

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 10, 2015

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair  
Timothy Hughes, Vice Chair  
Brendan Sullivan, Member  
Douglas Myers, Associate Member  
Alison Hammer, Associate Member

Sean O'Grady, Zoning Specialist

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## PROCEEDINGS

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(7:00 p.m.)

(Sitting Members Case BZA-007045-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. As is our custom, we'll start with our continued cases. These are cases that were started at an earlier session but for one reason or another has been continued.

The first case I'm going to call is 1 Wood Street, case No. 007045.

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

ATTORNEY SEAN HOPE: Yes. Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. We submitted a continuance request. I'm not

sure if you have it in the file.

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Right here.

ATTORNEY SEAN HOPE: We have to continue due to the fact that we wouldn't have the full five member board that heard the original case.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: I know we requested October 22nd. I did try to look at ISD to see which dates would be available, I think hopefully all five can be there as well.

CONSTANTINE ALEXANDER: I think, Sean, October 22nd should work as far as we know for all five of the members?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: And

October 22nd is good for you folks?

Just out of curiosity, have you submitted or your client submitted revised plans from the time --

ATTORNEY SEAN HOPE: We did.

CONSTANTINE ALEXANDER: I don't want to get into it.

ATTORNEY SEAN HOPE: We did. And they're in the file. And if there's an opportunity --

CONSTANTINE ALEXANDER: Do me a favor.

ATTORNEY SEAN HOPE: Sure.

CONSTANTINE ALEXANDER: Could you tell Ms. Booz that her submissions are less than complete. They're very skeletal. She's done this in other cases, and we'd like more detailed information.

ATTORNEY SEAN HOPE: Sure.

CONSTANTINE ALEXANDER: She can talk to Mr. Boyes-Watson, he can help her.

TIMOTHY HUGHES: For a small consultation fee.

CONSTANTINE ALEXANDER: The Chair moves that we continue this case as a case heard until seven p.m. on October 22nd subject to the following conditions -- well, one that the petitioner signs a waiver of time for decision. He has done so -- she has done -- they have done so.

That the posting sign be further modified to reflect the new date, October 22nd, the new time, seven p.m. And that the sign be maintained for the 14 days required by our Ordinance.

And lastly, that to the extent that there are new plans or dimensional

forms are going to be submitted, they must be in our file no later than five p.m. on the Monday before October 22nd.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

\* \* \* \* \*

(7:00 p.m.)

(Sitting Members Case BZA-006009-2015:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006009, 30 Brattle Street.

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

ATTORNEY JAMES WAGNER: Yes. Mr. Chairman, James Wagner for Citizens Bank, Leather World, and Bob Slade Stationer. I understand that we're not able to assemble the five member panel.

CONSTANTINE ALEXANDER: That's correct.

ATTORNEY JAMES WAGNER: For not happy reasons. So we would like to have a continuance onward when we could have the full panel present. And I understand

that's possible on October 22nd which is fine by us.

CONSTANTINE ALEXANDER:

Ms. O'Hare, is that acceptable to you?

CAROL O'HARE: Yes. I would like to have an opportunity to --

DOUGLAS MYERS: Subject to scheduling, I'm not available.

CONSTANTINE ALEXANDER: Okay.

That doesn't work. What's the next one?

SEAN O'GRADY: 11/5.

CONSTANTINE ALEXANDER: November 5th?

DOUGLAS MYERS: That's fine.

CONSTANTINE ALEXANDER: Anybody else? Do we know if that's okay with George?

SEAN O'GRADY: Yes, it is.

CONSTANTINE ALEXANDER: Okay, Ms.

O'Hare?

CAROL O'HARE: I just wanted to one -- two sentences believe it or not, maybe three, thank Mr. Wagner and the ISD staff who informed me that there was to be a continuance. So I was able to con -- to inform the people I talked to and e-mailed to that there was to be a continuance. I, I thank you. That was helpful. And I wouldn't have come at all if I had known that the composition of the Board was going to be different because Sean had told me that it was conceivable, though hardly likely that the Board with four members would decide to hear the case anyway. But I see that there are four -- five members, three of whom -- no, two of whom are different.

CONSTANTINE ALEXANDER: Now, let

me just explain --

CAROL O'HARE: I would like to understand that.

CONSTANTINE ALEXANDER: Mr. Wagner was advised during the day that there would not be -- for the full five necessarily because of a death in the family for one of the members.

CAROL O'HARE: Right.

CONSTANTINE ALEXANDER: Would you like to continue he was asked. He said I would like to continue. Given that, we saw no reason to bring in the other member down. That's why you see two different faces here tonight, because we knew the case was not going to go forward.

CAROL O'HARE: Well, if -- I'm just suggesting that if you knew, I could have been informed that the case would

definitely not go forward.

CONSTANTINE ALEXANDER: Well, you were told that.

CAROL O'HARE: No, I wasn't. Sean talked to me --

CONSTANTINE ALEXANDER: Okay, okay, well, we don't know. Until right this very moment we don't know whether the case is going to be continued or not. Mr. Wagner could have come in, which is entirely within his rights and said I decided to talk to my client and I want to go forward tonight.

CAROL O'HARE: But you could not have done that because --

CONSTANTINE ALEXANDER: Well, if he had done that, we would have said no. But we didn't know that we were going to have --

CAROL O'HARE: I wanted to understand because I've been confused about continuances before and gotten different messages and that's the only reason I'm here.

CONSTANTINE ALEXANDER: Since you are, since you raise the question, let me just educate you for a second.

To get relief from our Zoning Board on any kind of a case, the state law and Cambridge law requires that you get a supermajority, not a majority of five, super. Four out of five.

CAROL O'HARE: I know.

CONSTANTINE ALEXANDER: Okay. If one member can't make it, let's say, we could go forward.

CAROL O'HARE: I know.

CONSTANTINE ALEXANDER: Okay. But

the petitioner's odds have been reduced. So generally cases get continued. But until we have the hearing right now, we don't know whether the -- what the petitioner wants to do. He could change his mind. To be sure if we did decide to go forward tonight, we wouldn't have gone forward anyway because we wouldn't have the fourth member, that's just fortuitous. Okay. Typically we would have four people here.

CAROL O'HARE: I understand his strategy with not going forward with only four members, yes.

I do -- I did say in my communication to the Board that I submitted on Tuesday that I would send or deliver my list of those people who had agreed with my communication and I am

delivering it --

CONSTANTINE ALEXANDER: I'll take it.

CAROL O'HARE: -- to the Board.

CONSTANTINE ALEXANDER: Do you have a copy for Mr. Wagner to take-home with him?

CAROL O'HARE: Yes.

CONSTANTINE ALEXANDER: Is there an extra copy?

CAROL O'HARE: Well, that's my only copy. Oh, no, I have a copy.

ATTORNEY JAMES WAGNER: Thank you.

CAROL O'HARE: Thank you.

CONSTANTINE ALEXANDER: Thank you.

Okay, the chair moves that we continue this case as a case heard on the following conditions:

Since the petitioner has already

signed a waiver of time for a decision, that the case be continued -- I should have said this earlier, the case be continued until seven p.m. on November 5th. The conditions to the continuance are that the petitioner post -- put up a new posting sign, reflecting the new date and the new time. It can be done by just taking the existing signs and marking them with a magic marker.

And the further condition that to the extent that the plans and any dimensional forms that you've submitted in the past are going to be modified, that they must be in our files no later than five p.m. on the Monday before November 5th or else it won't go forward.

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

(Aye.)

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

BRENDAN SULLIVAN: Just one point. The last hearing in May, I requested that I see or that you present a graphic showing an as-of-right solution. And going through this, I have not seen an as-of-right solution. And I believe I'll let Mr. Myers speak if he wants to on this, I believe that he also advocated for an as-of-right sign solution. My encouragement to you would be to produce an as-of-right solution so that we can review it and compare that to what this submission is. And, again, if you go back through the transcripts, you'll see that we advocated for that quite strongly. And if we had gone forward tonight -- well,

probably better that we continue anyhow. So, that would be my only comment. I don't know if you wish to chime in on that.

DOUGLAS MYERS: I would say that I agree with Mr. Sullivan's comment.

CONSTANTINE ALEXANDER: I would say rather than the word solution, the point is we'd like to see what you could do without coming before our Board. And the Board wants to compare that against what you want to do so they can measure whether there's substantial hardship that requires you that says that you can't do what the Zoning Ordinance requires. So side by side, what you can do without any Zoning relief, what you want to do, and then explain why there's a hardship that requires you to do what you want to do.

BRENDAN SULLIVAN: So we really need to see that for that November meeting.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Okay?

CONSTANTINE ALEXANDER: And it should be in the file no later than the five p.m. than the Monday before.

ATTORNEY JAMES WAGNER: Thank you, Mr. Chairman.

CAROL O'HARE: Excuse me, may I just add one request, Mr. Wagner?

The five p.m. -- it may be standard. The five p.m. on the weekend before what the city --

CONSTANTINE ALEXANDER: It's a Monday before.

CAROL O'HARE: I know. But we have to submit our -- in this case they

have three months to do their plans and we had the five days of Labor Day weekend to review them. If you got to the -- if, and Mr. Wagner was kind enough to send me them the day before the deadline of ten a.m. on Friday before Labor Day weekend, but they had three months and we had five days over Labor Day weekend. So I suggest that if they had three months to revise and they did do a major revision, that saying five p.m. on Monday when the comments have to be in by --

CONSTANTINE ALEXANDER:

Ms. O'Hare, you misunderstand our procedure and rules. Education.

CAROL O'HARE: Go ahead.

CONSTANTINE ALEXANDER: Under our rules of procedure, part of our -- and you can get a copy from the ISD. Any

petitioner, whether they're petitioning for the first time or they're continuing a case, must have the materials in by five p.m. on the Monday before the Thursday. That gives citizens of the town, since ISD is open until eight o'clock on Monday, you have three hours on Monday and you have Tuesday, Wednesday, and Thursday during the day. It's not a special rule. It's not a tit for tat. This is the way it works. Citizens of the community, if you see a case is coming down and you want to know what it's about, you know you have -- the case will be set in concrete in terms of the plans by five p.m. on the Monday before, and then you have your time to look at it. If you think that's not long enough, I'm sorry, but those are our rules.

CAROL O'HARE: There is no time to write anything.

CONSTANTINE ALEXANDER: I'm sorry. I just said again these are our rules, Ms. O'Hare.

CAROL O'HARE: I respectfully would like to say that that gives the public who work, many of them, I'm retired, no time to make a written submission when the applicants are applying for an extraordinary relief and they get, in this case, again --

BRENDAN SULLIVAN: I would add it seems to work for 99 and 44/100 percent of the general public.

CONSTANTINE ALEXANDER: That's right. Thank you. I've never had anyone complain --

BRENDAN SULLIVAN: And I've been

here for many years.

CONSTANTINE ALEXANDER: Many years, but not as many.

TIMOTHY HUGHES: I've been here for many years, too, and it's only recently under your watch that the five p.m. on Monday has been instituted. There were times when people could bring new plans to the table and we would -- and the Board would still hear cases. So, you know, I think that this Board, under its present make up has gone above and beyond to anything that the City or the Ordinance actually requires in this procedural step. So I don't see any reason to change it.

CONSTANTINE ALEXANDER: Your comments have been noted.

CAROL O'HARE: Thank you for your consideration.

CONSTANTINE ALEXANDER: Thank you,  
very much, Ms. O'Hare.

\* \* \* \* \*

(7:15 p.m.)

(Sitting Members Case BZA-007008-2015:  
Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 007008, 81 Garfield Street.

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

MARK BOYES-WATSON: Good evening.

CONSTANTINE ALEXANDER: Good evening.

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

LAUREN HARDER: Lauren Harder, 111 Grozier Road.

CONSTANTINE ALEXANDER: Go ahead.

MARK BOYES-WATSON: So this, the -- this house has been vacant for seven years now.

