

1 BOARD OF ZONING APPEAL

2 FOR THE

3 CITY OF CAMBRIDGE

4
5 GENERAL HEARING

6
7 THURSDAY, SEPTEMBER 12, 2019

8 7:00 p.m.

9 In

10 Senior Center

11 806 Massachusetts Avenue

12 First Floor

13 Cambridge, Massachusetts 02139

14
15 Constantine Alexander, Chair

16 Brendan Sullivan, Vice Chair

17 Janet Green,

18 Andrea A. Hickey

19 Jim Monteverde

20
21 Sisia Daglian, Assistant Building Commissioner

22

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

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3 (7:01 p.m.)

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

7 CONSTANTINE ALEXANDER: I'll call this meeting of
8 the Board of Zoning Appeals to order. And, as is our
9 custom, we will start with continued cases. These are cases
10 that started at an earlier date, but for one reason or
11 another weren't continued until tonight. Following that
12 we'll get to our regular agenda.

13 Before I call the first continued case, I'd like
14 to read a statement.

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

21 At the beginning of the meeting, the Chair will
22 inform other attendees at that meeting that a recording is

1 being made.

2 And I wish to advise that at least two recordings
3 are being made, one by our stenographer to assist her when
4 she prepares a transcript of tonight's meeting, and by
5 citizen of the city. Is there anyone else recording this
6 meeting? Videotaping it or live? Apparently not.

7 Okay, with that, we'll turn to our first continued
8 case, and that's Case Number 017097 377-379, Putnam Avenue.
9 Anyone here wishing to be heard on this matter? A lot of
10 people wishing to be heard.

11 JAMES RAFFERTY: Good evening, Mr. Chair and
12 members of the board, for the record my name is James
13 Rafferty. I'm an attorney with offices at 907 Massachusetts
14 Avenue in Cambridge. I'm preparing this evening on behalf
15 of the applicant, NSTAR Electric Company, doing business as
16 Eversource Energy.

17 Tonight's presentation is a continuance of a
18 hearing that commenced on May 16, and for the distribution
19 from the board --

20 CONSTANTINE ALEXANDER: It's the same thing as --

21 JAMES RAFFERTY: No, no. This is a summary. It's
22 contained within that, but we have highlighted certain

1 papers that have been summarized. So there's not new
2 information. It is designed towards each of the
3 individuals. You can pass that to the board members. If
4 this were a forum like the Planning Board where they have
5 PowerPoint, right, then we would discuss it.

6 No, we'd like the acquaintance of the study here,
7 so we brought hard copies and we have copies for the public.
8 Are they being distributed?

9 So tonight, I'm appearing with Eversource. To my
10 right is Domenic Nicotera. Mr. Nicotera is a Project
11 Engineer.

12 DOMENIC NICOTERA: Project Manager.

13 JAMES RAFFERTY: Project Manager, sorry. To Mr.
14 Nicotera's right is John Ziko, Z-i-k-o (sic). I've provided
15 the stenographer with spellings of these names, and Robert
16 Andrews is also present. John, maybe you could give us your
17 title and job description.

18 JOHN ZICKO: Yes, and actually for the record it's
19 Z-i-c-k-o. The minor addition, but. My job title is I'm
20 the Director of substation Design Engineering at Eversource.

21 JAMES RAFFERTY: Thank you. Robert?

22 ROBERT ANDREW: My name is Robert Andrew. I'm

1 Director of Systems Solutions for Eversource Energy, what
2 would traditionally be called, "System Planning."

3 JAMES RAFFERTY: So I'm sure the board members
4 know from the submittal we provided last week, we carefully
5 reviewed the transcript of our May hearing, and tried to
6 sort of consolidate information or organize information in a
7 way that addressed the four areas that we were asked to
8 examine and report back to the board on.

9 And the fifth issue is a little bit more
10 expansive, and that's the one Mr. Andrews is going to speak
11 to, and that's the question of projection, low projections,
12 what's the future hold, and how does this substation fit
13 into the overall energy distribution network that Eversource
14 provides in Cambridge.

15 So having said that, Mr. Nicotera would walk you
16 through some of the design features. The most significant
17 change the Board may have noticed from a design perspective
18 is a change in the enclosure around the transformer.

19 Just to recall, there are currently three
20 transformers at this location. The special permit here
21 represents a request to expand the use, the transformer use,
22 which is a permitted use by special permit. In fact, the

1 site obtained the special permit back in the late '80s.

2 This transformer originally designed to be
3 contained within an enclosure with a roof, something more
4 akin to a building.

5 As you'll learn tonight, as part of the analysis
6 of evolving sound and further examination of issues
7 associated with the transformer, one of the things that was
8 contributing to sound issues was the fact that because the -
9 - when the transformer is enclosed in a structure with a
10 roof, it actually generates heat, and that necessitates the
11 need for fans/coolant fans on the roof to remove the heat.
12 The design previously included four such roof fans.

13 The new design structure involves a pre-wall
14 enclosure, and the project team will walk you through their
15 sound attenuation components of those walls. But given the
16 height of the enclosure and the absence of the elimination
17 of the need for the rooftop cooling equipment, the
18 acoustical benefits actually improve.

19 So we'll walk you through those, and I think we'll
20 probably begin with probably slide 2, page 2, which is a
21 quick summary. And Mr. Nicotera will present the next few
22 pages, if that's agreeable.

1 CONSTANTINE ALEXANDER: I guess I would only
2 comment, as we've got a long night ahead of us, and we have
3 a long presentation, and a thorough one last time. So I
4 would ask that you not go over the same things you did
5 before; highlight the important stuff or any new information
6 you want to bring to our attention.

7 DOMENIC NICOTERA: Certainly, Mr. Chair. Thank
8 you. Am I coming across okay?

9 CONSTANTINE ALEXANDER: As far as I'm concerned.

10 DOMENIC NICOTERA: Thank you.

11 THE REPORTER: Can you speak your name and spell
12 your last name for the record?

13 DOMENIC NICOTERA: Thank you, Jim, and Good
14 evening Mr. Chairman and members of the board. It's a
15 pleasure to be before you here again tonight. For the
16 record, my name is Domenic Nicotera. That's D-o-m-e-n-i-c
17 N-i-c-o-t-e-r-a, and as Attorney Rafferty mentioned, I'm a
18 Project Manager with Eversource Energy, and I am a licensed,
19 registered professional engineer in the state of
20 Massachusetts.

21 What I wanted to do was just briefly give you an
22 overview of the documents that were submitted by Attorney

1 Rafferty last week. That was a set of deliverables that
2 resulted from our May hearing, and a request of the Board
3 for additional information. Those are listed down on page
4 15 for you.

5 So what I would just like to start with is to say
6 that over the past few months since our last hearing,
7 Eversource Project Team has worked hard to put those
8 deliverables together, review our design, come up with
9 improvements, and those are before you tonight that will be
10 discussed here.

11 At the conclusion of our brief presentation, we do
12 have additional team members and subject matter experts in
13 each of the specific disciplines that will be able to answer
14 some more specific questions, should you have them.

15 So first, to just continue onto Attorney Rafferty
16 started out by saying the most significant thing we believe
17 we did over the past few months was review and redesign the
18 transformer enclosure from a four-sided roof structure,
19 i.e., building-type enclosure, to an open three-sided
20 structure.

21 As Mr. attorney -- excuse me, as Mr. Rafferty
22 alluded to, that resulted in the benefit of the elimination

1 of four additional cooling fans. The benefit to that is that
2 those fans now are being present, do not request periodic
3 maintenance, they won't be at risk for failure and
4 replacement, they won't over time -- you know, if they were
5 present become noisier and have to require maintenance.

6 So we feel it's a superior design that we've come
7 up with, that also meets, as did the earlier design, the
8 City of Cambridge and SEP noise requirements.

9 In addition, what we did over the past few months
10 was we upgraded the landscaping. That was done by meeting
11 additionally with the abutters as well as the City of
12 Cambridge Landscape Administrator to receive some guidance
13 and input, what was called well received.

14 As a result of that, our earlier design was
15 changed a bit to include more trees and more of a grove
16 style arrangement, that we'd see on the drawings. And we're
17 going to get to that on a second on page 3 and the following
18 pages, as I turn it over to Mr. Zicko.

19 But those grove trees were selected with specific
20 species that will provide screening, shading, cover
21 throughout the year. The other change we made was we
22 upgraded the fencing from what was a chain-link, polyvinyl

1 coated black fence to a wrought-iron style fence. It still
2 requires -- excuse me, provides the required security
3 fencing, and is more attractive to the neighborhood.

4 The other thing that we're confirming for you here
5 tonight is that the company has in place currently existing
6 maintenance contracts -- landscaping and maintenance
7 contracts that are outsourced for snow removal as well.
8 Those contractors will be performing that maintenance on a
9 regular basis, and also, on an on-call basis as we get
10 storms and the like. So we want to confirm that for here
11 tonight.

12 The last couple of deliverables that we're
13 required to make was a detailed sound study analysis, which
14 was done and we have. And again, as I noted, does and can
15 that our proposed project will be all the City of Cambridge
16 noise requirements.

17 CONSTANTINE ALEXANDER: I have a question on that.

18 JAMES RAFFERTY: Sure.

19 CONSTANTINE ALEXANDER: The letter from Accutech
20 (sic) --

21 JAMES RAFFERTY: Acentech.

22 CONSTANTINE ALEXANDER: Acentech, thank you. And

1 it -- the sound emissions were measured over a one-week
2 period. It was one week, it was like December, the week
3 before Christmas. Is that -- why that week was chosen? I
4 thought it would be a week, that's atypical in terms of
5 sound?

6 JAMES RAFFERTY: Well, we have the representatives
7 from the sound -- acoustical engineers present this evening,
8 we didn't know how deep you wanted to go into that. But
9 they would be --

10 CONSTANTINE ALEXANDER: It's a simple question,
11 why that week? That's all.

12 JAMES RAFFERTY: So I think the most -- firsthand
13 information would -- if we may allow the sound engineer --

14 CONSTANTINE ALEXANDER: Sure!

15 JAMES RAFFERTY: -- to answer that question. We'd
16 have to come forward and give us your name, Jim, please.

17 JIM BARNES: Hello. My name is Jim Barnes. I'm
18 with Acentech, Principal Consultant.

19 THE REPORTER: Could you spell your last
20 name, please?

21 JIM BARNES: That's B-a-r-n-e-s. And our firm was
22 contracted and asked to initiate the study back in November,

1 and we a looked at different time period, given the project
2 requirements for having a sound study done, and all the
3 analysis.

4 We were asked to expedite it.

5 CONSTANTINE ALEXANDER: Okay, but you still
6 haven't answered my --

7 JIM BARNES: So there's no problem. I actually
8 was involved with the sound measurements.

9 CONSTANTINE ALEXANDER: Is that week a typical
10 week in terms of sound measurement? Why -- I mean, it's an
11 odd week, that's all, in terms of the way the world works.

12 JIM BARNES: Well, maybe so. We work 52 weeks out
13 of the year.

14 CONSTANTINE ALEXANDER: Yeah.

15 JIM BARNES: I've made measurements both daytime
16 and nighttime.

17 CONSTANTINE ALEXANDER: Why did you do a week in
18 February? Why that week? I haven't -- you haven't answered
19 my question? Why that week?

20 DOMENIC NICOTERA: If I may, Mr. Chair?

21 CONSTANTINE ALEXANDER: Yes.

22 DOMENIC NICOTERA: I believe I understand your

1 question, and can speak to it. The transformers, which were
2 the sound that we were trying to characterize at the site,
3 tend to produce a fairly constant sound output, regardless
4 of the load on them.

5 It's driven -- the sound output of the transformer
6 is driven mostly by the voltage that's applied to the
7 transformer, and that stays relatively constant over the
8 year. It operates in a very narrow band.

9 And for sound purposes emanating from the station,
10 the week right before Christmas is probably as typical as
11 any that you're wanting to get.

12 CONSTANTINE ALEXANDER: Okay. You've answered my
13 question, thank you.

14 DOMENIC NICOTERA: You're welcome.

15 JAMES RAFFERTY: Thank you. Thank you, Mr.
16 Chairman. I was just going to briefly make a couple of
17 points with the last couple of deliverables that we were
18 required to provide. That is to confirm that we performed a
19 due diligence analysis of alternate locations for the
20 equipment you have before you, and Mr. Zicko will speak to
21 that in a minute in a couple of following slides.

22 And we also can confirm that we did a flood and

1 resiliency analysis that was a result of looking at the City
2 of Cambridge and FEMA flood zone data. And we can confirm
3 that our equipment and the elevations of the equipment, that
4 they will be constructed to will be above those levels in
5 those standards. And there's a slide for that as well.

6 Lastly, as Attorney Rafferty mentioned after Mr.
7 Zicko, Mr. Andrew will present some information on a 10-year
8 forecast. So at this time, I will turn it over to Mr.
9 Zicko, if that's okay. Thank you.

10 JOHN ZICKO: Good evening, thank you. Turning
11 your attention to slide 3, it reiterates a lot of the points
12 that were made on Slide 2, so I won't belabor them. We've
13 talked about -- as Mr. Nicotera had talked about, we've
14 summarized what the community request for accommodations
15 were in the blue box.

16 I think the most notable feature of this slide
17 that differentiates it from slide #2 is if I could direct
18 your attention to the "before" drawing in the upper left-
19 hand corner.

20 And I realize it's a bit of an eye chart. But it
21 shows the transformer in the originally proposed location,
22 and the most notable change here is that we've slid it up

1 kind of to the right approximately thirty feet to get it
2 further away from those residences, and it also affords us
3 the opportunity to fit some enhanced landscaping and space
4 between the transformer enclosure, and the residents -- the
5 other striking feature of this is that we have taken the
6 four-sided enclosure with the roof which necessitated
7 mechanical ventilation.

8 We are working with Acentech and substation
9 engineers. We were able to develop a three-sided enclosure
10 that has allowed us to eliminate the mechanical vent fans
11 that will be naturally convectively included in the
12 enclosure. We won't have the sound of the vent fans, and
13 this also keeps the -- transforms the sound within Cambridge
14 limits, as well as demonstrate on a further slide.

15 The next two slides -- slide 4 -- shows some of
16 the landscaping plans that Mr. Nicotera spoke of. You know,
17 it's hard for me to add anything to what he already said
18 moving the slide 5. Shows some pictures, proposed visual
19 renderings.

20 I think the key takeaways here are that we develop
21 this revised enclosure based on acoustical reasons. We've
22 chosen a color palette for the electrical equipment;

1 something that we don't normally do, so we just tend to
2 paint everything battleship gray, I guess because we can we
3 do.

4 We've chosen some sand tones and more neutral
5 palettes for this, move the transformer enclosure, and then
6 as Mr. Nicotera said, we have the fence that is more
7 ornamental and still meets all the safety and security
8 requirements of the National Electric Safety Code, which is
9 the governing code for this facility.

10 The next slide, Slide #6, is a -- first slide is
11 sound analysis, and it shows the property -- the approximate
12 property line of the substation, and it shows the location
13 where we took some -- it shows the location of the proposed
14 transformer, and the location where we took some long-term
15 sound measurements, and the short-term sound measurement
16 across the street to kind of get an idea of the background.

17 There's a lot -- flipping to the -- the key
18 takeaways here are in the blue box. And it says -- you
19 know, sound levels from the proposed transformer meet
20 applicable noise criteria for the City of Cambridge, rather
21 Noise ordinance both daytime and nighttime, and the Mass DEP
22 noise level policy, not only for broadband, but the pure

1 tone as well.

2 Well, the transformer will contribute a maximum of
3 39 dB(A); that's the overall Broadband sound, residential
4 receptors, and it's less than nighttime criteria of 05.

5 On page #7, it shows in graphical form and tabular
6 form what I just described. Directing your attention to the
7 graph, to the far-left axis, you can see the far-left Y
8 axis, you can see where it says, "dB(A)" that is the overall
9 Broadband sound.

10 And you can see the -- there's an X, a diamond, a
11 triangle, a circle and a square -- the gray square being the
12 Cambridge limit for the overall sound level. And you'll see
13 the other four locations that I mentioned -- the circle, the
14 triangle, the diamond and the X are at the receptor
15 locations. They're all below the overall, and this also
16 demonstrates -- the graph also demonstrates the tonal
17 component of the sound as well.

18 The other point that was discussed at the last
19 meeting was a -- could we have an alternative location
20 within the site, and at that meeting I believe I had
21 testified that the site was heavily encumbered with a number
22 of easements, that kind of limited what we could do in

1 there. We did conduct a reasonable range of alternative
2 analyses, as to how we could situate the transformer away
3 from these residents, and that's demonstrated with the
4 information on Slide #6. A lot of the difficulties -- I'm
5 sorry, Slide #8.

6 A lot of the difficulties that we encountered
7 involved the routing of the cables. These are relatively
8 large-sized cables. They have a very large required bending
9 radius. The pulling tension and the sidewall pressure on
10 the poles adds up quickly. The longer you make them, the
11 more manholes you need, and just juggling all that
12 equipment. Plus, the manholes over the easements really
13 became a difficult exercise for us.

14 I had a couple engineers work tirelessly on this
15 through many, many iterations.

16 Directing your attention to Slide #9, which is the
17 final slide that I will speak to, we are asked to discuss
18 flood analysis, so the flood resiliency of the proposed
19 additions, the long and the short of it is that we looked at
20 both the FEMA zoning data, we met with the City of Cambridge
21 DPW to confirm the data and analysis and get their
22 recommendations.

1 We reviewed the City of Cambridge flood viewer
2 map, and we determined that any water sensible components
3 will be above what the predicted flood levels were. And
4 there are some details on that in the box in the lower
5 right-hand corner on page 9. I won't go into them unless
6 you want me to.

7 AUDIENCE: I don't --

8 JOHN ZICKO: Like I say, at your request, I will
9 try to --

10 Oh, thank you, I've succeeded. Then at this point
11 with the Commissioner and Chair I'll turn it over to Mr.
12 Andrew for this segment of the presentation.

13 ROBERT ANDREW: Good evening, as for the record,
14 my name is Robert Andrew, A-n-d-r-e-w with Eversource. I'm
15 turning to Slide #10. These are just kind of some general
16 responses I guess to questions about why do we reinforce our
17 transmission and distribution system. It's to strengthen
18 reliability in the system. The additional sources give us
19 redundancy so that we can handle failures without associated
20 outages.

21 You know, the system in Cambridge, as across all
22 the Greater Boston area in the past 20 years has been

1 growing, and we've done that here in Cambridge too, with
2 various additions to the system, to support economic growth
3 and the development that's taken place.

4 But one of the important features looking forward,
5 there are a lot of visions about more and more of our
6 electric energy coming from clean resources -- offshore
7 wind, the state of Massachusetts is currently in an
8 evaluation of bids for more offshore wind.

9 But to get that energy to the low and the cities,
10 the major loads, Cambridge being one of them, we need that
11 resilient transmission and distribution system.

12 Because simply in an urban environment, you're not
13 going to generate major amounts of carbon-free energy within
14 that area itself. It just takes too much land to do it.

15 So moving on to Slide #11, I think one of the
16 questions was related to me was about load forecasting for
17 the city going forward. Eversource every year updates a 10-
18 year load forecast, looking forward. These are the results
19 for the East Cambridge substation and Putnam substations
20 from the 2019 load forecasts.

21 So you can see the Putnam area is growing
22 moderately, the East Cambridge area is growing extremely --

1 I guess, a lot.

2 Now, from our point of view, areas are somewhat
3 flexible. We routinely move load between substations to
4 take advantage of stations that have capacity, versus a
5 neighboring one that may be near its limits.

6 And so, we can do that within reason -- obviously,
7 the stations have to be butting up to each other. We can't
8 serve load from Cape Cod, you know, from a transformer in
9 Cape Code in Cambridge. But in this case, we're talking
10 East Cambridge and Putnam, which do butt up to each other.

11 Over the years before East Cambridge existed
12 Putnam was at its capacity. When East Cambridge was
13 constructed, load was moved from Putnam to East Cambridge to
14 provide headroom on both substations.

15 JAMES RAFFERTY: Can I just offer some context to
16 the Board? The reference to the East Cambridge transformer
17 -- the board may not be aware of it -- is actually --
18 involved a special permit about 14 years ago at First
19 Street, the corner of First Street. It's on the so-called
20 Veolia campus. It was constructed right next to Cambridge
21 Research Parent. It literally abuts the Genzyme building.

22 But prior to that installation, East Cambridge

1 didn't have a transformer. It was supplied basically from
2 Putnam?

3 JAMES RAFFERTY: So -- and not to get ahead of
4 you, but Slide #13 does the job of explaining the
5 relationship between the transformers. There was a
6 transformer permitted -- my memory is -- it was fourteen
7 years ago, I think?

8 ROBERT ANDREW: Yeah.

9 JAMES RAFFERTY: But these are the current low
10 forecasts. They are updated every year, taking into account
11 the general state of the economy -- you know, economic
12 forecasts going forward, what's happened previously in the
13 previous years, actual loads, and our knowledge of what is
14 coming from developers coming in with applications looking
15 for electric service.

16 So moving onto -- I guess it's Slide #12, part of
17 our initial solution to the challenges that Cambridge
18 presents is the fourth transformer at Putnam. So we would
19 install that, and then we would work to move some load off
20 of East Cambridge to use that transformer capacity and
21 balance as best we can going forward.

