck could be affected. Have you spoken to that neighbor?

KEITH KRIS: I have. That's the neighbor over here, and he doesn't care. He doesn't live there. He knows it's going to be there. But he's only -- he's happy with my renovations.

WILLIAM SCHAEFER: Mr. Krisa has said he's really not going -- I mean, he lives in the building by himself, and he said that he's probably not going use it. And we said that it does exist. He does extensive planting on the first floor in the garden area. He will probably utilize that and do some planting out there, too.

CONSTANTINE ALEXANDER: Window boxes, you mean?

WILLIAM SCHAEFER: Window boxes or just plants on the floor of the deck itself, and then he changed -- because of

the studio, we decreased it from a sliding glass door, just making it a single door opening. It gives him more wall space on the inside for hanging things. So it's not like a real big deal deck.

I think that's the end of our presentation.

There are -- in addition to that, there are better photographs of what the existing house looks like, and then there's photographs of what the proposal will look like.

So the model augments -- these augment the models. So we tried to be very clear about what it is that we're trying to do.

TIM HUGHES: Can you just outline exactly what relief you're seeking?

WILLIAM SCHAEFER: It's basically we're adding 180 square feet as it's a nonconforming property.

CONSTANTINE ALEXANDER: The numbers right now are .97 FAR -- I'm sorry -- FAR. .97 in a district that should be no more

than .6 and they've got to go to 1.04.
They also got some issues on setbacks.

You're not increasing the setback intrusion, but you're increasing the massing. So we consider that as a setback relief as well.

WILLIAM SCHAEFER: Yes. It is, yes. We stayed within the building's existing perimeter --

KEITH KRISA: But you made it just bigger.

WILLIAM SCHAEFER: -- but we made it higher and bigger, yes, on this particular side, which shows over here.

So this is a very -- there's a small bump-out on each side. We've enlarged that and then that becomes the four feet by 12-foot bathroom portion of the house.

TIM HUGHES: I have done one of those myself, but 4 foot by ten foot, no shower -- well, the shower's in the tub.

WILLIAM SCHAEFER: It's really pretty remarkable that he's getting a

soaking tub and a stand-up shower, lave and water closet. It's pretty cool actually.

TIM HUGHES: It's a small house to begin with.

WILLIAM SCHAEFER: It's a very small house to begin with.

TIMOTHY HUGHES: When you add 180 square feet, it's a higher percentage than you would imagine 180 square feet would be.

WILLIAM SCHAEFER: Yes.

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

BRENDAN SULLIVAN: What is the distance from the new entry trash-trash and then the bathroom on the second floor, distance between that and the lot line?

WILLIAM SCHAEFER: You were asking...?

BRENDAN SULLIVAN: The dimension.

WILLIAM SCHAEFER: I will indicate on the floor plan. This dimension here to the fence is three eight and then it's another -- here is our site plan.

This is our survey site plan. We have 4 feet 7 to the property line from the bump-out.

BRENDAN SULLIVAN: That's proposed?

WILLIAM SCHAEFER: We are not going any further than our bump-out, so we --

BRENDAN SULLIVAN: So that's proposed?

WILLIAM SCHAEFER: Four foot seven, yes.

BRENDAN SULLIVAN: So you're four foot seven from the property line.

The dimension of the dormer to the edge of the roof, from here to here, what is that dimension?

These are sort've all key dimensions because this all affects zoning stuff.

WILLIAM SCHAEFER: One foot six, one foot eight.

BRENDAN SULLIVAN: I mean, there's a couple zoning issues guidelines. Number one, going to the peak, number one, and the other one would be not to follow that wall

there.

WILLIAM SCHAEFER: Yeah, that's an error. We have set that back and we show that on the model also. We do set that back.

BRENDAN SULLIVAN: You have to show it on the plan.

WILLIAM SCHAEFER: Yes, we will.

CONSTANTINE ALEXANDER: Not, we will. We're going to approve plans tonight if we approve the relief, and we're going to say they've got to be compliant with those plans.

WILLIAM SCHAEFER: Of course.

CONSTANTINE ALEXANDER: All those plans you say are not accurate.

BRENDAN SULLIVAN: There are somewhat five tests to the dormer guidelines. One of them is that from the edge of the roof to the edge of the dormer, it would be three foot six. And you're saying this is --

WILLIAM SCHAEFER: We did show it in the plan. We did show a setback from

the edge of the roof. So we are setting back to the edge of the roof. And this is our separate plan.

If this is the edge of the roof and it is, we're setting back, no problem.

BRENDAN SULLIVAN: That's the front edge. This edge here, from the edge of this -- from the end of the roof to here.

WILLIAM SCHAEFER: No, no, no. I'm saying from here, this wall is right here. So we're setting back this way. And then we're --

BRENDAN SULLIVAN: Wait a minute. Listen to me.

WILLIAM SCHAEFER: Of course, I will.

BRENDAN SULLIVAN: You're saying one thing. I'm asking you for this dimension from the end of the roof to the edge of the dormer.

WILLIAM SCHAEFER: One eight and we can indicate that on this drawing.

BRENDAN SULLIVAN: Okay. The guidelines call for three foot six.

WILLIAM SCHAEFER: We would be happy to put a dimension on our floor plan that says that dimension will be two six.

CONSTANTINE ALEXANDER: Three six. We're not going to go that route.

WILLIAM SCHAEFER: Okay. Fine.

CONSTANTINE ALEXANDER: If you're going to do that, I think Mr. Sullivan suggests you do it. We're going to continue this case. You're going to come back with new plans that are consistent. You can't say I'm going to change this, I'm going to change that.

WILLIAM SCHAEFER: Well, what we're saying is we lack a dimension here and we could put the dimension on. But if you -- if the procedure should be that we indicate that on the plans and then come back, then we will do that.

BRENDAN SULLIVAN: Well, no, it's not -- maybe I'm not being clear. I guess what I'm looking for is Dimension No. 1 which, okay, you finally -- it's one foot six. The guidelines call for three foot

six.

My follow-up question to that is: Why can't you comply with the three foot six, and if you give me a very good reason why you can't because of --

WILLIAM SCHAEFER: The reason that we made the dormer to the dimensions that we made, it is because the person who we're making it for is an artist, and this is going to be his studio space. And so, we tried to make the dormer as large as we can because it's going to be a working space for him.

BRENDAN SULLIVAN: I see on the second floor plan there is a studio.

WILLIAM SCHAEFER: A studio and bedroom. The third floor is going -- that's where the lights are going to be. That's going to be his major studio space.

CONSTANTINE ALEXANDER: But we have granted relief. We have accepted variances from -- differences from our zoning dormer guidelines for a good reason,

structural reason. We can't meet the dormer guidelines because of the nature of the structure.

Because he's an artist and needs more room that doesn't do it for the dormer guidelines.

WILLIAM SCHAEFER: Okay.

CONSTANTINE ALEXANDER: You've got to comply with the dormer guidelines, or as Brendan said, give us a good reason, not a personal reason to the current occupant of the structure.

TIM HUGHES: For instance, you go to the ridge line because you can't get habitable head room.

WILLIAM SCHAEFER: Sure, I understand.

TIMOTHY HUGHES: You got a staircase that's on an outside wall, and you have to bring the dormer out to the outside wall. These are structural reasons why you could vary from the dormer guidelines. But just trying to maximize space is not --

WILLIAM SCHAEFER: For the use of the person who is using it is not adequate.

TIM HUGHES: Not necessarily. That's not a zoning issue for us, and it's not a good enough reason to vary from the guidelines.

BRENDAN SULLIVAN: I'm getting conflicting answers, which is not a good thing for a Board member that has to vote on something. You mentioned that the studio is on the third floor, yet, the plans show that the studio is on the second floor, and that there's a guest bedroom on the third floor with an add-on DRMR. What's that?

WILLIAM SCHAEFER: Dormer, add-on dormer.

BRENDAN SULLIVAN: So the guest bedroom is on the third floor incorporating part of the new dormer, and the studio is on the second floor. And what you had indicated was that the studio was on the third floor and that's the reason for the dormer?

WILLIAM SCHAEFER: That's right.

BRENDAN SULLIVAN: Why is the studio marked on the second floor?

KEITH KRIS: Because I have two studios. I have a new bedroom and studio.

BRENDAN SULLIVAN: It says new bamboo.

WILLIAM SCHAEFER: Okay. I'm not going to --

CONSTANTINE ALEXANDER: I think this case needs to be continued.

WILLIAM SCHAEFER: Okay. We'll have to continue.

BRENDAN SULLIVAN: Well --

CONSTANTINE ALEXANDER: But I don't want to kick the can down the road.

Mr. Sullivan has brought up there's serious issues.

WILLIAM SCHAEFER: I think the dormer is a valid issue, and I think that we can do a better job of complying with --

BRENDAN SULLIVAN: I think your story line has to be the same as the plan, or the plan has to be the same as the story

line. I'm getting a story line and then I'm getting a plan that -- I can't connect the dots and that gives me a very uncomfortable feeling.

WILLIAM SCHAEFER: Okay.

BRENDAN SULLIVAN: I'm only one guy.

CONSTANTINE ALEXANDER: And I'll second that.

WILLIAM SCHAEFER: And that's fine. We're going to continue this, but I mean, the studio space is used at both levels, so that's why it was indicated that way.

BRENDAN SULLIVAN: So, I'm pulling information out gradually and it does not give me a comfortable feeling.

WILLIAM SCHAEFER: Yeah.

CONSTANTINE ALEXANDER: Well, this is a case heard at this point. So we're going to continue the case to a date when all five of us can be here.

WILLIAM SCHAEFER: That's what we have to do.

CONSTANTINE ALEXANDER: Since we

got five here right now, is there anyone wanting to be heard on this matter? Any neighbor? Any other citizen?

I think we need to continue the case. I don't know how much time you're going to need.

WILLIAM SCHAEFER: Whenever these five people are --

CONSTANTINE ALEXANDER: Well, I have to see when these five people can make it. That's the next question.

WILLIAM SCHAEFER: Yeah, exactly. We will go with whatever date the five people are available.

CONSTANTINE ALEXANDER: August 27 can be a tough date. I will be here, but I don't know about everyone else.

TIM HUGHES: I don't have a conflict.

BRENDAN SULLIVAN: I think I'm fine.

ANDREA HICKEY: I think I am, yes.

CONSTANTINE ALEXANDER: Okay. Then we'll do it on the 27th.

WILLIAM SCHAEFER: That's fine.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until 7:00 p.m. on August 27th subject to the following conditions: That the posting sign, which you've maintained, be modified to reflect the new date and the new time, both. You can do it by Magic Marker. And it be maintained for the 14 days required by our ordinance.

And second, that new plans, any new plans and related dimensional forms -- and there will be new plans from what we have done tonight -- must be in our files no later than 5:00 p.m. on the Monday before August 27.

WILLIAM SCHAEFER: We understand that.

CONSTANTINE ALEXANDER: This has already been a case continued, so time for a decision has been waived already.

All those in favor of continuing this case, please say "Aye."

Five in favor.

See you on the 27th.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, Andrea Hickey, Jim Monteverde.)

(7:30 p.m.)

(Sitting Members for Case #BZA-006960-2015, 2257 Massachusetts Avenue: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair calls, on our regular agenda, Case No. 006960, 2557 Massachusetts Avenue.

Anyone wishing to be heard on this matter?

JEREMY SPINDLER: My name is Jeremy Spindler, J-E-R-E-M-Y, S-P-I-N-D-L-E-R.

And home address is what you want?

60 Burnside Avenue, Somerville, Massachusetts 02144.

So my name is Jeremy Spindler. I currently operate a small confectionary out

of my home in Somerville actually, of course, and I produce caramels, brittles, hot fudge, things like that. Fully licensed kitchen in case anyone was wondering. And I am applying for a Special Permit to move the business into 2257 Mass Ave in North Cambridge. It's near Pemberton Farms, if anyone's not sure where that is, by the 7/11 as well.

The permit I'm applying for is Use 435B. It is -- and this is -- should be an exact quote -- a place for manufacturing, packaging and assembly of consumer goods.

The scale of the business -- this is what I want to emphasize more than anything actually -- the scale of the business is very small. It's not in any way, shape or form actually a factory. Sort've of an unusual kind've gray area where my business falls in regards to zoning.

Everything is done by hand, very small batches. No large machinery whatsoever. Even if I wanted large

machinery, the space is very small. It wouldn't -- like you just couldn't fit it in there.

In case if anyone is wondering about that, I just want to make it clear that it's not possible.

CONSTANTINE ALEXANDER: Any cooking or baking on the premises?

JEREMY SPINDLER: There would be, yeah. So the products would be produced on site. So I will be putting in a commercial kitchen, roughly the same size as a small restaurant, a six-burner gas range, no other cooking equipment whatsoever. It's all done on a stovetop or just with bowls and things like that on countertops.

All the standard sanitation will go in there as well. Same hand washing, that sort've thing, mopping.

The premises would be used to produce the candies and sell them on site via retail so there would be a small retail confectionary in your neighborhood. And I do some wholesaling as well. That's

sort've the big area where I need to apply for the Special Permit.

The wholesaling aspect is fairly small. I currently sell to about ten stores in the area. They're all small, like specialty gift shops and food stores, like Savenor's, Formaggio, Davis Square, Arlington Center, places like that. And that will continue to be the same.

I'm not seeking any nationwide distribution or anything like that. That is just not what I do, nor do I have the capacity to really handle that.

Again, it's a small, small operation, produced on site to be sold via retail and wholesale.

That's really all I have to say about the business.

I would just be happy to answer any questions or concerns anyone has.

CONSTANTINE ALEXANDER: Did you bring any samples?

JEREMY SPINDLER: That would probably be considered bribery. So, no.

TIM HUGHES: I consider it bribery.

CONSTANTINE ALEXANDER: It's a good business practice.

TIM HUGHES: We would make our decision we before we tasted it, how's that?

BRENDAN SULLIVAN: Let's make our mind whether there's a need in the neighborhood.

CONSTANTINE ALEXANDER: Have you talked to the other commercial enterprises on each side of you?

JEREMY SPINDLER: I have, yeah. I contacted quite a few of the businesses over there. Primarily via email. Some of them I talked to in person. My neighbors, of course, I talked to in the building.

I have not received any opposition whatsoever. Anyone that I did hear back from, they were in support of it. Some of the letters of support actually were included with the application. I had three or four businesses and a good number of residents actually submitted letters of

support.

If any businesses were opposed to it, they didn't contact me. Maybe they're here tonight, I don't know.

And I also attended the North Cambridge Neighborhood Association meeting last Wednesday, and I believe there might be representatives here tonight as well, but they voted unanimously to support it as well.

CONSTANTINE ALEXANDER: We have a letter from them which I'll read into the record.

JIM MONTEVERDE: Can I ask a question? Approximately what's the size? What's the area?

JEREMY SPINDLER: The square footage of the space for both retail and production together is about 540 square feet.

And the retail portion of that is going to be roughly 120 square feet. That might fluctuate a little bit. It depends what happens with the contractor and

design. And that's it. It's really quite small. There was a plan submitted with the application.

TIM HUGHES: Who is in the space currently?

JEREMY SPINDLER: Currently it's empty. There was like a street retail shop there before. They sold, I think like African clothing and things like that, and they have been out of business for awhile.

CONSTANTINE ALEXANDER: Other questions from Members of the Board?

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

PAUL KORENBERG: I'm Paul Korenberg, 20 Garfield Street. This is much more than I expected.

I just want to know if you're going to make cakes and that kind of stuff?

JEREMY SPINDLER: No cakes actually, I'm not a bakery. So like caramels -- if you think old-fashioned candies, caramels, chocolates, brittles,

fruit confections, some like marshmallow, toffy perhaps. I might do like some cookies and things like that around the holidays, but it's not a bakery. Bakeries are permitted as of right actually, so, again, that's why I have to --

CONSTANTINE ALEXANDER: I think I saw another hand up back there. Maybe not. There it is. I'm sorry.

DAVID ALBERT: 48 Rindge Avenue in Cambridge. I just want to say I'm really looking forward, I assuming it happens, I hope it does to having the confectionary in our neighborhood.

Jeremy is very nice to allow us to visit his kitchen simply because our daughter wanted to see how candy was made. So I've been to his kitchen in Somerville. It was clean, quiet, odor-free, except for the candy when it was cooking on the stove, and so, I'm really looking forward to have the caramels a little closer to home.

TIM HUGHES: I suspect you got a sample.

CONSTANTINE ALEXANDER: Come forward.

MELISSA MANOLIS: Hi. My name is Melissa Manolis, M-A-N-O-L-I-S. I live at 57 Cedar Street also in the North Cambridge neighborhood. I have met Jeremy through his candies, and have known him for two or three years. Seen him at all kinds of events, farmer markets, fundraising things. So I would add that, while we're all so excited about having candy, he's also going to be a great addition to the neighborhood. He's going to be a good citizen.

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

Anyone else wishing to be heard? Currently not.

We are in receipt of a number letters. I'm not going to read them all, I'll identify them.

We do have a letter from the Cambridge -- North Cambridge Stabilization Committee, signed by Richard D. Clarey, C-L-A-R-E-Y, the Chair of the committee.

He says: "I write to report that a meeting of the North Cambridge Stabilization Committee on July 8, 2015, all in attendance voted unanimously and enthusiastically to support Spindler Confections in its petition for this site. It will make an excellent addition to this interesting block."

And then there's a letter from the owner of Cafe Borada which is on Massachusetts Avenue in support. I'm not going to read the letter in its entirety.

A letter from the owner of Frank's Steakhouse in the general neighborhood in support.

A letter from the Modern Home Brew Emporium in support. And then there's a number of individuals who have taken the time to write to us.

There are no letters of opposition in our files.

That's the public testimony.

Anything else you want to add at this point?

JEREMY SPINDLER: No.