CONSTANTINE ALEXANDER: Seven years, really?

MARK BOYES-WATSON: Yeah, it's just been sitting there. So I think the neighbors are very happy that Lauren is bringing a project forward. And the proposal is to completely renovate the building. And it's right now a four year building, although it's two units, townhouse style.

CONSTANTINE ALEXANDER: It was four units before?

MARK BOYES-WATSON: Yeah.

LAUREN HARDER: It was a rooming house.

MARK BOYES-WATSON: Since Lauren has owned it, it's been gutted out actually. It's been gutted out for several years, so there's sort of no

evidence of what's there is long gone.

So, the reason that it's before the Board is that the house is an existing non-conforming house in terms of its size. It's actually conforming for setback. It's probably slightly higher, I think, than it's allowed to be. But it's basically everything that's proposed is conforming for setbacks and open space and the unit count, but as part of the reconfiguration in bringing this house back to its -- actually it's a lovely house, to a functional thing, there's 200 square feet of changes, and it's really to do with the configuration of the house, to bring it back to more of a townhouse style vertical configuration. So the -- so that requires -- actually, what we've tried to do in the proposal is to remove a rather

ugly enclosure of the existing front porch to which is sort of taking something away, but it doesn't reduce GFA. But we're also adding a porch on the front facade of the building, and adding -- allowing the first floor of the part that faces Oxford Street to be a little nicer, although being a very small extension. I think it's about just under 100 square feet that makes it work. And Lauren's been working with the neighbors to make sure that the fenestration of those pieces -- the as-of-right fenestration actually could be anything you like there, but she's been working hard to make sure that the things that are done are fully acceptable to the neighbors. And that's partly why I think it's a couple months ago it was before you, and that process of making sure that

that happened.

There's also a third thing on the third floor and it's really also to make that second unit work well, is a small extension on the third floor. So, it's the 200 square feet that requires the relief because its existing non-conformity and that's beyond the GFA.

CONSTANTINE ALEXANDER: Just for the record, the FAR right now is 0.86 and you're going to go with the 200 feet to 0.89 and it's in the district of 0.5 basically. So it's substantially non-conforming FAR.

MARK BOYES-WATSON: It is.

CONSTANTINE ALEXANDER: You're going to increase the non-conformance albeit to a minor extent.

MARK BOYES-WATSON: Right.

And I just as a graphic and just for clarity and it's just illustrative on the plan that you have. So what I just described was that front porch, this little piece here on the back --

CONSTANTINE ALEXANDER: Is that on the, on the back of the house from Garfield Street?

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: Is that where the garage is?

MARK BOYES-WATSON: Exactly. And I wanted to describe that. Because that's the other thing that we're doing is removing that piece in terms of the density on the lot.

CONSTANTINE ALEXANDER: I have a question for that.

MARK BOYES-WATSON: And actually

that garage is virtually contiguous to this part of the building that sits right here.

CONSTANTINE ALEXANDER: Okay.

MARK BOYES-WATSON: And the last piece I just wanted to graphically show so you get a sense of it is that's that last piece up in this corner.

CONSTANTINE ALEXANDER: As I recall, the last time around there was a deck which you had some opposition from the neighbors. Is that deck still there or is that gone?

MARK BOYES-WATSON: That has been removed.

There's also I think a late, a late last change noted on your drawings, is that there's a window illustrated in the plans that is actually going to be blanked

off.

CONSTANTINE ALEXANDER: I saw  
that.

MARK BOYES-WATSON: And that's, I  
think that would be noted on your plans.

CONSTANTINE ALEXANDER: It's on  
our plans. When you say blocked off --

MARK BOYES-WATSON: It's going to  
appear on the outside, but it's not going  
to be a window. It's going to be -- on  
the inside will be a wall.

CONSTANTINE ALEXANDER: Got it.

BRENDAN SULLIVAN: And after this  
is all said and done your plans for the  
property?

LAUREN HARDER: Two town homes to  
be sold for sale. So for condo ownership.

BRENDAN SULLIVAN: Okay.

DOUGLAS MYERS: Are you able to

comment on the basement configuration where with two baths and one bedroom and two media rooms?

MARK BOYES-WATSON: Yeah. The basement on the dimensional form it's appearing as gross floor area. It's contributing to that overage on this floor area. It's already a tall basement. So that's -- the use of those basements is as proposed on these plans.

DOUGLAS MYERS: What is the height of the basement?

MARK BOYES-WATSON: So that right now I think it's around 7, 6 and it's proposed to remain around 7, 6.

The -- in order to be legal habitable, it actually can now be as little as 6, 8 and there's some confusion. So it's existing -- it's regarded as gross

floor area by Zoning now.

DOUGLAS MYERS: And legal habitable is that what you're saying?

MARK BOYES-WATSON: And legal habitable, yeah.

CONSTANTINE ALEXANDER: Other comments or questions from members of the Board?

BRENDAN SULLIVAN: Basically you're taking stuff off, you're adding stuff on, and rearranging and bringing it into quite a nice lovely house.

CONSTANTINE ALEXANDER: Yeah.

Any other questions?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently there is no one wishing to be heard. I will read the letters into the record.

There is a letter from Peter and Carmel O'Reilly who reside at 75 Garfield Street. (Reading) We live at 75 Garfield Street and are the primary abutters to the proposed development at 81 Garfield Street. In a previous letter to the BZA on June 24th we expressed a number of concerns with the project. Since then we have had a number of meetings and communications with the petitioners, and as a result the plans have been significantly modified. Thus we are pleased to inform the Board that all of our concerns have been satisfactorily addressed and we are happy to provide our

full support to the revised Variance petition now under consideration.

And then there's also a second letter from Christine resident at 119 Oxford Street. Christine Hannon, H-a-n-n-o-n and Richard Hannon. And simply says: We are writing to support the granting of the Variance petitioned for in this case.

If my memory is correct, they had some reservations as well the last time around. So they're satisfied.

And that's all we have in the public file. No letters of opposition.

Any final comments,  
Mr. Boyes-Watson?

MARK BOYES-WATSON: No.

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

discussion?

(No Response.)

CONSTANTINE ALEXANDER: Ready for a vote.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that this is an old home that needs revisions to make it more habitable and more of a benefit to the city.

That the hardship is owing to the fact -- and this is a legally non-conforming structure and, therefore, any modifications require Zoning relief.

And that 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 what is being proposed will upgrade the housing stock of the city. It has the support of the neighbors most affected, and I think that's good enough.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans dated 8/31/2015, prepared by Boyes-Watson Architects, the first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in

favor.

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

MARK BOYES-WATSON: Thank you.

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case BZA-004850-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Alison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair

will now turn to our regular agenda and the Chair will call 004850, 640 Memorial Drive.

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

ATTORNEY TIMOTHY TWARDOSKI: Good evening and thank you, Mr. Chairman and members of the Board. For the record, my name is Tim Twardoski from Robinson Cole representing the applicant for Verizon Wireless. This is an application to modify a Special Permit for an existing wireless facility at 640 Memorial Drive. You may recall we initially submitted plans and photo sims for the revised facility in September of last year. We met with the Planning Board and then came here and afterwards I also met with members of the planning department, all of

whom basically gave the same direction that if possible, if we could move the existing antennas off of the brick facade of the building and ideally on to the mechanical screen walls behind, that would be a much more preferable design and more -- better architecturally. So we looked into that and that is in fact what we've done. We have submitted revised site plans and photo sims which I believe you have. I have additional copies if anybody --

TIMOTHY HUGHES: I would like a copy.

BRENDAN SULLIVAN: Tim, could you hand me one, please?

CONSTANTINE ALEXANDER: I don't need a copy.

ALISON HAMMER: Thank you.

DOUGLAS MYERS: I've seen it.

BRENDAN SULLIVAN: Thanks.

ATTORNEY TIMOTHY TWARDOSKI: So I think probably the easiest way to go through these is to look at the photo sims which are dated June 30th of this year. You'll see on the second page that we have a photo location map which shows the five locations from which these photo simulations where the photographs were taken labelled A through E. Beginning on page three of the photo sims, this is labelled at the bottom photo location A. What we're looking at here existing conditions, this shows the antennas on the north facade of the building facing towards the parking lot Waverly Street. And you can see these are exposed antennas on the brick that are well at least one

time were painted to match and have since faded and do not look much like the brick behind it anymore.

You'll see what we've done on the next page, proposed conditions, is we've removed the antennas from the brick facade and moved them up on to the mechanical screen wall behind the facade, and we've also are proposed to enclose them in a fiberglass enclosure that is colored and designed to match the background, the wall, the screen wall enclosure. And we've essentially taken this same approach with all three of the arrays. Out of the application Verizon is replacing all 12 antennas, four per sector, and all four of the antennas in each sector will be located behind the enclosure.

The proposal also will add remote

radio heads and junction boxes. Those are actually going to be located on the rear of the existing mechanical screen wall. So they're not even inside the enclosure behind the mechanical screen wall.

When we first looked at this alternative, we had some concern that what appears to be louvers we're a functional louver ventilation, but when we visited the site, they are not in fact not functional louvers and I think that is depicted in the site plans themselves. That's EZ4. So that enabled us to mount the antennas directly on to the exterior screen wall and then enclose them behind the fiberglass screen enclosure.

So that in a nutshell is what we're proposing to do. I'll accept any questions from the Board or be happy to

get into greater detail or other aspects.

CONSTANTINE ALEXANDER: My only comment is what took you so long to come to this solution? This is clearly much better than what you came before, before us and the Planning Board before, at least in my judgment. I don't know if other members agree.

ATTORNEY TIMOTHY TWARDOSKI: I do appreciate that. It took a considerable amount of effort to get to where we are today. You know, part of it had to do with finding a design that worked from an RF perspective. Also was consistent with the direction that we were receiving from the city staff. And also we had to get approval from the landlord to make the changes that we were doing. And in the midst of the process the property actually

changed hands so we were dealing with a new landlord and we kind of had to start the process over. In that respect certainly there were a number of factors that slowed us down to where we are today, but I'm happy to say we are where we want it to be and we hope where you want us as well.

CONSTANTINE ALEXANDER: Just for the record. I take Bell Atlantic is a licensed FCC carrier in good standing?

ATTORNEY TIMOTHY TWARDOSKI: Yes, we are. And I believe I did enclose copies of the FCC licenses in the original application. And they're all -- I think the expiration -- the shortest one is 2019 so we're in good standing even though it was submitted last year.

DOUGLAS MYERS: One question.

ATTORNEY TIMOTHY TWARDOSKI: Sure.

DOUGLAS MYERS: Having to do with photo location B existing conditions.

ATTORNEY TIMOTHY TWARDOSKI: Yes.

DOUGLAS MYERS: It looks as if you're going to remove the antennas from a white, some type of white architectural element.

ATTORNEY TIMOTHY TWARDOSKI:  
Correct.

DOUGLAS MYERS: What measures are you -- since it's white and rather conspicuous, what measures are you going to take to restore the condition of elemental element so that it's looks good?

ATTORNEY TIMOTHY TWARDOSKI:  
Right. And that's a great question. I do believe in the lease we have where with the property owner, we're required to make

any repairs whether it's removing facility entirely or making these types of changes. So, I don't know the specifics of what we're doing, but I do know that we're required by our lease to -- if any damage is done by the installation and the removal, we need to repair that. So the antennas, to make it look like new.

CONSTANTINE ALEXANDER: Okay. I think Mr. Myers' question was will you do it in a fashion that it blends in with the surrounding --

ATTORNEY TIMOTHY TWARDOSKI: Oh, absolutely.

DOUGLAS MYERS: The white is conspicuous and it seems to be fragile in its appearance with any scuff marks I'm just concerned.

ATTORNEY TIMOTHY TWARDOSKI:

Agreed.

BRENDAN SULLIVAN: I suspect not having read the prior decision that one of our standard requirements is that any equipment that is removed, the petitioner, the carrier must restore it to the original condition of the building.