22 But I think from the previous slide, what you can

1 also see is that this is an interim measure. I think we
2 call it our initial solution here, that should give us
3 headroom for a few years forward, while we work with the
4 city on a longer-term solution, which I can --

5 CONSTANTINE ALEXANDER: I'm sorry, what solution?

6 ROBERT ANDREW: On a --

7 CONSTANTINE ALEXANDER: Longer term --

8 ROBERT ANDREW: -- longer term, right. And on
9 Slide #13, what you see is a rough sketch of the area and
10 how it's applied, and how this new proposed station, new
11 station, would be integrated into the existing transmission
12 network, to increase reliability of supply to both Putnam,
13 East Cambridge, and provide additional transformer.

14 CONSTANTINE ALEXANDER: There's no anticipation
15 you -- after a few years after you do the studies, that you
16 would close down this fourth reactor?

17 ROBERT ANDREW: We wouldn't plan on doing that,
18 because at a minimum, it would also provide us some
19 redundancy within Putnam itself.

20 CONSTANTINE ALEXANDER: Okay.

21 JAMES RAFFERTY: Thank you. So, in conclusion
22 that's our presentation. Information should be familiar to

1 the Board because it's everything that was contained.

2 The only new information was that last slide,
3 which talked about the relationship between -- and one
4 learns as they go ahead in the distinction between -- maybe
5 Jim, you could -- Bob you could speak to -- there's
6 transmission and there's transformer, and it's the
7 combination of the two at this site that creates the need,
8 correct?

9 ROBERT ANDREW: Yes. For the new station, it's
10 designed to address --

11 JAMES RAFFERTY: No, when you say, "new station"
12 you're talking the contemplated --

13 ROBERT ANDREW: The proposed station --

14 JAMES RAFFERTY: Yeah.

15 ROBERT ANDREW: -- that we're trying to figure out
16 where would be the best place to put it.

17 JAMES RAFFERTY: Right.

18 ROBERT ANDREW: That station would solve two
19 issues. One, it would provide redundancy from the
20 transmission system supply to not only get but to the
21 existing stations within Cambridge. And then it would also
22 supply additional transformer stepdown capacity to provide

1 the distribution network to supply the loads in the area.

2 JAMES RAFFERTY: So Putnam is needed to facilitate
3 the transmission, correct?

4 ROBERT ANDREW: Yes. Like I said, the intent --
5 it's the initial step to address the loads that are
6 projected to be there very quickly. But it's just Step 1 in
7 the longer-term solution.

8 JAMES RAFFERTY: So, as I said, at this time that
9 concludes our presentation. We are happy -- we do have
10 experts, including the Acentech expert, as well as other
11 subject matter experts.

12 In conclusion, we note that the application
13 submitted here -- we hope that information we provide will
14 allow the Board to make the requisite findings under the
15 ordinance. This is a generic, if you will, special permit,
16 in particular requirements associated with the Boston
17 Special Permits. This is a presumption that where use is
18 permitted by special permit and criteria associated with the
19 permit are satisfied.

20 In this case, we recognize this to the
21 compatibility or with surrounding uses is a critical
22 component for a determination under a special permit.

1 We believe the information that we've submitted
2 indicates that the station -- which has been in existence
3 since 1987, can continue to have a -- its use and allocation
4 without having an adverse effect upon surrounding uses, and
5 the introduction of the transformer from the sound studies
6 indicates just a single dB increase in sound, and there will
7 be overall site improvements as described by the team this
8 evening.

9 So with that, we are happy to step back or answer
10 any questions at this time.

11 CONSTANTINE ALEXANDER: Anybody else on the board?
12 Questions?

13 JIM MONTEVERDE: Thank you for your presentation,
14 subsequent to our request/grievance. So thank you for doing
15 the work.

16 On the Slide #12 and #13, the proposed substation,
17 I'm assuming that's the load that's been newsworthy lately.
18 You've heard the proposal -- Council has heard that, and
19 you've had presentations to them, I'm assuming?

20 ROBERT ANDREW: Right. That's a to be determined,
21 correct. Yeah. We did purchase property on Fulkerson
22 Street.

1 JIM MONTEVERDE: Yep.

2 ROBERT ANDREW: And came forward with that
3 proposal, and we've been requested to evaluate -- you know,
4 other locations and we're working with the city and other
5 developers to see if we can find a place that we'd be better
6 suited and meet everybody's needs.

7 JIM MONTEVERDE: So in the immediate term, if that
8 proposed substation were to either be delayed or not be able
9 to happen there, does that then impact what you have now, or
10 what you're planning on Putnam, would that cause you to do
11 anything more on Putnam?

12 ROBERT ANDREW: No, I don't think we could do
13 anything more on the Putnam property. I think the fourth
14 transformer is basically what the property could handles.

15 JIM MONTEVERDE: Okay, thanks.

16 ANDREA HICKEY: I just have one question. Sorry,
17 we have one microphone here. With respect to Slide #3, when
18 I'm comparing the enclosure before and the after -- the
19 after has this sort of wing off the end, doesn't appear
20 here. Can you tell me about that?

21 JOHN ZICKO: So the wing -- so the enclosure
22 that's in the, "before" rendering is four-sided, and it's

1 tight. It kind of hugs the transformer if you will. And
2 there's a top on it. We've removed the top on the drawing,
3 so you can see.

4 The one that's on the, "after" if you will is
5 three-sided, and to your point, it has that what I'll term
6 as a wing wall, for lack of a better term, and that is there
7 to help attenuate the sound.

8 So what will happen is if that wing wall were not
9 there, the sound would come out that open back and try to
10 diffract around the corner towards the residences. This
11 wing wall, if you will, keeps it away from those residential
12 buildings.

13 ANDREA HICKEY: Understood. And there's nothing
14 at all on top?

15 JOHN ZICKO: We will --

16 ANDREA HICKEY: Would there be some kind of a
17 screen?

18 JOHN ZICKO: Yeah, we'll put --

19 ANDREA HICKEY: -- so birds don't fly in there?

20 JOHN ZICKO: Well, the birds in and of themselves
21 won't be a problem, but we will put an open mesh screen over
22 the top, some kind of nonconductive material. We've used

1 fiberglass open mesh in other applications.

2 ANDREA HICKEY: -- Great. That answers my
3 question, thank you.

4 CONSTANTINE ALEXANDER: I just want to echo what
5 Jim has said, and thank you for your presentation. It was
6 to your point. It covered the issues that were raised in
7 the first hearing. Thank you again. That's it. I'm going
8 to open the matter up to public testimony. No further
9 questions for members of the board at this particular time?

10 JAMES RAFFERTY: I'll stay.

11 CONSTANTINE ALEXANDER: Like I said, I'll open the
12 matter to public testimony. Sir, do you want to be heard?

13 DIRK HENTSCHEL: Yes, I would like to.

14 CONSTANTINE ALEXANDER: Come forward, please.

15 DIRK HENTSCHEL: Good evening, Mr. Chair. My name
16 is Dirk Hentschel, first name Dirk, D-i-r-k. I'm a resident
17 at the Pleasant Street Apartments, which is immediately
18 adjacent to the proposed site. We were here -- I was here
19 at the last meeting, and we have reached out, or we've tried
20 to work with Eversource over the summer.

21 We had one meeting that unfortunately -- despite
22 some preparations would only focus on the landscaping. And

1 the list that we have developed at the end of the last BZA
2 meeting wasn't really fully addressed.

3 We had another meeting just last week, so last
4 minute we did receive some of the information, we have
5 digested this. So I just want to go through the same points
6 and just also in addition to what we've just presented
7 raised some questions or some thoughts about the entire
8 process.

9 One of the questions was Eversource as a good
10 neighbor, I just wanted to close that loop. We have not
11 really seen a sustained change in cleanliness of the site.
12 We have some neighbors who have obtained continued trash
13 photos of the site. I will submit this to the board.

14 I want to start with the last point, the overall
15 plan of energy for Cambridge. Because it seems that from
16 going through the different meetings, City Council here, and
17 looking at the different material that's presented, that
18 there's a certain picking and choosing on the site of
19 Eversource was really presented.

20 So I just want to go there the numbers, as I have
21 been able to deduct them, or we've been able to deduct them
22 from the material that Eversource has provided.

1 So the current power availability in Cambridge
2 through the three substations, plus the fourth smaller one,
3 is at least 450 megawatt amperes. And according to
4 Eversource information, 64% or 280 megawatt amperes is lost,
5 due to cable contingencies. So they never reach the
6 customer. So that's more than half of what is there.

7 The overall long-term plan for Cambridge energy is
8 this new station that's supposed to be at Fulkerson, but
9 that may -- with the swap that recently occurred go to a
10 different site that's being evaluated. That's going to have
11 at least six transformers.

12 So that will provide six times 60 I think megawatt
13 amperes. So in excess of 300 megawatt amperes. That is
14 really the long-term future, and that supposedly is coming
15 available in 2024.

16 So we're looking at the period from now to 2024,
17 how to cover the demand. The projected increase at Kendall
18 Square is about fifty megawatt amperes. The Putnam Station
19 has about ten megawatts reserves at that time.

20 We don't know how much North Cambridge would
21 provide, or other sites. But it is noteworthy that just
22 reducing the inefficiency of the current cables by 20% would

1 create the same amount of megawatt amperes that are required
2 in North Cambridge.

3 Eversource has presented at the Council meeting
4 that should the Putnam substation not be ready in time or
5 not be built at all, that generators would have to be used.
6 Those generators would be at the site of power use in East
7 Cambridge.

8 So where the construction currently takes place,
9 and so that they are ready when peak demand exceeds what the
10 East Cambridge power station can deliver.

11 From a policy perspective, facing the possibility
12 of having these generators there for two or three years
13 until that larger substation is built, that's obviously a
14 nuisance -- to the residents, to the businesses, to
15 everyone.

16 But it's also a reminder to everyone, to the
17 stakeholders, developers, citizens, that energy conversation
18 is an important issue. So it would actually I think create
19 a very lively and continued debate that is very healthy to
20 address the energy needs of Cambridge.

21 So I know that --

22 CONSTANTINE ALEXANDER: It's not necessarily

1 relevant.

2 DIRK HENTSCHEL: I understand. Well, I mean if
3 the threat is that we're going to face brownouts in
4 Cambridge, right, I think it is relevant, because it affects
5 everyone.

6 CONSTANTINE ALEXANDER: It's relevant to the City
7 of Cambridge. I'm not sure it's relevant to the zoning
8 decision we have to make tonight.

9 DIRK HENTSCHEL: What I want to point out, though,
10 is that building substation enhancement at Putnam is in a
11 way a transient solution, until the larger power substation
12 comes online. And -- but, however, it's not going to be
13 taken away, as you just heard, it's going to be permanent.

14 CONSTANTINE ALEXANDER: Right.

15 DIRK HENTSCHEL: So that nuisance is going to be
16 there for the next 60 years until the flood. And the
17 generators would only be transient, you know? So I just
18 wanted to make you aware that we as residents have this as a
19 permanent nuisance; the residents in East Cambridge and
20 business will have a transient nuisance.

21 I don't know the technicalities of being able to
22 reduce the loss of power in the current system, if a 20%

1 efficiency can be achieved. The engineers of Eversource
2 will have to comment on that. But that would basically be
3 an alternative to get the power.

4 At the information meetings that we had, noise was
5 obviously covered, and I'll come to that, as well as the
6 electromagnetic field. We haven't heard anything of the
7 presentation here.

8 It was an issue the last time that there are
9 health concerns of the residents, especially with children,
10 in the Pleasant Street condominium, as there were recent
11 publications have associated the proximity to these
12 electromagnetic fields.

13 At this meeting last week, we were told an expert
14 would be here today, but we haven't heard anything, so I'm
15 not sure if that's was something that was still planned.
16 But there's continued concern about the effect of energy,
17 which is an electromagnetic field, on biological processes;
18 if it's cancer, if it's fertility, if it's something else.

19 CONSTANTINE ALEXANDER: Can I just stop you at
20 that point?

21 DIRK HENTSCHEL: Yep.

22 CONSTANTINE ALEXANDER: That's a concern, which

1 obviously is a legitimate one, but it's not a Cambridge
2 concern. Isn't that a matter of federal regulation? This
3 is going to be an issue, a health issue -- whether you build
4 one in Cambridge or in Weston, or in Santa Monica,
5 California. And I'm not sure how relevant that is to us.

6 DIRK HENTSCHEL: I agree with you that currently
7 the science does not give rational support for a decision.
8 But it is a concern for the residents --

9 CONSTANTINE ALEXANDER: Oh, I understand that.

10 DIRK HENTSCHEL: -- as more research has been
11 done. With regard to noise exposure, as you, we wondered
12 why somebody would measure in winter. And as we heard, it
13 is true that the transformer has the same noise in winter
14 and summer; load.

15 What is not the same is the fan noise, which due
16 to the increased heat, is much louder in summer. So we
17 would have liked to have seen data from summer measurements,
18 because we from living there noticed noise from the
19 substation much more in the summer, and the fan noise in
20 particular.

21 So I don't know if the experts can comment if in
22 general the overall sound of substations, including fan

1 noise, are louder in the summer than in the winter.

2 JAMES RAFFERTY: Mr. Chair, is the desire that the
3 public refer to questions? I mean --

4 DIRK HENTSCHEL: It's easier that we have a couple
5 questions, it would be easier if we go back to you --

6 CONSTANTINE ALEXANDER: Typically, not, because I
7 think --

8 JAMES RAFFERTY: Oh, okay.

9 CONSTANTINE ALEXANDER: -- given the sensitivity
10 of this case, and the concerns of --

11 JAMES RAFFERTY: I just wanted to check with you
12 before I could ask someone to join me here at the table.

13 CONSTANTINE ALEXANDER: By all means.

14 JAMES RAFFERTY: -- that could respond to that
15 question.

16 CONSTANTINE ALEXANDER: Yes, you can.

17 JAMES RAFFERTY: That's a little deviation from
18 the standard practice.

19 CONSTANTINE ALEXANDER: You're right, but we're
20 not following standard practice. This is in general.

21 JOHN ZICKO: Good evening. So to the point made
22 about sound in the summer versus the winter, the sound in

1 the summer would be more, and that would be caused by the
2 building vent fans.

3 We did go out there. Between the last hearing in
4 May and this hearing we went out at night, and tried various
5 combinations of some of the building -- the sound -- some of
6 the building fans, building vent fans to get the heat out of
7 the buildings.

8 We did find that there was some excavate noise
9 caused by those, and we're in the process, it's an act of
10 engineering at this point to retrofit those with -- what
11 it's looking like we're probably going to put oversized fans
12 and run them at lower speed and help keep some of that noise
13 down.

14 CONSTANTINE ALEXANDER: Why wasn't that brought to
15 our attention as part of your presentation? You just said
16 summer is testing, and there were some problems uncovered.

17 JAMES RAFFERTY: Right. Well the testing --
18 testing occurs in two ways. One is the newly installed
19 equipment gets tested independent of anything else, and
20 secondly, then the ambient condition gets expanded. Ambient
21 isn't limited to simply what is occurring on our site,
22 there's a whole bunch of surrounding structures and all

1 that.

2 So as part of the sound study, it is true that
3 they have done some upgrades or planning upgrades to the
4 existing fans. That's one of -- frankly, that's one of the
5 issues that informed the decision to not add additional roof
6 fans, and to alter the alignment of the structure to one
7 that wouldn't require any roof fans.

8 CONSTANTINE ALEXANDER: Okay.

9 JANET GREEN: It does seem a little bit like
10 that's why the Chair initially said, "Why would you do it
11 that week?" And I think that was sort of the question that
12 could have been answered at that point.

13 CONSTANTINE ALEXANDER: We had to draw it out of
14 you, that's what troubles me.

15 JOHN ZICKO: In retrospect, you're absolutely
16 right. I listened to the question and answered it how I
17 interpreted it in the moment. I have no other explanation.

18 CONSTANTINE ALEXANDER: Okay.

19 DIRK HENTSCHEL: So, I mean, expecting that the
20 sound in the summer would be louder, I think that the sound
21 analysis is still valid, but it probably doesn't reflect the
22 true sound that we are exposed to.

1 The second question that I had is that the DEP
2 guidelines state that facilities shall not produce pure tone
3 conditions, which are defined as octave band's center
4 frequencies exceeding the level of two adjacent octave bands
5 by three or more decibels.

6 I'm bringing that up because on Figure 4 what was
7 submitted to you as well as Slide #7, you looked at the
8 sound analysis, the octave band at 125 Hertz tone looks 10
9 dB higher than the adjacent ones. I don't usually have to
10 interpret these bands, and I don't know if that's what the
11 DEP guidelines mean, but that would be a pure tone
12 condition, and I would just like some referencing why that
13 is not a pure-tone condition, and why that is conforming
14 with the DEP guidelines, if you think it is.

15 JAMES RAFFERTY: Would you like us to have the
16 sound engineer respond?

17 CONSTANTINE ALEXANDER: I think he asked some
18 legitimate questions.

19 JAMES RAFFERTY: Oh, I'm not dismissing the
20 question, I'm just going to swap out the --

21 CONSTANTINE ALEXANDER: Sure.

22 JAMES RAFFERTY: And provide a response. Mr.

1 Barnes from Acentech --

2 CONSTANTINE ALEXANDER: Whoever you need to have
3 the answer --

4 JAMES RAFFERTY: He's the man.

5 CONSTANTINE ALEXANDER: He da man.

6 JAMES RAFFERTY: Accredited Sound Engineer. So
7 John [50:32 Name has changed also in Notes from Jim],
8 would you like to answer that?

9 JIM BARNES: Absolutely.

10 JAMES RAFFERTY: Just give your name and title
11 again.

12 JANET GREEN: Right.

13 JIM BARNES: Jim Barnes, from Acentech. B-a-r-n-
14 e-s. I'm an Acoustical Engineer, a mechanical engineer by
15 training. And I'm a Registered Professional Engineer in the
16 state of Massachusetts, as well as several other states, as
17 well as a fellow of the Institute of --

18 [Technical difficulties conversation]

19 JAMES RAFFERTY: The question is regarding,
20 interpretation of the graph provided at the presentation.

21 JIM BARNES: Okay, well, if I can just give a
22 brief summary, what a we do when we try and -- when we're

1 asked to do is sign an analysis. Okay. And I believe all
2 of you have a copy of the full report, as well.

3 So we've simplified for everybody's use on the
4 report, in showing only the nighttime noise regulation for
5 residences in the City of Cambridge. And it is only showing
6 the predicted sound pressure levels of the proposed
7 transformer in a variety of locations.

8 What is not showing here is the background, and
9 you had asked the question about, "Well, why don't we
10 measure it that time?"

11 Well, I certainly would have, except we don't want
12 to measure when we're going to have something be
13 unrepresentative what we feel from our experience. There
14 was a snowstorm, we had rain, snow, things like that, and
15 certainly I would recommend to the client we need to have
16 another time in order to get representative sound
17 measurements.

18 So --

19 JAMES RAFFERTY: The question is if the graph is
20 to show exceedances, could you address that?

21 JIM BARNES: Well, it doesn't show exceedances on
22 the City of Cambridge line. What it is showing is the tone,

1 its inherent tone. All transformers are going to be
2 producing a series of tones, 120 hertz and harmonics. And
3 that's just what we're showing. This is what came -- is
4 based on a sound test conducted by the transformer vendor at
5 the factory.

6 Why isn't it not a problem with the Mass DEP?

7 Well, it's because we have background masking. And even a
8 better reason why we want to have a quieter background
9 looking at nighttime rather than the -- say in the daytime,
10 where the background levels can be much higher, and would
11 have a much better chance of masking everything.

12 And our recommendations for the noise control in
13 this project have really been looking at try to mask that
14 tone that comes from a transformer before it gets to the
15 neighbors. I hope I -- have I answered your question?

16 DIRK HENTSCHEL: Well, I don't think so. I think
17 that -- so the DEP guidelines say that the facility shall
18 not produce pure-tone conditions, which are defined as
19 specific decibels associated with the facility that are
20 higher than 3 dB than the adjacent bands.

21 Clearly, in your sound measurements, the adjacent
22 bands are less -- are more than 10 dB lower. So that would

1 be -- I mean I can't see how that is not a pure-tone
2 variant, according to DEP. Because it doesn't say in the
3 DEP guidelines that you have to add in the background noise.

4 JIM BARNES: It may look --

5 DIRK HENTSCHEL: Or is that --

6 JIM BARNES: Excuse me, the look of the overall
7 sound level in comparison to the existing background, and
8 now, "shall not increase above the overall background by 10
9 dB(A) in broadband, and should not have a -- produce a pure-
10 tone condition."

11 It's inherent in those guidelines, and since those
12 guidelines have been in force for the past 40, 45 years,
13 it's always included in comparison to backgrounds. It's
14 kind of an issue in the state of Massachusetts, where one
15 has to really go out and understand what the background is
16 and representative of levels.

17 DIRK HENTSCHEL: When it occurs, though, you don't
18 have the background drawn anywhere, right? Like, you only
19 have totals? So for me, you know, I look a lot at curves.
20 And if you -- in the end you have to be able to add things
21 up.

22 And if you have specific -- if you have a sound

1 that comes accounts for one source, to that level, somehow
2 the total has to be made up by that specific sound plus the
3 background, right? You would agree?