CONSTANTINE ALEXANDER: I will close the matter of public testimony.

Questions from Members of the Board?

Are we ready for a vote?

TIM HUGHES: I'm ready to vote.

CONSTANTINE ALEXANDER: All right.

The Chair moves that this Board make the following findings with regard to the relief being sought; that being the Special Permit to upgrade the business of Spindler Confections; that under our ordinance a Special Permit is required, and so, the only way to comply with the ordinance is to obtain a Special Permit from our Board; that what is proposed will not -- the traffic generated or patterns of access or egress will not cause congestion, hazard or substantial change in the established neighborhood character; that the continued operation or development of an adjacent uses will be not be adversely affected by what you're proposing; that no nuance or

hazard will be created to the detriment of the health, safety and/or welfare of the occupant of proposed use or the citizens in the city; and that what is proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this ordinance.

Based on the findings, the Chair moves that we grant the Special Permit applied for.

All those in favor please say "Aye."

Five in favor.

Good luck.

JEREMY SPINDLER: Thank you very much. I appreciate it.

And thank you, guys, for coming tonight.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, Andrea Hickey, Jim Monteverde.)

(7:45 p.m.)

(Sitting Members for Case #BZA-006998-2015,
177 Windsor Street: Constantine Alexander,
Brendan Sullivan, Jim Monteverde, Tim
Hughes, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair
will call Case No. 006998, 177 Windsor
Avenue.

Anyone here wishing to be heard on
this matter?

STEPHEN PETITPAS: My name is
Stephen Petitpas. I'm the architect for
the project. We're seeking a Special
Permit to enclose an existing porch
structure at the rear to make it into a
habitable space, and to add some skylights
to the roof.

The reason for that is the existing
building is only 1.4 feet off the property
line and enclosing that requires --

CONSTANTINE ALEXANDER: And also
putting -- you're changing the windows or

adding the skylights in a prohibited setback that also requires a Special Permit.

STEPHEN PETITPAS: That's right. That's pretty much it.

CONSTANTINE ALEXANDER: What is the purpose of enclosing the porch and relocating the windows?

WEI GAO: We just want to have a little bit of extra space inside.

STEPHEN PETITPAS: He has a multigenerational family that -- he lives with his mom, his dad, brothers and sisters, his whole family as well.

CONSTANTINE ALEXANDER: How much space will this add to your living by enclosing this porch?

WEI GAO: I think --

CONSTANTINE ALEXANDER: Existing is 2281 and you're going to add another 200 feet; 2483. The only issues are because the Special Permit, it's a nonconforming structure already.

STEPHEN PETITPAS: Correct.

CONSTANTINE ALEXANDER: And the modifications are not more than ten percent which allows you to seek a Special Permit rather than a variance.

Questions from Members of the Board?

BRENDAN SULLIVAN: What is the distance to the lot line again?

STEPHEN PETITPAS: 1.4 on the side where we're seeking the Special Permit from the existing structure to the existing lot line.

BRENDAN SULLIVAN: That will trigger the building code for --

STEPHEN PETITPAS: Well, what we intend on doing is to do a Hardy plank on that whole side and also to do a one-hour wall, both inside and out, because we're so close to the property line.

BRENDAN SULLIVAN: What is it, three feet? Is that what the code is?

STEPHEN PETITPAS: Yes, correct. Absolutely.

CONSTANTINE ALEXANDER: Any other

questions?

I'll open the matter up to public testimony.

Is there anyone wishing to be heard on this matter?

The Chair notes there's no one wishing to be heard.

I don't believe there are any letters in the file.

Have you talked to any of your neighbors?

WEI GAO: Yes. I talk to all my neighbors, left and right and then the two neighbors in the back. I saw one of my neighbors here, too. They all support that. Especially the ones on the right side where we have the setback issue.

CONSTANTINE ALEXANDER: Right. That's the most important one.

WEI GAO: They both support that. They couldn't come because she had a night shift. She work for the post office. She couldn't come today.

CONSTANTINE ALEXANDER: We will

accept your representation that they are in support of what you're doing.

WEI GAO: Yes.

STEPHEN PETITPAS: This is the second time I actually did work on this building. His neighbors were the first ones to purchase the building.

CONSTANTINE ALEXANDER: I'm going to close public testimony.

Discussion or ready for a vote?

TIM HUGHES: I'm ready.

JIM MONTEVERDE: Ready.

BRENDAN SULLIVAN: I'm not a big fan.

CONSTANTINE ALEXANDER: I know. We can discuss it.

BRENDAN SULLIVAN: No, no, there's nothing much to discuss. It is what it is.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the Special Permit that is being sought; that the requirements of the owners cannot be met without the Special Permit given the fact that it's a

nonconforming structure; that traffic generated or patterns of access or egress resulting from what you're proposing will not cause congestion, hazard, or substantial change in established neighborhood character; that the continued operation or development of adjacent uses as permitted by the ordinance will not be adversely affected by what you're proposing; that no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens in the city; and that the proposed -- what is proposed will not impair the integrity of the district or adjoining district or otherwise derogate the intent and purpose of this ordinance.

On the basis of these findings, the Chair moves that we grant the Special Permit being requested on the condition that the work proceed in accordance with plans prepared by aesthetic images. They are four pages, ES1, A1, A2, A3, A4 -- I

guess there are five pages -- each page which has been initialed by the Chair.

Before we take the vote, these are the plans, if you have to modify them, you have to come back here.

STEPHEN PETITPAS: Right. No, that's it.

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

Five in favor.

STEPHEN PETITPAS: Thank you so much.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, Andrea Hickey, Jim Monteverde.)

(8:00 p.m.)

(Sitting Members for Case #BZA-007045-2015, 1 Wood Street: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, George Best.)

CONSTANTINE ALEXANDER: The Chair will call Case No. 007045, 1 Wood Street.

Is there anyone here who wished to be heard on this matter?

You wish to be heard?

ATTY VINCENT PANICO: I'm here for the neighborhood.

CONSTANTINE ALEXANDER: Off the record.

(Discussion off the record.)

CONSTANTINE ALEXANDER: Let me explain something else that has come up. One of the Members of the Board has just discovered -- why don't you speak, Andrea?

ANDREA HICKEY: I've just discovered one of the letters in the file from a neighbor is from clients that I represent in my private law practice, so just to avoid any appearance of a conflict of interest, I think that I would have to recuse myself from the case.

TIM HUGHES: We have another Board member here, if he's willing to sit?

ANDREA HICKEY: Assuming that counsel arrives.

TIM HUGHES: If Sean shows up,

yeah.

BRENDAN SULLIVAN: Shows up, right.

ANDREA HICKEY: Do you know whether he's on his way? Anyone?

CONSTANTINE ALEXANDER: He has other cases tonight, so he should be here.

MAGGIE BOOZ: I have an email from him this afternoon.

CONSTANTINE ALEXANDER: We can't do anything anyway, so we'll just wait until 8:15. If he's not here by 8:15, we'll take the next case.

MAGGIE BOOZ: Okay.

CONSTANTINE ALEXANDER: The Chair will call Case No. 007045, 1 Wood Street.

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

ATTY SEAN HOPE: Members the Board, for the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm here on behalf on the petitioners who just gave their names, also the project architect, Maggie Booz of Booz Architect.

This is an application requesting

variance relief to construct a two-story addition in the rear of the home.

This is also requesting a Special Permit to add windows located within the side yard setback.

The petitioners' home is a small, single family of approximately 1,000 square feet, sited on a narrow but long lot with a generous rear yard located in the Residence C1 District.

The petitioners' home was built in and around the 1900s. And until being renovated previously, created a two-bedroom with, I believe, one bathroom currently in the structure.

Just a little about the background. Petitioners purchased this home six years ago. At the time they were a young family -- a younger family with no children. In the last six years, the family has increased to four. They have two children that are within the Cambridge Public School System, and have really grown to love the neighborhood.

As the Board will note, Mr. Wood, also off Walden Street right adjacent to Raymond Park, has a lot of family amenities.

This is an area that the Woods want to stay.

And so, just to get right to the hardship, part of the hardship is really the size of the home.

As I said, it was built in the 1900s and there were three primary goals that they wanted to achieve by expanding the house. One was to add an additional bedroom. Right now, as I said, there's two bedrooms. You can imagine with two young children in one bedroom, there's congestion and it's extremely tight. And that situation is only going to become more exacerbated as the children grow older.

Secondly, the Woods are seeking to have their laundry, which is located in the basement -- the only way to access that right now is to go outside the home and then enter through the basement.

Given this last past winter and the storms we had, if you can imagine having two young children going out to do laundry. Mr. Wood can talk about how often he had to shovel out the entryway to gain access into the basement.

And the third, and not the least, is also a second bathroom. And so these are basic amenities. As I said, this is about a 1,000 square foot house.

The design of the house is very important. It was built at a time when that style and that size of the house was probably appropriate, but in 2015, it's caused a substantial hardship that we're trying to alleviate by applying for the variance.

Prior to even thinking about zoning relief, the Woods did reach out to different professionals and consultants, and realizing the challenge that it is to get zoning relief, they actually sought a real estate broker and commenced to look to find a suitable house within the

neighborhood.

As the Board may have heard through other testimony, they had put in several offers and were outbid by -- I don't know a percentage -- substantially each time.

Their first reaction wasn't to try to expand the house, it was to try to find a larger house because of the constraints of the lot and were unsuccessful.

And so, since they have abandoned the idea of being able to find a suitable home in Cambridge, the idea was then to retain an architect to find out what they could do under the existing zoning.

As I said, it's a long and narrow lot. There is a proposal that's in the Board, as I said, and I think it's about 700 or 659 square foot addition.

I would like to note to the Board what you see here today wasn't the initial proposal. The initial proposal had an 18-foot in-depth addition.

And based on the neighborhood feedback, also from a direct abutter,

they've actually modified the proposal, they cut it back to 16 feet. And Mrs. Booz can walk you through the floor plan.

Also, as I said, on the -- facing the building on the left-hand side, when they start to do the addition, if they continued the wall plan of the existing home, you would be violating the side yard setback.

CONSTANTINE ALEXANDER: Is that the only zoning issue? In all other respects, the addition will conform per zoning bylaw putting aside the Special Permit?

ATTY SEAN HOPE: Yes, in terms -- it would still violate the side yard setback, but not on the adjacent side. And I think I would just like to present to the Board, they're at 1 Wood and their neighbors to the left are at 5 Wood.

The initial proposal would have been within that left side setback. They've now shifted the addition so that it would be violating the right yard setback.

To the Chair's point, that is the

nature of the variance relief, and then there's also windows within the setback.

CONSTANTINE ALEXANDER: There's no FAR issues?

ATTY SEAN HOPE: No. It's a C1 District, it allows a .75. They're only at .61. So they haven't maxed out the amount of square footage on the lot partially because of the constraints.

Now, they could go further into the rear yard, I believe, even with the addition. We're still have close to 40 feet of rear yard, but because of the constraints of the side yard setback.

Also, the addition steps down from the existing house, and it steps back into the rear yard.

There's a Special Permit option where we were applying for a variance and the Special Permit. There's a viable -- well, not viable -- there is a Special Permit option that will allow them to meet both setbacks, and part of that it would create a size of an additional

bedroom or living space that wouldn't achieve their needs, and so, they're not looking for just extra space, they're actually looking to achieve these primary goals, and by complying with both setbacks, those wouldn't be achievable.

We did look at that closely because I counseled the petitioners that variances are hard to come by, especially in tight proximity. So we did look at that closely.

And Mrs. Booz probably can walk you through why something that would be only Special Permit relief because it would be close to the 25 percent of the existing structure, which is allowed for under Article 8, still would not satisfy one of their primary hardships.

In terms of outreach, there are numerous letters of support. They talked to their neighbors and abutters. Also reached out to City Council legislators, as well to support their application to try to get some context.

I think there's a goal, even though

it's not stated, to allow for families, especially growing families, to be able to remain in Cambridge. This will allow them to stay and grow in place in a suitable way.

I think as part of the outreach, and I think the petitioners can speak to this better than I can, their direct abutter on the left at 5 Wood, I believe, it's the Jackman family, were opposed to the addition. They are represented by counsel. I was not part of those meetings, but even being represented by counsel, it was clear, at least from my understanding, that there wasn't a modified or a change in the proposed addition that would be able to alleviate their chief concern.

And from what I understand, the chief concern is the fact that the -- even the addition, even though it satisfies the setback on their side, there are two windows on what would be their right side of the house, would be locked.

And I do believe that's the sunny

side as I've heard of it. And so, for them, I believe they had been there for numerous years without an addition and that was their chief concern.

I think to be helpful to the Board, we have some photos. I think this will be helpful.

So on that side of the property --

CONSTANTINE ALEXANDER: Mr. Panico, if you want to come forward and see the photos, or anything he's submitting to us, feel free.

ATTY SEAN HOPE: These are just for illustration purposes, but it's helpful to see the number of windows that are available.

Do you have the -- it may be helpful to see on the board.

There's two primary windows that are being blocked that are facing where the addition would be.

MAGGIE BOOZ: This is the side that is -- this is the side of the neighbor's house, and we're just catching the corner

of Rob and Ashley's orange house. This is Rob and Ashley's house here. And this is 5 Wood Street.

And it is this back section here -- well, actually it's about half of that, and I believe it's these two windows that are in question of the second floor that are going to be blocked by our proposed addition.

ATTY SEAN HOPE: We have a helpful diagram that shows in the lower right-hand corner, we tried to illustrate the existing views. They're several windows on that second floor, and so, there are a series of windows, although there are the two windows on the right that would be facing the addition, we agree that would be blocking a portion of their light and air.

If you can see there's -- and I don't know what the actual degrees are, but there's a -- I don't know.

MAGGIE BOOZ: I think I can explain. This is existing 1 Wood Street. This is the proposed addition. This is 5

Wood Street. It's this section, this darker green section here that is the view that would be blocked from here.

What this diagram was meant to show is that 5 Wood Street is very open on its other three sides. There's a tremendous amount of view and window open and unavailable because they actually own quite a large lot and a sliver of a lot here.

So that's the illustration that we're...

TIM HUGHES: I was never a Boy Scout, so can you show me where "north" is?

CONSTANTINE ALEXANDER: Thank you.

MAGGIE BOOZ: North is that way (*indicating*). It's that way.

ATTY SEAN HOPE: I think what this is trying to illustrate is although there are two windows being blocked, there are several windows in a very large yard that is still available and that wouldn't be impacted.

I just think that's important in context when we're talking about blocking a

view. There's a larger view that is still available.

CONSTANTINE ALEXANDER: Up to a point. I mean, windows that are blocked are windows being blocked. Depending on what people are using the building for, beyond those windows, it can be very important. You can only take that argument so far.

ATTY SEAN HOPE: Exactly. I think there's an order of magnitude if these were the only two windows, I think it would be different than if you had a series of windows. But a view is a view and that's something that is going to be impacted.

Also, I think that the context and -- if you look at the other adjacent lots on Wood Street, this is one of the smallest lots, and even with the addition, this would still be the smallest house on the street. The only lot that's close to that is one that's right on the corner of Wood and Walden, but that's not on Wood Street.

So just in terms of the lot size, I think this is unique. They're not all long and narrow lots. This is different than the other adjacent lots and added with the petitioners' substantial hardship is what we're asking --

CONSTANTINE ALEXANDER: The side yard that's being violated on the current plans is the one facing Walden Street?

ATTY SEAN HOPE: Yeah, that one right there.

MAGGIE BOOZ: The side in violation, yes.

ATTY SEAN HOPE: Again, that was from coming from a shifting of his side to try to satisfy that.

I also heard through the meetings there were a couple of -- I don't know if this is from the petitioners, but their attorney, there were some options presented generally of additions that could be done without going into the rear yard.

One was to add to the front, I'm talking generally to the front of the

house; one to do the type of addition we're proposing, it would be likely violating the front yard setback. And we also looked at the --

CONSTANTINE ALEXANDER: Let me just stop you right there. I suspect that you would violate the front yard setback, you would have no neighborhood opposition, as you do now. Wouldn't it make sense to trade one setback violation for another, and eliminate the legal issues that you're going to be facing?

ATTY SEAN HOPE: I think if we were talking about massing, but I think we will talk about the existing streetscape and I think when you talk about the actual style of the house that I think that a 700 square foot addition on the front of the house, even an oversize dormer, I don't think it would achieve, one, what they're trying to achieve and, two, would likely not be appropriate for the size and scale of the house.

And then also, even if you satisfy

one abutter, there could be several other abutters. And I think if you look at the file, we have almost unanimous support besides the direct abutters.

So I can't say that if we had positions in the front of the house that we wouldn't have as much support as we do have.

There was also a suggestion to just add another story up to the house -- and generally, and I wasn't part of that conversation -- again, this was something that was looked at by Ms. Booz. Part of it was the foundation of the existing structure. And maybe you want to speak to the challenges to doing that second alternative.

MAGGIE BOOZ: The existing foundation is a typical Cambridge stone rubble foundation. There's no an appreciable footing at the bottom of it, and the basement right now is about five foot six inches high from the dirt floor to the bottom of the first floor joists.

So you couldn't trust to put a third floor on the house, which is essentially what you would have to do. You'd have to take the roof off.

The second floor walls don't actually extend all the way up to the second floor ceiling, so there's a clipped piece of ceiling on the interior of the second floor right now.

So, in other words, there is not a full second floor wall on the exterior. I don't know if it's balloon framed. I would guess it probably is which means that you would have to sister the entire vertical structure of the building in order to get to the second floor, then you could build a platform.

You're sitting on a foundation you could not possibly depend on to build a third floor, and you'd have to lift the house and replace the foundation.

CONSTANTINE ALEXANDER: Besides those issues, would there be a height issue if you added a third floor?

MAGGIE BOOZ: No, I don't think so.