TIMOTHY HUGHES: Yes. And I mean I can't tell, it's a small inset picture here, but looking at it as closely as I possibly can, it actually looks like the mountings aren't on the white, they're on the brick above it and below it.

DOUGLAS MYERS: That crossed my mind.

TIMOTHY HUGHES: So I mean they'd have to take care in their removal process not to mark up things along as they go along. But the repair may very well be on

brick itself.

BRENDAN SULLIVAN: Is that the coping, Tim?

ATTORNEY TIMOTHY TWARDOSKI: Yeah, I agree with Mr. Hughes. Based on the photos themselves it doesn't look like the actual attachments to the mounting brackets are on the brick as opposed to the white. But certainly we'll take great care to make sure that no damage is done and repairs are done to make it look like new condition.

BRENDAN SULLIVAN: Well, when I viewed this the other day, my first thought was this is what we were screaming for for years. This has raised to a -- the bar to a new standard.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And I think we

ought to send a copy over to T-Mobile and say this is what we're looking for.

CONSTANTINE ALEXANDER: I think that's right. We've been looking for screening, good screening and this is it.

ATTORNEY TIMOTHY TWARDOSKI: Thank you.

CONSTANTINE ALEXANDER: And again, congratulations to your client.

Any further comments from members of the Board?

(No Response.)

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard. We are in receipt of

a memo from the Planning Board with regard to this petition.

(Reading) The Planning Board had previously recommended a redesign of the antenna installation to improve the visual appearance to complement the architecture of the building. The Board reviewed the revised installation proposal and found it to be more aesthetically appropriate and the low profile installation successful in emitting the interruption to the architectural lines. For these reasons the Planning Board recommends that the BZA gives favorable consideration to modify Special Permit No. 8105 subject to any conditions that would mitigate potential impacts to the building.

And that's it.

I'm going to close public testimony.

Any final comments?

ATTORNEY TIMOTHY TWARDOSKI: No.

CONSTANTINE ALEXANDER: Discussion  
or ready for a vote?

TIMOTHY HUGHES: I'm ready for a  
vote.

CONSTANTINE ALEXANDER: Okay, the  
Board moves that with regard to this  
Special Permit being sought that we make  
the following findings:

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

That the petitioner has taken  
adequate steps to modify or minimize, I  
should say, the visual impact of what is  
being proposed.

That the requirements of the  
Ordinance can only be met if we grant the  
Special Permit being requested.

That there's no traffic -- the traffic generated or patterns of access or egress that will result from this project will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard, our Board has been advised many times that in terms of servicing of these new antennas, which would produce traffic, that the servicing is maybe once a month or thereabouts. It's limited. It's not a daily pattern of traffic that would cause traffic problems.

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

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

the proposed use or the citizens of the city.

And that the proposed use, what's being proposed, will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit being requested subject to the following conditions:

That the work proceed in accordance with photo simulations and plans submitted by the petitioner, each page of which have been initialled by the Chair.

That to the extent that the work when it's completed, be maintained in good working -- not working order, but appearance so that the visual impact is

not modified over time except to the extent that's reasonably results from wear and tear from the passage of time and the impact of the elements.

That if the petitioner ceases to use the antennas which they are seeking relief, that for any period of six months or more, that these antennas must be removed and that the building be restored to its prior condition to the extent reasonably practical.

I think I've got them all.

TIMOTHY HUGHES: Sounds right.

CONSTANTINE ALEXANDER: These are the conditions. So on the basis of these conditions, the Chair moves or subject to these conditions, the Chair moves that we grant the Special Permit being requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

Thank you.

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

\* \* \* \* \*

(7:45 p.m.)

(Sitting Members Case BZA-007559-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 007559, 23 Norris Street.

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

HANK REISEN: Yes, wrong address.

SUSAN HALL: That's right, 23.

HANK REISEN: Good evening. I'm  
Hank Reisen, R-e-i-s-e-n architect for Sue  
Hall and David Bass.

Should I jump right in?

CONSTANTINE ALEXANDER: By all  
means.

TIMOTHY HUGHES: Both feet.

HANK REISEN: Currently there is a  
glass greenhouse with a sloped roof that  
was an addition built probably about 25  
years ago.

CONSTANTINE ALEXANDER: Not by you  
folks?

SUSAN HALL: Yes.

DAVID BASS: Yes.

CONSTANTINE ALEXANDER: You did?

SUSAN HALL: Yes.

HANK REISEN: But it's in a severely deteriorating condition. This photograph was taken a few years ago when it started to leak. This one last fall I think. What you can see it is really starting to fall apart.

SUSAN HALL: It's not good.

HANK REISEN: So the footprint is here. It's on a concrete foundation. The proposal is to build a wood frame structure on the existing foundation.

CONSTANTINE ALEXANDER: So same footprint then?

HANK REISEN: Same footprint. But rather than replace it with a glass structure, we propose to replace it with a structure that is made out of clapboard and double hung windows to be consistent with the house.

Part of this is aesthetic, part of it is environmental because the glasshouse is too hot in summer, too cold in winter, it costs a lot to heat, and doesn't seem appropriate for this climate. So in a nutshell, that's what we are proposing.

The reason it doesn't add -- it adds a tiny little bit of FAR, but we are under the FAR.

CONSTANTINE ALEXANDER: But you have a setback issue that's the reason why you're here before us.

HANK REISEN: Yeah, the -- there's a side setback on this side which is not affected by this, but it's a non-conforming structure. And the reason it's a Variance instead of a Special Permit is the greenhouse has a sloped roof, and we're proposing to pull a flat

roof across from the existing adjacent flat roof. So there's a little triangle, a body that's increased, and there's a provision in the Zoning that says if this structure has had more than 25 percent increase in volume, since the Zoning Ordinance was put into place, then any increase in volume is a Variance. So there's a tiny increase in volume. The additional, the other volume increases that happened were years ago also.

So in a nutshell. If anyone has any questions?

CONSTANTINE ALEXANDER: Thank you.

Questions from members of the Board?

TIMOTHY HUGHES: Seems pretty straightforward to me.

CONSTANTINE ALEXANDER: Yes. Also quite an improvement in my humble opinion.

I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

I don't think we're in receipt of any letters. No, no correspondence pro or con from concerned citizens so I will close public testimony.

Ready for a vote?

TIMOTHY HUGHES: Your move away from the glasshouse isn't signalling any -- indicating that you're going to start throwing stones, is it?

SUSAN HALL: No.

TIMOTHY HUGHES: Good. All right.

CONSTANTINE ALEXANDER: Okay.

Ready for a vote. The Chair moves that we 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 would be that they would be forced to continue this greenhouse addition which is in poor condition, and with an inappropriate roof under the circumstances, particularly as a glass roof.

That the hardship is owing to the fact that this is already a non-conforming structure, and that any relief requires -- any modification requires Zoning relief.

And that relief can be granted without substantial detriment to the

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

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

That what is being proposed is more consistent architecturally with the structure in its entirety.

On the basis of these findings the Chair moves we grant the Variance being sought on the condition that work proceed in accordance with the two pages of plans, which you just showed us, prepared by Reisen, R-e-i-s-e-n Design Associates.

Just to be clear, these are the final plans? Because if you want to modify them, you're going to have to come back before us. Okay?

All those in favor of granting the

Variance, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

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

\* \* \* \* \*

(8:00 p.m.)

(Sitting Members Case BZA-007696-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Alison

Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 007696, 11 Ellsworth Avenue.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean hope, Hope Legal Offices. And I'm here tonight on behalf of the petitioner. We have Mr. Matt Hayes, he is the managing member of 11 Ellsworth Avenue, LLC and also architect Peter Quinn.

This is an application requesting Special Permit relief. We have a non-conforming structure. We are seeking to add a two-story rear addition to the property. There is a total of 21 percent

addition, so we require a Special Permit.

Part of the project will require a demolition of a portion of the property taking the GFA and adding it to the rear. The side that we're doing the demolition on has less than a one-foot setback, so it's on the property line. So we're bringing the property to greater conformance with the Ordinance. We're creating a five-foot setback along that side.

This is a dwelling that's been vacant at least since 2014. I believe the previous owner had passed away then. But even prior to that the property hadn't been updated in numerous years. You can tell by looking at the exterior. This project has also been before the Mid-Cambridge Neighborhood Commission

receiving a Certificate of Appropriateness. It's not in the file because it hasn't been issued yet. We had applied and it took a couple different hearings.

I do have some letters of support that were written to the Mid-Cambridge but also reference a Special Permit review as that was part of the application. One is a direct abutter, the other is another residence not far from the application.

I think that as you can see from Mr. Quinn can talk about, if you want, there's a design -- it's an overall improvement to the exterior. The Mid-Cambridge has purview over anything that's visible from the public way. So things like the paving stones, the vegetation, the landscaping, all of that

would be part of any -- their Certificate of Appropriateness or the Board doesn't additionally have to find but we've included those.

Those are revised plans that were put in the Friday before. So those plans, yes, were submitted and have all the recommendations from the Mid-Cambridge Neighborhood Conservation Commission.

And if you have any questions?

PETER QUINN: Would you like me to show you briefly? Thank you. As you can see, my name is Peter Quinn of Peter Quinn Architects for the record.

Essentially there's -- actually what we're trying to do here is a number of these houses that are virtually identical in their original form, entry colonials, and all of them have some kind of wing on

the side and something in the back of one kind or another. So we're actually restoring this. We are trying to bring it into greater compliance as mentioned.

There is right now on the side of this building over here abutting the neighbor, that would be on this side. There's a five-foot addition that was put on sometime we think this last century, but it was original with the house. And that was, as Sean mentioned, one foot from the property line. We're taking that away. Effectively removal FAR trying to make original form of the building more apparent, and then adding that FAR back into the project in the back of the building.

There's a side addition which exists now. We're reconstructing the roof on it

so it didn't have -- right now it has a flat roof. We're trying to create a little more headroom in there. And in general, I know this is something that we brought up with the Mid-Cambridge. We're trying to restore the facade and appearance of the building with the kind of original detail that you would have. There have been some lovely restorations of these buildings up and down the street. This is the last logical one to do.

Let me just -- I'm happy to go into it in more detail if you have any questions.

CONSTANTINE ALEXANDER: I have a question. If I'm not mistaken you're proposing to add a roof deck in the rear of the structure?

PETER QUINN: The roof deck's been

eliminated.

MATT HAYES: We took that away with our conversation with Mid-Cambridge.

CONSTANTINE ALEXANDER: That's taken away. That was in the plans that I saw.

PETER QUINN: I think in the original and then what we --

ATTORNEY SEAN HOPE: The ones that were --

CONSTANTINE ALEXANDER: These have the roof deck removed?

MATT HAYES: They should.

CONSTANTINE ALEXANDER: Okay. I'll take your word for it. I'll make it clear in the decision.

PETER QUINN: Sorry if that was -- that was a topic of discussion with the Mid-Cambridge.

What else can we say about it? We do have a full landscape plan. It's quite lovely done by Blair Hines kind of restoring an original Victorian kind of landscape to the front. We maintain compliance. We don't create any new inconsistencies in the by-law or anything that require a Variance. We do, however, once we remove this, now we have an exposed side here. We need to put windows in that's effectively another Special Permit as Sean mentioned in order to create that side elevation. It's a non-conforming elevation, but it goes from one foot non-conformance to five foot.

BRENDAN SULLIVAN: Peter, this addition to the left or the front door, was that typically like a screened-in porch area?

PETER QUINN: Well, you know, it varies a little bit up and down the street. This one has a one-story addition here. You're talking about this thing?

BRENDAN SULLIVAN: Yeah.

PETER QUINN: Yeah, right now it is a two-story addition with a flat roof.

BRENDAN SULLIVAN: And what is the -- it's just a side room?

PETER QUINN: It's actually, yeah, it's part of -- this is actually a bedroom and the -- like, in the area.

BRENDAN SULLIVAN: I'm just wondering originally.