4 JIM BARNES: Yes.

5 DIRK HENTSCHEL: Okay. So then this is the noise
6 -- so I'm -- it is uninterpretable with regard to pure-tone
7 noise what you're trying to tell me, the rendering here?

8 JIM BARNES: No, if one were to take worst-case,
9 take that level and 125 hertz octave band, and take the
10 quietest level that we measured during the range, and add
11 those two together, we would still be not pure in sound.

12 If they're equal, they're going to be 3 dB higher,
13 and still not going to be tonal condition. An experienced
14 noise control engineer can interpret that. All the
15 information is there that's necessary.

16 CONSTANTINE ALEXANDER: Let's move on with your --
17 I think you've made the point very accurately, very well.

18 DIRK HENTSCHEL: So in your assessment -- in the
19 sound assessment, there are many recommendations on how to
20 build a sound barrier around this open structure. And it is
21 recommended that at least material of a quality STC 30 would
22 be used. And that suffices to reach the Cambridge noise

1 ordinance, the level that is needed.

2 We discussed what we requested with the -- see
3 this is one of the lowest, or the lower-quality materials.
4 And we hope that Eversource would find a medium between
5 costs and quality and basically build a higher-quality sound
6 barrier, especially in the range of the 125 band, which is
7 in a very high level there.

8 CONSTANTINE ALEXANDER: I got your point, and when
9 we get to the suggested conditions at the end --

10 DIRK HENTSCHEL: Okay.

11 CONSTANTINE ALEXANDER: And I want to pick up that
12 point, so noted.

13 DIRK HENTSCHEL: Next thing, flood levels. I
14 think Eversource has provided to the best available online
15 data what the flood levels are. It is notable that every
16 available flat modeling program online shows that that area
17 is the first to flood.

18 With the open structure and rainfall in two or
19 three inches -- or an inch per hour, two inches per hour,
20 what will happen to the equipment that is now exposed with
21 our roof, and where the "offrun" from the building is --
22 there's no "offrun" outside of the building that's directly

1 into the equipment.

2 How will that affect the safety of the equipment?

3 How will it perform in a winter storm with several feet of
4 snow? How will it potentially perform in a storm when you
5 have big things flying around? What is their experience in
6 a residential area for this?

7 JAMES RAFFERTY: Maybe -- that's all set. I don't
8 know which of our engineers would -- the question is what
9 happens to the equipment.

10 I just want to emphasize, as you saw in the
11 report. This wasn't just a review of online data
12 aggregation. There was a meeting with the City Engineer and
13 the City's Department of Public Works, both of whom reported
14 to me that they were satisfied with the analysis.

15 There was a suggestion -- frankly a good
16 suggestion that came out of this board -- what efforts
17 around resiliency and analysis have occurred. And candidly,
18 they were relying on standard flood data information, and
19 then we connected with the DPW in Cambridge and learned that
20 they have their own flood information.

21 So the report that you received is as a result of
22 those meetings as well as the analysis of the federal flood

1 data.

2 JOHN ZICKO: So it was a multipart question and I
3 just -- make sure that I got them all. Probably going to
4 work backward, because that's the one -- those are the ones
5 freshest in my mind, but as far as, you know, experience
6 during bad weather, these transformers and the switch gear
7 and breaker that we proposed to install at the site are all
8 designed to be operated outdoors, in weather up to
9 hurricane-force winds, and temperatures down 40 degrees
10 below zero.

11 The company has -- the vast majority of the
12 company's substations are outdoors; we have a number of them
13 of this size and capacity in residential areas and the
14 schools. We have not had any deleterious effects from
15 excessive snow or rainfall in any of the facilities shorting
16 out our equipment.

17 As far as the flood goes, you know, we use kind of
18 the best available data that we have now. I know one of the
19 things that keeps me up at night as an engineer is when you
20 look at how the equipment performs in the natural
21 environment; how do you know that you had enough.

22 And all we can do is we can work with the best

1 available information that we have at the time, and we
2 believe that we've done that on the flooding.

3 The amount of impervious surface on the site, if
4 you will, will be increased slightly. Right now, the
5 buildings are equipped with roof drains that go down onto
6 the ground, and then percolates into the ground. The water
7 -- once the project gets built, once there is rainfall, the
8 water will fall down onto the transformer, as it does in
9 just about every other substation we have, hit the ground
10 and percolate in.

11 Same thing with the switch gear. The water will
12 hit the roof of that, come off just like it would have --
13 the roof of the building, hit the ground -- the ground will
14 be crushed stone -- and percolate in. I don't anticipate
15 any problems from rain, snow or any other kind of weather.
16 It's what we have in every outdoor station and we've not had
17 any problems with it.

18 CONSTANTINE ALEXANDER: Thank you.

19 JAMES RAFFERTY: That was my question. This
20 condition of an unroofed transformer exists throughout the
21 system, is that correct?

22 JOHN ZICKO: That's the rule, as opposed to the

1 exception, yes.

2 JAMES RAFFERTY: Thank you.

3 DIRK HENTSCHEL: So the last point is -- you know,
4 the one of location of the transformer, and an ultimate
5 site. And in a sense, we as neighbors and citizens and
6 residents of the area, we are completely dependent upon
7 Eversource to give us the data to understand what they want
8 to do.

9 And our experience over time has been that we only
10 get more information if we figure out that the previous
11 information is incongruent with what they said before. And
12 so, trust has been very difficult to develop.

13 So when we are began told it's not possible to
14 build, it's very hard to believe it on first sight. During
15 the meeting last week, we kind of looked at the initial
16 drawings, that had different -- that had reasons that were
17 slightly different from the ones that are now on the slide.

18 And we then came up with an ad hoc idea to say,
19 "Well, could you direct some of the cables through our
20 property to kind of ease the angles and make that possible?"
21 Which would have been a great thing to discuss early in the
22 process, had we been able to work together earlier.

1 But it wasn't until last week that anything came
2 back to us. So Eversource said that they were going to look
3 at this, but we don't know where this is in the process.

4 We also would very much like to review the
5 drawings with an independent engineer; obviously we'll have
6 to pay for that, but it would just generate a much different
7 level of trust to see if that location is really impossible
8 to build, or if it is really looking at the formulas that
9 were provided in the longhand here to the board.

10 There are -- it's clear that a single 90-degree
11 turn would make the cables, like, if we can eliminate a
12 single 90-degree turn, it would be possible to lay the
13 wires. And you could do that by just turning the station
14 around, right? And enclose it completely. Then you would
15 eliminate actually 135 degrees of motion.

16 So without being an engineer, but just looking at
17 the map of it, there are possibilities to reduce the strain
18 that supposedly are not possible, the manhole could be
19 positioned on the other side of the fence.

20 So it looks to us that it would be -- if the
21 substation has to be built, it would be really important to
22 us to have the opportunity to kind of look at this with an

1 independent engineer who knows what they're talking about,
2 and then basically really have the discussion and look at
3 the options that are there, because it would make a huge
4 difference to have that transformer at the other end of the
5 property, really away from most residents.

6 CONSTANTINE ALEXANDER: I agree with what you
7 said.

8 DIRK HENTSCHEL: Yeah.

9 CONSTANTINE ALEXANDER: I would just point out
10 though, this process -- we're pretty far along in the
11 process. There's some urgency in building the substation,
12 and you're talking about -- I suspect a delay in this
13 project for months, or more than months.

14 And I -- shame if you will on Eversource for not
15 doing this with you, and talking about these things. But we
16 are where we are, and I for one -- my board members might
17 disagree -- I'm not about to put a halt on this proceeding
18 to have accomplished what you're proposing, which is
19 entirely reasonable. But at this point in time, I think we
20 are where we are.

21 DIRK HENTSCHEL: Well, I understand the fear of
22 brownouts, and I understand the fear possibility that you as

1 the Chairman have that they're going to point at the board
2 and say, "Well, because of -- "

3 CONSTANTINE ALEXANDER: Oh, that's not my fear.

4 JANET GREEN: We don't want you to worry about
5 that.

6 DIRK HENTSCHEL: But I would say, you know, if
7 there is a situation where, as in the Council was presented
8 -- generators have to be placed in an area that currently
9 has a ton of construction where, you know, you could argue,
10 you wouldn't be able to distinguish if it's the generator
11 running or the machines.

12 If that was the situation next summer, but we
13 could come up with a better solution for a permanent
14 addition of a substation to our neighborhood, that's what we
15 have to swallow, it would be greatly appreciated.

16 CONSTANTINE ALEXANDER: Understood.

17 DIRK HENTSCHEL: Although we still have doubts,
18 and we think that, you know, we can do this differently.

19 The Putnam station is a Band-Aid for a bad
20 situation that could have been prevented with better
21 planning, as everybody's aware. But, you know, we are where
22 we are.

1 CONSTANTINE ALEXANDER: We are where we are.

2 Thank you. Thank you very much for taking the time. Anyone
3 else wishes to be head on this matter? First, I would ask -
4 - okay, yeah, don't repeat anything, this gentleman is very
5 inclusive in his presentation.

6 SHAWN COLE: My name is Shawn Cole, S-h-a-w-n, C-
7 o-l-e. I live, I own 157 Pleasant Street, probably maximum
8 sound point on the sound mass.

9 I would just like to be a character witness on the
10 process, so for one example is that when I learned about the
11 first Committee meeting, I requested the documentation in
12 advance, I was told it wouldn't be possible to get that in
13 advance.

14 We just got it the night of the meeting, the
15 building was full of assistant professors leading the way to
16 get tenure; they can't move their schedule and their life
17 around.

18 I recognize you're in a difficult position where
19 you're weighing competing interests. And I think that one
20 thing that makes this very hard is really no information
21 about costs from the Eversource side.

22 The initial drawing has the building right up

1 against my building -- be able to reach out and touch it,
2 and I asked why on earth would you put it right there when
3 you've got this big lot?

4 And the guy said, "Oh, I don't know. I think it
5 probably would have been a little bit cheaper to put it
6 there." Right? So now they come back and they say, "Okay,
7 we can move it 30 feet in this direction."

8 They've presumably done some internal analysis in
9 what that costs, what that can potentially mean for rates,
10 who knows, they haven't shared that with us.

11 There are lots of creative engineering solutions,
12 some are more expensive, some are less expensive, and I'm
13 frustrated if they're going to be rewarded for their
14 intransigence and their apparent, unwilling to work with the
15 community by saying it's a crisis situation and we need this
16 generator.

17 And then the final question would be if they have
18 the sound study with the accessible, to stay below those
19 levels, and what remediation would they make available to us
20 if they eventually --

21 CONSTANTINE ALEXANDER: I'm going to deal with
22 that when we get to the Motion for Relief.

1 SHAWN COLE: Thank you.

2 JAMES RAFFERTY: Mr. Chair, since we are not
3 following traditional protocol, just to point out, I hope
4 the board noted, given the complexity and the amount of the
5 information, we did not abide by the Monday at 5:00 rule.
6 We advanced that by simply --

7 CONSTANTINE ALEXANDER: Yeah.

8 JAMES RAFFERTY: -- this was filed, and a meeting
9 was held with the condo association right after Labor Day on
10 the same day that this was filed, to make them aware of this
11 new information. So I think the outreach here --

12 CONSTANTINE ALEXANDER: It wasn't our -- what I
13 find disappointing is that outreach had it waiting until a
14 week or so before this meeting. But this process started a
15 long time ago.

16 JAMES RAFFERTY: No, no, there were other summer
17 meetings.

18 CONSTANTINE ALEXANDER: Okay, but maybe I just
19 understood. What I'm hearing is a lot of the questions that
20 are being raised tonight are the speakers are things that
21 were not dealt with at the meetings. They had to be drawn
22 out from you. Well, let's not go down this path.

1 JAMES RAFFERTY: Yeah.

2 CONSTANTINE ALEXANDER: I don't think the
3 presentation -- I mean, your presentation -- I think the
4 process followed by Eversource was not stellar in my
5 personal opinion. I think it was a little bit of -- it just
6 -- we had to draw things out. Anyway, let's not pursue
7 that. It is what it is. We're here tonight. We have a
8 motion before us, or before us a special permit.

9 JAMES RAFFERTY: Yes.

10 CONSTANTINE ALEXANDER: Let's stop right there.
11 Anyone else wishes to be heard? Ma'am? And I hope this is
12 -- you're going to say something different than we've heard
13 before?

14 ALYSHA HEARN: I will do my best.

15 CONSTANTINE ALEXANDER: [Laughter]. I guess we
16 have a long night ahead of us, and I'm just going to move
17 on, that's all.

18 ALYSHA HEARN: I know, but this is very important
19 to me. And so, I just --

20 CONSTANTINE ALEXANDER: You spoke last time,
21 didn't you?

22 ALYSHA HEARN: I did. So one thing -- you noted

1 that --

2 CONSTANTINE ALEXANDER: Your name?

3 AUDIENCE: She needs her name and address.

4 ALYSHA HEARN: Alysha Hearn at 165 Pleasant
5 Street. You noted that this was a very nice presentation
6 that they did. Everybody here from Eversource, this is
7 their full-time job. They are all being paid. They've had
8 months to pull this together. All the data that you are
9 deciding on is all data that their experts have found.

10 Even with all that data that they found, Dirk was
11 able to see inconsistencies, and that's the stuff that their
12 experts provided.

13 If we the residents had the same resources that
14 they did in terms of providing our own experts, you would
15 probably be seeing some different data here. And I just
16 hope that's taken into account.

17 There's also just been a lack of creativity from
18 them, in terms of seeing what our needs were, and giving
19 different proposals. And it would be very disappointing to
20 see this pushed through, because they just weren't creative.

21 CONSTANTINE ALEXANDER: Thank you. I'm not going
22 to ask for any more testimony. I think from all that needs

1 to be heard. Anyone -- well, anyone wishes to add to what
2 has been said already? Something new and different, not to
3 say -- I'm sorry?

4 BRENDAN SULLIVAN: The Vice Mayor is here.

5 CONSTANTINE ALEXANDER: Oh, okay. There's your
6 opportunity. I will know close public testimony, and will
7 proceed to deliberate. I have some observations and
8 thoughts, but I'll defer to anybody else that wants to speak
9 first. Okay.

10 JANET GREEN: Yeah, I would say something about --
11 I'm so struck with the lack of trust that there is between
12 the neighborhood and Eversource. It's consistent. You can
13 see the number of people who've turned out concerned about
14 this. And having listened to people over a number of years,
15 I just find this a very high level of distrust.

16 And it's small things. Like the person who
17 brought the picture of the trash that was there, when one of
18 the things at the last meeting had to do with Eversource
19 isn't responsible for cleaning it up.

20 And what you've done is brought this very more
21 attractive -- you know, nice fencing and this and that, but
22 in between that meeting and this meeting, nothing as far as

1 what the neighbors were concerned about regarding trash. I
2 don't know how you would respond to that, but I do think
3 that that's -- that that helps create the sense of distrust;
4 that the minute it's not sort of a high-level decision, it
5 falls off the agenda.

6 I also think that there's a lack of information
7 that I've seen about who people would go to when things like
8 the trash, or when the noise seems too loud and different,
9 or the problems. There doesn't seem to be any person
10 accountable for that. And that I think leads to a feeling
11 of distrust.

12 And I also think that that's an important part of
13 what you need to do. Your reports are good, your plans are
14 good. But then when somebody comes forward and says, "Well,
15 you know, you're using the lowest level of material to get
16 the sound, and that there are other levels of material that
17 could have been chosen that would do better in that," it
18 seems like, oh, they're just trying to get away with the
19 cheapest possible thing. And that leads to distrust too.

20 And I would say that that's a big problem in this
21 particular case.

22 CONSTANTINE ALEXANDER: Thank you, Janet. That's

1 actually a segue for the comments I'm going to make in a
2 second, because there is a problem here with trust. Right
3 or wrong, there's a problem.

4 JANET GREEN: Right.

5 CONSTANTINE ALEXANDER: It seems to me that we
6 have no choice but to grant a special permit. I mean, the
7 petitioner has presented a need for -- there's a need for
8 the additional equipment, and this is a location that has to
9 be, or has to be, or has asked to be located.

10 It has not been -- no one here has really refuted
11 that, not surprisingly, given the fact that you have -- all
12 the engineers have all the information, and the neighbors
13 are just neighbors.

14 But on the other hand, I've been struck very much
15 by the comments from the neighbors, the people in the
16 audience, particularly Dirk, if I may use your first name.
17 Usually when we have opposition here, it's a NIMBY kind of
18 opposition -- Not In My Back Yard. I thought what we heard
19 was very thoughtful, specific -- comments, criticisms, that
20 I think we should take to heart.

21 And I think we -- and I think the way to do that,
22 given the fact that it I think we have I believe no choice

1 but to grant the special permit is by the way of conditions.
2 We've done it in other kinds of cases.

3 But here I think there is a need for a substantial
4 number of conditions that we'll pick up what was presented
5 tonight. I've tried my hand at what I think would be
6 appropriate. I would read them to the members of the board,
7 I've welcome changes, comments, additions, subtractions, and
8 then I'll ask the petitioner and anyone in the audience to
9 comment as well before we pick up.

10 So these are the conditions I would impose -- I
11 propose our Board, our Board should impose, should we grant
12 the special permit. And I've made some notes since I've
13 heard the discussion tonight.

14 One, the proposed transformer enclosure to be
15 erected on the Putnam Avenue site shall be as set forth on
16 the plans sent in by the petitioner and initialed by the
17 Chair, and shall be located on such site as set forth on
18 such plans.

19 Two, the petitioner shall at all times take all
20 steps reasonably required to minimize noise and other sounds
21 emanating from the operation and maintenance of the
22 equipment to be located in the proposed transformer

1 enclosure.

2 Within 60 days after this equipment is placed into
3 operation, the petitioner shall send to each address
4 entitled to receive notice of this proceeding under the
5 Cambridge Zoning Ordinance a letter setting forth the noise
6 levels that will be emanating from the operation of the
7 transformer project; and also, stating whether such noise
8 levels will meet the City of Cambridge noise standards, and
9 the noise level policy defined by the mass DEP.

10 If at any time they do not, the petitioner shall
11 advise in writing to each such address what steps the
12 petitioner will take to bring such noise levels into
13 compliance, and in fact take such steps as promptly as
14 practicable.

15 This letter shall be updated every six months,
16 starting with the anniversary date of the initial letter.
17 Any such updated letters shall be set to each address
18 entitled to receive the initial letter. By doing it every
19 six months that will make sure it's tested once in the
20 winter and once in the summer, something I still have
21 concerns about, but this will at least deal with it.

22 To the extent any such updated letter discloses

1 noise levels that do not comply with applicable laws, the
2 updated letters shall state what steps the petitioner plans
3 to take, that bring such noise levels into compliance, and
4 the petitioner shall in fact take such steps as promptly as
5 practical.

6 Three, the transformer to be set into the
7 enclosure shall be set so far as possible towards the
8 southeast wall of the enclosure.

9 The enclosure design and modeling, including with
10 regard to vibration isolation shall be in all material
11 respects as recommended in the letter from Acentech dated
12 September 3, 2019 submitted by the petitioner to the board
13 as part of this presentation for this hearing.

14 Four, the site at which the proposed transformer
15 enclosure shall be located shall be landscaped and
16 maintained in all material respects in accordance with the
17 landscape plan submitted by the petitioner and initialed by
18 the Chair. Without limitation of the foregoing, the
19 petitioner shall have an independent landscaper visit the
20 property once a week to maintain the plantings and clean up
21 any debris.

22 In addition, the existing fence shall be removed

1 and replaced with an eight-foot-high, black, ornamental
2 stock steel security fence as shown in the material
3 submitted by the petitioner for the hearing.

4 Five, at all times the petitioner shall designate
5 by a written communication sent to each address entitled to
6 receive notice of this proceeding under the Cambridge Zoning
7 Ordinance.

8 A specified person with a specified direct
9 telephone line and separate e-mail address, to whom
10 questions and complaints regarding compliance with the
11 foregoing conditions and the operation of equipment on the
12 Putnam Avenue site shall be directed.

13 These questions and complaints shall be answered
14 or dealt with by the petitioner with reasonable progress
15 under the circumstances. The name of the specified person
16 and his or her direct telephone line and separate e-mail
17 address shall be updated and promptly communicated in
18 writing to each address entitled to receive notice of this
19 proceeding under the Cambridge Zoning Ordinance as
20 frequently as necessary to keep this information current.

21 Six, repeated failure to comply in all material
22 respects with any of the foregoing conditions shall be cause

1 for revocation of the special permit hereby granted to the
2 petitioner.

3 As you can see, I'm trying to -- maybe
4 unsuccessfully, trying to not have this be a one-off. You
5 do something, you show us nice plans, and off you go, and
6 the neighborhood suffers in the meantime. And witness of
7 that is the deplorable condition of that lot, with the
8 chain-link fence that's down and the debris that's been
9 there. I want that to end, and I want a mechanism where
10 people -- it has not ended, people complain and if your
11 complaint is not answered, there's a direct mechanism for
12 solving the problem.