CONSTANTINE ALEXANDER: So just those issues.

MAGGIE BOOZ: If you said that the third floor was going to be under the rafters, I mean, if we were to put an actual third floor on the building, yeah, there would be a height issue. But if it were to be partially under the rafters third floor, you'd still be building third floor walls, building a new roof and building a new foundation. I mean, really at that point you would question whether you kept the house at all.

ATTY SEAN HOPE: And also, I think as we talked about, there could be some substantial financial concerns in terms of being able to have the house to be able to do that.

MAGGIE BOOZ: Definitely.

ATTY SEAN HOPE: These are all options just to let the Board know we didn't dismiss any of these options. I think the idea of coming before the Board

with abutter opposition wasn't taken lightly. I think we pushed Ms. Booz to be able to look at the house and try to come up with a myriad of different ways.

I do think, as you will see in the letters and possibly in some testimony, that the rear yard, because of the size and depth, is really the most appropriate place for any addition.

I think that the petitioners can speak to it better than I can. Their hardship is real. And I think that what we're asking for is not nearly maxing out the FAR just sufficient to be able to achieve the three goals that are important to them to be able to stay in their own place.

But I think if you look on balance of what we're proposing, subject to being a direct abutter, it's appropriate in scale. I don't believe it's asking for more. It still preserves that generous rear yard which in these areas of tight lots, it's something that people want to protect and

we're preserving that.

I also do think, as I mentioned previously, the fact is that even though it won't satisfy their needs if you did go the Special Permit route, which is a much lower threshold, their issue about blocking views would be unchanged.

So the variance aspect is really only about making sure they can satisfy both of those --

CONSTANTINE ALEXANDER: As an attorney, you're quite well aware that whatever we do tonight, it's not the final word. The courts have the final word. And that puts this project in limbo for years, and so, you have to take that into account.

ATTY SEAN HOPE: We definitely discussed that as well, and maybe Mr. Wood could speak to it, but the neighbors at 5 Wood and the petitioners have had over the last six years, I'm characterizing it as a positive relationship.

I believe Mrs. Janice Jackman, she lives in the house and they have had a

cordial relationship. Zoning sometimes can cause tension in neighborhoods, but we're hoping that is not going to be the final resolution.

We contacted Attorney Panico prior to this and tried to figure out if there was a scheme or a solution or something that they could propose that we could see if that could work. To date, we haven't received any.

CONSTANTINE ALEXANDER: Well, they've made two proposals, as I understand it. And you told us why they don't work.

You can pull up a chair, you don't have to stand.

ATTY SEAN HOPE: Correct me if I'm wrong, and obviously Attorney Panico, but there were -- the two proposals that I mentioned that were earlier proposals, and in the weeks coming up to the hearing, this is when I was engaged, and there was a second attempt to contact Attorney Panico to see if some resolution could be reached.

To date, we hadn't heard of any

other, and I did think something was forthcoming of some -- even if a general design, and nothing has been had.

It is my impression that there's no addition that they would be satisfied with. And I hope I'm wrong because if there's a solution that would allow for them to achieve their goals, and then also balance the needs for light and air along that side, we would be open to hear it, but to date --

CONSTANTINE ALEXANDER: Well, do you want to have this discussion rather than on the transcript in the open meeting with all the audience to recess this case, go into a backroom with Mr. Panico and his clients and see if you can --

ATTY SEAN HOPE: If Attorney Panico would like that, we'd be willing to do that.

But with what I have been presented, there wasn't been an option.

ATTY VINCENT PANICO: I would like to. May I speak with my client?

(Discussion off the record.)

CONSTANTINE ALEXANDER: I mean, I just don't want to waste time.

Do you think there's a possibility that something can --

ATTY VINCENT PANICO: He said he would agree to it, but he wondered if he could be heard first. I said I don't know. That's up to the Board.

CONSTANTINE ALEXANDER: He can be heard first. I don't have a problem with that. This is a case that's heard in any event. If something comes up, we'll have to continue the case.

ATTY VINCENT PANICO: The answer was yes.

CONSTANTINE ALEXANDER: Let them finish their presentation unless you are all done? Is there anything more you want to add, or do you want to let them speak now?

MAGGIE BOOZ: I would like to say something.

I mean, I would like to say, first

of all, that the architecturally appropriate solution to an addition on a house like this, historically speaking, would be a telescoping addition off of one end of it.

CONSTANTINE ALEXANDER: I'm sorry. Say that again. There would be a telescoping addition?

MAGGIE BOOZ: It would be a telescoping addition off of one end of it which is what we proposed because it's a historically proven solution to additional space. It's on numerous -- hundreds, I would say, of original buildings in New England.

I would also like to just point out in terms of dimensionally speaking, a couple things. I guess dimensionally speaking, the dimensional form that is part of the application includes the basement, and so the living area that we're putting on the first and second floors is about 550 square feet, and actually, I should say that's the footprint area, that's not the

living area, because, of course, in calculating a FAR, we're calculating all the exterior and interior partition walls as well.

And we've counted for everything. We've counted for the overhanging second floor bay in that 550 square feet because it's on the exterior of the building, there's space underneath it. I was meticulous in making sure we had every square foot counted and I just wanted to point that out.

I also wanted to point out, in a by right solution on this house, a by right ten percent of nonconforming, we would be at around 100 square feet that we would be allowed to add.

100 square feet -- I calculated how much space it would take to make a stair to the basement in a 7-foot basement and basically it takes about 44 square feet of space to make the stair itself with the proper turns, because if we obey the seven and a half foot setbacks on both sides,

that's not asking for any relief on the side, we'd be at a 13-foot wide building, about 12 feet on the interior, you can't get a stair in without turning it. So it's an L-shaped stair and we end up losing 44 of that 100 square feet. We would be down to 56 square feet of additional space.

It seems egregious to me to not grant relief for the project because of the narrow site. I mean, it's just an obvious hardship and it's an eccentric site within the context of its own neighborhood.

Yeah, so I think that's the plan.

CONSTANTINE ALEXANDER: You said you wanted to --

ROB WOOD: I just wanted to talk, if it's okay, on behalf of my wife. We're very grateful to be able to present this case in front of you and hear your feedback.

We -- as Attorney Hope had said, we've lived in the house for about six years now, and we love it. We came in with no children, and we have two. We have a

five-year-old and then a two-year-old now who also love the house and the neighborhood, and Janice, who has been our neighbor, and all the rest of our abutters. We've had a great relationship with everybody in the neighborhood.

And so we didn't go into this lightly. We went into this very calculated. We worked with Ms. Booz over the course of about four months now, and that's just in the time we have been actually talking with neighbors, we have been working with her several months before that. We didn't want to do something that was superfluous, we don't need all this extra stuff. We just need another bedroom because our kids are in the same bedroom now and that's keeping us up almost every night. And we need to access to the -- what Attorney Hope had said.

We really truly believe we have done our due diligence in talking with all of the neighbors and listening in particular to the concerns of Janice and

Phil, and we got to the point we didn't come into this lightly, we got to the point where we thought we had what we think is reasonable, what we think is minimal for our needs, and we're humbly looking forward to your feedback.

CONSTANTINE ALEXANDER: Thank you.

Mr. Panico, you said your clients would like to address the Board?

ATTY SEAN HOPE: Are you opening public comment?

CONSTANTINE ALEXANDER: It is public comment, yeah.

This will be the first of the public comment.

We may want to recess the case right after this.

Sir, have a seat and give your name and address to the stenographer.

PHIL JACKMAN: Sure. My name is Phil Jackman. This is my sister, Janice Jackman, of 5 Wood Street. I live at 359 Walden Street.

This home is our homestead. We've

inherited it from our parents and we've been living consecutively there for more than 68 years. So that as of the Woods are fond of the area, we definitely are fond of the area and appreciate the area.

I wanted to address some of the things that were said about how this addition would impact our house.

The attorney had mentioned that it impacted two windows, but it actually impacts three windows.

Currently, this is what the Woods' house looks like right now. This is the -- on our house, there are six windows on that side, and the first three windows look like this looking out the window.

CONSTANTINE ALEXANDER: This is facing your house?

PHIL JACKMAN: This is our house facing the Woods' house.

CONSTANTINE ALEXANDER: Okay.

PHIL JACKMAN: If this addition were to go by and pass, then the remaining three windows, at least two of these three

windows would have this view, and the third window would have half of this view.

This is a significant change from what we've been used to.

As I said, we lived there for such a long time. This is our view now out of those three windows.

The addition would come approximately from this location, so all of this view would disappear. This also affects significantly our privacy because it -- it faces the bedrooms in that window, and it also faces a sun porch which we have.

This is also the direction from which the sun rises in the morning, so the sun rises and it directly shines into our bedrooms and our sun room.

An addition would block that direct sunlight coming into our rooms.

My sister and I -- my sister is retired. I wish I could be retired, but I'm not quite there yet. My younger sister is retired. At some point we would like to

move back to the house and have this as our retirement compound.

We also have a rental property income which is this house, it's a three-family house, and the building of the addition would significantly negatively impact the desirability of our rental property.

CONSTANTINE ALEXANDER: In what fashion, because of the views being blocked?

PHIL JACKMAN: The views being blocked, the light's being blocked.

And, for example, when a realtor comes into our house, everybody likes to have a nice sunny apartment, and the first thing that a realtor, when showing our house for a particular client, they will pull up all of the blinds, open the windows, to demonstrate the value of how a sunny house is a desirable house.

So with this addition that would degrade that desirability, and that would potentially directly impact part of what we

have as retirement income.

CONSTANTINE ALEXANDER: Can I ask: This apartment on the top floor, is it a legal apartment?

PHIL JACKMAN: Absolutely, absolutely. Yes. To some extent, it would also be affected, although there's no windows on the third-floor apartment. There's a nice back porch, which enjoys this view from one direction, and also, that would be impaired by the two-story addition.

The addition, although it's stated as a two story, it's actually three living floors because the basement is being used as part of the living space.

So it sounds like a very benign kind of thing, but it does have a significant impact.

CONSTANTINE ALEXANDER: Okay.

PHIL JACKMAN: Thank you.

CONSTANTINE ALEXANDER: Anytime. I'll go back to --

PHIL JACKMAN: I'm sorry.

CONSTANTINE ALEXANDER: Go ahead.

PHIL JACKMAN: In terms of uniqueness, the Woods' lot is 28 feet wide. It does appear to be narrow, but it's not unique for the neighborhood. There's more lots exactly, one of those lots that abuts the Woods' house is 30 feet, and two lots on Hubbard Avenue has a width of 30 feet and two blocks on Hubbard Avenue which is about a block and a half away from the Woods' house have lot widths of 25 feet.

So the claim that this is a unique situation is not so unique. In terms of the living space, one other thing that would be considered, they talked about having 1,000 square feet as part of their living space, however, if you look at all of the houses on Wood Street, there's condos, there's apartments, all of the other houses have that approximate 900 to 1,000 square feet as their living space.

So in terms of being a hardship that is to be determined by, you know, how the person feels who is living there, but

it's not an unusual event based on how Wood Street is set up.

CONSTANTINE ALEXANDER: Well, I'll go back to my suggestion before which is only a suggestion. Do you, Mr. Panico, and your clients think it would make sense for us to recess this case and go back and have some further conversations, or do you think you sort've exhausted all the conversation and it's time to move on? It's up to you people.

ATTY VINCENT PANICO: I think my client indicated the willingness to sit down.

CONSTANTINE ALEXANDER: Mr. Wood, would you like further conversations or not? We're talking about -- just talking about before the evening is over. It's not like we're going to come back -- at this point come back a couple weeks from now or a couple of months from now. Do you think it makes sense? I ask only...

ROB WOOD: We have been hoping to discuss this for several months now.

CONSTANTINE ALEXANDER: I'm going to recess this case until you're ready to come back, and we'll call you if we finish our whole agenda and tell you to come back, but why don't we recess the case until then?

The Chair moves the case be recessed until later in the hearing and we'll take up the next case.

(8:15 p.m.)

(Sitting Members for Case #BZA-007109-2015, 175 Huron Avenue: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, George Best.)

CONSTANTINE ALEXANDER: The Chair will call Case No. 007109, 175 Huron Avenue. Is there anyone here wishing to be heard on this matter?

ATTY JAMES RAFFERTY: Good evening, Mr. Chairman and Members of the Board.

For the record, my name is James Rafferty. And I should say I need no introduction, but I would say this case

needs a little introduction.

CONSTANTINE ALEXANDER: That is certainly true.

ATTY JAMES RAFFERTY: It's not an auspicious beginning because we're beginning with a continuance request, but it came about. We did our best to alert abutters. We sent them a letter about that hearing and then we sent them a letter notifying them that we were going to request a continuance and it was unfortunately something that caused the applicant to be out of town for this evening.

So for that purpose, we would --

CONSTANTINE ALEXANDER: Do you have a date you would like to continue the case to?

ATTY JAMES RAFFERTY: As soon as the Board could hear us, we will return.

CONSTANTINE ALEXANDER: We have a slot August 27 which is the first date. We only have one slot. The question is, should we save it for someone else?

I guess not. You're first. I'm wondering whether they're going to come back. It will be a case heard. Anyway, I'm just meandering. August 27th?

ATTY JAMES RAFFERTY: That would be fine.

BRENDAN SULLIVAN: Can I see the drawing there for a minute?

CONSTANTINE ALEXANDER: Huron Avenue. This is a case not heard.

ATTY JAMES RAFFERTY: Given the passage of time, it also need not deal with the repetitive petition issue. It's been more -- although it may not seem like it, it has been more than two years since the case --

CONSTANTINE ALEXANDER: It probably has been.

ATTY JAMES RAFFERTY: Oh, it has.

CONSTANTINE ALEXANDER: Finally your client or maybe it's a new client has got religion and realized we mean business.

ATTY JAMES RAFFERTY: That's one way to characterize the events of the last

two years.

CONSTANTINE ALEXANDER: All right.
The Chair will move --

BRENDAN SULLIVAN: If I could make
a comment?

CONSTANTINE ALEXANDER: Go ahead.

BRENDAN SULLIVAN: Without getting
into the merits of the rest of it, but in
the interim, I would ask counsel to convey
that they possibly relook at that and
rethink that feature.

ATTY JAMES RAFFERTY: The garage?

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: If they're
going to rethink it and as a result of
rethinking it is going to change his plans,
maybe there's a date we continue this case
to, that's all, because you would have to
make a new submission. Do you want to go
to August 27th? We could further continue
it, I suppose.

ATTY JAMES RAFFERTY: No, no, no.
I'm going to have to --

BRENDAN SULLIVAN: I just didn't

want to blind-side anybody.

ATTY JAMES RAFFERTY: No, I appreciate that. I don't want to get into merits. We spent a fair bit of time with the Traffic Department about that and the existing crosswalk is going to be relocated independent of anything we're doing. But I appreciate if --

CONSTANTINE ALEXANDER: Put the idea in your bonnet. The 27th, if you decide you want to rethink it, as Mr. Sullivan has suggested, you can continue the case, if necessary, that's all.

ATTY JAMES RAFFERTY: Thank you. I will advise my client and we will give that additional thought.

CONSTANTINE ALEXANDER: The Chair moves that we continue this case as a case not heard until 7:00 p.m. on August 27th subject to the following conditions; that the petitioner sign a waiver of time for decision; that the posting sign be modified to reflect the new date and the new time; and that this modified sign be maintained

for the 14 days required under our ordinance; and that to the extent there will be new plans or modified plans, those plans and any related dimensional form must be in our files by no later than 5:00 p.m. on the Monday before August 27th.

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

Five in favor. Case continued.

ATTY JAMES RAFFERTY: Thank you very much.

(8:15 p.m.)

(Sitting Members for Case #BZA-007049-2015, 20 Garfield Street: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, George Best.)

CONSTANTINE ALEXANDER: The Chair calls Case No. 007049, 20 Garfield Street.

Is there anyone wishing to be heard on this matter?

PAUL KORENBERG: I was so hopeful when you actually stopped at 8:00 and figures at 8:15 we're in.

JIM MONTEVERDE: It never works that way.

PAUL KORENBERG: So my name is Paul Korenberg. My partner and I moved to Cambridge five years, just about five or six years ago. And I had retired and I do a lot of gardening. I grow traditional flowers and I have a big vegetable garden. I know that part of this is what neighbors think, and I share my landscaping skills, as well as the actual vegetables and all that with all the neighbors.

I've always wanted a greenhouse so I could grow vegetables earlier in the season and get them out, plus also be able to grow things like tomatoes in the greenhouse in the winter.

And so, we have a small deck, all of which you have the details and the architect, Alan, has more. But we have a deck that's just not used. You walk up the side and there's kind've a stretch of deck. And it faces perfectly for a greenhouse for starting stuff in the spring and also for

over wintering some stuff and growing some plants.

And I asked the neighbors if they had any objection. The lady who makes me eggplant Parmesan with the eggplant faces there. She's the only one that can actually see it, but she has no objection, neither does the lady on the other side or on the one further down.

We back onto Harvard University. They have a big parking lot backyard area, and I actually work with the kids over there and we have some raised beds which I help them with water and growing and things like that.

So I would like to put this small greenhouse on. The current deck is -- again you have exact dimensions with five and a half feet by a long length because it goes to the back. But the strip on the side is five and a half by 13, and I think that an actual dimension has to go out to eight, and then I just run eight to 13 and it kinda tucks itself right on

the -- so when you come up the steps, the greenhouse would be right there on the right, and you could look at it as you walk down the path and stuff like that.

It would involve adding one and a half -- two feet, really to the width of the deck and then down as far as 13 feet.

CONSTANTINE ALEXANDER: About 125 feet?

PAUL KORENBERG: Yes.

CONSTANTINE ALEXANDER: And the.