PETER QUINN: This is a two-family. I should have -- yeah.

BRENDAN SULLIVAN: Those were originally just porches and then they got closed in over time.

PETER QUINN: This actually on record goes back to almost nearly the original part of the house. It was built just within a decade of the original portion as a two-story addition which surprised me actually to your point.

BRENDAN SULLIVAN: Yes.

PETER QUINN: But, yeah, it's been, it's been completely lost, lost most of its characters; the windows are different and yeah, we added a bay, for instance, to try to create a little hierarchy here and make that as the main part right in here.

BRENDAN SULLIVAN: And the house will become a -- this is all said and done.

MATT HAYES: Two-family. It will become two townhouses.

BRENDAN SULLIVAN: Two townhouses for sale? Two condos?

PETER QUINN: Yeah. It's legally a two now, right?

ATTORNEY SEAN HOPE: Yes.

PETER QUINN: There's no change in that.

CONSTANTINE ALEXANDER: Okay?

PETER QUINN: Thank you.

CONSTANTINE ALEXANDER: Any other questions from members of the Board?

(No Response.)

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

Is there anybody wishing to be heard on this matter? Ma'am.

CYNTHIA HUBBARD: Hi.

CONSTANTINE ALEXANDER: Give your name and address to the stenographer.

CYNTHIA HUBBARD: Okay. My name is Cynthia Hubbard, spelled H-u-b-b-a-r-d. I'm a neighbor and -- Todd and I are neighbors at 23 Ellsworth. So we're not direct abutters. We're a couple houses down the street. I'm delighted to see that this house is going to be preserved and restored. We've been worried about it for years because it is kind of derelict on the outside.

I have a question. The description says the floor area ratio is gonna be increased by 25 percent. So I'm interested in what the floor area ratio is now and what it will be after the improvements?

CONSTANTINE ALEXANDER: Let me explain. I think -- for our Zoning purposes every time there's been an

addition to the structure, that goes towards the percentage increase. And when you get over 20 -- cumulatively over 25 percent. If it's under 25 percent, you can get relief by a Special Permit. If it's over 25 percent, you need a Variance. In this case in the relief they're seeking, the additional square footage that they're adding falls within the 10 percent category, not the 25 percent category.

PETER QUINN: 21 percent is our net increase.

CONSTANTINE ALEXANDER: Okay.

PETER QUINN: So it's under 25.

CONSTANTINE ALEXANDER: Under 25.

PETER QUINN: So 21 percent is the increase.

CYNTHIA HUBBARD: And what is it

now and what will it be after the addition?

MATT HAYES: Actually I think a point to be made is that right now it's like 3800 square feet and change, and although it's 21 percent increase now it's, it's due to the fact that we're taking away from mass to the right, that one and a half story addition. So when that comes off, we're basically -- that floor area goes away and we've basically repurposed it to the rear. So the floor area that we're really increasing is something like four or five percent.

CONSTANTINE ALEXANDER: Just to give the numbers that's in the file.

PETER QUINN: Yes.

CONSTANTINE ALEXANDER: Just to give you the numbers that are in their

file.

PETER QUINN: Yeah.

CONSTANTINE ALEXANDER: The existing floor area is 3,443 square feet. And if we grant the relief tonight, it will go to 4,061 square feet.

PETER QUINN: But excuse me, Mr. Chairman. If I can clarify that.

CONSTANTINE ALEXANDER: Go ahead.

PETER QUINN: That's actually after the addition is removed. So we're actually -- if you include the addition that we're removing, we're around 3800.

CONSTANTINE ALEXANDER: Okay.

PETER QUINN: And then at the very end of this, after we mix and match and put stuff all around, we'll be at just below 4100. So we've added a net increase of --

CONSTANTINE ALEXANDER: That's what I said, 4,063 --

PETER QUINN: Yes, exactly.

CONSTANTINE ALEXANDER: -- at the end of the day.

PETER QUINN: We end up just adding less than 300 square feet at the end of the day.

CONSTANTINE ALEXANDER: Okay.

CYNTHIA HUBBARD: And do you know what the final floor area ratio is?

ATTORNEY SEAN HOPE: 0.72.

PETER QUINN: 0.72?

CYNTHIA HUBBARD: Okay. Great, thank you very much.

CONSTANTINE ALEXANDER: And the allowable is 0.75.

PETER QUINN: Right.

CONSTANTINE ALEXANDER: They don't

need relief for that portion.

CYNTHIA HUBBARD: I was -- the reason I ask is I just, you know, it's a large house now visually. It's one of the larger ones. I'm glad you're going to reduce that effect on the front. And then what's happening to the garage in the back?

MATT HAYES: We're removing it.

PETER QUINN: So we actually reduce building volume, Mr. Chairman, on the site.

ATTORNEY SEAN HOPE: I failed to mention that's also part of the demolition, is to remove the garage, although the parking is in that same area.

CONSTANTINE ALEXANDER: But there will be parking on premises?

ATTORNEY SEAN HOPE: Yes.

TIMOTHY HUGHES: You forgot to mention this?

CYNTHIA HUBBARD: Thank you very much.

CONSTANTINE ALEXANDER: Thank you for coming down. We welcome neighbors' comments and questions.

Sir.

ED NAEF: Yeah, my name is Ed Naef, N-a-e-f. I'm the rear abutter where my wife and I are the owners at 62 Dana Street. The way that this property works and the project works is there's essentially one rear abutter, that's us. So, and I'd first like to thank the team. They've been somewhat flexible through the Zoning process and they've made a number of accommodations already to some of our comments and flexibility regarding the

landscaping and so forth. I just wanted to share some of our continued concerns regarding the project.

So in the first of which is this project I think all of the neighbors on Ellsworth are quite in support because it is an eyesore. I think everyone is looking to seeing it renovated, ourselves included. All of the mass is moving from the side to the back. If you look at the front, it's quite a nice design. I don't think there's so many pictures here of the rear. Maybe just a few. It made some improvements from the Mid-Cambridge Commission, but it's still significant mass and height coming up in the back. And so our only objection I think at this point is, you know, if there's anything that can be done regarding the roof lines

to make it look more like a single-family home in the back versus an apartment building or any, anything to sort of approve the appearance of the overall height in the back, that would be something that we would welcome. There is a slight impact on our house from the shadows from the property, very minor, but some, and that's something that has not been totally addressed and everything so far.

CONSTANTINE ALEXANDER: These concerns that you expressed, have you expressed them to the petitioner in the past?

ED NAEF: Yes, through the Mid-Cambridge process, and they've been very good about coming by and soliciting our input and they've moved the property

back from their original plans. It remains, you know, as I said, a shift from the side to the back and, you know, an increase in the height of the house.

Lastly, there is a tree that we've mentioned in the Mid-Cambridge process that I think the city arborist is taking a look at. We have a maple tree in the back corner of the yard and the demolition and excavation, we're concerned that the roots from the tree may be impacted. I, I understand the city arborist is going to take a look at it, and if he says it's okay, we want to make sure that was something that's protected in the construction process as well.

CONSTANTINE ALEXANDER: As to your concerns, the reason I ask, tonight our practice is if we grant the relief, it

will be subject to these plans. So that your concerns, unless they want to, they want to continue the case, modify the plans to address them, your concerns have been expressed but they will not be met. This will be the project that we approve.

ED NAEF: Indeed. Yep.

CONSTANTINE ALEXANDER: Okay.

Just so you understand that. It's not just a matter that they can, on their own, if we grant relief they can go ahead and modify it as they wish in negotiation with you or anybody else. They have to come back before us. And so generally people don't do that once they get approval. I'm just -- I think what I'm trying to say I guess is that you've expressed your views, they've heard you, they've made some concessions, maybe not everything you

wanted to get, but this is it unless we turn it down tonight. Okay?

ED NAEF: Okay.

CONSTANTINE ALEXANDER: I wanted to make sure you understood the process.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one else. We have letters that have been supplied to us by the petitioner.

One is from Robert M. Corning, C-o-r-n-i-n-g. (Reading) I am the owner of 9 Ellsworth Avenue in Cambridge, Mass. I have reviewed the proposed project at 11 Ellsworth Avenue with the applicant Matt Hayes. After reviewing the plans and elevations of the propose renovation of the property, I would like to voice my support for the design proposed by the

applicant to the Mid-Cambridge  
Neighborhood Conservation District  
Commission. I also understand to have  
this design move forward, that a Special  
Permit will be required to proceed. Due  
to this, I would also like to take the  
time to voice my support for granting the  
applicant this Special Permit. This  
property has been a blight on the  
neighborhood for decades and the project  
as proposed will be a significant  
improvement to Ellsworth Avenue and the  
Mid-Cambridge neighborhood.

We also have a letter from Ann,  
A-n-n M. Sabbey, S-a-b-b-e-y who resides  
at 15 Ellsworth Avenue. (Reading) After  
reviewing the elevations and overall  
aesthetic of the proposed renovations of  
the property located at 11 Ellsworth

Avenue I would like to voice my support for the design proposed by the applicant to the Mid-Cambridge Conservation District. I also understand to have this design move forward, that a Special Permit will be required to proceed. Due to this, I would also like to take the time to voice my support for granting this applicant the Special Permit. My parents John and Esther Sabbey purchased our home at 15 Ellsworth Avenue in the 1960s. My father passed in January of 2015. So on behalf of my family I support Matt 100 percent. I was very close to Mrs. Lamantea, L-a-m-a-n-t-e-a, the former owner of 11 Ellsworth Avenue up until she passed in August of 2014 and I know she would be thrilled to have her home all redone. The architectural plans and

elevations look terrific. I'm excited to watch the progress.

And that's it.

Any final comments, Mr. Hope?

ATTORNEY SEAN HOPE: No, only just to reemphasize that we did have two hearings at the Mid-Cambridge Neighborhood Commission, and there were a series of accommodations made. I think the concerns were heard and I think they were accommodations made, but we do feel like that this is the best layout for the whole property, and so I don't think that this was missed. I think this was also just a design choice that the applicant wants to proceed with.

CONSTANTINE ALEXANDER: Okay, thank you.

I'll end public testimony. Any

comments from members of the Board,  
discussion? Or I can move for a vote if  
that's what you prefer?

Brendan?

BRENDAN SULLIVAN: Yeah, no.

CONSTANTINE ALEXANDER: All set?

Let's move to a vote.

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

That the requirements of the  
Ordinance can only be met with a Special  
Permit that's being sought.

That traffic generated and patterns  
of access and egress that would result  
from this project will not cause  
congestion, hazard, or substantial change  
in established neighborhood character  
except perhaps to the extent of improving

the established neighborhood character.

That the continued operation of or development of adjacent uses as permitted by the Ordinance will not be adversely affected by the nature of what is being proposed.

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 of the city.

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

On the basis of these findings the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with the

plans dated 3 September, 2015. They're numerous pages. I've initialled the first page, and these plans are attached to a dimensional form which is a Zoning Compliance Table.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

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

ATTORNEY SEAN HOPE: Thank you.

\* \* \* \* \*

(8:20 p.m.)

(Sitting Members Case BZA-007781-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Alison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 007781, 19 Channing  
Street.

Is there anyone here wishing to be heard on this matter? For the record, your name and address to the stenographer.

THOMAS STOHLMAN: I'm Tom Stohlman, S-t-o-h-l-m-a-n. I live at 19 Channing Street and I'm married to one of the petitioners.

KATHARINE STOHLMAN: I'm Kate Stohlman also at 19 Channing Street.

THOMAS STOHLMAN: So the reason why we're here before you is this past winter we had some massive icicles forming along the front side of our house, and I've put up this elegant temporary shelter to protect our tenants and their two small children from the falling icicles. And I thought perhaps it would be nicer to put up something more in keeping with the house. There's sort of a quirk in our

Zoning By-law, maybe a quirk I'll tilt at later, it's just that this is the easiest way to do it, which says basically when you, when you cover something, a porch, it adds to the FAR of your house. In this case, that covering also violates --

CONSTANTINE ALEXANDER: Setback.