13 Anyways, that's what I think. Additions?
14 Subtractions?

15 JANET GREEN: I think we both have a feeling that
16 a key element in this is the point person. It's an actual
17 person that you can reach out to, rather than the company,
18 which is -- you know, kind of a mystery to which office and
19 who -- which person and that sort of thing. So we'd have
20 absolutely a person on the letter that the Chair has
21 recommended, with direct contact information, not a 1-800
22 number --

1 CONSTANTINE ALEXANDER: Right.

2 JANET GREEN: -- number to customer service.

3 CONSTANTINE ALEXANDER: The direct telephone line
4 and the e-mail address.

5 JANET GREEN: Right. Yeah.

6 BRENDAN SULLIVAN: Would you entertain augmenting
7 that requirement with a little sign posted at the property?
8 Should there be any questions or concern regarding this
9 location? Because who gets notice? The property owners get
10 notice; tenants do not? And would you augment that a little
11 -- direct -- any comments, questions regarding this site or
12 operation direct through our facilities, and this is the
13 follow-up.

14 BOARD MEMBER: And have it be the same person --

15 CONSTANTINE ALEXANDER: Yeah, the same one. And
16 that signs have changed.

17 BOARD MEMBER: -- and that same direct line --

18 CONSTANTINE ALEXANDER: -- as the person changes,
19 the sign gets changed.

20 JAMES RAFFERTY: Yeah, and yeah just a little
21 plaque.

22 CONSTANTINE ALEXANDER: I think it's a very good

1 suggestion.

2 JANET GREEN: Right. Visible from the street.

3 JAMES RAFFERTY: At the site, at the street, at
4 the sidewalk.

5 JIM MONTEVERDE: Compliant with Article VII?

6 JANET GREEN: Yes, no doubt.

7 JAMES RAFFERTY: I just want to make sure that the
8 public --

9 CONSTANTINE ALEXANDER: Provisions --

10 JAMES RAFFERTY: -- not all the public --

11 JANET GREEN: Right --

12 JAMES RAFFERTY: is --

13 JANET GREEN: Right.

14 JAMES RAFFERTY: -- notified.

15 BOARD MEMBER: Am I done with questions, or do I
16 just phrase it as a statement?

17 CONSTANTINE ALEXANDER: No, you can do whatever
18 want.

19 JIM MONTEVERDE: Just 1 follow-up question, if I
20 understand correctly. Is there -- and this is just a
21 comparison between the other presentation of the City
22 Council with the Fulkerson Site and that whole discussion?

1 Am I correct that the opposition on that site had to do with
2 transformer location adjacent to housing, and adjacent to a
3 school? And is that comparable to this location adjacent to
4 housing?

5 JAMES RAFFERTY: Well, there were a lot of
6 differences about that site. That site is located -- what's
7 proposed at that site is from -- I shouldn't say -- I don't
8 represent Eversource regarding that site.

9 But the location of that site and the proposed
10 installation there on a site that doesn't have a preexisting
11 transformer use is -- so the appropriate of the site for the
12 introduction of this use and its adjacency to housing public
13 parks and schools and sited as a key issue I'm sure others
14 in the room have a broader view.

15 But I think this is very more discrete. This is
16 the creation -- the installation of a single, additional
17 transformer. That would be a much larger facility.

18 JIM MONTEVERDE: Thanks.

19 CONSTANTINE ALEXANDER: Any other comments?

20 JAMES RAFFERTY: Can I ask a question of
21 clarification?

22 CONSTANTINE ALEXANDER: Yeah. Ask the people in

1 the audience.

2 JAMES RAFFERTY: Understood. And I -- my client
3 may have a comment, I'm just trying to just get clarity on a
4 couple of issues. Number 3 I'm not sure I followed. The
5 condition of course is that the insulation occur consistent
6 with the plans.

7 The plans show the transformer in a certain
8 location with the enclosure. There was language here about
9 then it should be located the southeast corner.

10 CONSTANTINE ALEXANDER: That's directly from the
11 Acentech letter. They recommended that's where it be put.

12 JAMES RAFFERTY: Is that nor where it's appearing
13 on the plans?

14 CONSTANTINE ALEXANDER: I don't know.

15 JAMES RAFFERTY: Okay.

16 JOHN ZICKO: If I may, and I'll direct you to Slide
17 #3 of the presentation that we had, and you can see the
18 three-sided enclosure, and then the wing -- the so-called
19 wing wall. And the transformer is enclosed by three walls.

20 CONSTANTINE ALEXANDER: Right.

21 JOHN ZICKO: And that is in the southeast corner.

22 So I'm assuming that --

1 CONSTANTINE ALEXANDER: If you're in compliance
2 with that condition right now, fine. End of story.

3 JOHN ZICKO: So it --

4 CONSTANTINE ALEXANDER: I'm not going to --

5 JOHN ZICKO: No, and I think --

6 JAMES RAFFERTY: And I'm just trying to reconcile
7 that -- so it's per the plan?

8 CONSTANTINE ALEXANDER: Yeah.

9 JOHN ZICKO: Right. Okay. What I think you're
10 trying to get at is you -- this enclosure has been
11 engineered to provide the maximum acoustic benefit, and that
12 you don't want it slid over to what I'll term as the right,
13 or not be inside that three --

14 CONSTANTINE ALEXANDER: I'm just get words from
15 your expert, "Accent" or whatever you --

16 JAMES RAFFERTY: Acentech.

17 CONSTANTINE ALEXANDER: And they just put this in
18 your letter. I assume they saw the plans that you
19 presented?

20 JOHN ZICKO: I did.

21 CONSTANTINE ALEXANDER: Okay.

22 JOHN ZICKO: I believe I understand what you mean

1 now. Thank you.

2 JAMES RAFFERTY: An observation with regard to the
3 requirement, that a landscaper visit the site once a week.

4 CONSTANTINE ALEXANDER: For that materials?

5 JAMES RAFFERTY: Right. I -- but I'm not sure
6 that during the nongrowing seasons -- certainly someone can
7 come to --

8 CONSTANTINE ALEXANDER: -- pick up the trash.

9 JAMES RAFFERTY: -- do trash, but a landscaper
10 every week for the nongrowing season --

11 CONSTANTINE ALEXANDER: I'm just giving you the
12 words -- not your words, maybe the client's words, back to
13 you. That's what they said. They didn't qualify it by
14 season. They said, "once a week someone will -- " a
15 landscaper -- an independent landscaper will be on the
16 property, and I'm just giving it back to you.

17 JAMES RAFFERTY: Okay. You're giving it back to
18 me, all right.

19 COLLECTIVE: [Laughter]

20 JAMES RAFFERTY: I'll agree with that. And then
21 finally, so is the sign in addition to the mailings, or is
22 this --

1 CONSTANTINE ALEXANDER: Yes.

2 JAMES RAFFERTY: Okay.

3 CONSTANTINE ALEXANDER: Yes, yes.

4 JAMES RAFFERTY: Okay, thank you.

5 CONSTANTINE ALEXANDER: The sign is correctly
6 suggested by Brendan to allow people who don't get mailing,
7 not on the list --

8 JAMES RAFFERTY: Right.

9 CONSTANTINE ALEXANDER: -- to know and can call
10 someone.

11 JAMES RAFFERTY: I will say the results -- I mean,
12 the fact that the -- at least on two sides of the
13 transformer are on the same side of the street and the
14 opposite side of the street. The residential uses are --
15 the principal ones are contained in the condominium
16 association.

17 So there are ways to facilitate communication
18 through -- they each have an organization. So I'm sure we
19 can come up -- I'm just discussing if we come up with a
20 communication mechanism that's satisfactory for the
21 management companies and condo association, does that --

22 CONSTANTINE ALEXANDER: That's fine, I think. And

1 the intention is to make sure that people are constantly
2 told what's going on.

3 JAMES RAFFERTY: Thank you.

4 CONSTANTINE ALEXANDER: Is there anybody in the
5 audience who wishes to comment? You don't have to, but
6 wishes to comment, or suggestions?

7 ALYSHA HEARN: I --

8 CONSTANTINE ALEXANDER: You've got to come
9 forward, I'm sorry.

10 ALYSHA HEARN: I'm sorry you have to hear from me
11 twice --

12 CONSTANTINE ALEXANDER: No.

13 ALYSA HEARN: -- but this is one of my first
14 comments, I just wanted to rush through. I just wanted to
15 answer sort of what you were saying about the Fulkerson
16 site. So the residents did not want that substation because
17 it was right across the street from a school.

18 There was concern about having this next to the
19 kids. For us, we have a playground across from the
20 association, but even closer than the kids, there's families
21 surrounding it.

22 And the children are -- that live in 157 are even

1 closer to the substation than the Fulkerson one is to the
2 school. And kids live there. And they're there all year
3 round, versus school, which is part-time. And it seems like
4 the Putnam site has not gotten the same attention at the
5 Fulkerson site from Eversource in terms of consideration of
6 the children. Thank you.

7 CONSTANTINE ALEXANDER: Thank you. Did you have
8 your hand up, sir? Okay.

9 JAMES RAFFERTY: Just feedback from Eversource.
10 Pointed out to me that the sound studies and reports over
11 six-month, these petitions, as we know run, with the land
12 for the life asking that there might be a mechanism that
13 after several years of compliance, does this need to --

14 CONSTANTINE ALEXANDER: No.

15 JAMES RAFFERTY: -- every six months?

16 CONSTANTINE ALEXANDER: No. This is in perpetuity.
17 As long as you're running a transformer there, I want you to
18 tell the people in the area what the noise levels are and
19 are we complying. It's a reasonable request, and other
20 members of the Board may feel differently, I want this in
21 perpetuity -- perpetuity so long as you're operating the
22 transformer.

1 JAMES RAFFERTY: Okay. Any other comment from The
2 Board?

3 CONSTANTINE ALEXANDER: Ready for a vote? Okay.
4 Brendan looks like he's pondering. Okay. The Chair moves
5 that we make the following findings with regard to the
6 special permit being sought: By the way, these findings are
7 as required by our zoning ordinance.

8 That the requirements of the ordinance cannot be
9 met unless we grant the special permit, and that's obvious.

10 The traffic generated or patterns in access or
11 egress resulting from this transformer enclosure will not
12 cause congestion, hazard, or substantial change in
13 established neighborhood character and I would say --
14 suggest that this -- so long as the petitioner complies with
15 the conditions that I already suggested. I believe this
16 requirement for a special permit can be met.

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

20 And again, all this many in the audience would
21 feel differently, I think we can best address this through
22 the conditions.

1 And that what is being proposed will not impair
2 the integrity of the district or adjoining district, or
3 otherwise derogate the intent and purpose of this ordinance.

4 So on the basis of these findings, the Chair moves
5 that we grant the special permit subject to the conditions
6 that I earlier identified and which will be part of our
7 decision. All those in favor, please say, "Aye."

8 THE BOARD: Aye. [All vote in favor]

9 CONSTANTINE ALEXANDER: Five in favor, special
10 permit granted. Sorry?

11 [VOTE: Five in favor, Jim Monteverde against]

12 CONSTANTINE ALEXANDER: Four in favor, one
13 against, but the motion nevertheless still carries, four
14 being the required vote.

15 JAMES RAFFERTY: Thank you.

16 CONSTANTINE ALEXANDER: Thank you.

17 [BREAK]

18

19

20

21

22

1 slightly in terms of the deck, and also --

2 CONSTANTINE ALEXANDER: Wait a minute, stop right
3 here. The plans that we have, these are not the plans that
4 you're looking for approval of?

5 EDMUND ALLCOCK: I believe that there has been a
6 -- they're different than the original submission --

7 JANET GREEN: Yes.

8 CONSTANTINE ALEXANDER: That's irrelevant --

9 JANET GREEN: Yes.

10 EDMUND ALLCOCK: Fair enough.

11 JANET GREEN: New plans.

12 EDMUND ALLCOCK: Okay, fair enough. And at one
13 point -- I just want to get in for the record, there was an
14 opposition within our condominium building, which has
15 subsequently been withdrawn.

16 CONSTANTINE ALEXANDER: We have that letter. It's
17 in the pile here, but we've been made aware of that.

18 EDMUND ALLCOCK: Fair enough. So in terms of the
19 decks that we are seeking to be constructed, the property is
20 somewhat odd, in terms of the fact that you have second and
21 third-floor units, which actually have what I would like to
22 call doors to nowhere that actually if you're in the unit

1 and you look out and you try to open the door, you would
2 literally walk out. It's a slow -- decks were originally
3 contemplated.

4 In fact, they are contemplated as a possibility,
5 of course subject to zoning in the condominium instruments
6 that were recorded back in 1984.

7 In terms of the property itself, if you've been
8 the property, or if you've even looked at the plans, you can
9 see where the deck is proposed to go for the second and
10 third floor is an actual jogout of the building. So there's
11 the --

12 CONSTANTINE ALEXANDER: That's what causes this
13 audio problem.

14 EDMUND ALLCOCK: Understood. Well, actually, the
15 zoning problem in terms of the side yard setback is pretty
16 much -- I mean the property, the building is within five
17 feet of --

18 CONSTANTINE ALEXANDER: Right.

19 EDMUND ALLCOCK: -- of the lot line. If you look
20 at the plans prepared by the architect, who's also here with
21 us, you can see the side yard setback extends well into the
22 building. And this building was constructed in -- I think

1 the 1850s. And it almost rates as the lot line.

2 In terms of where the proposed decks are to go
3 though, it just shapes nicely into the existing structure.
4 On the first floor, there already is a decking in place,
5 right where that jogout is, and the decks on the second and
6 third floor would actually simply fit right into that
7 jogout. We're talking about a length of 20 feet 11 inches.

8 The original proposed deck when the variance
9 application was filed would have a full-on six-foot width.
10 That's been modified, so that 12.7 feet from where the
11 entrance of the doorway is, is only three feet in width.
12 What I like to call, I think what the architect termed, sort
13 of a catwalk deck.

14 So there's a catwalk that comes out for 12 feet,
15 and then the deck really was a place where somebody would
16 enjoy their time outdoors is six feet in width and 8.3 feet.

17 CONSTANTINE ALEXANDER: I saw a letter in the
18 file. There are a lot of letters in the file, a number in
19 support and a number in opposition. The person who lives on
20 the first floor, the unit #1, they don't have a deck
21 obviously. Are they in support of the petition?

22 EDMUND ALLCOCK: They've withdrawn their

1 opposition.

2 CONSTANTINE ALEXANDER: Okay. They're the ones
3 who withdrew, that's the letter you're referring to?

4 EDMUND ALLCOCK: Correct, correct. And we still
5 have some things to work out with respect to the condominium
6 and what ultimately could happen there, and exclusive use
7 areas and things of that nature. But for the purposes of
8 the zoning, they've withdrawn --

9 CONSTANTINE ALEXANDER: What about issues of
10 safety? I mean, it's a fire issue right now. This deck --
11 that fire is going to spread right to the building next
12 door. That's why you have setbacks. And if you're not --
13 your client doesn't accept that sort of structure, doesn't
14 comply now, it's going to be in even less compliance, which
15 to my mind increases the safety risk.

16 EDMUND ALLCOCK: Understood. I actually don't
17 necessarily think I would agree if there was a fire to break
18 out that it would actually spread to the building next door.
19 Really, all that's being done here is an extension of where
20 those -- where that door to nowhere is six feet closer to
21 the property next door --

22 CONSTANTINE ALEXANDER: Yeah.

1 EDMUND ALLCOCK: But if you go beyond the 20 feet,
2 the building already extends out that that same distance.
3 So it's just meeting the jogout. The jogout -- the building
4 is already here. The door to nowhere is here. The deck is
5 just being extended. So it's not really getting any closer
6 to the property.

7 And there is a significant -- I think it's a
8 significant distance from the building to the building
9 that's across the way, which I know on the second floor --

10 CONSTANTINE ALEXANDER: Across the way meaning
11 across the street --

12 EDMUND ALLCOCK: Yeah, across from where this deck
13 is.

14 CONSTANTINE ALEXANDER: Right.

15 EDMUND ALLCOCK: Which I know is being used
16 currently as a -- I think it's a registered Airbnb. I guess
17 I don't really see any sort of safety concern. I know in
18 fact my clients are hopeful to actually be able to use the
19 deck, so that they can have their family and their children
20 -- you'll hear from my applicants in a minute -- actually be
21 able to enjoy that outdoor space.

22 Because quite frankly on this property, outdoor

1 space is limited. There's --

2 CONSTANTINE ALEXANDER: Is there a rear yard?

3 EDMUND ALLCOCK: There's like a rear alley way,
4 and --

5 CONSTANTINE ALEXANDER: So the back of this rear
6 part of the structure bumps up along the property line?

7 JIM MONTEVERDE: Could you explain that?

8 AUDIENCE: There's a raised garden.

9 THE REPORTER: You need to say your name --

10 COURTNEY CRUMMETT: Hi, I'm Courtney Crummett, C-
11 o-u-r-t-n-e-y C-r-u-m-m-e-t-t. There's a raised garden bed
12 in the back of the property, so it goes: the end of the
13 building, public sidewalk for us, and then a raised garden
14 bed, and a little storage shed that is exclusive use to Unit
15 #1.

16 CONSTANTINE ALEXANDER: Thank you.

17 EDMUND ALLCOCK: So in other words, the rest of
18 the -- obviously because it's exclusive, the rest of the
19 association doesn't have the ability to use it.

20 ANDREA HICKEY: -- Could I just ask a question?

21 CONSTANTINE ALEXANDER: Certainly.

22 ANDREA HICKEY: -- So the rear egress is now

1 totally internal? You talk about the, "door to nowhere."

2 What's the rear egress now?

3 COURTNEY CRUMMETT: Each unit has -- there's two
4 staircases, one in the front of the building and one in the
5 back.

6 ANDREA HICKEY: -- Mm-hm.

7 COURTNEY CRUMMETT: So those are the two egresses.

8 ANDREA HICKEY: -- And the one in the back, then,
9 is an internal staircase?

10 COURTNEY CRUMMETT: It's internal for the first
11 and second floor, yes.

12 ANDREA HICKEY: -- Okay.

13 COURTNEY CRUMMETT: Yeah. It's internal. And
14 then the doors to nowhere are on the west side of the
15 building.

16 ANDREA HICKEY: -- And those have always been
17 doors, let's say, since your ownership?

18 COURTNEY CRUMMETT: Well, yeah, they've been doors
19 -- I mean, I did pull the jacket at the -- in the building
20 across the street, and there was no information about the
21 doors.

22 And I talked to the Sarah Burks, and we did some

1 research too, and we couldn't find any information about why
2 the doors were there, you know, what the intention was
3 besides the easement in the condo docs.

4 ANDREA HICKEY: -- On the original plans that were
5 filed with the original condo docs, does it sort of show
6 those doors?

7 EDMUND ALLCOCK: Yes.

8 COURTNEY CRUMMETT: Yes.

9 EDMUND ALLCOCK: They do.

10 COURTNEY CRUMMETT: To nowhere, yes.

11 EDMUND ALLCOCK: Yes. There are doors to nowhere,
12 and there's a provision in the condominium instruments that
13 indicates that each party has the ability subject to the
14 workings of the condominium instruments to construct -- the
15 construction of a deck on the second and third floor is
16 contemplated -- again, subject --

17 JANET GREEN: In the original documents, not in an
18 --

19 EDMUND ALLCOCK: Correct.

20 JANET GREEN: -- amendment --

21 EDMUND ALLCOCK: New --

22 JANET GREEN: -- for the purpose of this.

1 EDMUND ALLCOCK: No, 1984, I believe these
2 documents were done by I think they were Bruce Embry in
3 Cambridge.

4 COURTNEY CRUMMETT: So what was the objection of
5 the first-floor person if that is a right that's already in
6 the documents?

7 EDMUND ALLCOCK: It was a -- it's a question back
8 and forth in terms of document interpretation.

9 COURTNEY CRUMMETT: Understood. That's fine.
10 Thank you.

11 EDMUND ALLCOCK: So the -- I guess the other thing
12 I would point out is that the adjoining properties, the
13 abutting properties, also have some form of decks.

14 This property does not, and one of the concerns,
15 and one of the reasons why the application has been amended
16 in terms of what I call the -- or I guess what the architect
17 calls, "the catwalk" is to prevent -- because if you look at
18 the door, to actually prevent a situation where you have
19 somebody sitting on a deck staring right into the abutter's
20 property and the other one's on the other side.

21 So the thought would be to move the seated area,
22 so that it creates the least possible, or -- you know, makes

1 it more harmonious, and not a situation where somebody's
2 sitting on the deck staring directly into the other part of
3 this property. At least that was the -- that was one of the
4 thoughts behind trying to do the catwalk.

5 The -- I guess we would suggest that -- you know,
6 the addition of the deck is harmonious with the
7 neighborhood. It's consistent with the standard or typical
8 three-family structure in Cambridge, and in this area, and
9 we don't believe it will have any sort of negative or
10 deleterious impacts on the surrounding community. We've
11 actually tried to undertake some steps to improve the
12 original plan that was filed.

13 CONSTANTINE ALEXANDER: Did you have in the trust
14 any of the requirements for the variance in the trust you're
15 going to get?

16 EDMUND ALLCOCK: Sure. If you like, I can -- I
17 believe we've actually filed a form that goes through in
18 terms of the literal enforcement of the ordinance would be
19 substantial hardship, because there is no possible access to
20 the limited outdoor space, because quite frankly the
21 building is constructed within five feet of the lot line.