ALAN DEHAAM: The deck is larger than that. It wraps around. The deck wraps around the --

PAUL KORENBERG: Right, but the addition is.

CONSTANTINE ALEXANDER: But the zoning issue, for the record, is you have FAR problems. You're .89 now in a .5 district, you will go to .91. So a slight increase, but still a significant departure. Then you have some setback issues in terms of massing, you're not going to further intrude into the setback,

but you have a nonconforming side and you will have more structure on that side.

PAUL KORENBERG: Glass, but, yes, structure. I had one more letter that a lady came by this morning and left it for me. I don't know of any opposition. I know of three or four positives because I asked them to write and they did, and this lady sent me the note yesterday and I said I would appreciate it if she did.

CONSTANTINE ALEXANDER: I will read all the letters in support into the file at the appropriate time. There are no letters of objection as you point out.

PAUL KORENBERG: So I think that's kind've where I am. I think I go from, like you said, .89 to .91, and that's the case.

CONSTANTINE ALEXANDER: That's all she wrote.

ALAN DEHAAM: The usable open space area is a small change in that as well, but it's still above the .4.

CONSTANTINE ALEXANDER: I noticed

that in the file, but there's no zoning relief necessary for that. You're entitled to do what you want in terms of reducing the open space.

Questions from Members of the Board?

JIM MONTEVERDE: Just quickly describe where the greenhouse is on that plan?

ALAN DEHAAM: This is the existing plan. And this is the house plan and the deck which wraps around. So there's an entrance door from the side, and then there's the larger deck on the rear part of the house. Gardens all wrap around this porch.

This is the area we're talking about that would be impacted. So the greenhouse would go from the corner to the front porch. And it would extend out from the deck about two and a half feet, and that would allow access from the house into the greenhouse and --

CONSTANTINE ALEXANDER: There's no

direct access from the house into the greenhouse, you have to go outside to go inside?

ALAN DEHAAM: Yeah. Just in the entrance door.

PAUL KORENBERG: There's a window you could open up, though, and look into it, but right now, we use the space for a coat rack and stuff like that. I don't know how we would ever be able to do anything there.

JIM MONTEVERDE: Okay. Thanks.

CONSTANTINE ALEXANDER: Just so you know, when we get to making a motion, and if we grant relief, it would be tied to the plans that you filed. These have to be the final plans, if you modify them, you're going to have to come back, that's all.

PAUL KORENBERG: No change at all. Absolutely.

CONSTANTINE ALEXANDER: All right. We'll read you your rights.

PAUL KORENBERG: Yeah, absolutely.

CONSTANTINE ALEXANDER: There are

no comments as I recall?

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

Is anyone here wishing to be heard on this matter?

The Chair notes there's no one wishing to be heard.

We're in receipt of letters. Receipt of a letter from Andrew McNerney and Elizabeth McNerney who reside at 32 Garfield Street.

"As neighbors on Garfield Street, we are writing to support Paul Korenberg's request for a variance to install a lean-to greenhouse and upgrade and widen the existing deck."

There's also letter from R-I-S-H-I, Rishi Reddi, R-E-D-D-I, who resides at 28 Garfield Street.

"My home abuts 20 Garfield Street where Paul Korenberg is proposing to construct a greenhouse approximately 8 feet by 13 feet on an existing side deck on his property. I believe that this addition

would not in any way detract from the character or aesthetic of neighborhood and I have no objection to this construction.

Paul is avid and talented gardener. His beautiful plantings and neighborly attention to the landscaping of his property have enhanced Garfield Street.

I strongly urge you to grant his appeal for this variance."

And there's one more letter. It's from Regina Osborne, O-S-B-O-R-N-E, who resides at 16 Garfield Street.

"I abut 20 Garfield Street on the side of the house where Paul Korenberg is proposing to construct a greenhouse approximately eight feet by 13 feet on an existing side deck. I believe that this addition would, in fact, enhance and improve my view of his property, and I have no objection to this construction.

Paul is an avid gardener. His beautiful plantings and neighborly attention to the landscaping of his property has enhanced the neighborhood.

I strongly urge you to grant his appeal for this variance."

That's the sum total.

Is there anything else you want to add this point?

PAUL KORENBERG: Unless you have questions, no.

CONSTANTINE ALEXANDER: Questions from Members of the Board or discussion?

TIM HUGHES: No.

CONSTANTINE ALEXANDER: Ready for a vote?

TIM HUGHES: I am.

CONSTANTINE ALEXANDER: 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 this petitioner would be not able to pursue a very important avocation of his gardening, and therefore, needs a greenhouse, as proposed, that the hardship is owing to the -- basically the

location of the structure right now and the shape of the lot, and that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating the intent or purpose of this ordinance.

In this regard, the Chair would note that the proposal has apparently the unanimous support of neighbors who took the time to contact us, and that there's ample testimony that the results of the relief be granted would be improve the view and appearance of Garfield Street given your avid gardening skills.

PAUL KORENBERG: I have pictures.

CONSTANTINE ALEXANDER: On the basis of these findings, the Chair moves we grant the variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner -- there are two pages -- they are prepared A.B. Design, they're numbered A-01 and A-02, both of which have been initialed by the Chair.

All those in favor, please say
"Aye."

Five in favor.

Good luck.

PAUL KORENBERG: Thank you very
much.

**(IN FAVOR: Constantine Alexander, Brendan
Sullivan, Timothy Hughes, George Best,
Jim Monteverde.)**

**(Sitting Members for Case #BZA-007103-2015,
60 Ellery Street: Constantine Alexander,
Brendan Sullivan, Jim Monteverde, Tim
Hughes, George Best.)**

CONSTANTINE ALEXANDER: The Chair
calls Case No. 007103, 60 Ellery Street.
Mr. Hope is otherwise occupied, I think.

Is there anyone wishing to be heard
on this matter?

ATTY SEAN HOPE: Yes. And I found
that it was particularly enlightening in

this case that in 1985 part of the reasons for the rejection -- and I know Mr. Sullivan was part of that case even going back to 1978 -- was that circumstances had not materially changed enough to warrant this amount of density.

And I would argue today that since 1985 until now circumstances in Cambridge and impact on this property have materially changed such that would warrant the Board to look anew at this building and to see if a variance would be granted.

CONSTANTINE ALEXANDER: In 2010 -- I have the decision right in front of me. I'm reading from it. I sat on that case, too. I want to make sure I got it right.

It says "The then owner of the property, with his attorney, requested a variance in order to legalize use of nine residential units."

And so a variance was sought to reduce -- to increase the number of units that could be in this building. And we

unanimously turned it down. We found that there was no hardship, that -- there was no hardship and other factors were all part of that decision.

ATTY SEAN HOPE: Yep. And so, again, even since 2010, I think one of the elements that is significant that wasn't brought to light before the Board, was the impact on the residents of the building.

CONSTANTINE ALEXANDER: Sir, that's not relevant to a zoning determination.

ATTY SEAN HOPE: I think it should be relevant in the world.

CONSTANTINE ALEXANDER: You may think in the real world maybe it should be relevant, but the fact of the matter is that if a building -- this building has been known to have -- to be reduced in terms of the number of units since the '70s. Whoever owned the property should have communicated, maybe should have communicated to whoever he rented the properties to that you may not stay here as long as you like because there's a zoning

overhang.

ATTY SEAN HOPE: I do think that's a little curious because in 1978, the reason why the building for, one, the building was reduced because it was a part of a larger development.

BRENDAN SULLIVAN: Correct. So, in other words, what triggered this whole thing right from the beginning and I sat on that case in 1978 and of Arthur Cliffeld (phonetic) building that and in order to allow him to build that, the benefit of that it was because of the parking situation was to reduce the number of units in this building.

So there was a benefit granted for a reciprocating agreement. Everybody said yes. The development was built. And then Steinberg comes along, buys it, and in 1983 came down and he ran it afoul of rent control. And he basically said, "Rent control is saying to me I can't reduce these because it means taking them off the rent control rules.

So there was a conflict between what zoning was saying that he had to do and what rent control says you can't do. It was very simple. It was just through attrition. And Alex never really wanted to do it by attrition.

BRENDAN SULLIVAN: So he came down here asking us for relief when, in fact, he really didn't want relief. That's behind the scenes.

ATTY SEAN HOPE: That's helpful. I would say at the time it made sense if you take this building as an owner, and you're going to give that owner specifically of the building the opportunity to create 18 units, then I think it's fair and equitable as the Board sought to reduce the building.

Now there were probably circumstances in the building. This was built as a single family in 1978, and then there was a -- excuse me -- in 1968 there was a variance to allow for nine units.

I do believe, and I took some testimony that there was also some issue

with how that building was being managed. It was in terms to offset the additional density this building was supposed to be reduced.

If the same owner back then owned it now, he would say "Well, in fairness you have the benefit of 18 units," then there's no hardship to be able to reduce it.

This building has changed hands at least two times since that point. I also think the idea is that the housing demand and the availability of housing in 1978 is very different than it is now, meaning that the goals of the city, I believe, are to increase the housing stock. We have an extreme demand on housing. We have a limit of housing --

BRENDAN SULLIVAN: That doesn't negate the fact that a benefit was granted to put in a 18-unit development in a reciprocating agreement to reduce the number of units.

CONSTANTINE ALEXANDER: There was a quid pro quo, and we're trying to do years

later change the deal and get back what you gave up. The then owner gave up to build -- to create the number of units.

Mr. Hope, if you came -- if someone came and had an empty lot in RES-B District who wanted to build a ten-unit apartment house there, would you come down and say we should get a variance because Cambridge needs more housing, and ten units would be better than owning a one- or two-family house?

ATTY SEAN HOPE: I think ten maybe an extreme number, but there are times when --

CONSTANTINE ALEXANDER: Five units. Pick your number.

ATTY SEAN HOPE: I think there were times when the Board has granted variances based on certain factors in certain areas, dimensional variances to make houses larger.

CONSTANTINE ALEXANDER: That's different. You're talking number of units.

BRENDAN SULLIVAN: But the

overriding think to me -- and I don't want to spend an hour and a half and two hours going round and round on this. I don't need to -- is that the present owners bought this knowing that there was a cloud over the property. They bought it as-is with their eyes wide open and now you're saying it's a hardship.

For the life of me, I have read this thing ten ways of Sunday and I can't connect those dots that it's a hardship.

ATTY SEAN HOPE: I didn't get a chance to do my opening. We're not claiming that the hardship is that these petitioners didn't know.

What I was going to say in the opening is, one, they were aware of the restrictions when they purchased the property. It wasn't like they came in and -- it was very clear what it was.

I think, though, what we tried to do is create a package of benefits. We're not asking for a nine-unit building. We're actually asking for eight units so we are

reducing it.

Part of when we actually came here, we actually first contacted Cambridge Housing. We had them come in and look at the building and figure out if there was a package, and I believe that a three-bedroom unit is something that the City Council and this Board has looked favorable upon when you can create these opportunities.

We talked to the city and we said, "Which units would be most amenable to a family or to family-style units?" So they actually looked at certain unit. And we said, "Okay. We're going to draw up a plan as to add, because this -- in 2015, three-bedroom units are hard to come by. They're not usually being built by developers and it was something we felt like would be also adding diversity to the building.

The second thing we did -- and these are all a package of benefits. The Board may not feel they're significant enough, but we wanted to look at the

building in 2015. I'm not going back saying that the deal that was cut wasn't fair. It was fair. We were not part that.

We're actually saying looking at this building now and forgetting about the procedural history and the idea that you're disobeying an order, or even the appeal that happened, we're letting go of all that. We're saying in 2015 there is a housing demand, we have testimony to support that, and we're saying if this building right now was occupied at nine units, how could we actually make a better package than maybe a four-unit building?

So one of the things that I was going to say in terms of the changes, the city has substantial resources in creating more bicycle and alternate transportation within the city, right? It may a token gesture, but we also said, "Hey, part of this is we included the bike park, we have eight units, we're trying to comply for the one to one. Part of it we like feel the package is, this building is located in

close proximity to public transportation.

If you look at the occupants of this building most of them don't have cars, most of them walk, live and participate in Cambridge based on this building's location.

So if this building was in a separate location, it might be treated differently. And I would say if there wasn't this restriction right now and this was a nonconforming building and they were seeking to have the Board grant some type of zoning relief, I think you would look at other factors besides what happened in 1978.

CONSTANTINE ALEXANDER: We start with the requirements of the ordinance and of Chapter 40A. It has to be a substantial hardship to the petitioner, and the hardship is owing to the shape, circumstances related to the soil conditions, shape or topography, and especially affecting such land, but not affecting generally the zoning district.

All these arguments about the need in Cambridge for more housing, which are certainly true, are arguments that should be directed to other boards. It's not within our purview to grant relief on that basis.

We have to apply the zoning ordinance, and we applied it several times in the past, and each time we said, "You've got to get -- you can't have nine units." I don't think we would do different than eight units.

ATTY SEAN HOPE: I can agree that this case might not fit squarely within the text of that. But I would also say that not every case that's granted by the Zoning Board fits squarely into the text of that. Sometimes the Board looks at other factors besides just the three-part test and finds unbalanced that granting the hardship sometimes will alleviate a hardship to the petitioner.

So I would say just because it doesn't fit into that, but I would also

say, too, the reason why this isn't -- I use the word nonconforming, is because it's something that's pretty unique.

The idea that there was a zoning condition as opposed to our Zoning Ordinance that would preclude this from being a nine-unit building, that's not -- but for this restriction, this would be a preexisting nonconforming building exempt from zoning. It's not. I'm not going there. But what I'm saying is this is a unique enough case where there is a condition, not something in the ordinance, that has now created a situation, I do think that the residents, knowing or not knowing, still should be a factor that was important in 1978. There was a Rent Control Board that said, even the Zoning Board's gonna restrict this building, we're not going to allow you to do that because they felt low-income people were living in the house and that was the greater interest, and there were two boards within the city that were actually in conflict.

It wasn't just the petitioner versus the Zoning Board. There was debate, and also, too, I believe -- and I don't have facts to prove this -- but the fact that this enforcement went that long without being enforced, it wasn't just because the petitioner decided not to participate.

I think, as the Board knows, we can leave this alone, but rent control was the vice among the Council. And the idea that you have two boards that were at odds created this situation.

I'd even say, too -- and I wasn't going to bring this up -- but I think it's relevant that part of what we wanted to do in terms of creating the package was we actually wanted to make that three-bedroom unit an affordable unit, and we reached out to the Cambridge Affordable Housing and we brought them in. They looked at the unit. They liked the unit. And we proposed the modifications. We were all present. And part of what they said was that this condition, this restriction, this issue is

confusing. They didn't want to seem like they would be advocating one way or the other until it was resolved.

So I would say that this condition, well intended at the time, because it wasn't done or allowed to be done by the owner when the deal was cut, which made the most sense, has actually detrimentally affected this building.

And I don't know if this resolves itself by becoming a four-unit building.

Now I would just -- that's part of my argument.

What I would also like to say, though, in terms of the impact on the neighborhood, in 2010, and throughout the history, you will see a litany of people from the neighborhood and we know that enforcement is a complaint-driven process. So that means all along the way there had to be someone who complained to ISP saying, "Hey, this is four units. Why isn't it four unites? ISD doesn't, from my understanding, doesn't go out and start

looking for violations. I would say now, that in 2015, in terms of how that building is managed, who occupies it and what are the needs of the city, I don't think we're going to have the same kind of opposition presented here today.

We have done outreach, and we have talked to some of those same people who back in 2010 before had strong objections to that.

I think, you know, it may be trivial, but the landscaping improvements, the bikes, the three-bedroom units, these are all part of a package that say in 2015 could this building be appropriate? Who is best served?

I understand that's not in the code, but I think those are relevant facts that my read of the minutes never came up or were presented to the Board in this particular fashion. And so, you know, there could be an affordable three-bedroom unit here, but because this -- it wasn't clear to the Board -- and I also talk about

the -- in terms of occupying the building. I think part of when I read through the minutes and the procedural history, it talked about density and how many people would be coming and going. I would say that if you had a 1200-square foot unit, and that's approximately what each floor would be, and this is a rental building, it's not going to be a condo, I think you could have much more people coming in and out, much more impact on the neighborhood than you have nine studio apartments. When you have a studio apartment, the number of occupants is controlled. There's just not enough room to have three and four and five people in there.

I also think that because of the nature of the small units -- and you will hear some testimony tonight -- that most of these people are professionals, either working in the area, and it lends itself to a very quiet building. And I think that's very different than what might be in other cases, so I do think it's relevant, I think

the facts in 2015, I would like the Board to look at this fresh. And part of us reducing the amount of units and doing the things we did, we wanted the Board to actually not to think about 1978 and the restriction. But if this building was here to today, who is best served? Is it better served having the tenants whether they knew or not forced to look for other housing being displaced, or figuring out a way to encourage some of the goals of the city, which is family-style units is what we're trying to achieve, as well as making the building much more bike and pedestrian friendly? I think that we tried to do it.

I wanted to say at the beginning, which I wasn't able to say, we're not going it appeal. We recognize -- you know, we talked about this, you know. We recognize this is maybe the last opportunity.

Part of the reason why we're here is because part of the agreement in 2014 with Alex was that there was a memorandum of understanding, which is public record

that allowed for -- that one required that he wouldn't appeal to Superior Court or higher court, but also allowed to the end of August for them to comply.

We interpreted that as we have until the end of August to be able to see if we could get a variance to come before this Board.

We reached out to the city. We tried to put a package together, and I would dare say if there was a way to reverse the order, if the Cambridge Housing, they wanted some kind of confidence that this would not be seen by a board -- this is my interpretation -- seen by a board to be advocating what's happened over the years in terms not rejecting ISD's determination. That cloud is exactly what I think I'm talking about.