THOMAS STOHLMAN: -- the setback requirement. So we're here for a Variance from those two items.

CONSTANTINE ALEXANDER: Is this the portion of the house you rent out and that's the front entrance for the tenant?

THOMAS STOHLMAN: This is the front entrance to the tenant, yeah. We don't rent out the entire first floor to the tenant but most of it.

Here's the door without our elegant temporary icicle deflector. And the plan

is to --

KATHARINE STOHLMAN: Slow down the view of the pictures so the people can see them.

THOMAS STOHLMAN: I don't want to keep them here any longer than they have to be.

TIMOTHY HUGHES: No, your pacing is good.

THOMAS STOHLMAN: Okay.

These, the roof, the roof will have brackets, not a foundation or columns down to support it. So the bottom part of the roof is gonna look like that. And this is, this is actually the rear door to our house.

And then the actual roof shape is gonna look like our front door covering. So it's a gable roof with brackets to

either side of it. You can see that in your -- in the drawings. And that is all.

CONSTANTINE ALEXANDER: Okay.

And that's -- what you've shown us on your iPad is consistent with the plan that's in our file?

THOMAS STOHLMAN: Right. I hope so.

CONSTANTINE ALEXANDER: For your sake I hope so, too.

Any comments from members of the Board? Questions?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: No one

wishes to be heard.

I don't think we have letters in our file. I'm going to close public testimony.

I think we're ready for a vote?

Okay. This is a Variance, right?

THOMAS STOHLMAN: Yes.

CONSTANTINE ALEXANDER: I am right.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that this entrance will be unprotected from the elements and as most houses in Cambridge, needs a small roof to protect the people moving in and

out of the structure from falling ice or otherwise from the elements on a very rainy day, for example.

The hardship is owing to the fact that this is already a non-conforming structure and that any modification requires Zoning relief.

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

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

That there is no -- that it's very consistent with other structures in the city, and that there is no neighborhood opposition or other public opposition.

So on the basis of all of these findings the Chair moves that we grant the Variance on the condition that the work proceed in accordance with three pages of plans submitted by the petitioner, which are part of our file, each of which have been initialed by the Chair.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-007814-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Alison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 007814, 132 Pine  
Street.

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

CAMPBELL ELLSWORTH: Good evening.  
I'm waiting for my client but he's on his  
way.

CONSTANTINE ALEXANDER: Well, if  
you want we can take another --

TIMOTHY HUGHES: No, we can't take  
another case.

CONSTANTINE ALEXANDER: We can  
wait.

CAMPBELL ELLSWORTH: I'm happy to

go ahead with it. He asked me to do all the talking anyway.

CONSTANTINE ALEXANDER: More importantly that he hears what we have to say.

CAMPBELL ELLSWORTH: He should and he is on his way, and he -- I'm not sure, he's a little bit stuck. I'm happy to wait if that pleases the Board.

CONSTANTINE ALEXANDER: You're the petitioner. You or your client is.

BRENDAN SULLIVAN: We can get started on it.

TIMOTHY HUGHES: Get the nuts and bolts out of the way.

CAMPBELL ELLSWORTH: Sure.

So this is -- my name is Campbell Ellsworth. I'm the architect for the client who is the owner Lou Ferraro. This

is a sort of an interesting and odd situation. This is on Pine Street. There is a house structure behind the structure. There are actually, between the two structures there are ten units on this structure. And the back, the back structure, which is a six-family structure has a set of stairs and porches. And by the way, I believe I wrote that somewhere in my description, that this is a structure with only a single entry. Meaning, this structure does not have a second means of egress to it. So this is the sole means.

CONSTANTINE ALEXANDER: This is a disaster waiting to happen.

CAMPBELL ELLSWORTH: Well, it's a serious situation. I've seen these before in other parts of Cambridge, in these

single units -- single entry units and we're trying to -- the owner would like to rectify something that's been sort of this front entry that's been falling apart for a long time. But, so that front set of stairs and access ways for all of those six units are completely under code. My, I've got a set of existing condition drawings. They narrow down to as little as under two feet getting in there. What we would like to do is to rebuild that front entry to a, to current code. And in fact to a -- to the commercial code which would affect it, meaning having to do with the rise and run of stairs. And to do so, because of the extension of -- it's a three-story building. To do so, would -- we need several Variances for that.

The extension of these decks creates more GFA. The lot, the buildings on the lot are already significantly over GFA, but --

CONSTANTINE ALEXANDER: You will go from 0.7865 to 0.7896 in a 0.5 district. You're only adding 15 feet of GFA according to your -- I'm taking it from your dimensional form.

CAMPBELL ELLSWORTH: I'm -- my dimensional form says that I've got a current FAR of 1.397.

CONSTANTINE ALEXANDER: Oh, I'm sorry. I'm looking at the wrong case. You're right. My mistake.

CAMPBELL ELLSWORTH: 1.397 --

CONSTANTINE ALEXANDER: To 1.44.

CAMPBELL ELLSWORTH: -- to 1.44.

CONSTANTINE ALEXANDER: In a 0.75

district. You're adding 234 feet. I was reading the wrong thing.

CAMPBELL ELLSWORTH: That is correct, yes. 234 square feet.

CONSTANTINE ALEXANDER: Yes.

CAMPBELL ELLSWORTH: I would just also point out that normally when someone wants to extend porches, porches become GFA and at some point they can be enclosable. These would not be able to be enclosable because they are the single entry and everybody has to access them all the way up and down.

CONSTANTINE ALEXANDER: Even if we were to grant approval tonight, you would still be left with a six-unit structure with single entry?

CAMPBELL ELLSWORTH: That's correct.

CONSTANTINE ALEXANDER: Help me. You're going to tear down the existing decks obviously?

CAMPBELL ELLSWORTH: Right.

CONSTANTINE ALEXANDER: And you're going to put new ones up?

CAMPBELL ELLSWORTH: Right.

CONSTANTINE ALEXANDER: It's not going to happen exactly the same time. How do people get in and out of the structure while all this is going on?

CAMPBELL ELLSWORTH: Mr. Ferraro's builder Jim Herb has prepared a document -- this came up, and I think this was -- sort of first came up from Michael Grover the building inspector. And Jim Herb has a strategy, because the new structures are built completely outside in a sense, you know, the new supporting

structure for the new porches is built completely exterior of the current structure, Jim has a strategy. He went over it with me today to sort of, to dissect it bit by bit, the goal, and he is convinced he can do it, is to not have any down time in the accessibility of the structure. Maybe for four to six, eight hours at a time, but at the end of every night --

CONSTANTINE ALEXANDER: I think your client's coming.

CAMPBELL ELLSWORTH: Great, okay. Sure. Very good.

And he --

CONSTANTINE ALEXANDER: What kind is it, is it going to be a rope ladder?

CAMPBELL ELLSWORTH: No, no, no, no. Well, let me, let me -- can I hand

this out? This is sort of --

CONSTANTINE ALEXANDER: Sure.

CAMPBELL ELLSWORTH: I'm sorry,  
I'm joined by Lou Ferraro.

Lou, the question came up as to how Jim Herb is going to maintain access through here. And I went over this with Jim today, and Jim has been in discussion with Michael Grover about this. And they will, you know, I think they will find it satisfactory.

CONSTANTINE ALEXANDER: Well, I mean, let me make -- I personally, and I don't want to get into this strategy, but I'm going to say if we're going to pose a condition -- I'm going to propose to this Board that we impose a condition that says that at all times during demolition and construction, there must be always

sufficient access, means of access and egress --

CAMPBELL ELLSWORTH: Right.

CONSTANTINE ALEXANDER: -- such that it's -- and that sufficient has got to be in relation to the physical characteristics or physical state of the occupants. I don't know who lives in these places. But if someone lives, for example, has got a physical disability, a rope ladder is not going to work. I know there's no rope ladder here.

CAMPBELL ELLSWORTH: Right.

CONSTANTINE ALEXANDER: I want to be clear, and that's going to be a condition so that if you don't as you go forward, if that's not satisfied, the project's going to come to a halt. So you understand.

LOU FERRARO: The way -- no, the contractor described it to me is that there will always be a stairway equal to what exists there now.

CONSTANTINE ALEXANDER: That's great. I just want to say it's your responsibility to make sure that happens.

LOU FERRARO: Of course.

CONSTANTINE ALEXANDER: And if you don't, you're going to get shut down.

LOU FERRARO: Yeah.

CAMPBELL ELLSWORTH: And I'm happy to go through this. I did go through this with the builder Jim Herb today. And it's kind of, you know, build the exterior structure, put in the pieces that are the non-critical pieces for egress, and at certain times, you know, remove and replace in very short order.

So --

CONSTANTINE ALEXANDER: At this point questions from members of the Board as to what he just talked to us about?

(No Response.)

CONSTANTINE ALEXANDER: Go ahead. I just wanted to make sure.

CAMPBELL ELLSWORTH: So the first Variance is a GFA Variance because we are over the allowable.

The second is because by extending those porches which occur between the two structures, we are narrowing the space, the required minimum. The code calls out a minimum of ten feet, but it's also a calculation based on the heights of the buildings. We are narrowing that down tighter than the allowable ten feet. In fact, it's kind of interesting, I would

just point out, this is, this is the current situation. This is the existing situation. The stairs that go up to the second floor are actually exterior. You can see the porches here and above. The current stairs are exterior to that, and so a literal understanding of the distance between the structures is actually six feet, nine and three-quarter inches. That actually gets better, because when we build the new, the new structure, the stairs are maintained within the seven feet. It's not exterior to that. So actually we open this up, but nonetheless, the new structure is still in the range of about eight-foot, five. Okay.

Obviously, though, this allows us to have stairs that meet the commercial code, not greater than a seven-inch riser, not

less than an eleven-inch tread. It also allows those treads to be a minimum of three feet wide. And then when you go up, so this thing corkscrews up and then the passageway becomes a minimum of three-feet wide as well. So we're significantly improving that situation.

The third Variance -- so the GFA, there's distance between the buildings, and then because the left side, the left side of this building as you're facing it, is approximately three feet from the side property line. By extending that out, we have a non-conformity, increasing non-conformity of the side yard setback.

In all we think that it's, you know, it's going to be a significant improvement to what's there now.

CONSTANTINE ALEXANDER: Thank you.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Appears to be no questions. I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I don't think we have any letters from neighbors or abutters pro or con. So I'm going to close public testimony.

Final comments?

CAMPBELL ELLSWORTH: No.

CONSTANTINE ALEXANDER: Okay.

Discussion from members of the Board?

I mean, clearly there seems to be anything is going to be better than what we have right now, that's the good news.

As I said, I am concerned, and I think the Building Commissioner -- Mr. Grover is concerned about the transition as you take down the old and put up the new, I don't want anybody's safety imperiled.

CAMPBELL ELLSWORTH: Sure.

CONSTANTINE ALEXANDER: And we're going to put in a condition to that effect as I indicated already.

CAMPBELL ELLSWORTH: And Mr. Grover is very clear, he caught that early on. He discussed it with Jim Herb and I think that would be a requirement of his work.

CONSTANTINE ALEXANDER: Good.

Okay, the Chair moves that we make the following findings with regard to the Variance being sought -- Variances:

That a literal enforcement of the

provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner would not be able to upgrade the access and egress to the structures which are currently woefully non-conforming to our current building requirements.

That the hardship is owing to the shape of the structures and the location of the land. There is nothing that could be done to improve access and egress without getting Zoning relief.

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

In this regard what is being

proposed will improve the safety of the occupants of the structures involved which is obviously a benefit to the city.

On the basis of these findings, the Chair moves that we grant the Variance being requested subject to the following conditions:

One, that the work proceed in accordance with the plans submitted by petitioner prepared by Ellsworth Associates, Inc. I don't see a date, but there are several pages. Here it is, thank you. Dated 6/8/2015, the first page of which have been initialed by the Chair.