22 There is nowhere else that the deck can go, and

1 quite frankly it is a substantial hardship when we have
2 preexisting doors and openings that lead to nowhere, that
3 were presumably intended to ultimately comply or have some
4 sort of decks.

5 We believe that there's a hardship owing to the
6 40a Section 10 circumstances, and again the hardship is the
7 location of this nonconforming structure that was built in
8 the 1850s. It was just five feet from the property line,
9 and in excess of the allowed gross floor area. There's no
10 way we could comply with it regardless, and we would suggest
11 that that would entitle us to the request of relief.

12 In terms of substantial detriment, we don't
13 believe that there's any substantial detriment to the public
14 good. We think that the character and integrity of the
15 multifamily will be maintained.

16 The decks are more than 20 feet away from the
17 adjacent dwelling, and we've amended the plan in an attempt
18 to reduce any sort of negative impacts, and we think that
19 the relief will be granted without nullifying or
20 substantially derogating from the intent or purpose of the
21 ordinance.

22 The property is in a multifamily residential

1 district. The proposed decks would be a substantial
2 improvement for the quality of life and the health of its
3 residents, and it's consistent with the other properties in
4 the neighborhood, all of which have some form of decks,
5 especially the two-- and the three-family properties in that
6 area.

7 At this point, unless there's any further
8 questions for me, I'll turn it over to Courtney and Mirvat.

9 JIM MONTEVERDE: Is there a second means of egress
10 out of the third floor?

11 COURTNEY CRUMMETT: Yes, and the second floor.

12 JIM MONTEVERDE: Pardon?

13 COURTNEY CRUMMETT: There are two egresses for
14 each unit, yes.

15 JIM MONTEVERDE: Yeah. So one is at the front,
16 and where is this one, at the back?

17 COURTNEY CRUMMETT: It's in the south, yeah.

18 JIM MONTEVERDE: I didn't see it on the --

19 COURTNEY CRUMMETT: I can point it out. Oh, I
20 see. It's not --

21 JANET GREEN: It's on the condo floor plan.

22 COURTNEY CRUMMETT: Yeah, it's on the on the floor

1 plan.

2 JIM MONTEVERDE: Oh, all right.

3 COURTNEY CRUMMETT: And it's in this area.

4 CONSTANTINE ALEXANDER: Give us back that at the
5 end.

6 COURTNEY CRUMMETT: Oh, sorry.

7 MIRVAT ELHAMAD: Hi, my name is Mirvat, M-i-r-v-a-
8 t E-l-h-a-m-a-d. I live at 106 Otis Street in the second-
9 floor condo. The second-floor deck is for me, so this is
10 also my variance application.

11 I have lived here for two years with my husband
12 Saeed and my son, Sar. S-a-r. He was born here in
13 Cambridge. We moved from Arlington when we purchased our
14 condo. I was very, very, very excited about the easement
15 for the decks in the condo docs.

16 As you can see, we have doors that go to nowhere,
17 that drop to the ground floor. It was very unsafe. I have
18 a 3-year-old son and you want to build a deck to get quick
19 access to light and air for him. He's discovering the
20 light. Sometimes he looks from the window and tells me,
21 "Mom, this is the moon. This is the star." He starts to
22 speak.

1 So I have a 3-year-old son and we want to build a
2 deck to get quick access to light and air for him -- a small
3 space to play, to have a -- sandbox or sit outside and read
4 to him and enjoy the fresh air.

5 We just want a small, small space, to be outside
6 with my son, who loves to be outside and spend most of his
7 time at home looking out the window. And I want to give him
8 a space outside and look at the sky. I would like to stay
9 in my condo and grow my family here in Cambridge, and I
10 don't want to move out of Cambridge to get more space having
11 a deck, which could impact my family's life here.

12 And also, I have allergies from the dust, carpet
13 and heaters. I need to step outside into the fresh air, and
14 I don't want to go outside all the way to the street,
15 especially in the window, especially since I have to watch
16 my son sometimes. I have an allergy attack in the middle of
17 the night and I'm uncomfortable standing on the street. It
18 doesn't feel safe. Thank you.

19 CONSTANTINE ALEXANDER: Thank you for taking the
20 time to --

21 MIRVAT ELHAMAD: Sorry for my English.

22 CONSTANTINE ALEXANDER: Thank you for taking the

1 time --

2 CONSTANTINE ALEXANDER: No, no, no.

3 COURTNEY CRUMMETT: It's good.

4 CONSTANTINE ALEXANDER: Nothing to be sorry about.

5 MIRVAT ELHAMAD: Thank you.

6 COURTNEY CRUMMETT: Hi, I'm Courtney, we got the
7 spelling. I live at 106 on the third floor, and I lived in
8 Cambridge for 12 years, and I've owned a home in Cambridge
9 for 11.

10 I moved from Inman Square to East Cambridge about
11 a year and a half ago, and I'm hoping to build a family and
12 a home here at 106 Otis. This variance application is
13 "employing" my property easement to get private outdoor
14 space for myself and my future family.

15 Currently, as we've talked about, there is a door
16 to nowhere, and it's a little weird. You know, I would like
17 to sit outside and have a cup of coffee to sit in the sun
18 and privacy and safety of my own home, and I want to stay in
19 Cambridge and, you know, not move outside to a different
20 city to get more space. I'm trying to invest in a home
21 because I want to stay here.

22 And lastly, I have a medical condition that

1 results in a severe facial deformity. It causes me to be
2 homebound for months at a time. Last year, I was homebound
3 for two months, to embarrassed and uncomfortable to be in
4 public.

5 Having a private space to spend outdoor when this
6 happens would greatly impact my situation. I'm not really
7 comfortable detailing much more, but I'd be happy to show
8 you a picture.

9 CONSTANTINE ALEXANDER: [Laughter] Not necessary.

10 COURTNEY CRUMMETT: It's fine right now.

11 CONSTANTINE ALEXANDER: We'll take your word for
12 it.

13 CONSTANTINE ALEXANDER: Have you told the neighbor
14 -- structure -- the structure that's right will be -- the
15 deck will be close to -- what are their views on your --

16 ANDREA HICKEY: -- Is that 112 Otis on the right?

17 COURTNEY CRUMMETT: On the west, face west side?

18 CONSTANTINE ALEXANDER: Yeah, facing the front
19 door.

20 ANDREA HICKEY: Yeah.

21 CONSTANTINE ALEXANDER: One to the right.

22 ANDREA HICKEY: Yeah.

1 CONSTANTINE ALEXANDER: Which is where your deck
2 will be, right?

3 COURTNEY CRUMMETT: Yes.

4 CONSTANTINE ALEXANDER: Is that right?

5 COURTNEY CRUMMETT: Yes.

6 CONSTANTINE ALEXANDER: Yes. Okay, what is that -
7 - are they in support or opposition, or no opinion? What's
8 their view?

9 COURTNEY CRUMMETT: No, I spoke with -- in the
10 beginning of this process, I went to all the direct abutters
11 and talked to them and shared the original plans. They're
12 different now.

13 CONSTANTINE ALEXANDER: Yeah.

14 COURTNEY CRUMMETT: That were submitted in May,
15 and are from the main hearing. And I got, you know,
16 approval from all of them. One person was like, "You know,
17 I'm a landlord here. I'm not really interested in
18 development, but I'm not going to say anything." And, "You
19 know, I'm not going to oppose you." And then I believe --

20 CONSTANTINE ALEXANDER: Sorry, "I'm not going to
21 oppose you"?

22 COURTNEY CRUMMETT: That's what she said. But

1 then she later changed her mind, and she told me that, and
2 the one that -- I believe the property you're talking about
3 -- I did speak with her, she seemed fine with it.

4 She then also changed her mind, and I talked to
5 her one more time just to try and see if there was anything
6 -- you know, just to see what I could do if, you know, give
7 her some leeway to, like, change the design. But she just
8 really wasn't, you know, interested, and she didn't want any
9 deck whatsoever. So I started this process with approval,
10 you know, and went forward, and people have changed their
11 mind, that's true.

12 CONSTANTINE ALEXANDER: But we have -- I'm sorry,
13 but --

14 EDMUND ALLCOCK: But as I noted, we have attempted
15 to modify with the catwalk deck, to try to make it seem as
16 less intrusive on the neighbors, especially the one across
17 the way, as possible.

18 CONSTANTINE ALEXANDER: Well, the one that has
19 been most intrusive, it seems to me, is the one to your
20 right as you face the front door. That's where the deck is
21 going to be close to?

22 EDMUND ALLCOCK: Correct.

1 COURTNEY CRUMMETT: Yeah, and so, --

2 CONSTANTINE ALEXANDER: Across the street.

3 COURTNEY CRUMMETT: -- we want to --

4 CONSTANTINE ALEXANDER: It's not that great, in my
5 opinion.

6 COURTNEY CRUMMETT: -- yeah, so not across the
7 street, but directly west, so --

8 CONSTANTINE ALEXANDER: -- right.

9 COURTNEY CRUMMETT: From the property, so we did -
10 -

11 EDMUND ALLCOCK: Across from the deck.

12 CONSTANTINE ALEXANDER: Yeah.

13 COURTNEY CRUMMETT: The catwalk design so that we
14 move the focus of the deck, so that wouldn't be not as
15 aligned with that property's, like, main entrance, to try
16 and preserve some privacy, and the same with the adjacent,
17 which I believe is, you know, 76 Otis Street

18 So that was the reason why we wanted to do that,
19 is to -- you know, maintain some privacy and show good faith
20 and a neighborly attitude.

21 EDMUND ALLCOCK: Of course. The one that's
22 directly -- I'm sorry, the one that's directly across, which

1 you can actually see the window of --

2 CONSTANTINE ALEXANDER: Right.

3 EDMUND ALLCOCK: -- in, from Ms. Crummett's door
4 to nowhere --

5 ANDREA HICKEY: -- When you say, "across" just if
6 you're facing your client's house, is it on the right?

7 EDMUND ALLCOCK: No.

8 ANDREA HICKEY: -- the one on the corner, that
9 house?

10 EDMUND ALLCOCK: Yes, yes.

11 ANDREA HICKEY: -- All right.

12 EDMUND ALLCOCK: So when you look right out the
13 window, or out the door to nowhere, that is the house on the
14 right?

15 ANDREA HICKEY: -- And there are plenty of windows
16 on that side of the house.

17 EDMUND ALLCOCK: Correct. My understanding of --
18 my understanding is this floor up here is a registered
19 Airbnb.

20 ANDREA HICKEY or COURTNEY CRUMMETT: -- It's a
21 rental.

22 EDMUND ALLCOCK: I'm sorry, a rental. And yes, I

1 understand that there are -- there are windows facing both
2 ways. I mean, we have a door that looks straight out, and
3 they actually have a deck structure themselves. It's just
4 one of those things where the properties on that side face
5 each other.

6 And again, you know, that's why in this area here,
7 and all the way down for 13 feet, the idea is to have that
8 be the catwalk, and then the actual porch structure where
9 somebody would sit would be down towards the end.

10 ANDREA HICKEY: Understood. Just so that I'm
11 clear about what the direct abutters' response is to the
12 proposal, the neighbor to the right?

13 EDMUND ALLCOCK: Correct.

14 ANDREA HICKEY: For or against your proposal?

15 EDMUND ALLCOCK: I think she's here.

16 ANDREA HICKEY: Okay.

17 EDMUND ALLCOCK: So I think she'll say against.

18 ANDREA HICKEY: -- Oh. We'll hear from her, then,
19 thank you.

20 MIRVAT ELHAMAD: May I say something? There is a
21 vacant space between us and our neighbor. My son always
22 wants to open this door to look outside, and he always wants

1 to grab the window to look, put his head to look from the
2 window. There is the big space between us and our neighbor,
3 and there is a parking and garden. So this is -- will not
4 --

5 CONSTANTINE ALEXANDER: This is an irrelevant
6 zoning point, and maybe none of my business; are you
7 concerned about the safety?

8 MIRVAT ELHAMAD: Maybe.

9 CONSTANTINE ALEXANDER: A sign would -- if you put
10 the deck out there, he goes out there and off the side.

11 MIRVAT ELHAMAD: The deck would be safe for him,
12 when he run for the windows. I always can -- I ran -- I
13 don't know how to explain, but I always run over him (sic)
14 to see him, because he needs to grab the window.

15 The windows is (sic) very, very low. He can grab
16 and look outside and put his head outside. All the
17 neighbors can see them (sic). I always hold him and run
18 with him.

19 CONSTANTINE ALEXANDER: Okay. Other questions for
20 members of the board? I'll open the matter up to public
21 testimony. Questions to be heard?

22 RHONDA MASSIE: My name is Rhonda Massie; R-h-o-n-

1 d-a M-a-s-s-i-e.

2 THE REPORTER: Would you repeat that, please?

3 RHONDA MASSIE: R-h-o-n-d-a M-a-s-s-i-e. My
4 brother and my sister and I --

5 THE REPORTER: Can you give me your address,
6 please?

7 RHONDA MASSIE: Address is 211 Charles Street. My
8 brother, sister and I own 78 Fifth Street. We have since my
9 mother's death in February of 2018.

10 I met Courtney just a few short weeks after my
11 mother's sudden, shocking death. She told me about her
12 plans. And at that point, I was still pretty stunned. And
13 I said, "I don't care. I don't think I'm going to live
14 here." My brother currently lives in the house.

15 Courtney -- you know, when I began to think about
16 it, and after I had a chance to discuss the matter with my
17 brother and sister, who both have a share in the house, we
18 decided that we don't support the project. Part of that
19 decision was driven by a second conversation. I had --

20 She told me that her condo, Unit 3, has deeded
21 rights to the yard area on the side of the building but that
22 she couldn't leave the area because the owner at Unit 1

1 wouldn't allow her access.

2 According to Courtney, Unit 1 has -- no, oh Unit
3 #1 has exclusive right to the yard area at the rear of the
4 property, which is not as narrow as is being presented, and
5 if people wanted, they could level the back and have a
6 bigger yard.

7 During that conversation, I told her that rather
8 than go to the trouble of an expensive building project, she
9 should talk to the owner of Unit 1 to clarify the situation,
10 and ask if she could share the side yard.

11 I even offered to accompany her when she
12 approached the Unit #1 owner.

13 In the meantime, Unit #1 turned over. Someone
14 sold it, someone else bought it. I don't know why she
15 didn't consider negotiating at the point. I thought that
16 the deck project was dropped. I was surprised when it came
17 up here.

18 My siblings and I think that the decks would
19 overshadow the side yard of the building, and put both
20 buildings uncomfortably placed together. The building at
21 106 was historically a three-family house, and was converted
22 to condominiums in 1984.

1 The small room at the back of each unit was an
2 open porch, and Elizabeth, whose last name I cannot recall,
3 was the last owner of the building as 1 three-unit house,
4 presumably enclosed and to increase the squinting of the
5 units.

6 The doors on the second and third floors were
7 installed as part of a failed attempt to add porches to the
8 side of the house. I believe that that matter was brought
9 to this board, and it was turned down. The permit was
10 denied.

11 We'd be very surprised and disappointed if the
12 permit were to be issued at this date. If there were
13 porches, and if they want outside space, I would suggest
14 they reopen the back room and reconvert that into a porch,
15 as that gives every privacy.

16 As this is now, Gema, who lives at 110 Otis, was
17 telling me earlier that the decks will face right into her
18 yard and take away her privacy. We had pretty much the same
19 problem when condos were permitted on the lot in back of our
20 property. We now have no privacy.

21 I think that if Courtney goes ahead and does these
22 decks, that they should be put on the back of the building,

1 rather than the side of the building. Thank you.

2 CONSTANTINE ALEXANDER: Thank you. Name and
3 address for the record? Use the microphone.

4 GEMA SCHAFF: My name is Gema Schaff, S-c-h-a-f-f,
5 and I am the owner of the house --

6 THE REPORTER: Can you spell your first name,
7 please?

8 GEMA SCHAFF: The first name, second name, last
9 name?

10 THE REPORTER: Your full name.

11 GEMA SCHAFF: My full name. It's G like in girl -
12 e-m-a. The last name is Schaff, S-c-h-a-f-f like in Frank.
13 My address is 110 Otis Street, even though on record it's
14 112. It's a very old home, 1835. And I live right next to
15 the condominium where Courtney has begun to initialize this
16 project, the construction they want there.

17 It was initially a balcony, and I -- she
18 approached me when I was a party at my house, a dinner
19 party, and I, of course, balcony at the door and I have --
20 as I have seen in other homes that go nowhere, they
21 eventually have a balcony, and that's something that exists.

22 The structure that they want to build, which is a

1 deck -- it's not path, it's a deck -- would not only have
2 the only view of my private home with all the windows, it
3 would have only the private view of the apartment that I
4 went upstairs, which is all windows also.

5 And in addition to that, it would take away the
6 light that my daughter needs, who is -- has been diagnosed
7 with a light disorder, 1996, and we have been managing the
8 light for many years, to the point that we are now pretty
9 comfortable dealing with this situation that she's facing.

10 I have no words to say the aggressiveness that
11 this project has taken -- aggressiveness from the beginning,
12 and right now it's -- I feel like that I need to hire an
13 attorney to talk to Courtney's attorney so that her attorney
14 can say good morning to her.

15 So it's completely out of control. Never in my 20
16 years that I have lived there, have I lived anything similar
17 to this. It's very untasteful, and it's borderline if not
18 plain old harassment. It's awful. It's really bad.

19 I wrote you a letter, and to respect of the public
20 behind me, I would like to outline some of the things that I
21 told you so they have ideas on this. I'll be very brief.

22 CONSTANTINE ALEXANDER: Are these new points, or

1 are you just going to repeat what you told us? We don't
2 need to have it repeated for us, we got it the first time.

3 GEMA SCHAFF: You got this letter, right?

4 CONSTANTINE ALEXANDER: What's in that letter, did
5 you cover in your verbal remarks?

6 GEMA SCHAFF: Sure, right now, really quickly.
7 No, I haven't, no.

8 CONSTANTINE ALEXANDER: You haven't? Okay.

9 GEMA SCHAFF: Okay, yeah. So first of all, this
10 property is extremely close to my property. It was built
11 out of ordinance too close to my property. So it's imposes
12 (sic) because it's a three condominium, right? And the land
13 goes out, so it imposes in my house.

14 So they're fighting light, I'm -- they're taking
15 my light in order for them to have light. So their decks
16 would mean that I get no light. It also means that the
17 first floor of their apartment gets no light, devaluating
18 the value of that apartment, and obviously devaluating the
19 value of my home, right?

20 So their view is nothing else but my privacy.
21 It's where I keep my plants, it's where I have my patio,
22 it's where I cook and spend all day, it's where I have my

1 desk where I work all day. It's where I live. So it's my
2 privacy, their view. That's the only view they have, it's
3 mine.

4 The decks would create -- are in a in wall that is
5 sighted (phonetic), it is blue, it looks nice -- they would
6 create visual noise for me. It would create a structure
7 there that I don't want to think what it would look like in
8 five years. Because right now, the windows, the frame of
9 the windows, need fixing. They have needed fixing for a long
10 time and they haven't been fixed.

11 So I'm not sure where all these finances and all
12 this need and all this -- it's none of my business, but it
13 worries me what the deck will look like in a couple or five
14 years.

15 As I mentioned, the change in amount of light is
16 going to affect me tremendously and my daughter
17 tremendously. They don't know where they're going to move
18 and form a family. I don't have -- where to move either,
19 right? I've been there, this is where -- this is my home,
20 I've been there, build my path and my future there.

21 So I strongly, strongly oppose these new decks
22 that they want to -- if anything, I would -- a balcony was

1 initially talked to me (sic) and a balcony in front of the
2 door would be fine. I myself also worry about that child
3 that lives in the second floor, and I have said so. So I
4 really trust that you will make a conscious decision of not
5 approving --

6 CONSTANTINE ALEXANDER: We'll make a conscious
7 decision; I can assure you of that.

8 GEMA SCHAFF: Thank you so much. Thank you, thank
9 you.

10 CONSTANTINE ALEXANDER: Thank you very much for
11 taking the time to come down. We do appreciate that.

12 ROBERTA GURNEY: My Roberta G-u-r-n-e-y, Nutting
13 Lake, Massachusetts. Okay, I strongly concur with what my
14 sister, Rhonda, has said already. I'm part owner of the
15 property on 78 Fifth Street, which abuts the property in
16 question, and I share her concerns. Okay? That's about all
17 I have to say. Rhonda covered it very well, I think.

18 CONSTANTINE ALEXANDER: Thank you for your
19 remarks.

20 ROBERTA GURNEY: Okay. Thank you.

21 CONSTANTINE ALEXANDER: Anyone else wishes to be
22 heard on this matter? Apparently not. I will close public

1 testimony. Yes?

2 EDMUND ALLCOCK: Could I just respond, just
3 briefly?

4 CONSTANTINE ALEXANDER: No, go ahead.

5 EDMUND ALLCOCK: I don't want to turn it into a
6 reply or a rebuttal, but there are a couple of points that
7 were made, you know, in terms of privacy and light. I mean,
8 the reality is these buildings are 20 feet apart from each
9 other. There are windows on their property that we look out
10 onto, they look into our property. They have a significant
11 balcony structure on --

12 [Crosstalk]

13 EDMUND ALLCOCK: -- on their property.

14 CONSTANTINE ALEXANDER: But you're arguing
15 something very basic.

16 EDMUND ALLCOCK: No, I'm not arguing.

17 CONSTANTINE ALEXANDER: We allow these balconies.
18 Right now, people open -- we're in behind a glass window.
19 They talk, they make noise, it's not heard by the property
20 next door. If there is a deck, somebody will be going on
21 the deck, talking, having a drink, whatever. There's a big
22 difference, in terms of the impact on the abutting property.