It left this building in limbo. I think there's an opportunity to do the right thing for this building. I think hearing testimony, looking at the occupants of this building, looking at the fact that

the four parking spaces -- and I do think the Special Permit is relevant, in the fact that, you know, part of what I read was, what would the impacts on the neighborhood be in terms of density, traffic and parking.

I think this is a different neighborhood than 1978 and 1985. That was a high-volume commercial retail place, had lots of parking, lots of people coming by. That now is almost an institutional Swiss Consulate use. There was a laundromat as well.

The neighborhood has changed. I think the demand for housing, the people who live there, the fact that they're not auto related, that most people are moving now and there's some data that I have that I think is relevant to the number of vehicle per household is now less than one.

Let me just read it in the record because I do think it's relevant.

"According to statistics posted on the City of Cambridge Department of

Transportation website, sustainable transportation in Cambridge, many residents skip automobile ownership costs altogether by going car free.

Since 2000, the number of Cambridge households owning zero vehicles have increased from 28 percent to 32 percent." That's according to 2006, 2008 American Community Survey. And further it says, "There are .92 vehicles available for household in Cambridge which is less than one car per unit and a reduction from .98 vehicles in 2000. Within a quarter mile of an MBTA station, 50 percent of households have no car. And there was a ten percent decrease in resident parking permits issued in 2009.

This all speaks to the fact that the demand or the households moving and living in Cambridge and paying these high rates, as we know, the prices are high, are people who are often choosing not to have cars. They're choosing to maybe live in smaller quarters and be living closer to

city centers, to walk to work, to bike to work.

I think the fact that if this wasn't the case, and everyone was likely to have a car because they worked further out of the city, if you only have four parking spaces, you're likely to have all of the rest of the cars on the street and we know that causes issues.

But based on the location of this unique building, because it's so close to the public transportation, universities and city centers -- and you will actually hear some testimony from some of the residents of the building -- I think the impact of this eight units as well as a benefit far outweighs the burden of a reducing this.

And this is why we came. We didn't come here to talk about 1978, we didn't come here to discuss that, but I do think on balance, I felt like a true hearing of a variance with the appropriate neighborhood outreach and highlighting the appropriate concerns had not been presented before the

Board, and maybe I was being naive to think that.

CONSTANTINE ALEXANDER: You're doing your job as counsel. The fact of the matter is -- at this point, I want to drop it and move on -- is you're asking us to legislate, and we're not a legislative body. You're saying Cambridge needs more housing, put it aside of the park and that's a Special Permit. It's unfair to the people who live in the building now, some of them will have to move out. That's legislation. We have to apply an ordinance, and it has to be a substantial hardship to the petitioner.

And hardship is something that can be a little rubbery and so, a lot of cases we've had we find a substantial hardship, and one would argue maybe it wasn't there. There's not even a basis for a substantial hardship in this case to the petitioner. There's no basis. None whatsoever.

And so, I don't see how we could ever, in my judgment, grant zoning relief

in this case.

ATTY SEAN HOPE: I would disagree. I would say that the hardship to the petitioner is not one that the Board normally looks on when they look at property owners and the cost and expense.

CONSTANTINE ALEXANDER: What?

"A little enforcement of the provisions of this ordinance would involve a substantial hardship, financial or otherwise, to the petitioner."

ATTY SEAN HOPE: So I think you misunderstood what I was saying.

I don't counsel clients to come in, say this is going to be too expensive for me, or this is going to be cost prohibitive to do. This was a 1978 order and there was existing, so they went in eyes open.

But if you also want to talk about -- I wasn't leading with that argument. But there's a hardship to the petitioner, and Mr. Okun can speak to this about the cost to be able to renovate this building,

displace it and to be able to create --

CONSTANTINE ALEXANDER: He bought the building knowing what he had to do. It's not like this is sprung on him.

ATTY SEAN HOPE: I'm not saying that. I don't think that's the most compelling argument, but you said there is no basis. I think there is a basis. And if the Board was to find a hardship for other factors, you could tie it into that. I think, on balance, there is an opportunity for the Board to look at the totality of factors and the Board has fashioned certain facts and circumstances into a variance. I'm not saying that you're going to do that here.

But I would like you to listen to the testimony and really look at this building in this unique situation. I don't want to take up more of the Board's time on that.

CONSTANTINE ALEXANDER: Comments from Members of the Board?

BRENDAN SULLIVAN: I have sat

through this entire history with this building. As a matter -- well, as a little bit of a side note, one of the very first jobs I did with my father was to turn it into a nine-family because there was a fire there and the Whites of JF White owned it, and my father as it's put another piece of property before us, but anyhow, actually worked on that. So I go way back. I was about 12-years-old. A long time ago with this building and have had this tortured history all the way through.

But, again, I go back to 1978, when I sat here, and there was a quid pro quo, as Gus says, that there was a benefit granted in order to reduce the number of units in this building. Things have all changed. I've changed in all those years. Not sometimes for the better, but at any rate, what drives me here is that the property has been encumbered by a condition, not the ordinance. The ordinance is another issue. But it has been encumbered by a condition and that

condition is sacrosanct with me. I don't see any reason to waive that condition.

CONSTANTINE ALEXANDER: We can go forward.

BRENDAN SULLIVAN: And again, all the benefits, I fully understand all the benefits. There was a condition imposed at that time for a benefit.

ATTY SEAN HOPE: I would -- I mean, is there any benefit? I mean, I think we thought what would be compelling to the Board would be if one of these units would be affordable. We thought it was compelling.

BRENDAN SULLIVAN: Again, there's a multitude of benefits that we can go through and, yet, the current owners bought it knowing full well why the -- how the building was encumbered, and, "Okay, we're buying a building that has to be reduced. Now, how are we going to comply with this?"

So either they run the numbers saying it's going to cost X number of dollars to comply with this, and we're

willing to buy it anyhow, or they're going to disregard that and say "We're going to buy it anyhow and take our chances."

I think that's going to give it conversation basically and it's a roll of the dice.

ATTY SEAN HOPE: It's a roll of the dice.

And I think that because we have the agreement, it went to the end of August, there was an opportunity to be able to present before the Board an application.

CONSTANTINE ALEXANDER: That's your right.

ATTY SEAN HOPE: And, as I said, we're not going to appeal. This wasn't -- but I do feel like the circumstances, in my opinion, do warrant a fresh look at this building, and if the condition that was sacrosanct is something that the Board feels is more important than the host of other benefits, then we have to respect that. But I do think the testimony wasn't there.

I do think that previously the reason why the neighbors were opposed to it previously, and I could be wrong, but we did not hear the same level of concern or objection, and I think usually the Board does take that into account. What do neighbors feel and I think that's also part of what has changed.

And I would say that, in my opinion, that enforcing this restriction, although it may validate that decision, I think that would be a mistake and mistreatment of the building. I really do.

I think this is a building that is occupied in an appropriate way. I think there are benefits to it. I think some of the detriments to the neighborhood have now changed because circumstances have changed, and I think that should be significant.

CONSTANTINE ALEXANDER: Okay. I can open the matter up to public testimony? Do you want to proceed in that fashion?

ATTY SEAN HOPE: The other option would be?

CONSTANTINE ALEXANDER: We can call a vote, take a vote.

ATTY SEAN HOPE: I definitely would like to open it up.

CONSTANTINE ALEXANDER: Okay. First of all, are there any questions from any Members of the Board before I open up to public testimony?

TIM HUGHES: I don't know why we're moving on with this.

CONSTANTINE ALEXANDER: I don't either.

TIMOTHY HUGHES: But we can open it up to public testimony. I mean, if, in fact, you made a case that this should be treated totally differently than the circumstances that existed in 1978, which obviously you haven't made that case to at least two Members of the Board. But if you had, there wouldn't be enough information in this file right now for me to make an informed decision about whether this should even be an eight-unit building on this site at this time because I don't have any

dimensional forms. I don't know whether you got -- I mean, it's old news. It's not in their file now.

Your file is specifically to void the 1978 ruling. There's nothing in it about lot area per dwelling unit. It's, you know, like how many parking spaces are there now?

ATTY SEAN HOPE: I don't know how there's not -- you're saying there's not --

TIM HUGHES: I've looked through half of that file, I don't see a dimensional form on this.

ATTY SEAN HOPE: You can't get an application until you complete a full application on-line.

TIM HUGHES: I'll look again. But I just don't think there's enough information in that file even if we were to void the decision of 1978, and start looking at this as new as a possible eight-unit building.

CONSTANTINE ALEXANDER: I don't see a dimensional plan.

TIM HUGHES: There's no dimensional form in there. How do I make a decision basically?

ATTY SEAN HOPE: I do not know how there's not a dimensional form, but --

TIMOTHY HUGHES: I'm just saying there isn't.

ATTY SEAN HOPE: If the basis is there's not a dimensional form in it, I would request a continuance if that's part of your decision-making.

TIM HUGHES: You know, if everybody on the Board was thinking the same as me, then it may be worth a continuance, but you've got at least two people who are not -- and I was saying this hypothetically, if you could ignore what you're arguing, if you could ignore the 1978 decision, but you can't get four of us on the Board to ignore the 1978 decision, so the rest of it is kinda moot.

ATTY SEAN HOPE: No, I understand that. Look, I know we need 4:00 to 5:00. I'm not trying to waste the Board's time,

but we did have people come down specifically to be heard, and just, out of respect to those people, I would just like to open the public comment, but after that, we can move towards a decision.

CONSTANTINE ALEXANDER: Is that all right with Members of the Board? I can call a vote now, I don't have to do it. I'm fine with it.

TIM HUGHES: Procedurally we should go through the process before we call a vote.

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

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

Sir, come up and give your name and address to the stenographer, please.

JAMES TRUSLOW: My name is James Truslow, T-R-U-S-L-O-W. I am a resident at Ellery Street, although I will be moving out in a couple months, I have been there for three years. And it's been a great

place to live. It's one of the few places, affordable single units, in Cambridge. And I mean, I know you aren't going to decide based on the need for housing or housing demand, but rents have been going up, and because of that, people who live there now accept those high rents because of access to public transportation.

So the demand for parking space is going down there. I understand that was the basis for the original ruling, or variance, or whatever. I used to have a car. I moved to that neighborhood with a car. I sold my car and I take only public transportation now to my job in Cambridge. But I can't afford to live there, so I'm moving to Boston.

And I know you have to respect the Board's previous ruling, but if there's any way you can, I guess, acknowledge and ease the housing shortage in Cambridge, I hope you can find a way to do it.

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

down.

Anyone else wishing to be heard?

Ma'am.

JOAN PICKETT: My name is Joan Pickett, P-I-C-K-E-T-T. I live at 59 Ellery Street. I live across from this property.

My reason for being here tonight was to talk about the parking situation in that neighborhood. Currently, there are three cars that are parking there, and there have been four at a time, so to give up a parking spot to potentially displace someone onto the street would be a hardship for the neighborhood.

And so, there is real estate behind the building where a bike facility could be adequately placed beside the trash, and I would request the parking not be changed. I have more to add to that, but if you don't want to hear it at the moment, I won't go any further.

But I think it would be a hardship for the neighborhood given where we're

located and the number of existing condos and apartments that do not have off-street parking.

CONSTANTINE ALEXANDER: Thank you.

Anyone else.

JYOTHI RAVINDRA: My name is Jyothi, J-Y-O-T-H-I, last name Ravindra, R-A-V-I-N-D-R-A.

I live in Apartment 3 at 60 Ellery Street. And so I moved in one year ago. I didn't know about this whole history. I wouldn't -- definitely would not have moved in to the unit had I known.

And, you know, I wasn't communicated by the previous owner who -- this owner can't be faulted for. So I'm a medical resident. I work at Cambridge Hospital over 80 hours a week, and being able to walk to work is an important thing.

I'm not sure how I'm going to find another apartment and move working seven or six days a week.

So, you know, I understand that

kind of things you're bound by, and that you're not -- it's kind've hardship to the residents and it's not something that this Board is meant to consider, but we did want to give that voice of the tenants.

CONSTANTINE ALEXANDER: We appreciate that.

JYOTHI RAVINDRA: You know, that there are kind've real people living there who actually will be affected, and it's very difficult to find studio and one-bedroom apartments in the city. And, you know, I can't -- I probably won't be able to live here for too much longer just by being kind've committed to this population.

So I think it's just too bad and maybe that's not the role of this Board, but I think it's too bad that a lot of us can't -- there's not enough housing for us.

CONSTANTINE ALEXANDER: Thank you.

FRANCES OLAJIDE: Hi. My name is Frances, F-R-A-N-C-E-S, last name Olajide, O-L-A-J-I-D-E. I'm doctoral candidate at

Harvard in educational leadership. I lived in Unit 4 since August for a year, and I was not told about this before I moved in, and the apartment was not maintained well before the change in ownership, so I did want to come forward and speak to that, and also speak to the value to the neighborhood. I don't drive, I ride a bike to school. And have made friends with most of my neighbors in the building and on the block.

The apartment provides a place that is close to school for me to be able to get to and from -- the Harvard shuttle will pick me up and drop me off at night if I come to the library late at night.

Yeah, I think that the building is an asset as it is, and I understand the position of the Board is, but I came forward to speak and happy to answer any questions.

CONSTANTINE ALEXANDER: Thank you.

Anyone else.

Ma'am, I'm sorry.

FRANKIE LIEBERMAN: Franklie Lieberman, L-I-E-B-E-R-M-A-N, 24 Ellsworth. I'm a general contractor in Cambridge, and I also was the Chair of the Cambridge Neighborhood Conservation District Commission. I.

Would like to speak to several different issues here. One, Mr. Hope says you need more three-unit units, three-bedroom units. Well, if you reduce it from nine to four, you get four three-bedrooms units.

As far as making one affordable, when I was a Chair of the Conservation District, we were hoodwinked by the Housing Authority into allowing an extra unit on Roberts Road. It was supposed to be four units. We were hoodwinked into a fifth unit because it would be affordable.

When push came to shove, it turns out the Housing Authority didn't have the money to finance that unit, so we wound up with five market rate units.

As far as parking is concerned, I

frequently work on Ellery Street and you cannot park there now. It's absolutely impossible. We have to park usually two or three blocks away and walk between the library and the high school and also the overflow from the hospital. Parking around there is just ridiculous, and there's no point in having this building be nine units.

CONSTANTINE ALEXANDER: Thank you.

Anyone else?

Apparently no one else. I was looking at the file. I don't propose to read any letters. We may have letters in the file. If we do one way or another, they will be part of our record, but I think we had enough discussion on this case already.

So I'm going to close public testimony.

Discussion by Members of the Board or ready for a vote?

JIM MONTEVERDE: Ready.

CONSTANTINE ALEXANDER: Read for a

vote?

The Chair moves that this Board make the following findings with regard to the variance first. If the variance is denied then a Special Permit becomes moot obviously.

So the Board makes the following findings with regard to the variance being sought; that a little enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner; that the hardship is owing to circumstances relating to the soil conditions, shape or topography of such land, or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, and that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating the intent or purposes of this ordinance.

On the basis of these findings, the Chair moves that a variance be granted to the petitioner to allow eight units in the

building, one of which would be a three-bedroom unit.

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

No votes in favor, therefore, the motion does not carry. We need to take a further vote as to why we did not make the findings that were suggested, and I'm going to read frankly from the decision that was rendered in 2010 where we denied the variance.

And it says: "The Chair moves -- I'm going to move that a little enforcement of the provisions of this ordinance would not involve a substantial hardship to the petitioner because denial of the requested relief is simply enforcing the conditions of the 1978 variance made with the then petitioners' consent and upheld in 1983 and again in 1985.

And I would also move that we find there is no hardship relating to the soil conditions, shape, or topography of the structures and that desirable relief cannot

be granted without substantial detriment to the public good because the Board would be allowing an eight-unit building with parking for only four units, which is not what the ordinance requires.

All those in favor of that motion, please say "Aye."

Five in favor. The case is over.
Voted.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, George Best, Jim Monteverde.)

(Sitting Members for Case #BZA-007116-2015, 299 Prospect Street: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, George Best.)

CONSTANTINE ALEXANDER: The Chair calls Case 007116, 299 Prospect Street.

Anyone wishing to be heard on this matter?

ATTY JAMES RAFFERTY: Good evening, Mr. Chairman. For the record, James Rafferty, appearing on behalf of the applicant.

Seated to my left is Ms. Elaine Ho, H-O. Ms. Ho is, indeed, the applicant, and the project architect is to my right. His name is...?

BOB LIVERMORE: Bob Livermore, L-I-V-E-R-M-O-R-E.

ATTY JAMES RAFFERTY: And from the parent company of the daycare center is...

CHRIS COMMAROTA: Chris Commarota, C-O-M-M-A-R-O-T-A.

ATTY JAMES RAFFERTY: Thank you, Mr. Chair for hearing us. This is an application being filed by an LLC which Ms. Ho is the manager regarding the use of the subject property as a preschool daycare center. It's in a location in Prospect Street in a business district. In this Business A District there are a number of retail uses. This has had a variety of uses. Most recently it was a mattress and

futon store. The parking requirements are somewhat different in this particular use. You need to have three parking spaces for every two classrooms. So Ms. Ho worked with her architect in playing out the space and the space lays out to accommodate ten classrooms as a result, the parking requirement then would be for 15 parking spaces. There's an existing parking lot, it's here today. It contains 13 parking spaces. So we're seeking a reduction in two spaces. The ordinance allows reductions when circumstances in the surrounding areas support it.

One of the things I would suggest is relevant to the Board is that the intensity of this use occurs during the daytime hours. There's no weekend or night use of the building at all and, frankly, in the greater Inman Square area that works well because most of the parking demand particularly in the evening is restaurant based.

There's an active restaurant

community there that does well, and residential base. So when residents are looking for spaces in the evening, this will be gone. The two spaces shy here I would say are also advantaged by the fact that the nature of business is that Ms. Ho has a business model that anticipates people who live and work in the area, will be walking their child here. They may work. There's lots of businesses in the Inman Square area and people that work there, there's a number of residents.