And second that the condition that at all times during the demolition and construction of what is the -- of the decks sufficient means of access and egress must at all times be available to

occupants of the structure. Such means to take into account the physical characteristics and needs of such occupants.

All those in favor -- unless people have further comments?

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(8:45 p.m.)

(Sitting Members Case BZA-007829-2015:  
Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 007829, 42 Cogswell Avenue No. 1, also known as 1 Cogswell Court.

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

ELA BEN-UR: Hello.

ARRIN KATZ: I'm Arrin Katz the petitioner.

ELA BEN-UR: Ela Ben-Ur, his wife also at 42 Cogswell. Ela and then Ben-ur, Ben-Ur.

ARRIN KATZ: One L.

ELA BEN-UR: Oh, Ela with one L.

ADAM GLASSMAN: So I'll let the owners introduce the problem that they're dealing with and the reason why they

called me. They would like to replace a small, non-functional, unsafe delapidated deck with something that's safe and attractive, practical.

ELA BEN-UR: Sure. We have pictures with our deck.

CONSTANTINE ALEXANDER: With a spiral staircase going down.

ADAM GLASSMAN: Yes.

ELA BEN-UR: We have two children, two girls, two and four-years-old. And we moved in two years ago, but basically this is kind of child death trap. It's a -- top part is a ladder as our two-year-old has already proven, and these actually are wide enough.

CONSTANTINE ALEXANDER: What's underneath the deck now?

ELA BEN-UR: Yeah, another problem

is that -- this here?

CONSTANTINE ALEXANDER: No.

right --

ARRIN KATZ: Over here?

CONSTANTINE ALEXANDER: Keep  
going.

ELA BEN-UR: This thing. We're  
not sure. We think it's an art project  
from the family before.

CONSTANTINE ALEXANDER: So a  
storage area?

ADAM GLASSMAN: It's not even wide  
enough for storage.

CONSTANTINE ALEXANDER: I'm just  
curious.

ELA BEN-UR: Yeah, go for it.

CONSTANTINE ALEXANDER: Right  
here.

ADAM GLASSMAN: It's someone's

creative framing. This was all pre-existing. They bought the unit with the condition. It connects the house to their yard. They can't use it. They can't let their kids on it. It doesn't feel safe for anyone really.

ELA BEN-UR: Yeah, they can fall in these holes and it's rusty. So for a lot of reasons we haven't used it for four years. The first couple years. A couple years ago we thought oh, we'll just change it, and we discovered that's not so simple because the first one was built with a Variance. So at some point we'd like to use our backyard. And so we were thinking it would be good to replace it.

CONSTANTINE ALEXANDER: How big will the replacement deck be compared to the existing deck?

ADAM GLASSMAN: The existing deck and stairway combined is in plan 44 square feet.

CONSTANTINE ALEXANDER: Just the deck. Forget about the stairway.

ADAM GLASSMAN: Let check my plan here.

ELA BEN-UR: Roughly filling out the T here.

CONSTANTINE ALEXANDER: I'm curious how the deck, put aside the stairs, the deck -- the old deck compared to the new deck.

ADAM GLASSMAN: I mean, it might be -- well, the new deck is larger. The deck surface, the new deck surface and stair combined is 80 -- 89. And the new deck minus the stair is nine times six, so it's about 50. So about 60 square feet.

The new deck. The old deck is maybe about half that.

ELA BEN-UR: You can see kind of right now it forms kind of a T where the -- like a very skinny deck. And then where the stairs attach, there's kind of a little mini deck that comes off of it. Kind of a T. So our deck is like a T shape.

ADAM GLASSMAN: It's like a plank.

ELA BEN-UR: It comes out. So we're trying to fill out the corners of that so that -- right now you can stand on the deck, you know, and that's about it. It would be nice to maybe be able to sit on it. Which is we were thinking to fill it out and just have it be a normal square shape rather than a T shape just kind of simpler to make and have as well. And

then the stairs would come off the side instead of coming out towards the neighbor.

CONSTANTINE ALEXANDER: To which use would you put the new deck besides standing on this?

ELA BEN-UR: We thought we might have a small table and eat breakfast on it sometimes.

CONSTANTINE ALEXANDER: That's all you would have room for on the deck. You couldn't have big, elaborate parties on the deck, could you?

ARRIN KATZ: No.

ELA BEN-UR: No, we couldn't.

ARRIN KATZ: Our elaborate party days are over or at least a while.

ELA BEN-UR: They mostly involve balloons.

CONSTANTINE ALEXANDER: You might have birthday parties.

ELA BEN-UR: Yeah, but it would be kind of nice to be able to sit, the four of us, on a small table and just eat breakfast up there.

CONSTANTINE ALEXANDER: Okay.

ELA BEN-UR: And then the bottom deck would just go away. Another reason I don't really go on the deck in the backyard that much because we have seen small fuzzy creatures which we do believe live under the lower deck. So I think that's something we would like to get rid of just so that there's less place for them to live and come out.

ADAM GLASSMAN: It's a very small backyard and it's wood platforms.

CONSTANTINE ALEXANDER: I know the

area. If nothing else, removing the spiral staircase in my judgment is a great improvement.

ELA BEN-UR: Yeah, I actually -- we kind of don't go down it much if we don't have to just because it's awkward. Anyway, that's kind of a summary of what we're thinking about. Happy to pass around pictures or whatever.

ADAM GLASSMAN: We're here, as you know, because we have certain setback conditions that are non-conforming. And actually on all three sides except for the right -- the left side which is the long side of the deck, and it's a townhouse condition. So we're here mainly for those non-conformities.

CONSTANTINE ALEXANDER: Questions from members of the Board?

DOUGLAS MYERS: One question here. What -- I had some difficulty determining the scale that was used on the architectural drawings. Was the scale indicated someplace that I just failed to see?

ADAM GLASSMAN: I provided I thought all critical dimensions. And let me see, I.... honestly I can't remember now because it was formatted for 11 by 17 for 24 by 36, which is the permit set size that I use. But all critical dimensions are here.

DOUGLAS MYERS: Wherever there was a mention of scale it says scale was noted. And I couldn't find any scale. So when I wanted to determine, for example, how much the dimensions of the deck, the size of the deck was going to be

increased, I had to interpolate --

ADAM GLASSMAN: Well, actually each tag lists the scale as here for example, is three-eighths. So let me use my -- or somebody's scale. And this is --

TIMOTHY HUGHES: That would be mine.

ADAM GLASSMAN: There is, I would say too much calculation you'd have to do to figure out the scale.

DOUGLAS MYERS: In any event, interpolating as I did, I computed, calculated the existing deck to be approximately three feet by nine feet.

ADAM GLASSMAN: Okay.

DOUGLAS MYERS: And the new deck to be approximately six feet by twelve feet. Is that correct?

ADAM GLASSMAN: No, the dimension

tags are absolutely correct. The dimension tags are correct and I apologize --

DOUGLAS MYERS: What would be the dimensions then of the new deck?

ADAM GLASSMAN: The new deck --

CONSTANTINE ALEXANDER: You said 54 feet, didn't you?

ADAM GLASSMAN: -- is just short of, just short of ten feet by six feet as dimensioned.

DOUGLAS MYERS: That's why you don't want me interpolating.

ADAM GLASSMAN: And I'll also add that we're pulling -- although the new proposed deck is larger in size, we're actually pulling it further away from the side lot line. So that's an improvement.

DOUGLAS MYERS: And what room in

the house will the new deck adjoin or access to the new deck will be through what room?

ELA BEN-UR: Dining room. That is where it is.

ADAM GLASSMAN: The earlier discussion actually made me think of another important reason to propose this design, which is as a possible means of egress this would be very dangerous and what we're proposing --

CONSTANTINE ALEXANDER: Clearly. That's why I don't like spiral staircases.

ALISON HAMMER: And what is the deck over? What is the space underneath the --

ELA BEN-UR: That's the girls' room that they share. There isn't a -- there's not a door out of there, but

yeah, this is the room that the girls share.

ALISON HAMMER: Okay.

CONSTANTINE ALEXANDER: Further questions?

TIMOTHY HUGHES: No.

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

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

PHIL CRETCHFIELD: I'm an abutter.

CONSTANTINE ALEXANDER: You have to give your name and address to the stenographer.

PHIL CRETCHFIELD: Phil Cretchfield. I'm and abutter on the opposite side of their house and they shared the drawings with me. I did have the issue that you had with interpolating

the scale because I didn't see it on the drawings, and I'm glad that that was clarified here.

For the most part my only concern was coming over too close to my yard, and I'm convinced that it is not so I'm happy with it.

CONSTANTINE ALEXANDER: Good.

Thank you for taking the time to come down to speak to us.

Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: No one else. We do have some letters. We have a letter from Joseph Desouza, D-e-S-o-u-z-a and Jennifer Desouza who reside at 20 Mead Street, No. 2. (Reading) We are neighbors diagonally behind the home of Arrin Katz, Ela Ben-Ur, and their children. Our deck

and windows overlook their backyard. We appreciate that they've showed us their plans to take down their current rundown deck, change the shape of their top deck, switch from a spiral staircase that comes out to a straight one that runs along their house, and take out their big low bottom deck. All this sounds good to us. A safer, nicer, newer deck is good for everyone.

And we have also a letter from Hillary Abbey, A-b-b-e-y. (Reading) My name is Hillary Abbey and I and I live at 42 Cogswell Avenue, No. 3, two doors down from Arrin Katz and Ela Ben-Ur and their family. I'm good friends with this lovely family. Units No. 1, 2 and 3 make up a three-part town home and we all can see each other's backyards -- or we can see

one another's backyards. I know they've been hoping to remove their decks since they moved in with their first baby since it is not appropriate for their small children. The wood is moldy and splintering. The horizontal slats on the railings are climbable, and the rusted spiral staircase has very widely spaced vertical bars and a metal railing. Now with two young mobile girls they need to correct the situation. The family intentionally never goes on their deck or yard right now for these reasons, and also because the upper deck is very unusable shape -- is a very unusable shape at the moment. I've seen their new plans with an upper deck that is more normal shaped without making it protrude more overall, and straight closed stairs that run close

to the home rather than outward from the deck. They're also taking out the large bottom deck to put in a garden, which will be great, since we've seen mice and sometimes rats in our yards that likely live under the bottom deck. The new deck will of course look more new for all of us and resembles the design of my upper deck so that it will look all more put together as well. These are all good things as a nearby homeowner. I enjoy the Katzes and their little girls and hope everything works out from the City's perspective they will be able to enjoy their outdoor space. And that's it. Nice letter.

I'm going to close public testimony unless you have anything further you want to add?

ADAM GLASSMAN: Not at this time.

CONSTANTINE ALEXANDER: Okay.

Ready for a vote or a discussion?

TIMOTHY HUGHES: No, I'm good.

CONSTANTINE ALEXANDER: Ready for a vote.

Okay, the Chair moves that we 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 for the petitioner. Such hardship being that the petitioner would not be able to modify their unusable and potentially unsafe deck.

That the hardship is owing to the fact that this is a -- to the shape of the structure and the location of the structure on the lot.

And that relief may be granted

without substantially  
derogating -- without substantial  
detriment to the public good or nullifying  
or substantially derogating from the  
intent and purpose of the Ordinance.

In this regard what is being  
proposed will improve the safety of the  
occupants of this townhouse as well as  
improving the overall appearance of the  
structure itself.

So on the basis of these findings,  
the Chair moves that we grant the relief  
being sought on the condition that the  
work proceed in accordance with the plans  
prepared by GCD Architects. They're  
numbered D1, A1, and A2, each of which  
have been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor.

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

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case BZA-007835-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Alison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 007835, 44 Griswold  
Street.

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

MARY McDONOUGH: Hello.

CONSTANTINE ALEXANDER: Hello.

You can tell from being here all  
night you need to give your name and  
address, each of you, to the stenographer,  
please.