1 I don't buy this notion, "Well, we're close already, what's
2 the big deal?" Well, that's the point you're making, and I
3 don't buy it.

4 EDMUND ALLCOCK: No, actually I guess what I would
5 say is there isn't -- the properties are extraordinarily
6 close together.

7 CONSTANTINE ALEXANDER: That's the problem.

8 EDMUND ALLCOCK: In terms of the deck we're
9 talking about, I mean it's really the size of these three
10 tables put together, and it's consistent with the property,
11 because it ties into the jogout.

12 The only other point I wanted to make was there
13 was an issue raised about them losing light and air, and our
14 architect, Andy Hinterman, actually did do a shadow study if
15 you will that --

16 ANDREA HICKEY: -- Is that in our file?

17 EDMUND ALLCOCK: Yeah.

18 CONSTANTINE ALEXANDER: Where's the shadow study?

19 EDMUND ALLCOCK: He did it.

20 CONSTANTINE ALEXANDER: Why don't you show it to
21 us?

22 EDMUND ALLCOCK: I have it here.

1 ANDREA HICKEY: -- Is it in our file?

2 EDMUND ALLCOCK: It is not.

3 CONSTANTINE ALEXANDER: We're supposed to have it
4 in our files by no later than 5:00 p.m. on the Monday before
5 a hearing. You cannot submit something tonight and ask us
6 to consider it, I'm sorry.

7 EDMUND ALLCOCK: Fair enough.

8 COURTNEY CRUMMETT: So I called on Friday and
9 asked her, "Should I submit this on Sunday as well?" and
10 asked her if we brought something for the Board to see that
11 wasn't in the file, would that be okay?" She said "Yeah,
12 sunsetting's file, you don't need to put it in the file."

13 CONSTANTINE ALEXANDER: Okay.

14 COURTNEY CRUMMETT: I'm sorry. So --

15 CONSTANTINE ALEXANDER: Okay.

16 COURTNEY CRUMMETT: We brought -- we brought it.

17 CONSTANTINE ALEXANDER: Okay.

18 EDMUND ALLCOCK: And the only point, the only
19 point is -- I think the architect could testify as to what
20 he saw, or -- you know, regardless of whether it's in the
21 file or not. So Andy, I don't know if you wanted to just
22 talk about that?

1 ANDY HINTERMAN: My name is Andy Hinterman. I'm I
2 with LDa Architecture and Interiors, a firm in Cambridge.

3 THE REPORTER: Excuse me, could you spell your
4 name, please?

5 ANDY HINTERMAN: Yeah, A-n-d-y H-i-n-t-e-r-m-a-n.
6 So I've been on the project since when -- since Courtney
7 first approached me about it. We looked at several
8 different versions of the deck, like she said, and one of --
9 the idea of moving it closer to the street and sort of
10 repositioning it that direction actually benefits, or helps
11 reduce the amount of the impact of shadow on the neighboring
12 structure that we're discussing.

13 And what I looked at when I -- what I found when I
14 looked at the sun study was that only the -- the only shadow
15 from the new structure that impacts the building is this
16 very small area over here, the three-foot section of rail.

17 In earlier versions, we had a deck that was more
18 like this, which would effectively double the amount of
19 sunlight, or shape shadow that would fall onto the
20 neighboring property. So we --

21 JANET GREEN: But you don't have that anymore, you
22 said you used to have it, or you --

1 ANDY HINTERMAN: Yeah, in the earlier version,
2 where the entire deck came out --

3 JANET GREEN: Right.

4 ANDY HINTERMAN: -- to the jogout of the building
5 --

6 JANET GREEN: Mm-hm.

7 ANDY HINTERMAN: -- more of the shadow would have
8 fallen onto the neighboring property.

9 JANET GREEN: Right.

10 ANDY HINTERMAN: And I would like to comment about
11 the safety of the deck. The deck, of course, would be built
12 in full compliance with building codes, as is required, and
13 so the railing would be considered to be safe by the state
14 of Massachusetts, or Commonwealth of Massachusetts.

15 CONSTANTINE ALEXANDER: Thank you. With that --

16 ANDREA HICKEY: -- I just had a question for
17 Council. So as I look at the condo site plan, it appears to
18 me, and correct me if I'm wrong, that both side yards are
19 common, and a portion of the rear yard is common, with the
20 exception of the raised bed.

21 Am I reading that correctly, is there outdoor
22 space that's shared by all three units?

1 COURTNEY CRUMMETT: The common space that you
2 spoke of on the south-facing side is just a public sidewalk.
3 It's just a sidewalk.

4 ANDREA HICKEY: I'm not talking about the front
5 sidewalk. I'm talking about the area on the condo site
6 plan, two side yards --

7 COURTNEY CRUMMETT: Yes.

8 ANDREA HICKEY: -- and the rear yard.

9 COURTNEY CRUMMETT: Yep.

10 ANDREA HICKEY: -- The only thing that I see
11 exclusive to Unit #1 is the raised bed.

12 COURTNEY CRUMMETT: That's the gardens.

13 ANDREA HICKEY: Everything else is common.

14 COURTNEY CRUMMETT: That's correct.

15 ANDREA HICKEY: So you do have outdoor space.
16 Whether you use it or not or whether it's suitable isn't
17 what I'm asking. Is it correct to say that you do have
18 outdoor space within the confines of the condo land?

19 MIRVAT ELHAMAD: The shared patio, we don't want
20 to use the shared patio because it's too close to the street
21 and unsafe for my son. He has run to the street before.
22 Also, this patio is so close to their windows and doors, to

1 the Unit #1 living space. I would be sitting right outside
2 their living room window, and I'm very, very shy and I'm not
3 comfortable doing that.

4 We don't have in our culture to share the patio
5 and live very close to the door or the people and windows.
6 And it's not safe for my son. He can -- like -- open the
7 door and go run for the street. He do it before.

8 CONSTANTINE ALEXANDER: What you have to
9 understand is that the decision -- you live in the property
10 right now; you have a young son. He will grow older.

11 MIRVAT ELHAMAD: And I will have --

12 CONSTANTINE ALEXANDER: You may move onto
13 somewhere's else, but the deck will remain, and that's our
14 concern. You're talking about a permanent change to the
15 structure, which has an impact on your neighbors. So, you
16 know, I understand your comments, but they're just not
17 entirely relevant, I'm sorry.

18 It's not a personal issue for you. It's a city
19 decision as to what's appropriate for this structure under
20 the circumstances, so you understand.

21 Anything else? I will close -- unless you have
22 anything further, sir?

1 EDMUND ALLCOCK: No.

2 CONSTANTINE ALEXANDER: Okay. I will close public
3 testimony. Do you want a discussion, do you want to take a
4 vote? What's your pleasure? I will vote. I'm going to
5 vote against this.

6 JANET GREEN: I have a -- then I have a comment --

7 CONSTANTINE ALEXANDER: Go ahead. --

8 JANET GREEN: -- too sir, if I may, please?

9 CONSTANTINE ALEXANDER: Yeah.

10 JANET GREEN: Okay. So I do feel that that sun
11 study really shows how they have changed the plan
12 significantly to have less of an impact on their neighbors.
13 And I feel that that was a good faith effort on their part.

14 And I think that it's -- when you live in the
15 city, I mean we live very close to our neighbor as well. We
16 have other outside space, so it's not that comparable in
17 that way, but the houses are right there.

18 Part of that is just urban living, and I moved by
19 the compromise that they made on the size of what they
20 originally wanted, and I also find this door to nowhere, I
21 understand that there had to be some original thinking about
22 using that door.

1 CONSTANTINE ALEXANDER: Anyone else want to
2 comment, or we just go right to the vote?

3 BRENDAN SULLIVAN: I would sort of concur with
4 Janet. I would support it. I think that they have scaled
5 it back. I think that if the effect that it will have is
6 very benign, if at all, upon the abutting neighbors. And I
7 think that the benefit to the two occupants of those units
8 will be great.

9 ANDREA HICKEY: I would just add the issue that I
10 struggle with is the hardship. There is outdoor space. It
11 may not be beautiful, it may not be desirable, but there is
12 outdoor space.

13 And to put the neighbors in a position where
14 they're closer to peering in their windows, not that you
15 would -- being a tradeoff, because you don't want to use the
16 space you've bought into is something I'm having a hard time
17 kind of bridging.

18 BRENDAN SULLIVAN: Yeah, I can only go back and
19 reflect, and by what I know, and I have a three-family, and
20 I have a young couple up on the third floor. We have the
21 very traditional front porches and back porches, and the
22 woman has constantly commented to me about how she enjoys

1 both porches.

2 CONSTANTINE ALEXANDER: Sure.

3 BRENDAN SULLIVAN: And she sits out there with her
4 3-- and 4-- and 5-year-old. Actually, he's 5 years old now,
5 and -- you know. And so, I say, "Well, good." And
6 basically, it was, "Don't ever get rid of them -- who
7 appeared yadayada," because the trend is to incorporate
8 those as living space and what have you.

9 So there's a young family who gets a tremendous
10 benefit from that. And, she said even when he was younger
11 just to put him out there with the fresh air to fall asleep
12 and she could read a book, yadayada, and so on and so forth.

13 And I sort of lean towards -- I think that there
14 will be benefit. A hardship, well it's not unique to East
15 Cambridge, and the hardship really has to be unique to the
16 property, and its age and its position on a substandard lot
17 is an encumbrance, but not a hardship.

18 ANDREA HICKEY: Right.

19 BRENDAN SULLIVAN: It has to be.

20 ANDREA HICKEY: It's the hardship element for me -

21 -

22 BRENDAN SULLIVAN: Right.

1 ANDREA HICKEY: -- that scales haven't tipped.

2 BRENDAN SULLIVAN: I think any of the hardships
3 that are before us are sort of personal discomforts, and
4 they would like to tweak it to her own personal situation.
5 I mean that's -- anything on the agenda. Anyhow, that's my
6 spiel.

7 CONSTANTINE ALEXANDER: Jim, do you want to
8 comment or not? It's up to you.

9 JIM MONTEVERDE: No, I would. And fortunately, at
10 the moment, I couldn't support your proposal. So if you
11 want to just take a count, we could decide what your next
12 step should be. Is there a point?

13 CONSTANTINE ALEXANDER: Yeah, I'm going to just --
14 to follow up on that, you probably know this, but the
15 benefit -- to get the relief you're seeking tonight, our law
16 you need four votes, not a simple majority. And you're
17 hearing these two votes that are negatives.

18 I think Jim is suggesting: Rather than take a
19 vote tonight -- and then if we do and you lose, you can't
20 build a deck out there or anything similar for two years,
21 you can't come back before us trying to get relief for two
22 years -- the alternative, and as people often do this, when

1 they see the ball going against them, is to ask for a
2 continuance with -- we'll take a vote tonight, and you go
3 back and think, and talk to your neighbors perhaps, and see
4 if you can come up with a solution.

5 That will give you an opportunity. It's up to
6 you. But that's what Jim has suggested.

7 JIM MONTEVERDE: It puts it on life support, more
8 than anything.

9 COURTNEY CRUMMETT: Would you like to see the
10 picture of my face?

11 CONSTANTINE ALEXANDER: No.

12 ANDREA HICKEY: We have some photographs.

13 CONSTANTINE ALEXANDER: No, thank you. Well, do
14 you want to put it to a vote or not?

15 EDMUND ALLCOCK: Yes, we would request a
16 continuance to the next hearing, if we could.

17 CONSTANTINE ALEXANDER: Actually, two weeks --
18 what about --

19 EDMUND ALLCOCK: Two weeks out?

20 CONSTANTINE ALEXANDER: Actually, the first one in
21 October.

22 EDMUND ALLCOCK: That would be fine.

1 CONSTANTINE ALEXANDER: About a month from now.

2 EDMUND ALLCOCK: That would be preferable.

3 ANDREA HICKEY: Excuse me, and I'd like to just
4 suggest that the shadow studies be formally submitted as
5 part of their file --

6 CONSTANTINE ALEXANDER: Yes.

7 ANDREA HICKEY: So that the neighbors can --

8 CONSTANTINE ALEXANDER: Yes --

9 ANDREA HICKEY: -- review them, and I'd also like
10 to say that the neighbors' sort of comments were really
11 important in terms of the way I was leaning as well. So if
12 there is some way that you can kind of accommodate their
13 concerns and still get what you need --

14 EDMUND ALLCOCK: We will try.

15 ANDREA HICKEY: That would sway me greatly.

16 EDMUND ALLCOCK: We will try. We have tried, but
17 we will --

18 COURTNEY CRUMMETT: I mean I'm trying to respect
19 them and not badger them. So I haven't -- you know, I
20 haven't really -- I got the first approval, and then they
21 both changed their mind, which is totally fair, and I really
22 haven't talked to them since then because, you know, they

1 made it clear that they don't want it; I don't want to
2 badger them.

3 JANET GREEN: Well, you may need to.

4 CONSTANTINE ALEXANDER: And actually -- maybe --

5 JANET GREEN: Talk to them. You've got to talk
6 more, not badger maybe, but maybe --

7 EDMUND ALLCOCK: You know, there may be something
8 that we can try to do internally. I know that on certain
9 decks there are privacy screens and things of that nature --

10 CONSTANTINE ALEXANDER: Right.

11 EDMUND ALLCOCK: That can be done, so maybe that's
12 something we can try to consider and modify.

13 CONSTANTINE ALEXANDER: That's a very good
14 thought.

15 EDMUND ALLCOCK: -- modify this plan. So if we
16 could, do you need a written request, or --

17 CONSTANTINE ALEXANDER: Yeah, I'm going to make a
18 motion.

19 EDMUND ALLCOCK: Fair enough.

20 CONSTANTINE ALEXANDER: The Chair moves that we
21 continue this case as a case heard, which means that the
22 five of us need to be -- the next time we hear it. We'll

1 continue it until 7:00 p.m. on the first hearing date in
2 October, which is --

3 BOARD MEMBER: October 10.

4 CONSTANTINE ALEXANDER: October 10.

5 BOARD MEMBER: Yeah.

6 CONSTANTINE ALEXANDER: Is that acceptable to you,
7 on October 10, to be here again?

8 MIRVAT ELHAMAD: We've had so many continuances,
9 and we show up and they don't show up, and --

10 CONSTANTINE ALEXANDER: Okay, but you can make
11 October 10, right?

12 BOARD MEMBER: Yes.

13 MIRVAT ELHAMAD: I hope so.

14 CONSTANTINE ALEXANDER: Okay, okay. The Chair
15 moves again -- and I'll repeat -- to continue this case as a
16 case heard until 7:00 p.m. on October 10, subject to the
17 following conditions:

18 One, the petitioner signs a waiver of time for a
19 decision. That's already been done, because we've continued
20 the case before.

21 Second, the posting sign that you have out front
22 now has to be modified or a new one obtained, and reflect

1 the new date, October 10, and the new time, 7:00 p.m. And
2 that sign must be maintained for the 14 days required by our
3 ordinance.

4 If you don't do that, people often forget, we have
5 a case on October 10. So either go for the magic marker and
6 change the dates and times or get a new sign, that's up to
7 you.

8 And lastly, to the extent that you modify these
9 plans that you've submitted, we have a shadow study that
10 Andrea referred to. They must be in our file no later than
11 5:00 p.m. on the Monday before the hearing date. That's to
12 allow us and neighbors to look at them and consider them.

13 COURTNEY CRUMMETT: Yes.

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

16 THE BOARD: Aye. [5 vote in favor of continuance]

17 CONSTANTINE ALEXANDER: Five in favor, case
18 continued.

19 EDMUND ALLCOCK: Thank you.

20

21

22

1 * * * * *

2 (9:32 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017144 171 Walden Street. This is the appeal
8 decision. And as you know, you've been here before, name
9 and address.

10 SUSANNE HOWARD: Yes. My name is Susanne Howard,
11 H-o-w-a-r-d, Susanne is S-u-s-a-n-n-e, and I live at 111
12 Malden Street in Cambridge, and I am the appellant here, and
13 we have been granted some relief from the building --

14 CONSTANTINE ALEXANDER: You're not being granted
15 some relief; you're being granted absolute relief.

16 SUSANNE HOWARD: Well --

17 CONSTANTINE ALEXANDER: The building permit that
18 you're appealing from has been withdrawn. The case is over.

19 SUSANNE HOWARD: The case has a special twist,
20 because the developer poured the foundation in the back
21 yard. So we have a structure in the back yard now of this
22 two-family, where he was trying to build a second --

1 CONSTANTINE ALEXANDER: I would suggest that's a
2 problem for the developer, not for you.

3 SUSANNE HOWARD: Well, no, it's a problem --

4 CONSTANTINE ALEXANDER: I know it has an impact on
5 you.

6 SUSANNE HOWARD: It's a problem for me, and it was
7 one of -- I asked for three things in my appeal. One was
8 for the building permit to be annulled, which has happened,
9 immediately upon my filing --

10 CONSTANTINE ALEXANDER: Right.

11 SUSANNE HOWARD: -- on Monday. The second thing
12 was to remove the existing foundation. And the third --
13 excuse me, the third thing was the restoration of the open
14 space.

15 This case is about someone building in the open
16 space, and the open space is now in violation, and the
17 Building Commissioner has said that it can be used -- it
18 needs to be restored to safety, but I don't want to leave
19 this appeal without knowing that we have the kind of closure
20 for the entire neighborhood, of which there are many people
21 who have been very concerned about this, and it's above-
22 ground. It's building.

1 It's been such a concern that we've already been
2 in touch with Board of Health about the Triple E people.
3 They've had to bring people out there because there's water
4 in it. And the company piece to this is a special permit.
5 That has been asked to be continued until the twenty-sixth.

6 We are -- all we're asking -- all I'm asking -- is
7 that this not be dismissed, because there's still this open
8 issue. And this is not something caused by me. This was
9 called (sic) because there were false statements made to the
10 Building Department, and when it was brought to their
11 attention, they were now able to scale this back.

12 But he went a week before the -- my hearing. I
13 have never had a hearing. This is my first hearing, because
14 we were asked to put it off while there was time for the
15 Board to get together.

16 We don't have enough people tonight to vote on
17 this, except to continue it as far as I can see. And that's
18 why I was told by Ranjit that it would be continued until
19 the later date. And so, I put a letter in to that effect,
20 and it went in late, but this is an additional copy if you
21 need it. It's already on file.

22 CONSTANTINE ALEXANDER: I must say I still have a

1 great deal of problems with what you're requesting. I want
2 to continue the case, my colleagues want to do that, that's
3 fine.

4 But the fact of the matter is, a building permit
5 was granted, you took an appeal for that granting of that
6 building permit. The building permit is no longer in
7 existence, there is nothing to appeal. And the other issues
8 you raise are --

9 SUSANNE HOWARD: Were part of my appeal.

10 CONSTANTINE ALEXANDER: I'm sorry?

11 SUSANNE HOWARD: It wasn't the only issue in my --

12 CONSTANTINE ALEXANDER: You appealed the granting
13 of the building permit. The other thing is -- you keep
14 bringing other issues into this case. The issue was -- it's
15 a very simply issue, should the building permit have been
16 granted? And Ranjit granted it, and then decided to revoke
17 it. My judgment if the members of the board want to
18 continue, fine. I don't know what we're going to continue
19 to, because what are you appealing? What are you
20 challenging?

21 SUSANNE HOWARD: I'm asking for the relief that
22 happened. Because the Building Department issued this --

1 CONSTANTINE ALEXANDER: Yeah.

2 SUSANNE HOWARD: -- I needed to appeal. And
3 because they kept telling the developer that he had a permit
4 and he could go ahead, whereas when I finally filed
5 something with the Legal Office, that's the only time that
6 the Building Department backed off. They were lied to and
7 they didn't -- you know, it's -- this is a fiasco.

8 CONSTANTINE ALEXANDER: All right.

9 SUSANNE HOWARD: The end of the fiasco is making
10 sure that the open space for the building that exists there
11 now is restored. That is relief that this group can grant
12 under the authority of state law of this to act for the
13 Building Department if need be.

14 CONSTANTINE ALEXANDER: We can do that. But we
15 can't do it in the context of this case.

16 SUSANNE HOWARD: Actually --

17 CONSTANTINE ALEXANDER: You have to file a
18 petition with the Building Department --

19 SUSANNE HOWARD: You're going to make -- I have
20 not had a hearing on this issue. When we first came in, it
21 was for a special permit, and you wouldn't let me have a
22 hearing. You said it's not part of this. Now I'm here, I

1 have filed -- I've spent my entire summer putting together a
2 form that probably nobody else has read that I now have
3 collected any copies for you. This is the kind of problem
4 that this is. This is a problem where the red is in --
5 regarding zoning violations.

6 This went by the board at the Building Department.
7 Why? We don't really know, except that there were
8 falsehoods, there was an architect who stamped a plan who
9 said that the area in the back yard was open space, was
10 nonconforming open space, it was not. Then the building
11 developer goes ahead and he starts pouring concrete a week
12 before this hearing.