The third thing is proximity to transit. There's adequate bus service in the area and the site is less than ten-minute walk from the Red Line. For a variety of reasons, we're not aware of any concerns or opposition expressed by abutters.

CONSTANTINE ALEXANDER: I might want to suggest something that might be shocking to you. But, in any event, I can never shock you. These 13 spaces you're asking for, who are they used for?

ATTY JAMES RAFFERTY: It's interesting, like many areas in Article 6 whether restaurant parking spaces or school parking spaces, it doesn't really -- the suggestion it's probably related to the staff, certainly not the students. But as we know, this particular use has a heavy dropoff activity. In the way that the lot will be managed there will be a period of time that one of the attractions of the location is all the loading can occur within the lot itself so a certain number of spaces will be set aside in the early dropoff time to accommodate parents coming and going.

CONSTANTINE ALEXANDER: That's exactly where I'm going with my thinking. Right now you will have the parking on ten of one side and a lane, if you will, and a space and three on the other side. If all 13 of those spaces are to be used, people that want to drop off their children and we're talking Prospect Street -- that's a busy street, it's not clear. I think

they're going to be dropping them off on the street, double parking and single parking. We had this issue with a daycare center on Hamilton street, a street you're familiar with, and one of the things they did is that they made arrangements so there could be people and parents can drive into the parking lot, discharge their children in a safe environment not impacting the street traffic and then turning around and coming back out.

It strikes me if you did away with the -- you go to ten spaces and did away with the three on one side, you would have an awful lot of lot left over for turn around which would improve the safety and improve the traffic flow on Prospect Street.

So I don't think the other three -- my judgment -- three parking spaces that would be scarified are so significant relative to what we would do to improve traffic flow.

ATTY JAMES RAFFERTY: I recognize

the practicality of that.

I think it's worth noting that those spaces can be designated for a variety of reasons, so those spaces -- and, frankly, that's the very area where Ms. Ho intends to have a staff person monitor and set aside some spaces for those purposes.

CONSTANTINE ALEXANDER: Those parking spaces will be functionally unusable because a couple times during the day this monitor would say "You can't use those spaces."

ATTY JAMES RAFFERTY: Not necessarily. Visitors see the facility all day long. Parents who might -- may be considering the students there would use it. There are occasions when -- when students get picked up and dropped off early. The management of those spaces are not much different. When a hotel has a space requirement or restaurant has a space requirement, are they for the patrons or for the please? How do you make it work?

The principal function and priority

for the operation is just as you described it, the safe arrival and departure of the students. The lot can be used for that purpose. The fact that some of the spaces will be used on a short-term basis to accommodate arriving and departing parents is consistent with the use of the space as a parking space. They have to pull in and leave the car in the location. They can't leave the car in a way that will prohibit other movement in the lot.

But I think the management of the lot, I don't think the ordinance drills that deep into how these spaces, and frankly, any space, it's not that much different. Even on the residential side, it often comes up that you have a multifamily apartment and you have -- it occurs in a neighborhood. I'm sure you're familiar with on Walden where you say so much for the rent and parking space. If you don't want to pay for the parking space, you park on street.

There's a management issue. But

that's -- in this case, frankly, the expectation is that the staff here, given their level of pay, where they're coming from, there's bicycle parking on site now, there will be bicycle parking, T passes provided to the staff. The thinking is that parking has its -- the greatest portion of its use, its priority will be for the arrival and departure of students.

So the question is: Can the lot function with 13 spaces? We have talked about this repeatedly that the likelihood given the age of the staff and their experience and similar operations, they're not really promoting staff parking here. This is not the type of --

CONSTANTINE ALEXANDER: How many administrators are going to be there? You're going to have ten classrooms. How many students ideally are you gonna have? What would you like to have in terms of the number of students?

CHRIS COMMAROTA: For the ten classrooms, 119 children.

CONSTANTINE ALEXANDER: 119

children. You will need some administrative staff to run a facility that has 119, plus the faculty, obviously, to teach the kids.

I guess I'm a little not persuaded that the three extra spaces you're asking for -- not extra, but the three spaces on the one side are all that beneficial. You will have parking issues anyway in terms of the number of parking spaces because of your administrators and faculty.

ATTY JAMES RAFFERTY: But --

CONSTANTINE ALEXANDER: I'm trying to -- excuse me -- let me finish. I'm trying to say I'm not at all objecting. I have no problem with reducing the number of parking spaces.

ATTY JAMES RAFFERTY: I get the point, and I hear it. But I guess what I'm suggesting is that the parking spaces -- and it probably wouldn't be appropriate to presume who -- that those spaces are for the staff. To be candid,

these types of jobs do not come with a parking space. So it's not much different than -- there's lots of please in businesses in Cambridge that are not given parking spaces. In fact, the transportation policies of the city discourage employers from doing that.

The expectation here is certainly at the staff level, those parking spaces will not be occupied. If you get hired here as a teacher, you would not typically be assigned a parking space. You would be given a T pass, you'd be -- subsidized a T pass, you'd be given a bicycle parking location and if we were -- I think what you're saying, and I agree, a portion of these spaces will be used for short-term parking by parents arriving and departing. But I don't think that's inconsistent with the parking requirements. So what was the thinking about three and two, I mean, these are parking requirements and regulations established decades ago, and there's often -- there's been tweaking in some

areas, but not in this particular section of the use ordinance. I agree completely.

But if we reduce the lot further -- we have an existing lot. The space is there. That's, frankly, the layout of the lot today. The lot accommodates, there's also a dumpster there, and the thinking has been -- they're adding the sidewalk to have good pedestrian access. So if any one of those spaces against the building, if you pull in, you can then -- the parent and the student can get onto a sidewalk that will run along the edge of the building, so you're not walking in the parking lot and creating conflict with vehicles.

That's a new element introduced into the parking lot. If we had two more spaces, candidly, we wouldn't need to be here. And we would simply operate the parking lot that way.

CONSTANTINE ALEXANDER: My point is I want some assurance there will be adequate turn-around space. Steps will be

taken to permit parents or other persons who are dropping off or picking up kids can do so, not on Prospect Street, but in the parking lot. That's what I'm -- that's the bottom line is where I'm going.

ATTY JAMES RAFFERTY: Understood.

And I think if that were to suggest a certain set-aside for short-term pickup, that's the plan. If that were to be a condition, that would be fine. That's very much the operational intention here that the parking is to advantage the customer to make it a convenient way to get in and a safe way for children to access. Double parking on Prospect Street, no one wants that.

TIM HUGHES: That stretch on Prospect Street, there's only a single lane there anyway.

JIM MONTEVERDE: With buses.

ATTY JAMES RAFFERTY: I hear it said often, but not that people wouldn't try to get away with it, they could. I just don't think they could get away with

it with any regularity.

And I think there's an ability here to kind've manage this, but the parking lot is really -- one of the attractions of the location is because of the number of parking spaces that are there, and there's an intense period of use at dropoff and pickup, and for a good portion of the day, the parking is well underutilized.

CONSTANTINE ALEXANDER: Any questions from Members of the Board?

TIM HUGHES: Can you make it available for local restaurants for valet parking at night?

ATTY JAMES RAFFERTY: It's only parking for principal use, but there are some opportunities. I know the --

TIM HUGHES: Specifically the two restaurants closest to my house?

ATTY JAMES RAFFERTY: Doesn't the East Coast Grill have one of those lots?

CONSTANTINE ALEXANDER: Yeah, across the street.

TIM HUGHES: But that brings me to

another question. Why was there a second posting for this at the car dealership on Cambridge Street?

ATTY JAMES RAFFERTY: Because it's a single -- it's a single lot and there was frontage on both streets. I thought that would confuse things more than assist things.

TIM HUGHES: It confused me for a little bit until I walked around the corner.

ATTY JAMES RAFFERTY: I find my relation at ISD are best most effective if they mirror my marital relations. I do as I'm told. I was told to do that. I questioned it and then I said, "Enough said. I'll just do that."

TIM HUGHES: Okay.

CONSTANTINE ALEXANDER: Any other comments from Members of the Board?

TIM HUGHES: No.

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

Is there anyone wishing to be heard

on this matter?

The Chair notes that no is wishing to be heard.

I don't believe we have anything in our files, any correspondence. So I will close public testimony.

Any final comments?

ATTY JAMES RAFFERTY: No. Thank you.

TIM HUGHES: Was there anything from the Traffic and City of Cambridge in terms of circulating this dropoff period of time? Did they weigh in on it at all, or did you ask them?

ATTY JAMES RAFFERTY: I didn't ask them.

CONSTANTINE ALEXANDER: I think we had some comment in the Traffic Department in the Hamilton Street case, that's because the petitioner being protected by us, sought it out and submitted as part of their case when we reheard the case.

ATTY JAMES RAFFERTY: I recall that.

TIM HUGHES: I know that the -- there's been a report from Cambridge Traffic & Parking on situations like this. And I echo what Gus says. I think the biggest concern is not how many parking spaces we give relief for it's having a safe circulation of dropoff and pickup.

This section of Prospect Street is a disaster, especially at those peak times of dropoff, because that's when people are going to work.

ATTY JAMES RAFFERTY: I think that's prudent and certainly something that is consistent with the interests of the applicant.

CONSTANTINE ALEXANDER: Any other comments, or are we ready for a vote?

The Board moves that we make the following findings with regard to the Special Permit being sought under Section 6.35.1, we're required to -- we have to determine and cite evidence in our decision that the lesser amount of parking will not cause excessive congestion and age of

public safety, substantially reduced parking availability for the uses, or otherwise adversely affect the neighborhood or that such -- that order doesn't apply here.

In making such determination, we have to consider whether less off-street parking is reasonable in light of any of the following -- in light of the following: The availability of surplus off-street parking in the vicinity, being served and/or the proximity of MBTA transit station, the availability of public or commercial parking facilities in the vicinity; and shared use of off-street parking spaces serving other uses. This is a condition that doesn't apply here. Age or other occupancy which are likely to result in a lower level of water usage.

I think we can say the daycare students are not of an age to drive.

Impact, et cetera, et cetera.

The Chair moves that we find that the requirements -- petitioner has

demonstrated to us the evidence that supports the fact for a Special Permit under Section 6.35.1 and then further, we got to make the generalized Special Permit votes.

The requirements of the ordinance cannot be met, petitioner to have 13 parking spaces as requested requires a Special Permit under our ordinance. Yeah, a Special Permit. That no -- we dealt with patterns of access and egress which cause congestion, hazard or substantial change in established neighborhood character, that the continued operation of adjacent uses will not be adversely affected by what you're proposing, and no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant, the proposed use of the citizens of the city and that would be the proposed use will not impair the integrity of the district or otherwise derogate the intent and purpose of this ordinance.

So the basis of all these findings,

the Chair moves we grant the Special Permit subject to the following conditions, that the parking, the 13 spaces be laid out in accordance with a plan submitted by the petitioner.

ATTY JAMES RAFFERTY: There's been one -- in speaking with the architect, the number one space may move a little to accommodate -- we looked at the handicap requirement. If you see the area next to Space 10:00, that was accommodating the handicap. The decision was made that one would be better so things will shift down a little.

CONSTANTINE ALEXANDER: Consistent with the plan except that -- consistent in the terms of the location of spaces and the three spaces, how you move the spaces around is of no certain to us, at least to me.

And further, that the petitioner take sufficient steps to assure to the extent possible, safety turn-around space in the parking lot and to encourage the

discharge and picking up of students in the parking area. So that you don't have to use all 13 spaces all the time.

More importantly, if people don't have to discharge on Prospect Street, they can use the lot to do that.

Okay with everybody?

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

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, George Best, Jim Monteverde.)

(10:00 p.m.)

(Sitting Members for continued Case #BZA-007045-2015, 1 Wood Street: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Tim Hughes, George Best.)

CONSTANTINE ALEXANDER: We're going to recall and start again the Wood Street

case.

Mr. Hope.

ATTY SEAN HOPE: So I wasn't in the full conversation, but there was some progress. I think it opened up a dialogue that wouldn't have happened but for this forum.

So I suggested to both parties we want to continue this case, continue the dialogue.

CONSTANTINE ALEXANDER: That's a wise decision to be made by everybody. It's a case heard, obviously.

Do you have in mind a date you would like to continue the case to? I ask the neighbor, you have a voice in this as well, Attorney Panico.

So you're looking for a date. Is there a date that we're all available?

If you have to modify your plan, it has to be in the file.

ATTY SEAN HOPE: The Monday prior.

SEAN O'GRADY: First opportunity is September 10th.

PHIL JACKMAN: I can't speak precisely to that.

CONSTANTINE ALEXANDER: How about Members of the Board, can all five of us make it?

TIM HUGHES: Yes.

CONSTANTINE ALEXANDER: I can make it.

ATTY SEAN HOPE: The 10th.

CONSTANTINE ALEXANDER: Okay, the Chair --

ATTY SEAN HOPE: There was a request for public comment. I think if we're going to continue --

ASHLEY WOOD: Some neighbors came to speak. I don't know whether it would make sense for them to talk.

CONSTANTINE ALEXANDER: I hope the neighbors can come back on September 10th.

Are there any neighbors that wanted to speak that can't come on September 10th?

MELISSA GONZALEZ-BRENES: I don't know that I can come back on September 10th.

CONSTANTINE ALEXANDER: You cannot.

MELISSA GONZALEZ-BRENES: I can be brief.

CONSTANTINE ALEXANDER: Okay, but you may be speaking to plans that are not the plans we're going to consider on September 10th. You can also write a letter. You don't have to come, if it's easier. It's up to you.

MELISSA GONZALEZ-BRENES: I'm going to speak briefly, if that's okay?

CONSTANTINE ALEXANDER: Come forward.

MELISSA GONZALEZ-BRENES: My name is Melissa Gonzalez-Brenes, M-E-L-I-S-S-A, G-O-N-Z-A-L-E-Z, B-R-E-N-E-S. I'm a resident at 189 Walden Street, Unit A, which happens to be an abutter because we're on Walden and Wood on the first floor, and I just want to say very briefly I wanted to speak to a comment you made earlier which is if why they didn't go with a third floor that everybody would be okay with it. I wanted to say that's not

necessarily the case. The Woods have been very pro active in conversations with us, and we had concerns and they addressed those concerns, and the design they're presenting reflects the -- some of the concerns we brought up. It's not like we were giving them cart blanche and if they did a third floor, it was sure. I wanted to speak to that, that we support the plan that they're putting forth to date, and that it was a result of conversations with us where they heard our concerns and addressed our concerns.

CONSTANTINE ALEXANDER: Thank you. I'm sorry to keep you here all night.

Before we get to the motion we have to set a different time for -- if there's going to be a revised plan when they have to be in our files. It can't be the Monday before and on Friday before you close at noontime.

SEAN O'GRADY: Yes. 1:00.

CONSTANTINE ALEXANDER: Would it be a big imposition if we made it 5:00 p.m. on

Thursday, September 3?

MAGGIE BOOZ: No problem.

CONSTANTINE ALEXANDER: By the way, I would like more plans for the next time than we have here. Usually we get existing elevation, proposed elevation, existing plan, floor plan, the floor plan after the relief if we want relief. We have -- I would like to see more. That's generally what we require.

MAGGIE BOOZ: Yes.

CONSTANTINE ALEXANDER: That has to be in the file by 5:00 p.m. the Thursday before.

The Chair moves that this case be continued as a case heard until 7:00 p.m. on September 10th subject to the following conditions: That the petitioners sign a waiver for time of decision and that's been done; the posting time be modified to reflect the new date and a new time. You can do it with a Magic Marker; that modified sign must be maintained for the 14 days before September 10th, just as you

have done for tonight's hearing; and lastly to the extent there are new plans or modified plans, they must be -- they're subject to the proposal, they must be in our files no later than 5:00 p.m. on the Thursday before September 10th which is September 3rd; and to the extent these plans change the dimensional form also by that same time.

All in favor of continuing the case at that time?

Five in favor.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, George Best, Jim Monteverde.)

(10:00 p.m.)

**(Sitting Members for 284 Broadway:
Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Tim Hughes, George Best.)**

ATTY SEAN HOPE: Members the Board, for the record, Attorney Sean Hope of Hope Legal Law Offices in Cambridge. I'm here with the owners of Lamplighter Brewing Company. We're requesting variance relief to locate a microbrewery at 284 Broadway, and in addition to the variance for use, we're seeking a Special Permit to reduce the required parking by three spaces.

CONSTANTINE ALEXANDER: With regard to the variance, let's be clear, it's a use variance.

ATTY SEAN HOPE: It's a use variance.

And to that point, it's helpful for the Board to recognize, this use after discussion will the building commissioner does not have a category that it specifically falls into. The closest thing in the table of uses is bottling of beverages.

As the Board may be familiar with that section of the code was drafted in

1960s. And there's a range of light industrial uses that don't necessarily -- are consistent with the uses that are promoted in a business district.

Part of what you see is retail uses and consumer friendly uses. The Board may know better than I, there were bottling factories, there were warehouses uses and they didn't have that retail component. Very similar to the existing use, although it has a customer service element, they're both considered light industrial uses.

So why we're here today is the code, in our opinion, doesn't accurately reflect what this use is. I will let the petitioners themselves explain the concept which is different than what the code categorizes it.

There are microbreweries in Cambridge, there is John Harvard's and there's also the Cambridge Brewing Company. They did not have to come before the Board. They're preexisting uses. They didn't have to apply to the Board for zoning relief.

As part of this application, we reached out to the neighborhood. This is a new use, and part of the process is we needed to introduce the concept to the neighborhood.