CHARLIE ALLEN: I'm Charlie Allen,

44 Cottage Street, Cambridge, Mass.

MARY McDONOUGH: I'm Mary  
McDonough, 44 Griswold.

JANET GRIFFIN: And I'm Janet  
Griffin, 44 Griswold Street.

CONSTANTINE ALEXANDER: The floor  
is yours or one of yours.

CHARLIE ALLEN: I'm Charlie Allen  
of Allen Renovations a Design Build in  
Cambridge and we're here to ask for relief  
to build a very small addition on the rear  
of their house in Cambridge. And this  
small addition solves three really  
significant family living situations.

It creates a small mudroom which is  
gargantuan compared to the little teeny  
closet at the front door so that some of  
the soccer cleats and some of the  
backpacks and some of the rain gear could

be stored.

It creates laundry, which is now in the basement down a fairly typical set of basement stairs with a winder on the first floor living space in this addition.

And significantly it creates a second bath. Mary and Jan are the parents of two teen-age daughters and the four of them share one bathroom on the second floor.

So, again, this rather modest addition on the rear has a really big impact or would have a really big impact on their family.

But it has a relatively small impact on the lot or the neighborhood. It doesn't extend out further on the side. It only extends rearward, if you will. We almost can't see it from the public way.

It's only one story. It's not going to interfere with anyone's sight lines or sunlight. It doesn't change the front or the left or the right setback requirements. It doesn't change the height or the width of the building. It increases the length, but it's still 34 feet from the back line with a 25-foot requirement.

Besides the very positive impact the addition would have on the family's life, it actually has tremendous neighborhood support. And I wanted you to hear from Jan and Mary about that.

CONSTANTINE ALEXANDER: Now, you identified all the ways the structure, the addition will not create Zoning problems but you haven't identified the Zoning problem that brings you here in the first

place.

CHARLIE ALLEN: It increases -- well it's of course a non-conforming structure.

CONSTANTINE ALEXANDER: No, it's not according to the dimensional form.

CHARLIE ALLEN: Set back on the left and right.

CONSTANTINE ALEXANDER: The FAR, though. The FAR, though, the FAR right now is slightly under --

CHARLIE ALLEN: Slightly under.

CONSTANTINE ALEXANDER: -- and now it's going to be --

CHARLIE ALLEN: And then slightly over --

CONSTANTINE ALEXANDER: -- the permitted.

CHARLIE ALLEN: Which it brings us

to you. Thank you, yes.

BRENDAN SULLIVAN: It's on a substandard lot and which --

CONSTANTINE ALEXANDER: Makes an FAR issue.

BRENDAN SULLIVAN: -- and we asked Sean about that how it got built in the first place unless there was a Zoning change. We ran into a blank wall. We weren't exactly sure other than the fact that a lot was created and then became a buildable lot.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: But not on a B standard. And so it's to some interesting contradictions in the whole thing. But anyhow, the reason why they're here is because of it is what it is somehow.

CONSTANTINE ALEXANDER: I think

that's right. I just wanted to get it on the record, the non-conformance, that's all. But I certainly agree with you.

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: Anything further, Mr. Allen?

CHARLIE ALLEN: No.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open it to public testimony.

Is there anyone here wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No one wishing to be heard.

JANET GRIFFIN: We do have one more letter --

CONSTANTINE ALEXANDER: One more?

My goodness.

JANET GRIFFIN: -- that came through the mail slot today.

CONSTANTINE ALEXANDER: We'll take it.

As the petitioner's representative indicated we do have substantial correspondence of neighborhood support. I'll identify for the record since we have plenty of time anyway, we have a letter from Barbara and Francis Mullen, 52 Griswold Street. (Reading) We are writing in support of the additions of the McDonough family home of 44 Griswold Street. They are a great family and hope the addition helps them stay at their residence for many years to come. We fully support this request.

We have letters that are identical.  
One from Martin and Nancy Evans.

MARY McDONOUGH: They are the  
abutters.

CONSTANTINE ALEXANDER: The  
abutters, okay. They reside at 44 -- no,  
no, you reside at 44.

MARY McDONOUGH: They're at 48 but  
that's the direct abutter.

CONSTANTINE ALEXANDER: Okay.

And duplicate letters, copy of this  
letter. We have on letter from Martin and  
Nancy Evans. (Reading) We have examined  
the plans for the one-story addition  
proposed by our next-door neighbors Mary  
McDonough and Jan Griffin for their  
residence at 44 Griswold Street,  
Cambridge. Please note that there is no  
No. 46 on the street. We strongly support

their application for a Variance from the code restrictions.

And then we have a petition that's been signed by 35 residents of Griswold Street and Sunset Road, all of whom are in support of the relief being sought.

And lastly, we have a letter from Scott Ranagan, R-a-n-a-g-a-n, and Sebastian Mineo, M-i-n-e-o who reside --

MARY McDONOUGH: They're at 40.

CONSTANTINE ALEXANDER: Okay.

(Reading) This letter is written to indicate our strong support for the Variance application submitted by Mary McDonough for the property located at 44 Griswold Street. We own the house which directly abuts 44 Griswold Street on the right at 40 Griswold Street. The proposed addition to 44 Griswold is appropriately

sized and will be attractive addition to our neighbor's home. We understand from communications about the addition that it would allow the family to have the space they need to enjoy their home for many years into the future.

And that's it.

I will close public testimony. We ready for a vote?

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner needs to expand this structure for adequate living purposes.

That the hardship is owing to the

fact that this is already a non-conforming structure on an undersized lot.

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

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

And it is enthusiastically supported by the neighborhood.

So on the basis of these findings, the Chair moves that we grant the Variance on the condition that the work proceed in accordance with the plans submitted by the petitioner. They've been prepared by Joseph S. Artley, an architect. They were prepared August 4, 2015. They are

numbered A01, A02, A03, and A04, each of which have been initialed by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Variance granted.

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

\* \* \* \* \*

(9:15 p.m.)

(Sitting Members Case BZA-007868-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 07868, 3 Wilson Avenue.

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

ATTORNEY SARAH RHATIGAN: Yes, Sarah Rhatigan, Trilogy Law and I'm here representing the petitioner. This is Rob Larsen. He's to my right. And our architect Peter Quinn.

This is a case where we are requesting a Variance in order to construct a dormer, third floor dormer. It's a 15-foot dormer that is -- will allow for the -- to improve the headroom. And the top floor of this house and the plans involve converting what are now two relatively unusable bedrooms to one master bedroom that will have better headroom and a bathroom up on that third floor level.

The plans additionally show a rear porch. That rear porch is actually conforming in all other respects so it's not required that there be, that it be --

CONSTANTINE ALEXANDER: When you say porch, this would be a roof deck or a deck?

ATTORNEY SARAH RHATIGAN: It's a deck, yes.

CONSTANTINE ALEXANDER: A deck, okay. You're correct, you don't need Zoning relief for it, but --

ATTORNEY SARAH RHATIGAN: But it is part of the plans, but we did want to represent to the Board that it was part of plans.

CONSTANTINE ALEXANDER: I noticed it anyway.

Have you talked to the neighbors

that would be most affected by the use of that deck?

ATTORNEY SARAH RHATIGAN: I don't believe we've heard from anyone.

ROBERT LARSEN: We have a couple neighbors here from the local neighborhood. I have not.

ATTORNEY SARAH RHATIGAN: The pictures that I have I hope are pretty helpful in terms of showing the impact of the dormer. So Wilson Ave., I know that you always, you know, drive by all these properties, so I'm sure you saw this, but it's a private one way. A private road, one way dead ending at their property. And the side of the house where the dormer will be is the side that opens out onto what is a large yard area that is part of the property back there that used to be

part of the Catholic church converted. I know that case was before this Board quite a bit, so I'm sure you know the property intimately. So some of the pictures --

PETER QUINN: St. John I think.

ATTORNEY SARAH RHATIGAN: St. John, yes, I'm sorry, you're right. Yeah.

Some of the pictures that I have just shows -- like, this is the view of -- the blue house is our house. This is the view from Rindge Avenue. So if you -- what I did is I drove down Rindge Avenue slowly, found a parking spot, crossed the road, and took this photo from the sidewalk of Rindge Avenue looking back at the blue house. So you can see, you know, how distant it is in terms of for the public's view.

The apartment building that is shown

in this corner here would have some view of the dormer, but not much. I think maybe, maybe this last unit, this last apartment might be able to see the dormer.

CONSTANTINE ALEXANDER: Talk to us about the dormer guidelines. Obviously you mentioned it's 15 feet which is, which is consistent. What about the other aspects of the dormer guidelines?

PETER QUINN: So it -- Peter Quinn of Peter Quinn Architects.

So the -- we did not actually completely center it. We did put --

CONSTANTINE ALEXANDER: Because of the --

PETER QUINN: It's naturally asymmetrical on the building when you look at the side-view. What you see here, this is the rear of the building. This being

the front up here. There is kind of a modified front porch that's partially enclosed. And the built, the third-story portion of it sits a little bit forward. And so, you know, we set the dormer, it's still kind of sort of in the middle part of the building, but it's set --

CONSTANTINE ALEXANDER: So basically you don't, the setback -- side setback is not being met but down from the ridge line is.

PETER QUINN: Right. No, actually the face of this does meet the side setback.

CONSTANTINE ALEXANDER: It does?

PETER QUINN: So there's no request for any relief on that. The only relief that we're requesting is simply that the square footage is increased

underneath the dormer.

CONSTANTINE ALEXANDER: No, I understand that. And the guidelines are guidelines. I just want to know for the record to what extent are you not satisfying the guidelines, if any?

PETER QUINN: I mean, I believe that we are satisfying --

CONSTANTINE ALEXANDER: In all aspects?

PETER QUINN: Yeah.

CONSTANTINE ALEXANDER: Okay.

PETER QUINN: We are less than 50 percent of the length of this side, and, you know, we certainly --

ATTORNEY SARAH RHATIGAN: Yeah, and it is meeting the -- I think what you were referring to is the side setback from the exterior of that face of the --

PETER QUINN: We're actually  
20-foot, 6.

CONSTANTINE ALEXANDER: Actually,  
I meant from the eave.

ATTORNEY SARAH RHATIGAN: So this  
measurement here is greater than --

CONSTANTINE ALEXANDER: That's  
what I'm talking about. Three feet, six  
inches?

ATTORNEY SARAH RHATIGAN: I  
believe it might be three feet, six  
inches. I think it's shown on the --

CONSTANTINE ALEXANDER: All right.  
Well, even if it's not, it's close to  
being compliant. And the more, to my mind  
the most important guideline is the  
15-foot, and you're satisfying that.

PETER QUINN: That's correct.

ATTORNEY SARAH RHATIGAN: Right.

CONSTANTINE ALEXANDER: I want to return to the deck. I know you don't need relief, but you do need relief from us for something else and you're adding something that I'm just curious about. How large is that deck and where does it -- how do you get to the deck? From what room in the house?

PETER QUINN: Okay, so it's 10 feet deep and 14 feet wide.

CONSTANTINE ALEXANDER: That's a good size deck.

PETER QUINN: Yes, it is. And it comes directly off the master bedroom. So it's not a living room deck. It's kind of more private since it's off the master bedroom. And in order to get to it, you have to actually go through the entire master bedroom to get to it. In other

words, you travel up the stairs, you go into the room, you pass the bed, and then you're out the back.

CONSTANTINE ALEXANDER: Why a deck so large?

PETER QUINN: I think it's more just to create a, you know, private space for, you know --

CONSTANTINE ALEXANDER: Another room really basically.

PETER QUINN: -- for a family. A couple perhaps to live there and have their own little realm up there. But it is quite private once you're back there. It doesn't really disturb a lot of the neighbors.

CONSTANTINE ALEXANDER: Again, if you're on that deck and you're looking over the deck, how close are the property

lines?