13 So it's not the usual case. I would agree with
14 you if all that was going on and this was the usual case,
15 where someone had, you know, I had appealed a building
16 permit and nobody had built anything. There would be no
17 need for this. But now I have somebody who's moved ahead at
18 risk, and I've got to tell you, it's a problem for the
19 neighborhood.

20 And I have neighbors here. We've been sitting
21 here all night because we filed this -- it's going to be
22 continued, but we came because we didn't want to not have

1 the full relief that we need from this situation.

2 All I'm asking is that you continue it so

3 hopefully --

4 CONSTANTINE ALEXANDER: I don't know --

5 SUSANNE HOWARD: By the time I get back here, the

6 builder will have taken it out. He needs to take it out,

7 and he probably will. But I don't want to be here. You

8 know, why should I have -- I mean, already I spent so much

9 time doing the work that should have happened here.

10 CONSTANTINE ALEXANDER: But to continue the case,

11 you're going to have to come back anyway.

12 SUSANNE HOWARD: I understand that. I have to

13 come back with a special permit, because they've already --

14 this is their third or fourth continuance. We've been

15 coming every time and -- you know, the developer has never

16 showed up personally. He only recently --

17 CONSTANTINE ALEXANDER: They did.

18 SUSANNE HOWARD: -- hired a lawyer.

19 CONSTANTINE ALEXANDER: They did once. He did

20 once.

21 SUSANNE HOWARD: I -- he did not. And I saw him.

22 CONSTANTINE ALEXANDER: I didn't. I mean, he's

1 sitting right there. Anyway, that's not relevant.

2 SUSANNE HOWARD: I'm just -- I want to finish this

3 --

4 CONSTANTINE ALEXANDER: When do you want to

5 continue the case?

6 SUSANNE HOWARD: I want to continue it to when

7 he's asked to have his special permit heard, which is the

8 twenty-sixth. Now, maybe you're not going to vote on that.

9 You know, maybe he'll say he needs to do the special permit

10 appliance for the same lot, it's a different building, he

11 went in there and he put all the windows in.

12 CONSTANTINE ALEXANDER: The special permit case is

13 completely separate. But you've raised a number of issues

14 with regard to the special permit and they've not been

15 addressed for this board to understand. So I would -- I'm

16 going to propose in any event to continue the special permit

17 case.

18 SUSANNE HOWARD: And I've already asked for that

19 as well.

20 CONSTANTINE ALEXANDER: Well -- you're going to

21 get it.

22 SUSANNE HOWARD: Because he needs to correct it.

1 SARAH RHATIGAN: Mr. Chairman, could I just have
2 the chance to clarify and respond to what you're discussing?
3 Just I represent --

4 CONSTANTINE ALEXANDER: I know who you're
5 represent.

6 SARAH RHATIGAN: Things are getting a little
7 complicated. I'd like to correct the record.

8 CONSTANTINE ALEXANDER: In what regard.

9 SARAH RHATIGAN: Would you like me to use this?

10 CONSTANTINE ALEXANDER: Please.

11 SARAH RHATIGAN: Okay, great. My name is Sarah
12 Rhatigan, and I'm representing the owner and developer of
13 the property. Matt Hayes is the individual with the D/B/A
14 and it was Unison Design Group. So just to clarify, I'm
15 going to try to keep things as simple as I can.

16 On the petition to appeal the building permit, as
17 you know, the Building Commissioner decided to revoke the
18 building permit. There has been an interesting legal debate
19 about the interpretation of a particular provision of the
20 zoning ordinance. And despite my efforts to try to present
21 the legal analysis to the Building Commissioner and to have
22 that evaluated by the Law Department, they were not

1 comfortable supporting an interpretation that the building
2 code has used and applied in granting permits frankly for --

3 CONSTANTINE ALEXANDER: Right.

4 SARAH RHATIGAN: -- a few decades. That's the
5 substance of the matter. I don't really want to be talking
6 about that, but to be honest with you, the petitioner is
7 talking about a lot of substance.

8 She's making a lot of factual claims about my
9 client acting in bad faith, being a bad person, and all of
10 that -- all of that information is going to be rebutted, and
11 it will be rebutted very strenuously and when we have an
12 opportunity.

13 CONSTANTINE ALEXANDER: I'm going to make a
14 comment here.

15 SARAH RHATIGAN: Yeah.

16 CONSTANTINE ALEXANDER: The building permit was
17 issued to build --

18 SARAH RHATIGAN: It was.

19 CONSTANTINE ALEXANDER: -- the structure.

20 SARAH RHATIGAN: Yes.

21 CONSTANTINE ALEXANDER: There was a 30-day appeal
22 period.

1 SARAH RHATIGAN: Yes.

2 CONSTANTINE ALEXANDER: You knew that there was --
3 your client knew -- that there was a lot of opposition in
4 the neighborhood, yet he went ahead and poured that
5 foundation and created a problem now that basically the
6 neighbor has pointed out. I thought that was very
7 inappropriate, personally.

8 SARAH RHATIGAN: Well, the timing of that is in
9 the space of I think approximately twenty-four to forty-
10 eight hours.

11 CONSTANTINE ALEXANDER: I don't care when it was.
12 You should have waited -- your client should have waited --

13 SARAH RHATIGAN: Well --

14 CONSTANTINE ALEXANDER: the 30 days -- to be sure
15 that the permit was not going to be revoked.

16 SARAH RHATIGAN: I apologize; so the building
17 permit was issued, and on the thirtieth day -- the afternoon
18 of the thirtieth day, the petition to appeal it was filed,
19 which is absolutely within her rights.

20 CONSTANTINE ALEXANDER: Right, exactly.

21 SARAH RHATIGAN: But the work to commence -- you
22 know, building on the building permit was planned, you know,

1 well in advance.

2 CONSTANTINE ALEXANDER: I don't care when it was
3 planned.

4 SARAH RHATIGAN: I understand, just I --

5 CONSTANTINE ALEXANDER: You have to wait the 30
6 days before you do it, or your client proceeds at his own
7 risk.

8 SARAH RHATIGAN: And my client did proceed at his
9 own risk.

10 CONSTANTINE ALEXANDER: Yeah.

11 SARAH RHATIGAN: And he realizes that, but this
12 was not done in extreme bad faith. And also, to be clear,
13 he was seeking advice from the Building Commissioner
14 throughout that process.

15 The Building Commissioner said, "Yes, you're
16 proceeding at risk." But he asked, "Is my building permit -
17 - do you still stand by this building permit that you've
18 issued?" And he said, I think we did the right thing, and
19 I'm standing by the building permit."

20 Now, again -- this has been a complicated case. I
21 mean, this has been legal research, me -- you know,
22 preparing a responsive pleading, and so, this has not --

1 it's not been a simple matter, but the Building Commissioner
2 I believe, acted in good faith in issuing the permit and
3 instructing my client.

4 He still supported his decision, and then for a
5 legal technical reason that this particular section of the
6 ordinance, 5121.1, whether it applies to this lot, which I
7 personally think is still at issue or question, the building
8 permit has been revoked.

9 CONSTANTINE ALEXANDER: It wasn't only that issue.

10 SARAH RHATIGAN: It was my understanding that
11 because the building permit was revoked, that this case
12 disappears. It's the case in controversy. There is no
13 controversy, there is no building permit.

14 Now, I understand that Ms. Howard wants to know
15 that my client is going to comply with the Building
16 Inspector's direction in his letter, which is now an order,
17 right? That he complies with the letter that is in the file
18 I'm sure, that letter dated September 10, where he's
19 required that no work shall take place with the exception of
20 filling in the foundation to make the property safe.

21 And my client is in the process of working out
22 what that -- what the details of that are with the Building

1 Department. Unless he's in violation of this order, there
2 is no new controversy that Ms. Howard has a right to
3 continue this case to resolve.

4 And, frankly, I think, you know, you're using a
5 lot of this board's time on stuff that I frankly think is
6 well within the capacity of the Building Department to take
7 care of. My client wanted this stuff resolved ages ago,
8 where we've now been continuing, and continuing, and
9 continuing. The special permit was continued at the
10 suggestion of Ms. Howard.

11 SUSANNE HOWARD: No, it was not my suggestion.

12 SARAH RHATIGAN: That was our understanding,
13 because she wanted both matters heard at the same time.

14 SUSANNE HOWARD: No, that was not my suggestion.

15 CONSTANTINE ALEXANDER: I've expressed my views,
16 that this is -- there is no case of controversy here,
17 because the building permit was revoked.

18 SARAH RHATIGAN: And I agree with you on this.

19 CONSTANTINE ALEXANDER: Ms. Howard has vigorously
20 argued against that. She wants to continue the case; we'll
21 continue the case. I don't see any harm to doing that.
22 You're going to be back here, your client is going to be

1 back here.

2 SUSANNE HOWARD: It will be over by then.

3 SARAH RHATIGAN: Back here, the one thing that I
4 would be concerned about is if the petitioner were using
5 this as a forum to distract or to bring matters in front of
6 this board that frankly are just -- are not appropriate.

7 CONSTANTINE ALEXANDER: You've got to rely on our
8 Board to not let that happen.

9 SARAH RHATIGAN: Understood.

10 CONSTANTINE ALEXANDER: So I'm going to propose we
11 continue the case, and as much as I don't want to do it,
12 just to get this case moving and address the rest of our
13 agenda. When do you want to continue it?

14 SUSANNE HOWARD: I was going to continue it to the
15 same date that they were asking, but if it goes to October -
16 -

17 SARAH RHATIGAN: That's fine with us. September
18 26 is the date that we requested.

19 CONSTANTINE ALEXANDER: September 26?

20 SARAH RHATIGAN: -- for the continuance for the
21 special permit.

22 CONSTANTINE ALEXANDER: Okay. Are you going to be

1 able to advertise in time for September 26?

2 SARAH RHATIGAN: There's, there are, we -- --

3 CONSTANTINE ALEXANDER: You've got to do it
4 tomorrow morning, tomorrow.

5 SARAH RHATIGAN: Well, our special permit board is
6 up. As soon as I hear that this board is --

7 CONSTANTINE ALEXANDER: Right.

8 SARAH RHATIGAN: -- our continuous to September
9 26, we change the date.

10 CONSTANTINE ALEXANDER: Yeah.

11 SARAH RHATIGAN: I don't believe that there's a
12 notice board for her appeal?

13 CONSTANTINE ALEXANDER: No, there's no notice.

14 SARAH RHATIGAN: Right. So yes, it will change.

15 SUSANNE HOWARD: There's a mailing.

16 CONSTANTINE ALEXANDER: Let me make one
17 observation. I don't live very far from this property.

18 SARAH RHATIGAN: Yes.

19 CONSTANTINE ALEXANDER: That notice board was
20 down.

21 SARAH RHATIGAN: When was that observed?

22 CONSTANTINE ALEXANDER: I went up personally, er ec

1 -- put it back up. You better tell your client --

2 SARAH RHATIGAN: Yeah.

3 CONSTANTINE ALEXANDER: -- who's not covered
4 himself with glory throughout this whole proceeding, that he
5 has an obligation to make sure that that Board is there for
6 14 days --

7 SARAH RHATIGAN: Sure, thank you. Had it fallen
8 off the building?

9 CONSTANTINE ALEXANDER: No, one of the workmen
10 probably just threw it aside. I was walking by, there it is
11 lying on the ground, you couldn't know -- you wouldn't know
12 any case was going to be heard.

13 SARAH RHATIGAN: And just so you know, I've been
14 by the property numerous times and I've always seen it up,
15 but I'll make the note to him. Thank you.

16 RICHARD ARTHUR: Excuse me.

17 CONSTANTINE ALEXANDER: Yes, sir.

18 RICHARD ARTHUR: Richard Arthur, better known as
19 brotherra.com I have pictures of --

20 THE REPORTER: Could you give your address,
21 please?

22 ROBERT ANDREW: 34 Hubbard Ave. I'm an heir of my

1 grandmother's property. I have pictures on my iPad dated
2 from July 25, 2019 of the pouring of the cement -- of your
3 client pouring in the cement.

4 And I know Sue has been arguing the issue, but I
5 do wish for the client to remove the cement. I know she's
6 been talking about the cement and filling it in, but as a
7 resident of Cambridge and looking at the cement, I don't
8 feel as the Zoning Board having the cement filled in is
9 going to be satisfactory. He cut down the trees, and I have
10 turkeys in my back yard and so on and so forth.

11 I don't wish to belabor the issue, but if he can
12 return the natural habitatory (sic) or the natural ness of
13 the environment back to the way it used to be, it would be
14 much more satisfactory to me, the heir of the property, the
15 natural environment. But thank you so much.

16 CONSTANTINE ALEXANDER: Thank you. All right the
17 Chair moves that we continue this case as a case, what, --
18 heard?

19 BOARD MEMBER: Yep.

20 CONSTANTINE ALEXANDER: -- there are only going to
21 be four of us, by the way, because --.

22 ANDREA HICKEY: Yeah, I have to abstain, so.

1 CONSTANTINE ALEXANDER: -- she -- and we, since
2 this is a case heard, we got into the merits. You can't
3 bring -- add a new member.

4 So just so you know, when we hear this case again,
5 if you're going to get the relief you need, you're going to
6 need all four of us -- any, and ordinarily you would pick up
7 one dissenter and you could still get relief. So you
8 appreciate that. You want to continue the case? Rather
9 than bring a new case, that's up to you.

10 SUSANNE HOWARD: No, I am not interested in
11 bringing a new case.

12 CONSTANTINE ALEXANDER: Okay. Brendan?

13 BRENDAN SULLIVAN: I fail to see the point of
14 continuing it.

15 CONSTANTINE ALEXANDER: I don't understand it, but
16 I just want to --

17 BRENDAN SULLIVAN: Because I think that it's gone
18 away, other than the fact that you want to leave a cloud
19 hanging over this thing.

20 CONSTANTINE ALEXANDER: I don't know what we're --

21 SUSANNE HOWARD: May I speak?

22 BRENDAN SULLIVAN: Legal basis.

1 CONSTANTINE ALEXANDER: -- I don't know what we're
2 continuing.

3 BRENDAN SULLIVAN: There's no basis to continue
4 this thing.

5 SUSANNE HOWARD: So what --

6 BRENDAN SULLIVAN: From this moment on, it's an
7 administrative thing.

8 CONSTANTINE ALEXANDER: Yeah.

9 SUSANNE HOWARD: Well, the administration, if you
10 want to --

11 BRENDAN SULLIVAN: Well, again, I do not want to
12 get into it, I'm just --

13 SUSANNE HOWARD: I just want to say --

14 BRENDAN SULLIVAN: No more.

15 SUSANNE HOWARD: I gave everybody, I made eight
16 copies for the Board.

17 BRENDAN SULLIVAN: I thought I had the floor,
18 ma'am, please.

19 SUSANNE HOWARD: I'm sorry.

20 BRENDAN SULLIVAN: I'm speaking, all right?

21 SUSANNE HOWARD: Excuse me.

22 BRENDAN SULLIVAN: Thank you. I think there was

1 no legal basis to continue it.

2 CONSTANTINE ALEXANDER: I agree with you.

3 BRENDAN SULLIVAN: I think from this moment on
4 it's administrative. However, if I will abide by the
5 Chair's wishes on this one.

6 CONSTANTINE ALEXANDER: Well, I'm with you
7 basically. I just want to get relief from this bickering
8 that's going on here, okay -- most of which I don't
9 understand, frankly.

10 BRENDAN SULLIVAN: Well, it's a mud fight.

11 SUSANNE HOWARD: It's a mud fight.

12 BRENDAN SULLIVAN: I mean, it's more than a mud
13 fight, but aside from that I don't want to get into it,
14 because now the Zoning is being dragged into it's a real
15 fight, I understand that.

16 But I think that the case before us is clear-cut.
17 Did the Commissioner err in his decision of issuing the
18 permit? He has admitted that error, and so, consequently he
19 has revoked it. The end result of this appeal was for us to
20 tell the Commissioner to revoke the building permit.

21 CONSTANTINE ALEXANDER: Right.

22 BRENDAN SULLIVAN: That has been done.

1 CONSTANTINE ALEXANDER: That's been done.

2 SUSANNE HOWARD: And I --

3 CONSTANTINE ALEXANDER: Will you, please, if there
4 is an issue about it, you have other problems, that's the --

5 CONSTANTINE ALEXANDER: You take it up with the --

6 SUSANNE HOWARD: When you say no --

7 CONSTANTINE ALEXANDER: You take it up with the
8 Building Commissioner, and if you're not satisfied with what
9 you get --

10 SUSANNE HOWARD: I start all over again?

11 CONSTANTINE ALEXANDER: You start all over again.

12 SUSANNE HOWARD: Can I just ask as a citizen, and
13 you are citizens here --

14 CONSTANTINE ALEXANDER: Yes, we are --

15 SUSANNE HOWARD: -- doing your thing for us,
16 representing us, I have provided eight copies for people to
17 read, because everything that I've gotten online is so
18 difficult to read you can't even see. And I don't think the
19 Building Department saw what was going on here because of
20 that.

21 I made full color copies. They were -- I gave --
22 Maria has them, or they're at the end of the table here now,

1 and -- you know, I will continue to -- and it's my sincere
2 hope that I could just withdraw this, because he's already
3 fixed it, next week he's taken it out.

4 But I haven't gotten the relief that I asked for,
5 and I do believe under state law that you have the ability
6 to stand in the position of the Building Commissioner when
7 you have something before you here. I have cited the legal
8 basis for that in my paperwork, which I'm sure nobody's
9 reading --

10 CONSTANTINE ALEXANDER: We have nothing here
11 before us.

12 BRENDAN SULLIVAN: Of course, we have read it.

13 SUSANNE HOWARD: Well how can --

14 CONSTANTINE ALEXANDER: We have nothing here
15 before us. They -- it's been -- you're appealing a decision
16 of the Building Commissioner. He's revoked that decision.
17 There's nothing to appeal. There's no case. The case -- as
18 Brendan has said, you'll proceed with the Building
19 Commissioner. If you're unhappy with what he's doing or not
20 doing, you'll have your recourse under law and you'll bring
21 a new petition before us, and that will be the case before
22 us. Not this case. Because this case is no longer --

1 SUSANNE HOWARD: Is this case appealable by me?

2 CONSTANTINE ALEXANDER: Which?

3 SUSANNE HOWARD: Do you refuse to hear it? I
4 mean, there hasn't even been --

5 CONSTANTINE ALEXANDER: There's nothing to hear.
6 How many times I've got to say this? As soon as the
7 building permit was revoked, the case ended.

8 SUSANNE HOWARD: I think you have broader
9 authority than you think you do.

10 CONSTANTINE ALEXANDER: I don't --

11 SUSANNE HOWARD: You know, everybody told me I was
12 wrong too, and nobody ever gets a building permit revoked,
13 and I put my legal case together, it got revoked.

14 CONSTANTINE ALEXANDER: Congratulations.

15 SUSANNE HOWARD: So I'm saying read it.

16 CONSTANTINE ALEXANDER: Congratulations. You
17 should accept your victory and move on.

18 BRENDAN SULLIVAN: If you want to make a motion to
19 continue this matter, fine, we'll take it off to another
20 day.

21 CONSTANTINE ALEXANDER: I know. That's where I
22 was 20 minutes ago.

1 BRENDAN SULLIVAN: We have a whole agenda. We're
2 going to be here for another four hours, and we're -- I say
3 let's move on.

4 CONSTANTINE ALEXANDER: The Chair moves that we
5 continue this case as a case heard until 7:00 p.m. on
6 September 26, subject to the following conditions: One,
7 that the petitioner sign a waiver of time for decision. I
8 don't believe you've --

9 SUSANNE HOWARD: I've done that.

10 CONSTANTINE ALEXANDER: You've done it?

11 SUSANNE HOWARD: Mm-hm.

12 CONSTANTINE ALEXANDER: Okay, good. And its most
13 needed for signup, because there's no posting for an appeal.
14 and lastly, to the extent that you have additional
15 information, arguments -- and I'm sure you will -- and other
16 of the like, they must be in our file no later than 5:00
17 p.m. on the Monday before September 26. All those in favor,
18 please say, "Aye."

19 THE BOARD: Aye. [Four vote yes, Andrea Hickey
20 abstained]

21 CONSTANTINE ALEXANDER: Four in favor, we'll see
22 you September 26.

1 SUSANNE HOWARD: Thank you very much. Appreciate

2 that.

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(9:54 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017117 -- again, 117 Walden Street. This is a
special permit case. Ms. Rhatigan? I thought you were
going to move to continue this case?

SARAH RHATIGAN: Ms. Rhatigan. Yes, we filed a
request to continue this case. At the time that we did
that, the reason for continuance was simply that we
understood that there would be four members of the Board,
and we were hoping for a full panel. You mentioned before
that September 26, there will not -- we will still just be a
four-person board?

CONSTANTINE ALEXANDER: Yes, because Andrea has
got a Conflict of Interest Officer.

SARAH RHATIGAN: And there's not an alternate who
will be sitting that evening?

CONSTANTINE ALEXANDER: Well, wait a minute.
We've never heard this case.