We first started off with the Elm Street abutters. Most of this use is in the Business A zoning district that's a portion that goes into the RES-C District. The building itself is a grandfathered use in that same use category. And so part of the education of the Elm Street neighbors had to do with the fact in addition to the creation of beer, they're also having the retail component which will be a mixture of a cafe with light fare, they're going to offer tours, allow for area residents to learn and come to see how the brewing process happens which is something where we got a lot of positive feedback about because there's a science to this. I was getting educated myself when I learned about this microbrewery concept.

Also, the fact that the majority of

this building, unless you were having your car worked on, wasn't generally accessible, and so, this was something that we felt, the free Wi-Fi and that other retail component especially because it faces towards the streetscape.

If you walk by, you will keep the facade the same making some improvements. That was something people liked. If you see the large glass, large doors there, that's where cars come in from being serviced. That will be the entranceway for delivery trucks.

We did submit a letter to the Board to detail how the loading and unloading would happen. And the primary entrance to the retail would be where the awning is there.

Really, the main change to the facade outside of the windows will be the branding of the Lamplighter Brewing Company, any lighting that we do will be allowed in the ordinance.

Some of the concerns that we heard

from the neighbors initially were about fumes. Some people are familiar with different breweries and you have this yeast smell that comes from the brewery that can be pretty pungent.

Do you want to --

ANDREW JONES: And the smell comes from the actual boiling process when you're making the beer, and it comes from the steam stack and then out, generally speaking. When we spoke to our neighbors, that was something they were concerned about.

Instead of the initial plans we submitted has a steam stack on, but this one does not. We're using instead a condensing unit and run cold water into the steam, turn it back into hot water, and then actually recycle it back into the system using heat or other vessels. So that's something I didn't know existed until we looked into this.

But it's a very useful thing being energy efficient and eliminating the smell

in the brewing process. There will be no steam whatsoever.

ATTY SEAN HOPE: Also, there was issues about the -- as I mentioned, how the loading and unloading would do. So in addition to the brewing of the beer, there's a distribution component to this that they would be selling the beer to local restaurants based on the size of the space and the brewing vats and vessels.

They're actually all located on the left-hand side intentionally so there would be sufficient room to be able to drive in load and unload the trucks and to make deliveries.

CONSTANTINE ALEXANDER: Where will the parking be for customers or visitors?

ATTY SEAN HOPE: There's no on-site parking. The site is completely covered by the building.

If you look at the site, you see the building and you see what looks like an auto body building connected. Those are two separate spaces. It's just the

building. So there's no green or open space in talking to the commissioner.

So this existing use has eight loading bays. And so for the eight loading bays, the ordinance requires two spaces per bay. The space is grandfathered for 16 spaces. So the use itself, the whole microbrewery doesn't require any parking.

We're only asking for parking relief for the number of seats. Under the ordinance the first 20 seats or four spaces are covered. We actually could have 20 seats without any parking relief. We asked for 35 relief parking for three spaces really because we wanted to make sure in addition to the microbrewery -- we're not creating a bar -- we're creating a place where people can congregate and eat food. That was important to the neighborhood and it's historically important to the License Commission.

If we're approved here, we have to apply for a farmer's brewing permit, which is at the state level, and a pouring

license that's controlled by the License Commission.

And my experience with the License Commission when you do these types of uses, they want to make sure you have the appropriate balance. We asked for 35 seats. We felt that this was a neighborhood friendly environment. We didn't anticipate getting vehicle travel ordinarily because of the way this is set up, and it will be a neighborhood bar because it's not just serving restaurant beer, this is -- the other option of being able to generate revenue by brewing the beer and selling it to local restaurants. We're not solely relying on people that are driving or coming to --

CONSTANTINE ALEXANDER: Not solely relying, but clearly if you're successful, you're going to attract people from outside the neighborhood to come and samples your wares. And if they don't ride a bike, they're driving. And so, they're going to be parking and taking up the street on

Broadway.

ATTY SEAN HOPE: And as I said in the application, there's metered parking along Broadway, so that people who drive in, there's metered parking. There's a bus stop right there, too. It has easy access to alternative forms of transportation. And in one of the uses because this is a Business A, a lot of times for these ground level spaces are restaurants, full-service restaurants, and part of that is when you have a restaurant space that size, you're looking for large seating counts. And restaurants, in my experience, with the License Commission, have issues with smells and venting hoods. And usually you put the venting hoods in the rear where the neighborhood are.

So we feel like in terms of the intensity of the use, this is actually more of an appropriate use or -- we believe it's appropriate and less impact potentially on the neighborhood than some of the other uses.

This is an 11,000 square foot space. It's not an easy space to fill.

In the two years -- I have been working with this group looking for spaces. We actually had -- they had different spaces under agreement trying to make it work. This ground floor retail space was one of the spaces that met the needs to be able to have the vessels as well as to have this retail component.

I can also say and before they brought this to me, I was familiar with this problem and I had several residential developers showing models going up four and five stories. This is Business A. This could be an office building or other types of uses in terms of the residential component, I told them I didn't see something being able to be passed, because you have a residential building right now and there would be significant air and light blocked.

Although this may not have been marketed, there have been people looking at

this space and looking at a myriad of different uses.

When we went out to the neighborhood -- and you will see letters in the file -- this was a use they felt had a mix of the retail as well as really creating something. We think of beer, but they're not serving beer, but they're creating. AC has a degree in biology, you have a master's in brewing technology. You can tell your stories yourself, but this is more than just a place to get a beer.

CONSTANTINE ALEXANDER: Let's return to the legal issues, the zoning issues. After all this is what we're supposed to be doing here. I grant you it's an attractive project and you have strong neighborhood support. As you know, what you're looking for is called a use variance. Use variances are very rarely granted, and the court's have said that and Brendan usually pulls out the decision that says it. Because it's very hard to satisfy the requirements for a use variance, a

substantial hardship. There's no substantial hardship to the owner of that property. That property can be used for a lot of things. You folks want to use it for a microbrewery and related activities.

So tell us why we should grant the use variance, and I would point out, I think it was either the last session before this Board or two sessions ago, we had a request for a use variance. In this case it was a single-family home on Western Avenue in a residential district, many businesses all around it, someone came in and bought the house and wanted to start a business in that house. He wanted a use variance to conduct business activities in the single-family structure, and we turned him down because it didn't meet the requirements.

Why don't we have the same problem here?

ATTY SEAN HOPE: So I think it's really the size and shape of this building on the lot, it's an extremely long and big

building, and in terms of the allowed uses in the retail uses that would be most appropriate for this building, it's very hard for even a small boutique retail used to be able to utilize all that space. Part of it is a function of renting the space, there's a cost associated with that.

Right now, this is an owner/proprietor who is operating this space. This is not another retail tenant. The owner you will hear from him tonight, he's looking to retire. He, on his own investigated, different options for the space.

It's not an easily marketable space. There wasn't a lot of opportunities for people saying I want to rent a space, I want to put in -- you know, Bondir is across the street. It's a 15-seat restaurant. Smaller spaces. Maybe you got possible divide the space then it would be more narrow and more long.

So I think it's really the shape of the building, it's a large building, and so

with this use, you have this light industrial use that could work in that space because they can generate revenue by utilizing space and then having a retail component.

I do think it's a challenging space to be able to rent, and I think it's -- the owner can speak to that. It's not something easily to work within the table of uses there.

I really think it's the shape of the space and fact that there's no additional parking, and, like I said, if we're asking for 35 spaces, we have to get a Special Permit.

Some of these other uses, they would have a larger parking count. Part of the reason why we're exempt is because this falls within the same use category as a preexisting use. That wouldn't be the same for the myriad of uses in the Business A.

BRENDAN SULLIVAN: Are you renting the spot, or are you buying it?

ANDREW JONES: We're renting it.

CONSTANTINE ALEXANDER: How does that work with the owner that owns it, he wants to retire and collect the rent from you folks and whoever else that rents the space, is that how it's going to work?

ANDREW JONES: As far as this property goes as far as I'm aware, they're looking to relocate the business. At the moment having spoken to them about this, this property is much larger than their needs. They have two other employees, including the father and son, Steven and Chris, and they can be as well served -- and I'll let them speak to this as well -- in a much significantly smaller space, and they would generate a lot more revenue renting it to us than they would with business the size of this.

JIM MONTEVERDE: Did you mention that part of the lot is in a residential district?

CONSTANTINE ALEXANDER: Yes.

ANDREW JONES: Yes.

JIM MONTEVERDE: Are you seeking

relief from -- is part of that the restaurant function or bar function?

ATTY SEAN HOPE: So the retail restaurant portion is 1300 square feet. That's the front of the building.

JIM MONTEVERDE: That's the crosshatched zone?

ATTY SEAN HOPE: The full building, because it was all used as light industrial use is all grandfathered, so even though it extends into that residence, we don't have to get zoning relief from the residential --

CONSTANTINE ALEXANDER: But you do need a use variance for the residential side as well.

ANDREW JONES: Yes, exactly.

CONSTANTINE ALEXANDER: Really, if you will, two for the use variance, one for the business side -- the business district that you're in or the building is in, and the other in the residential district, right?

JIM MONTEVERDE: That was my

question because I think the residential one is more significant. The restaurant, I think, the alcohol serving is prohibited if I'm correct.

ATTY SEAN HOPE: If we were trying to do it, then we would have a use variance.

But my understanding is because the whole building is grandfathered, right, in that use category, so the variance that -- this is a Business A, right, so the Business A doesn't allow for the use we're asking for, neither does the C1 to your point.

CONSTANTINE ALEXANDER: Yeah. But then also the residential district doesn't allow the microbrewery either. So you need a use variance for that portion as well. You really need two variances.

ATTY SEAN HOPE: It's a split zone, right, and they each have a different level of...

CONSTANTINE ALEXANDER: Correct. That was Jim's point.

JIM MONTEVERDE: Yeah, and I think residential zone is much more restrictive regarding the restaurant or serving alcohol, right, if I'm correct?

ATTY SEAN HOPE: Yes. It's not allowed. You're not allowed.

JIM MONTEVERDE: Prohibited.

ATTY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: What are the views, if you can tell us what they are, of the residents most closely affected to the residential portion of the building? In other words, they're the ones who live in a residential district and now are going to have a microbrewery in their district? Have you received any opposition, criticism? What's the story? Have you reached out to them?

ATTY SEAN HOPE: Definitely.

ANDREW JONES: There are many of them here in the crowd tonight.

CAYLA MARVIL: Biggest option was the smell at first, and so when we got rid of the steam stack. I think that has

pleased a lot of worries.

ANDREW JONES: There's also currently in use, there's a fan in the rear of the building that is used to vent the space out.

CONSTANTINE ALEXANDER: The fumes from the auto body shop?

ANDREW JONES: When there are fumes from the auto body shop and there was some concern that we would face residents behind, that aren't really fans of the fan.

CONSTANTINE ALEXANDER: So those fans will be abandoned, if you will?

ANDREW JONES: Yeah. So we have no need for them. I'm sorry, that was a terrible pun. We have no need for it and I believe it's in this window, which is closed off by our emergency exit hallway, so it would serve no function and we're certainly happy to disable it. Again, once we address that point with them, they're onboard. I believe that was the only really concerns that we had.

JIM MONTEVERDE: I'm sorry to ask

you to repeat it. I heard the discussion about the parking, and I lost it in the train. 20 seats no parking or -- and you're above that by -- so just in terms of strictly the ordinance for both the production zone if there's any parking required for it, what does zoning require?

ATTY SEAN HOPE: For both uses?

JIM MONTEVERDE: For the property, yeah.

ATTY SEAN HOPE: Okay.

JIM MONTEVERDE: In total.

ATTY SEAN HOPE: Backing up and starting in the existing building, it's a light industrial, it has eight bays, there's a parking requirement.

JIM MONTEVERDE: Inside.

ATTY SEAN HOPE: Inside.

JIM MONTEVERDE: Right.

ATTY SEAN HOPE: And so there's a parking requirement for two cars -- two parking spaces per bay.

So if you apply the ordinance to this building now, the building would have

to have 16 parking spaces. It's preexisting nonconforming so it doesn't have that.

JIM MONTEVERDE: Off-street parking.

ATTY SEAN HOPE: Right, off-street parking. And so within the table of uses because it's a grandfathered building because we're staying within the light industrial category, then we are allowed to take what parking would be allowed there and apply that to our new use.

For the bottling of beverages, it's one per 1200. So our new parking requirement for this it's less than the building is grandfathered for. So the microbrewery doesn't require any additional parking, but because of this retail component, the building -- the ordinance allows for the first four spaces because it was a commercial use and you're staying within a commercial or nonresidential use, it allows for the first required four spaces to be exempt. And because a

restaurant requires parking space of one per five, you get 20 spaces.

We can do 20 spaces without any Special Permit for 20 seats. We're asking for 15 more seats that would require a fresh three parking spaces, and we don't have any parking, so that's why we're applying for a Special Permit.

JIM MONTEVERDE: Okay.

CONSTANTINE ALEXANDER: The issue, not issue, but the point that needs to be made is if you're an arousing success -- and I trust you would be assuming we grant relief -- the neighborhood may find themselves impacted by the parking much more than the suggestion is right now.

I think the neighbors should have there eyes wide open. There could be a lot of parking issues in the area. Because I don't think you'll have that many people biking up to the retail space.

ATTY SEAN HOPE: The neighbors can speak for themselves. I think part of it

is also comparison to other uses that are allowed. And I think that the idea is when the space became available, they know this could be a restaurant, they know this could be other things. So part of it is not that they think there won't be any parking issues, it's really a comparison to what does the ordinance allow and what could come in there. And I think that that as well as -- I mean, they have done significant work in the neighborhood. And I do think they have their eyes wide open, but I think that's why they're willing to deal with these potential issues.

CONSTANTINE ALEXANDER: Anything else?

ATTY SEAN HOPE: No.

CONSTANTINE ALEXANDER: Before I open to public testimony, any questions from the Board?

No. Guess not.

I'll open up the matter for public testimony. Is there anyone here wishing to be heard on this matter?

Yes, please come forward.

By the way, if you have written a letter and we have that letter, and if you're just going to repeat what is in the letter --

(Forwarding the letter.)

-- and we haven't seen the letter before, why don't you just summarize it for us. I just didn't want -- we've read the file and we have seen what people say in writing. I didn't want to hear it all over again, that's all.

RICHARD GOLDBERG: I'm Richard Goldberg, 170 Harvard Street. I'm the Co-Chair of the Area 4 Neighborhood Coalition.

These folks came to our meeting, which was last Thursday, they gave a very open presentation, they answered all of our questions. We had a lot of questions about parking exhaust, everything you've mentioned, and we thought that they would make really good neighbors.

CONSTANTINE ALEXANDER: You're in

support of the petition of the relief being sought?

RICHARD GOLDBERG: Totally. And that letter was sent to you.

CONSTANTINE ALEXANDER: Okay. I'll keep it in the file anyways.

Thank you.

Anyone else wishes to be heard?

Don't be bashful.

DAVID PINCUS: I was going to read my prepared remarks.

CONSTANTINE ALEXANDER: You can read your prepared remarks. I just said I didn't want to hear repetition having read it in the file and hear it all over again.

DAVID PINCUS: I understand that.

I'm David Pincus, D-A-V-I-D,
P-I-N-C-U-S.

CONSTANTINE ALEXANDER: You have written a letter to us, it's a very long letter.

DAVID PINCUS: It's a long letter. And it's a long letter because my backyard is the brewery and -- I don't really want

to read the letter.

CONSTANTINE ALEXANDER: Summarize it.

I know you talked about the condensation process, which would remove some of the odor issues.

DAVID PINCUS: A bunch of years ago, I did a whole bunch of east genetics that both Tufts University and many, many bacterial, many, many bacterial fermentations as a grad student at MIT and at Hunter College where I did my undergrad.

As a matter of fact, at both of them, I had my own personal fermenter, a small version of what they want, but much more high tech.

Yes, things smell. And the universities deal with it through several different ways. They can have scrubbers on the stacks, they can after burners not as common because flame on the roof, but the absolutely best are condensing units. You take the steam, anything that comes out of the fermenter it gets condensed and then

it's easily managed along with the liquid waste stream.

I've lived in the neighborhood now for 22 years, I lived in my building, which is directly behind both garages, for 19 years. I came up for grad school, loved Cambridge, never left. After seven years of living in my building, I bought the building. I raised my daughter here, and I have known Steve for years and years, he's been a great -- absolutely great neighbor in terms of we've gotten along fine, and most importantly, his sidewalk is the first business, outside of Air Jong (phonetic), but he lives above his business, lives right across the street from me. He was out shoveling first flakes. First business to show up in the morning, that's Metric Systems Garage and it is immaculate and especially this winter. I fully expect that to continue. There's only so much my little snowblower can do.

This is a changing neighborhood and it's changed dramatically. When I moved in

20 years ago, there were four garages and a gas station which sold diesel, which means you had every UPS truck, the US mail city trucks would stop by. I had diesel cars, 49 miles to the gallon. It was great. 20 years ago. This has all changed. The gas station is gone with its associated shop. There's a development there now. The same guys that did the new street development. It went up, there are 12, 15 units there now and the garage across the street from me, that's gone. Another three family went into that lot. The lot next to me inevitably will develop. I'm sure I won't be able to have much of say. But by right, let them do what they want to do. I am for development that makes sense.

But it's a really big garage, Metric System. What goes in there? And I'm thinking like a Cheesecake Factory? How big a restaurant would have to be in there to fill that space? Talk about parking nightmares.

And, yes, people will be drinking,

which means I don't know want them to drive there. I don't want there to be parking. I want this place to become known as the place where you don't drive to.

Cambridge is wonderful walking and biking city. Let's facilitate that by not giving them a parking requirement.

(Applause.)

The restaurant across the street, Bondir, right there, they have 28 seats maximum occupancy. I didn't even notice that a restaurant went in. It was a Tosca for years, then Console and now Bondir, and the more foot traffic we can bring to the neighborhood, it will spill over. They will get more bookings.