PETER QUINN: You know, you can see here going back this way, it's a very, very deep site. So the rear dormer alone is almost 60 feet back.

CONSTANTINE ALEXANDER: Right.

PETER QUINN: And so we're probably 46 feet rear deck setback which is exceptional. I mean, that's a nice rear yard.

ATTORNEY SARAH RHATIGAN: And I'm sorry, Peter, just to point out --

PETER QUINN: Yeah.

ATTORNEY SARAH RHATIGAN: -- the house that comes to the back rear, they also have quite a bit of yard space as well. So they're not right up to their property line.

PETER QUINN: There's another one

right here.

ATTORNEY SARAH RHATIGAN: And one of the things that's also very helpful just in terms of creating, I mean, as you're saying creating private outdoor space, the up -- the higher deck may allow for some gardening. The lower garden is actually pretty shady because of all the trees around it. So even though it's lovely, it's kind of in some ways a little bit unusable. And, you know, there are two families living in the house and who will be living in the house, so the hope is really to improve things.

DOUGLAS MYERS: While we're talking about the deck, I like to offer a few observations because it seems to me it's germane since we're exactly addressing these issues.

I went up to Middlesex Street and Wilson Avenue. I also walked along Rindge Avenue and I went in on my best behavior on to the property of the Wyeth and walked around there in the open space. I also, as I said, walked on Middlesex Street. I couldn't find any other third floor decks in the entire vicinity. I did find on Yerxa Street, on the other side of the Wyeth some rear tenement porches on the third floor standard shoebox type porches, but I found nothing on the third floor and certainly nothing of these dimensions that is completely open in the neighborhood, it is elevated, and unscreened.

I also felt that despite the distance, the deck would directly -- not directly, would face the three -- two or three rear windows of the Wyeth building

at a lower level, and these little windows have small little egress balconies on them. And I have to say although I'm certainly glad to hear -- listen to you more and to listen to my fellow Board Members, but it was my impression that this would be a substantial detriment to the public good of the adjacent properties, and I'm obviously concerned about it. Raise these issues for discussion, and I felt that this was the time to do it.

CONSTANTINE ALEXANDER: How essential is this deck to the project?

ATTORNEY SARAH RHATIGAN: Do you mind if I just -- before responding to that question, do you mind, Mr. Myers, was it the deck that you're referring to that you felt was detrimental?

DOUGLAS MYERS: Yes.

ATTORNEY SARAH RHATIGAN: Well, I guess I'm sort of scratching my head a little thinking this through. I mean, the dormer is the -- what requires the Variance. I mean, the deck I think is a real improvement. I mean, obviously I can't speak for Rob and we can discuss it, but I'm just --

BRENDAN SULLIVAN: Drawings?

CONSTANTINE ALEXANDER: Sure.

You're right, you made the point several times correctly that this is a case about a dormer, but you are asking relief from us.

ATTORNEY SARAH RHATIGAN: Right.

CONSTANTINE ALEXANDER: And on deciding whether we grant relief, we look at the whole project.

ATTORNEY SARAH RHATIGAN: Sure, right.

CONSTANTINE ALEXANDER: Seeing something that if you did need a dormer, you could probably do it as a matter of right, but it is -- if you want the dispensation from our Board, and I think we have a right to take a look at the whole shebang. And I'm concerned as Doug is, Mr. Myers is, about this rear deck because it's a very large deck in an area where there is not a lot of decks. And I'm a little bit satisfied by your comment about the depth of the lot and the distance from other structures. And then until I heard Mr. Myers' comments about looking into the windows -- being able to look into the windows of the three deckers in the rear. And I don't understand, I

mean, you know, this is a deck. It's not a party deck maybe, maybe, because it's off the master bedroom, but why you need a deck of this size is just troubling to me. I don't understand it.

TIMOTHY HUGHES: I have to go on record as saying that I don't feel like we have to look at the whole shebang. That if they're asking for a Variance for the dormer, which for the first time in many years comes in at completely compliant to the dormer guidelines, I don't think we should hold them hostage on a deck that they can build as a matter of right. I do think that the fact that it is off of a master bedroom makes it less likely to be used by anybody but the immediate occupants of that floor. You know, that sleeping space. But of course, I'm not

resistant to decks the way some of the other members of the Board are anyway. But in this case, I don't, I mean, I don't think the deck should even be in our discussion.

CONSTANTINE ALEXANDER: Fair enough.

TIMOTHY HUGHES: And I mean what's the difference of seeing from your windows from your own windows and seeing from the windows from an open deck? There isn't one. So, you know, if it's privacy compromised by a deck, it's also compromised by that same level of that house looking out a window into another window. I don't think it's compounded by the deck.

BRENDAN SULLIVAN: Speaking of somebody who has a deck off our master

bedroom and my wife spends most every waking moment after work and on the weekends and stuff out there reading a book and what have you. And I have a bunch of planters all around it and some flowering trees and so on and so forth. They have received a number of -- well, first of all, it's used by us an awful lot and exclusively by us. And she loves it out there, and that's really her little outdoor space because she doesn't like to go down and sit in the backyard type of thing. But anyhow, and also the neighbors that are at that eye level complimented me about the flowers and bushes and so on and so forth and adds a tremendous element that would not be any, it would just be house.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: And so I think that people sort of regale in the flowers and the pinks and blues and violets and all that other stuff so I can be sympathetic. Now that's at a lower level, not the third floor. But I think that it can be a very nice space. And I think that there was enough distance all the way around that it can be an attractive space and not a detriment. If it were really close proximity possibly, but I think it would probably work in this space. So I don't have any great objection to it. And the fact that they can do it as of right, then also we can voice our displeasure with it or caution to it. But I think that I would have to side with Mr. Hughes in saying that, you know, we're asked to rule on something else other than it. My

only concern on the dormer is why we didn't do a gable roof as opposed to the shed roof because of the, you know, looking at it, it looks incongruous to the other one.

PETER QUINN: The other one is a hip roof I think.

BRENDAN SULLIVAN: Oh, sorry.

PETER QUINN: So that it wouldn't provide as much headroom, the purpose of which --

BRENDAN SULLIVAN: And it wouldn't --

PETER QUINN: It would have ended up being a much bigger structure. The other dormer that you're referring to on the other side, and there's a photograph here, is actually quite small and over the stairway to allow --

BRENDAN SULLIVAN: And that had been explored and it just doesn't work?

PETER QUINN: It just doesn't work, yeah.

BRENDAN SULLIVAN: Okay. And it would have created -- yes, the structure that would be out of a portion probably.

PETER QUINN: It probably would have gone to the ridge.

TIMOTHY HUGHES: Yes, you would have had to go to the ridge to get the same amount of square footage headroom there.

BRENDAN SULLIVAN: Okay.

DOUGLAS MYERS: If I can speak again and I don't propose to prolong the discussion, there are decks and there are decks. I've voted to approve two decks tonight. This deck is something that

obviously I feel is singular and I'll just repeat that it -- if you visited the site and you stood in the yard where that picture is, this deck is elevated, it is conspicuous, it is open, it would be highly obtrusive to any person in that yard and any person looking out a rear window in that building. And I think that -- and as far as it being a part, even if it can't be built of right, I can remember other cases on this board where we've considered enlarging or altering a driveway in the setback and yet we've insisted on changing rear elements of the architecture that because of the effect they would have on neighboring properties. I have no quams or that anyone is being taken advantage here or that we are in any way varying in this case from what are our

standard practices and concerns. Other than that I will not impose on the Board by repeating my opinions.

CONSTANTINE ALEXANDER: Thank you, Doug.

Any other comments at this point?

(No Response.)

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

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

MEGHAN McCRAY: I am Meghan McCray. I'm currently a tenant.

CONSTANTINE ALEXANDER: Why don't you come closer so we can hear you.

MEGHAN McCRAY: Sure. My name is Meghan McCray. This is my husband Peter Blake. We are current tenants of Three Wilson Avenue. We have lived there for, I

believe, we're coming up on nine years through the St. John project. We like to refer to as the dark time of living on Wilson Avenue, but we've moved beyond that. And we are definitely in favor of this project. We're very familiar with the room that will be made larger by having this dormer. I think that Peter can speak to the headroom issue. Both of how small the dormer that's currently there is when you are walking up the stairs to the third floor. Also, that room has always been used for the kids because it really isn't large enough for the adults in the house so they've been relegated to the bedrooms that are on the floor that's right above us. We're on the first floor.

One of the reasons that we've lived

there for so long and that we love it so much is that Wilson Avenue is a very secluded street. There are three houses on the street with ours being the last, if I can call it ours. We are familiar with our neighbors who will not be affected so much by this deck, Mary and Sandy. Mary is the landowner to our left. She is out on her deck all the time. She is in our backyard. Our backyard is very large which we're grateful for. And in considering coming before this committee today I was looking at how much the deck and any effect the dormer might affect either Mary who we love very much, or the newer properties that are directly behind our area which is on the Middlesex Street in concern of what would be looking down on them from the third floor, and they

don't have skylights or other things that would necessarily create that feeling of intrusion from the floor. But I was also concerned about the St. John's project which after the dark times is now an excellent rental property. It ends right about the corner of our property and then opens into a large yard. And this dormer and deck might affect the last apartment on the top floor, but then opens into a broad common space for all of the renters in that area to use. You can currently, from the second floor, look into that apartment and much to the chagrin of the current folks on the second floor that can also be done in reverse. So I'm not sure that anything on the third floor would change how uncomfortable or comfortable that is. But other than that, we love

this street. We're really excited about this project, and maybe opening the upper apartment to a young family, maybe not that young, but we'll see, and there's, there's plenty of space between our place and the apartment building next-door as well as the depth yard in the back so I think we're really in favor of it.

CONSTANTINE ALEXANDER: Thank you. Thank you for coming to take the time to stick around all evening for this.

We have no letters in the file. And certainly no one else in the audience, one exception. So I'm going to close public testimony.

Any final comments? Do you want to still proceed with these plans as shown in view of the discussion you've heard? It's your call.

ATTORNEY SARAH RHATIGAN: Yes.  
I'm trying to do my best at polling the  
reaction from the board members.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH RHATIGAN: We would  
like to, yes.

CONSTANTINE ALEXANDER: Further  
discussion by members of the Board or are  
we ready for a vote?

TIMOTHY HUGHES: I'm ready for a  
vote.

CONSTANTINE ALEXANDER: The Chair  
moves that we make the following findings  
with regard to the Variance being sought:

That the literal enforcement of the  
provisions of the Ordinance would involve  
a substantial hardship to the petitioner.  
Such hardship being that the petitioner  
needs additional living space and headroom

from the stairs to the third floor which this dormer will meet the need for which the dormer will meet.

That the hardship is owing to the shape of the structure, the non-conforming structure currently, so any modification requires Zoning relief.

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

In this regard the Chair would note that there appears to be no objection with relief being sought, and that the proposed dormer does satisfy our dormer guidelines.

So on the basis of these findings the Chair moves we grant the Variance requested on the condition that the work

proceed in accordance with the plans prepared by Peter Quinn Architects. They're dated September 3rd. The pages each of which have been initialed by the Chair. The plans are T1, Z1, Z2, A1, A2, EC-1, EC-2.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Hughes, Sullivan, Hammer.)

CONSTANTINE ALEXANDER: Opposed?

DOUGLAS MYERS: Opposed.

CONSTANTINE ALEXANDER: Four in favor. Good luck.

(Whereupon, at 9:40 p.m., the

Zoning Board of Appeals

Adjourned.)

\* \* \* \* \*

**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

I am not related to any of the  
parties in this matter by blood or  
marriage and that I am in no way  
interested in the outcome of this matter.

I further certify that the testimony  
hereinbefore set forth is a true and  
accurate transcription of my stenographic  
notes to the best of my knowledge, skill  
and ability.

**IN WITNESS WHEREOF**, I have hereunto  
set my hand this 23rd day of September,  
2015.

---

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

My Commission Expires:  
April 29, 2022

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