CONSTANTINE ALEXANDER: They don't need any more bookings.

DAVID PINCUS: I circulated a petition in support of it after -- but not until after many, many conversations with AC and (inaudible - spoke too softly). They modified their plans significantly. Condensing units are not cheap. They were

initially going to have their second egress in one place and I pointed out a different second egress. They really worked with all of us on Elm Street, not just me, but my next door neighbor Bruce. I manage his building for him because he travels a lot.

The next door neighbor is David Remow (phonetic). He's a State Police Officer retired now lives in Newbury. I can't even begin to count the number of conversations I've had with him. You think I talk a lot? And then next to that is John and Helene and Mike Perca (phonetic). They addressed a lot of our concerns.

That's very important to me because this could develop a lot of residential units, and without question, first floor of whatever went in would have a big parking garage and there would be one unit, one parking space per unit, but let's say there were 40 units, and it probably could support that, there could be two-bedroom units. People have more than one car.

The loss of the requirement for

three units versus 40 visitor parking spaces, and then the entire street a block and a half in either direction is either metered for two hours. Not all the spots actually physically have meters on them.

So overnight parking is pretty easy. When I first moved here, it was never an issue to park and I mean never. My car was the average car. Now my 25 year old Volvo is the worse car on the block, without question, everyone can attest to that. I just replaced with a 24 year old Volvo and half the miles. 180,000.

But this is the block. Now it's harder to park, but you can still park. It's incredibly rare for me to have to go more than a block away, and by a block, I mean, Norfolk Street.

So we're in like this tiny little parking sweet spot. It really it's an issue from my perspective, and I don't have a driveway. One day, as I wrote in my letter, I hope to upgrade to a driveway, and if I win the lottery, a garage.

But I'm not worried about parking. I know this place is going to be popular, but our society has changed you don't drive to a bar anymore. It's just socially unacceptable.

Broadway is a very busy street. These guys will get a lot of exposure from everyone going down on a bicycle, et cetera, and in 20 years, there used to be practically no bicyclists and now it's constant. And as a bike messenger for four years in New York City putting myself through high school and college, I love bikes.

I strongly urge you to approve this. Every single tenant I've talked to on the street is totally psyched to have a microbrewery.

I took it upon myself to do a petition, and all I did was in the middle of the day going to almost all the businesses, I got most of their signatures. On the way here tonight, and I'm not about to start buzzing doorbells and annoy people

during dinner, I picked up an additional ten signatures.

I'll give these to you guys if you'd like. I know it's not part of the official file.

TIM HUGHES: It is now.

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

DAVID PINCUS: It's my pleasure. I think this will really fit with the character of our changing neighborhood, and there's just one garage left and eventually that's going to go, too.

CONSTANTINE ALEXANDER: All I can think of, though, is the old saying "be careful what you wish for."

DAVID PINCUS: Oh, yes.

CONSTANTINE ALEXANDER: Time will tell.

DAVID PINCUS: That's exactly right. Thank you very much.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard on this matter?

KAITLYN DEFONZO: My name is Kaitlyn Defonzo, K-A-I-T-L-Y-N, D-E-F-O-N-S-O. I just wanted to reiterate what Mr. Pincus said SO clearly. I'm a Dorchester resident currently a transplant to the area within the last two-and-a-half years, and I am coming from New York City so I do have my license, but I'm not a driver, and especially after this winter, will hope to remain that way. I don't like to shovel out the parking spot for myself if I don't necessarily have to.

Living in Dorchester, I'm exclusively a Cambridge attendee to restaurants and bars shopping and, I travel by way of bus, which is how I got here this evening, or by way of trains, Uber, cabs or walking.

Having gone onto the bike frenzy, it's a little dangerous these days, but I will say that it's definitely accessible this location, even without a car. So I don't doubt that there will be people arriving by way of walking, running,

biking, any of the above.

CONSTANTINE ALEXANDER: Thank you for taking the time to come up from Dorchester.

KAITLYN DEFONZO: Thank you.

CONSTANTINE ALEXANDER: Anyone else? I think I saw another hand up.

Sir.

MICHAEL PUREKA: My name is Michael Pureka, P-U-R-E-K-A. One of the photos they have here, the one in the bottom left there, I see that when I come down from my deck every day. That's my backyard sees that door.

And when I first heard about that, my first thought was "Well, that's kind've interesting." I guess it's a change from Metric Systems, no more exhaust fan in my backyard. Good.

Had a few questions about microbrewery. Concerns about smells and what might be going on. They all have been addressed. I am feeling pretty good about this right now.

I'm not feeling very good about the alternatives to this right now.

I, like Mr. Pincus, I'm not interested in having a three or four-story condo complex looking down into my backyard. I think the parking is probably not an issue. There's a lot of resident parking in the area. So there's probably not all that much. I don't know if we would get overflow from Broadway, but so far, parking is not really an issue in the area. When my parents come to visit, we give them my visitor parking pass. There's somewhere within a block or so where they can park. It's not too bad. I'm not worried. I think these people will make good neighbors.

CONSTANTINE ALEXANDER: Therefore you're in support?

MICHAEL PUREKA: I am in support.

CONSTANTINE ALEXANDER: Thank you.

MICHAEL PUREKA: Thank you.

CONSTANTINE ALEXANDER: Sir.

JOHN DELANCEY: My name is John

Delancey, D-E-L-A-N-C-E-Y, John, J-O-H-N.

I'm a condo-mate with Mike, and once again, our backyard is in one of those pictures.

I just want to say that my wife and I, we strongly support this. We will be living virtually on top of one another there. I worked with and talked with Andrew and Cayla. I think they will be great residents. They've listened to our concerns and they responded, and I think it will be a really good fit the neighborhood actually.

As you know, our little neck in the woods there, it's very dense residential, and just a few commercial spaces, and they're all mom-and-pop shops, Dijon runs a shop there. I think all the people that have shops there work in the shop, and I think this will be not literally mom-and-pop shop, but, in essence, that and they will be on the premises. So I think it will be a good fit, and also referring to Bondir's, they have 25 or 28 seats, something like, which is virtually the same

as 35. And there's no disruption whatsoever from Bondir.

If there was a third, four or fifth restaurant coming in, I would come in in opposition for that. I think we have plenty of room for 35 seats and good neighbors. And the thing is, it won't add to the density of the neighborhood.

You talked about the oddness of the space, and I think whatever you put in there, unless you're parking cars or school buses, you will have to zone variance. I can't think of anything -- I think anything else that goes in there is going to create density and more problems. This will have the least impact -- other than the place sitting empty, this will have the least impact on the neighborhood.

I am the one that complained about the fan. It vents into our backyard, and my daughter can't play there when it vents. So I talked to Andrew and he said, "Don't worry, we're not going to use it." And we looked at the diagram and sure enough,

there's no reason for him to use it, and he's even offered, if possible, to dismantle it, so it's that kind of response. So I think they will be good neighbors.

So I just wanted to say I am strongly in support of it and everybody in the neighborhood I talked to were in support of it. People couldn't come to tonight. And I have yet to meet anybody in opposition.

CONSTANTINE ALEXANDER: Thank you.

I thank you to all of you coming down tonight and sticking around. We have to do it, but you don't have to, and we do appreciate hearing from the neighborhood, neighbors and people who have any concerns about a case before us.

Thank you again.

I'm sorry, ma'am. I didn't mean to cut you off. I didn't realize you were going to talk, too.

MINKA VANBEUZEKOM: My name is Minka, V-A-N-B-E-U-Z-E-K-O-M. And so, like

everyone here, I'm sorta the former Chair of Area 4 Neighborhood Coalition and a close neighbor of this area, both personally and as a former member of the Coalition, very much in favor of this. I think this is an exiting reuse of the space.

Although I do want to say that when I first heard that Metric Systems was going to move, I said, "Absolutely not, they can't move, they have to stay there because I have a car with 248,000 miles on it. And I want to have a couple 100,000 miles more on it, and that's because of Metric Systems, but then I heard they're not going too far away which is perfect, that's for the record.

But the thing I wanted to talk more about is the criterion for the change of use and as Sean tried to so eloquently say our code doesn't really deal with this particular use. So I am asking you as a board to be thoughtful and sort've creative in a way of how you interpret what criteria

need to be reached in order to have this change in use because as was said, this is a changing city, that little part is a little changing part and I think this is a perfect reuse of the space.

CONSTANTINE ALEXANDER: Thank you. You can go back to your seat, if you like. We have granted use variances in the past. Typically in situations, for example, where you have an old store, free-standing store in a residential district, and it's a one-story building, and there's no way it could ever be used for residential purposes, and whoever built it pre-zoning wants to continue to use it as a business. We have granted relief there.

It strikes me, speaking personally this case is very similar to that kind of a case. It's a unique structure and piece of land and building, and therefore, there are not many uses for it. This is one of the ones that make good sense.

MINKA VANBEUZEKOM: I am glad you're using that line of reasoning. I

think it seems appropriate.

CONSTANTINE ALEXANDER: That's just my thinking, the other members may feel different.

MINKA VANBEUZEKOM: Thank you.

CONSTANTINE ALEXANDER: Thank you.
Ma'am.

MICHELLE VOLPE: My name is Michelle Volpe, V-O-L-P-E, late governor. I am actually from suburban Philadelphia. I moved to 950 Mass Avenue. Actually I lived in Walden Street up in Cambridge for a few years, and I have been at 950 for about three years. But as anyone who knows me, I am a very avid walker, I walk all over Cambridge, all over Boston. An opportunity, I get I walk. That's the reason I left suburban Philadelphia because I hated driving. I am walker.

When I walk down Broadway during the daytime, it's great, but I avoid it at night because it's a little sketchy in that area. So I think having a brewery there will get a lot of light and traffic and I

will feel much safer walking as a walker.

And I work in finance and I always think about that money aspect and the job creation and keeping dollars local. Huge support of having a small company solidly based in Cambridge right here. So thumbs up for them.

CONSTANTINE ALEXANDER: Thank you.
Mr. Bond.

JASON BOND: Jason Bond, B-O-N-D.
I own a restaurant across the street, 2798 Broadway. Just quick point about our experience with parking, where I guess I come from, I think a couple of good points have been made tonight that one, most people don't driving anymore. Especially where we are in Central Square, Inman Square and Kendall Square. There's transportation. There's the subways, the buses, there's Uber now which has taken over everything. And in our experience, we have actually a pretty small number of guests who actually drive their cars to our business. This is 12 months a year. Even

in the wintertime when there's no parking, people still make it to our restaurant, and we haven't had any difficulty really with dealing with parking in our neighborhood, and I agree what has been said that it's one of the few places in Cambridge where you can actually find a parking spot still and I think it will stay that way.

CONSTANTINE ALEXANDER: Hopefully.
Thank you.

JASON BOND: Thank you.

CONSTANTINE ALEXANDER: Thanks for coming down.

Anyone else?

Sir.

CHRISTOPHER PARTRIDGE: Christopher
C-H-R-I-S-T-O-P-H-E-R, Partridge,
P-A-R-T-R-I-D-G-E.

I came to speak in support of Andrew and Cayla's plan. I'm the son of the business owner and property owner, Steve, and we worked very closely with them, looked at their business plan, and the biggest thing for us why we took the

letter is we had a few different offers and we've seen plans to go up. We didn't want to take anyone else's space or daylight, we just want continuity. My dad drew up in Cambridge and it's a mom-and-pop business. It has been there since 1977. These folks from Cambridge, they really have a feel of the pulls of the neighborhood as evidenced by the people who spoke tonight, and we want exactly that. When we go out, we want to come there, like these guys come and do what's right for the neighborhood and just keep the footprint of the business almost as it is right now. It's a beautiful space, it's a beautiful neighborhood and I think they're going to be great.

CONSTANTINE ALEXANDER: Anyone else? Apparently not.

Thank you all again for taking the time to come down and stick it out.

TIM HUGHES: Wait a minute, there's two people that haven't spoken yet.

DAVID PINCUS: Can I speak again?

CONSTANTINE ALEXANDER: I'm going

to close public testimony.

Mr. Hope, anything you want to add?

ATTY SEAN HOPE: The only thing I would add is --

CONSTANTINE ALEXANDER: Oh, I'm sorry, before we do that, I should point out we do have numerous correspondence in our file from neighbors, citizens of the city, City Councilors and the Planning Board, all of which are in support. I don't propose -- I want to go home tonight. I don't propose to read them, but they're part of our file and part of our record.

ATTY SEAN HOPE: And just briefly, you know, this is a use variance and part when we went to the outreach, I really made it emphatic, people, that we needed your support because how challenging it is to get use variances. Normally, the Board doesn't grant those. Unfortunately, the Board looks at the code and doesn't get to make policy unfortunately.

I think the encouraging thing, though, is that the city has hired a

consultant and they went to practitioners and they're going around the city to talk about that table of uses, and there's new uses that are popping up in urban areas that just are not reflected in the code.

So this is one of the suggestions I made. I do think that whether it's an microbrewery or not, I think there are changes coming to the code, and hopefully, we won't have to bring things that work that are use variances because it does put the Board in a tough position often.

CONSTANTINE ALEXANDER: Thank you.

Okay. I think we're ready for the Board for deliberation.

BRENDAN SULLIVAN: What triggers the relief here is not necessarily the microbrewery aspect, as it is the serving of alcoholic beverages so that's really what it's in the C1 district.

ATTY SEAN HOPE: There's no alcohol being served in the C1 District. The alcohol service is happening in the front portion of the building.

BRENDAN SULLIVAN: What triggers the need for relief is what I'm saying. Why is there a --

ATTY SEAN HOPE: In the Business A this is considered bottling beverages, light industrial and so that's not a --

BRENDAN SULLIVAN: So is the bottling part of it that triggers it not necessarily serving of alcoholic beverages in the C1.

ATTY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: And that part of the reason for insertion into the ordinance was so we don't have a Budweiser plant sitting there.

ATTY SEAN HOPE: Right.

TIM HUGHES: Or Coke-Cola, Moxie, 7UP, any of them.

CONSTANTINE ALEXANDER: Because they're noisy and also create traffic problems with the likes of the trucks come in and out.

Any comments?

TIM HUGHES: I'm good.

CONSTANTINE ALEXANDER: We have two votes to take, one is for the variance and the other is for the Special Permit for the reduction of parking.

We'll take that in order. I'll start with the variance.

Any further comments people want to make?

I guess not.

The Chair moves that we make the following findings with regard to the variance being sought: That a little enforcement of the provisions of ordinance would involve a substantial hardship, the hardship being that this property could not be used -- given its unique configuration, could not be used for most uses that make sense to the neighborhood; that the hardship is owing to the shape of the structures that on there right now; and that the relief may be granted without substantial detriment to the public good,

or nullifying or substantially derogating from the intent or purpose of the ordinance.

In this regard the Chair would note the overwhelming neighborhood support, and the support of city officials, officially in the case of the Planning Board and unofficially in the case of those city councillors that chose to write to us.

On basis of these findings. The Chair moves to grant the variance being requested subject to the following conditions: That the work proceed in accordance with plans submitted by the petitioner outlining what the building is going to look like, all of which have been initiated by the Chair; that the process -- the microbrewing process proceed using condensation units, as described in the supporting materials, and not other methods of manufacture; and that there will be no external fans, no fans -- exhaust fans, I should say, pushing air or odors out into the neighborhood. That has to be

taken care of internally, and beyond that, it goes without saying, that the petitioner must comply with all other requirements of our ordinance, including noise.

So, on the basis of these motions, subject to those conditions, the Chair moves we grant the variance being sought.

All those in favor say "Aye."

Five in favor.

The variance is granted.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, George Best, Jim Monteverde.)

CONSTANTINE ALEXANDER: Now we have to go to Special Permit. With regard to the Special Permit being sought, if those of you who were in the audience for the daycare case, we have to determine and cite evidence in our decision that the lesser amount of parking will not cause excessive congestion and engage public safety, substantially reduce parking availability for other uses, or otherwise adversely

affect the neighborhood.

And the petitioner has submitted evidence to deal with all of those, and to justify that a Special Permit is warranted under the conditions, specifically Broadway does have public transportation, that there's a T station in the approximate vicinity of the proposed microbrewery, and that there are also are commercial parking facilities. This is in the general area. Aren't there commercial parking facilities? That's down across the street.

ANDREW JONES: Inman Square.

CONSTANTINE ALEXANDER: That's the closest?

ANDREW JONES: Kendall.

DAVID PINCUS: There are four parking spots right around the corner that are not two-hour parking, not permit parking, but I understand are in place in most business districts for the use intended of the proprietors of the local business. They're right around the corner.

CONSTANTINE ALEXANDER: On the

basis of all of those findings, the Board moves to grant the Special Permit for the reduction of parking being sought, and further, we have to also make the general findings with regard to parking, Special Permit for parking, reduced parking and that the -- they have already been covered. That there will not be congestion, hazardous substantial change in established neighborhood character, by resulting from the reduced parking, that the continued operation or development of adjacent used will not be adversely affected by what is proposed and we have had testimony to that effect. No nuisance or hazard will be created to the detriment of health, safety and/or welfare of the occupant or the proposed use of 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 the intent and purpose of the ordinance.

In this regard, all of the persons who are supporting this microbrewery that I

have referred to before, the neighbors, the Planning Board and the City Councilors, in their individual capacity, have been made aware of the parking issues and are still in support of the relief being sought.

So, therefore, on the basis of all of this, the Chair moves that we grant the Special Permit to reduce the required parking for this parcel, as requested by the petitioner.

All those in favor say "Aye."

Five in favor. Special Permit granted.

Thank you.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Timothy Hughes, George Best, Jim Monteverde.)

(Whereupon, the Board of Zoning Appeal Meeting adjourned at 11:00 p.m.)

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