1 SARAH RHATIGAN: This case has never been heard.

2 CONSTANTINE ALEXANDER: So we can get a fifth
3 member.

4 SARAH RHATIGAN: That was the hope, and that was
5 the reason for the continuance. Otherwise, we would have
6 not been ready to --

7 CONSTANTINE ALEXANDER: I can't promise --

8 SARAH RHATIGAN: -- go ahead.

9 CONSTANTINE ALEXANDER: -- Maria will be able to
10 find that person, but we can have --

11 SARAH RHATIGAN: Okay. Well that would be great,
12 if we were able to try to find a fifth member. I would
13 proceed with the request for the continuance, but just in
14 case you hear from us just prior to the hearing that we're
15 requesting an additional continuance, it will only be if
16 it's for the reason that there's only four members
17 available.

18 CONSTANTINE ALEXANDER: I strongly suspect we'll
19 be able to find a fifth member.

20 SARAH RHATIGAN: That would be great.

21 CONSTANTINE ALEXANDER: But I can't promise.

22 SARAH RHATIGAN: I understand schedules are tight.

1 SISIA DAGLIAN: I think Laura is here that day.

2 CONSTANTINE ALEXANDER: I'm sorry?

3 SISIA DAGLIAN: Laura is here that day. So on the
4 continuances, so we should have five members.

5 JANET GREEN: Laura Warnick.

6 CONSTANTINE ALEXANDER: Oh, she can -- okay, I
7 didn't hear that. But you will have five members. The
8 Chair moves that we continue this case until 7:00 p.m. on
9 September 26, subject to the following conditions -- oh,
10 this will be a case not heard.

11 One, that the petitioner signs a waiver of time
12 for decision, I think you've done that --

13 SUSANNE HOWARD: I believe so, yes.

14 CONSTANTINE ALEXANDER: Two, that the posting sign
15 -- famous posting sign -- must be modified to reflect the
16 new date, September 26, to the time, 7:00 p.m., and
17 maintained, and it's your responsibility to maintain that
18 within 14 days prior to that, as required by our ordinance.

19 And lastly, to the extent that there are new plans
20 -- well, more than that -- Ms. Howard submitted a brief --
21 whatever you want to call it -- raising a number of issues.
22 I want the respond to those, and those responses must be in

1 our files no later than 5:00 p.m. on the Monday before
2 September 26. And similarly, if you have any modifications
3 to the plans that you've already submitted, those must be
4 also in our file by that same time.

5 SARAH RHATIGAN: Understood.

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

8 THE BOARD: Aye.

9 CONSTANTINE ALEXANDER: Five (sic) in favor, see
10 you September 26.

11 SARAH RHATIGAN: Thank you.

12 ANDREA HICKEY: I can't vote on that.

13 CONSTANTINE ALEXANDER: No, no, four.

14 ANDREA HICKEY: Oh, you said five.

15 CONSTANTINE ALEXANDER: Oh, I'm sorry, four [VOTE:
16 Andrea Hickey abstained]

17 AUDIENCE: Thanks, Susanne!

18 SUSANNE HOWARD: That's just the continuance.

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(9:57 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will call Case
Number 017147 -- 514 Franklin Street. Anyone here wish to
be heard? Very patient people.

PETER KUHLMANN: I'm Peter Kuhlmann, K-u-h-l-m-a-
n-n from 514 Franklin Street. I'm the applicant.

LAURA VAN HISE -- I'm Laura van Hise, V-a-n
separate word H-i-s-e. I'm an architect.

PETER KUHLMANN: So we're seeking a variance to
replace the garage in our back yard with a substantially
similar structure.

The problem with the existing garage it is it's --
I think 1930's construction. The concrete slab is tilting
heavily and we've kind of looked at what we can do with it,
and do with the settling and the condition of it -- really
the only option we have is to replace it.

And so, we're essentially looking to -- with
modern building, you know, techniques and --

1 CONSTANTINE ALEXANDER: I mean, it's essentially
2 the same size it is now, slightly bigger, is that --

3 LAURA VAN HISE -- Slightly bigger.

4 PETER KUHLMANN: Slightly bigger, yeah. The --
5 and the main reason -- we're trying to kind of maintain the
6 same material volume, because we fully utilize it, and the
7 changes in footprint are due in width, largely to the
8 thickness of a one hour rated wall and the length of the
9 garage.

10 It currently doesn't have a door, which works
11 because if it did have a door, we couldn't close it, so we
12 want to add I think another two feet to the --

13 CONSTANTINE ALEXANDER: And this garage is
14 basically the storage, you don't have a car that you can
15 park?

16 PETER KUHLMANN: We have one kind of old car that
17 I worked on that's in there that doesn't move much. And
18 then the other side of it is full of all the bikes and all
19 the other stuff that goes in garages.

20 CONSTANTINE ALEXANDER: Questions for members of
21 the Board? We'll open the matter to public testimony.
22 Anybody here wishing to be heard on this matter? No one

1 wishes to be heard? On the Chair, I think we're ready for a
2 vote?

3 The Chair moves that we make the following
4 findings with regard to the relief you're seeking: That a
5 literal enforcement of the provisions of the ordinance would
6 involve a substantial hardship, such hardship being that
7 this is an older steel garage that is in very poor condition
8 and needs to be -- it's actually a safety hazard to some
9 extent and needs to be replaced.

10 The hardship is owing to the shape of the lot.
11 There's no way of getting another garage on the lot and
12 complying with all the legal, the zoning requirements, and
13 desirable relief may be granted without substantial
14 detriment to the public good, or nullifying or substantially
15 derogate the intent or purpose of the ordinance.

16 So on that basis of all these findings, the Chair
17 moves that we grant the variance requested on the condition
18 that the work proceed in accordance with two pages of plans
19 that have been initialed by the Chair, prepared by Copley
20 Architecture Studio dated June 27, 2019. All those in
21 favor, please say, "Aye."

22 THE BOARD: Aye. [All vote in favor]

1 CONSTANTINE ALEXANDER: Five in favor, relief

2 granted.

3 [COLLECTIVE]: Thank you.

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2 (10:01 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017153 -- 62 Clay Street. Anyone here wish to
8 be heard on this matter?

9 SAM KACHMAR: Sam Kachmar from SKA Architects.

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

11 SAM KACHMAR: Yeah. K-a-c-h-m-a-r.

12 JENNA SIRKIN: Hi, I'm Jenna Sirkin, J-e-n-n-a S-
13 i-r-k-i-n.

14 RENE CHOPRA: Rene Chopra, R-e-n-e C-h-o-p-r-a.

15 MICHAELA WOZNIAK: Michaela Wozniak from SKA, M-i-
16 c-h-a-e-l-a W-o-z-n-i-a-k.

17 SAM KACHMAR: So we had some time earlier, so we
18 figured we'd write up some of our arguments for the hardship
19 and try to make this as short and sweet as possible.

20 CONSTANTINE ALEXANDER: Thank you.

21 SAM KACHMAR: We are seeking both a variance of
22 the special permit for the property at 52 Clay Street. We

1 are seeking on the northern setback to add a window in one
2 of the office spaces on the second floor to enlarge a couple
3 windows on the third floor, and then there's two skylights
4 that sit just within the setback. And so, we called those
5 up as being within there.

6 We're seeking to raise the roof of the house two
7 foot three inches from its current point of 32 feet up to 34
8 foot 11 below the 35-foot height line. We're seeking to
9 renovate two existing dormers and move them closer to the
10 center of the structure. Right now, they kind of sit on the
11 back of the structure, which is kind of odd.

12 Both of the dormers we're making it 13 foot 2,
13 while below the 15-foot limit on the dormers, and we have
14 them set back more than one foot six from the outside of the
15 wall.

16 CONSTANTINE ALEXANDER: And your issue is you have
17 FAR issues?

18 SAM KACHMAR: FAR, in which we're seeking to add
19 7% of the FAR from 0.78 --

20 CONSTANTINE ALEXANDER: 0.78 to 0.85?

21 SAM KACHMAR: Exactly.

22 CONSTANTINE ALEXANDER: To 0.5.

1 SAM KACHMAR: Yep. And so, Clay Street, obviously
2 has a lot of clay on it. It has some subsurface flooding
3 issues; thus, we can't really build bedrooms down at the
4 basement level. We have a young family that's seeking to
5 grow and stay in the neighborhood.

6 CONSTANTINE ALEXANDER: Right. Let's just finish
7 up with the variance case, and then we'll go to the special
8 permit.

9 SAM KACHMAR: Sure.

10 CONSTANTINE ALEXANDER: Any questions for members
11 of the board with regard to the variance? Your dormer
12 complies for the most part with --

13 SAM KACHMAR: Dormer guidelines?

14 CONSTANTINE ALEXANDER: Okay. We will confirm
15 that.

16 SAM KACHMAR: We've got that all written in here.

17 CONSTANTINE ALEXANDER: In the matter of the
18 public testimony, is there anyone here wishing to be heard
19 on this matter? No one wishes to be heard? I will close
20 public testimony. Ready for a vote?

21 SAM KACHMAR: We should have three letters of
22 support also in the file.

1 CONSTANTINE ALEXANDER: Oh, yeah, there are, thank
2 you.

3 SAM KACHMAR: Okay.

4 CONSTANTINE ALEXANDER: Thank you. I should have
5 mentioned it, I did not. There are three letters in
6 support.

7 ANDREA HICKEY: I would just like to say I
8 appreciate your hard work in staying within the guidelines
9 and not sort of overreaching or sort of asking for something
10 crazy. So I respect and appreciate that.

11 SAM KACHMAR: We're trying to work within the
12 topology of the neighborhood, but also get -- also more
13 space.

14 CONSTANTINE ALEXANDER: Okay. The Chair moves
15 that we make the following findings with regard to the
16 variance being sought: That a literal enforcement of the
17 provisions of the ordinance would involve a substantial
18 hardship, such hardship being this is an older structure
19 that is in need of updating and modification. This would
20 apply not only to the current petitioner, but any subsequent
21 owner of the property.

22 That the hardship is owing to soil conditions in

1 part, because it's a clay -- as you said, a clay street, a
2 lot of clay on the property, and that relief may be granted
3 without substantial detriment to the public good, or
4 nullifying or substantially derogating the intent or purpose
5 of the ordinance.

6 What's going on here is an attempt to improve the
7 housing stock of the city, not with the whole city in mind,
8 but the result of which would be to improve the housing
9 stock with the City of Cambridge by updating this older
10 structure.

11 So on the basis of all of these findings, the
12 Chair moves that we grant the variance requested on the
13 condition that the work proceed in accordance with plans
14 prepared by Sam Kachmar dated 9/06/19, the first page of
15 which has been initialed by the Chair. All those in favor,
16 please say, "Aye."

17 THE BOARD: Aye. [All vote in favor]

18 CONSTANTINE ALEXANDER: Five in favor, variance
19 granted. So just briefly again on the special permit if you
20 would?

21 SAM KACHMAR: Yeah. In regard to the special
22 permit, we were seeking relief just in the fact that some of

1 our windows are within the setbacks.

2 CONSTANTINE ALEXANDER: Right.

3 SAM KACHMAR: But we're increasing some of the
4 side. The front porch, specifically we called out, even
5 though it's a covered porch and technically by right we can
6 enclose it. We're moving two of the windows from that
7 interior to the outside, and adding two other windows on
8 there.

9 CONSTANTINE ALEXANDER: Any impact on privacy?
10 Are the windows on the street?

11 SAM KACHMAR: It's facing the street.

12 CONSTANTINE ALEXANDER: It's on the street, that
13 faces the street?

14 SAM KACHMAR: Yeah.

15 CONSTANTINE ALEXANDER: Okay. Any questions from
16 members of the board? I'll open the matter up to public
17 testimony. Anybody here wishing to be heard on this matter?
18 Apparently not. I will close public testimony. I don't
19 think we have the same letters of support; I guess we have
20 the three before.

21 SAM KACHMAR: They're old, yeah.

22 CONSTANTINE ALEXANDER: Ready for a vote. [All

1 vote YES]

2 The Chair moves that we make the following
3 findings with regard to the special permit being sought:
4 that the requirements of the ordinance cannot be met unless
5 we grant the special permit.

6 That traffic generated or patterns in access or
7 egress resulting from what is being proposed with regard to
8 the windows will not cause congestion, hazard, or
9 substantial change in established neighborhood character; I
10 think the plans speak for themselves in terms of the impact
11 of the neighboring properties or the neighborhood itself.

12 That the continued operation or development of
13 adjacent uses, as permitted in the ordinance, will not be
14 adversely affected by what is being proposed. Again, I
15 think the project speaks for itself in terms of potential
16 impact.

17 No nuisance or hazard will be created to the
18 detriment of the health, safety and/or welfare of the
19 occupant of the proposed use, or the citizens of the city.

20 And generally, what is being proposed with regard
21 to the special permit, a portion of this case, will not
22 impair the integrity of the district or adjoining district,

1 or otherwise derogate the intent and purpose of this
2 ordinance.

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

8 THE BOARD: Aye. [All vote YES]

9 CONSTANTINE ALEXANDER: Five in favor.

10 [COLLECTIVE]: Thank you so much.

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(10:08 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017154 -- 10 Fawcett Street. Anyone here
wishing to be heard on this matter? I'm sorry -- I thought
we -- the Chair will now call Case Number 017156 -- 24
Cushing Street. Anyone here wishing to be heard on this
matter?

ADAM GLASSMAN: Shall I start? Good evening,
Board. My name is Adam Glassman, Architect, 2 Worthington
Street, Cambridge.

THE REPORTER: Spell your name, please?

ADAM GLASSMAN: G-l-a-s-s-m-a-n.

MITCH NELIN; My name is Mitch N, last name spelled
N as in nice guy -e-l-i-n.

ADAM GLASSMAN: So we're here for our standard 15-
foot dormers that for the most part comply with the dormer
guidelines. I know that there was a question about the FAR,
so if you'd like, we can run through that first.

1 CONSTANTINE ALEXANDER: I don't have any note
2 here, but if they are. I thought they were --

3 ANDREA HICKEY: I don't either.

4 CONSTANTINE ALEXANDER: -- side yard setback.

5 ANDREA HICKEY: Brendan had a question; I think
6 about the calculations.

7 BRENDAN SULLIVAN: Correct the dimensional form?

8 ADAM GLASSMAN: Yeah, I mean, the dimensional form
9 is actually correct, but I read --

10 BRENDAN SULLIVAN: Well, you gave the formula, but
11 you didn't give us the number.

12 ADAM GLASSMAN: I can give you the number now if
13 you like.

14 BRENDAN SULLIVAN: Yeah, just put it on the form,
15 that's all.

16 ADAM GLASSMAN: Okay. I'll put it on the form
17 after.

18 BRENDAN SULLIVAN: That's --

19 ADAM GLASSMAN: The -- I mean the FAR is basically
20 going from 0.25 to 0.33 and the maximum is level 0.35, and
21 We're adding 325 gross square feet.

22 CONSTANTINE ALEXANDER: Okay.

1 BRENDAN SULLIVAN: What was that again, Adam?

2 ADAM GLASSMAN: So you see -- I'll walk you
3 through this. On the dimensional form, we've got existing
4 conditions total gross floor area 3254 gross square feet.
5 Requested conditions: 3579 square feet.

6 BRENDAN SULLIVAN: Yeah. And what's the
7 percentage? Point what 3?

8 ADAM GLASSMAN: For the amount of lot after the
9 first 5000 square feet.

10 BRENDAN SULLIVAN: Yeah, no, but -- okay, so the
11 existing condition is 0.13 what?

12 ADAM GLASSMAN: The existing condition for the
13 area beyond the first 5000 square feet, which is what
14 matters is 0.25, and the proposed is 0.33.

15 BRENDAN SULLIVAN: Okay. Okay.

16 ADAM GLASSMAN: Okay. The work includes removing
17 an existing, somewhat unsightly doghouse dormer on the
18 front. The proposed dormers are set just about in the
19 middle of the house. We've got 18 feet between the edge of
20 the dormer in front of the house, and about seventeen feet
21 four inches from the back of the dormer to the back of the
22 house.

1 CONSTANTINE ALEXANDER: And the reason for
2 building the dormers?

3 MITCH NELIN: To make the third floor more
4 livable, and to improve our quality.

5 CONSTANTINE ALEXANDER: Is it livable now?

6 MITCH NELIN: Yep, it is.

7 CONSTANTINE ALEXANDER: It is?

8 MITCH NELIN: It is.

9 CONSTANTINE ALEXANDER: But you want to make more?

10 MITCH NELIN: Yeah. It's cramped, and --

11 CONSTANTINE ALEXANDER: How old is the structure?

12 MITCH NELIN: 1933.

13 BRENDAN SULLIVAN: The ceiling height's quite low.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 BRENDAN SULLIVAN: The ceiling height's quite low.

16 CONSTANTINE ALEXANDER: Yeah. Questions from
17 members of the board?

18 JIM MONTEVERDE: Just one, if I may. So the
19 proposal on the third floor adds a -- or modifies a bath and
20 the kitchen?

21 ADAM GLASSMAN: Yes. We're not adding any
22 bedrooms.

1 JIM MONTEVERDE: Right. And there's another
2 kitchen on the floor, it's connected to the second floor?

3 ADAM GLASSMAN: It's a separate unit.

4 JIM MONTEVERDE: It's a separate unit? And it
5 uses the deck as a second means of --

6 ADAM GLASSMAN: Yes.

7 JIM MONTEVERDE: Yeah. Okay. Thank you.

8 CONSTANTINE ALEXANDER: Any other questions? I'll
9 open the matter up to public testimony. Is there anyone
10 here wishing to be heard on this matter? Apparently not.
11 We are in receipt of it looks like two letters of support.

12 MITCH NELIN: Here's a pile more.

13 CONSTANTINE ALEXANDER: More?

14 MITCH NELIN: Yeah.

15 CONSTANTINE ALEXANDER: I'll put them in the pile.
16 My goodness. We're in receipt of numerous letters. Are
17 there any letters from the opposition? I guess you wouldn't
18 give them to me.

19 MITCH NELIN: Well, no. I said if they oppose,
20 they should send it to you directly. I might doctor it.

21 CONSTANTINE ALEXANDER: Okay. Ready for a vote?
22 I guess we are. The Chair moves that we make the following

1 findings with regard to the variance being sought: That a
2 literal enforcement of the provisions of the ordinance would
3 involve a substantial hardship, such hardship being as that
4 the third-floor is not as livable, but it's not very
5 desirably livable, and, which limits the ability to use the
6 structure itself for a residence.

7 The hardship is owing to the fact that it's an
8 existing, nonconforming structure, and so, therefore any
9 modification requires relief, and that relief may be granted
10 without substantial detriment to the public good, or
11 nullifying or substantially derogating the intent or purpose
12 of this ordinance.

13 So on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition -- oh, here it is -- on the condition that the
16 work proceed in accordance with plans prepared by GCD
17 Architects, what's it say? 07 --

18 [COLLECTIVE]: 10.

19 CONSTANTINE ALEXANDER: 07/10/2000 --

20 ADAM GLASSMAN: 19.

21 CONSTANTINE ALEXANDER: 19, I assume, the first
22 picture of which has been initialed by the Chair. All those

1 in favor, please say, "Aye."

2 THE BOARD: Aye. [All vote YES]

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(10:15 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will call Case
Number 017154 -- 10 Fawcett Street. Anyone here wish to be
heard by this matter -- on this matter?

ADAM BRAILLARD: Thank you, Mr. Chairman and
members of the board.

My name is Adam Braillard. That's B-r-a-i-l-l-a-
r-d. And I'm here on behalf of the applicant, T-Mobile
Northeast in connection with the special permit from the
Board, and an eligible facility's request approval to modify
an existing wireless communications facility on the building
located at 10 Fawcett Street, also within the Office of
Zoning District.

CONSTANTINE ALEXANDER: Am I correct that looking
at the photo simulations that the change or the upgrading
has no visual impact and -- virtually no --

ADAM BRAILLARD: Virtually no visual impact.

CONSTANTINE ALEXANDER: So basically, the same

1 thing people have been seeing before they'll see again?

2 ADAM BRAILLARD: Yes. It's a 3A tennis lot for 3A
3 tennis lot for --

4 CONSTANTINE ALEXANDER: Right.

5 ADAM BRAILLARD: -- 3A like kayak, tennis,
6 correct.

7 CONSTANTINE ALEXANDER: Okay. And that's borne
8 out by the photo simulations?

9 ADAM BRAILLARD: Yes, yes, tab 4 of the
10 application package. So this proposal we're simply
11 proposing to modify the facility by adding -- sorry, by
12 replacing three antennas with three like kind antennas --

13 CONSTANTINE ALEXANDER: And the property is not
14 located in the residential districts, so we don't have to
15 worry about those issues?

16 ADAM BRAILLARD: That's correct. It's in the
17 Office in Zoning District.

18 CONSTANTINE ALEXANDER: Questions for members of
19 the board? Basically, the same thing they had before.
20 Okay. The Chair moves that we make the following findings
21 with regard to the special permit that's being sought: The
22 requirements of the ordinance cannot be met unless we grant

1 the special permit being sought.

2 That traffic generated or patterns in access or
3 egress resulting from what is proposed will not cause
4 congestion, hazard, or substantial change in established
5 neighborhood character -- and again, that's indicated by the
6 petitioner and concurred with by this Board. There would be
7 absolutely no external impact from what is being proposed in
8 terms of impacting the neighborhood.

9 That the continued operation or development of
10 adjacent uses will not be adversely affected by what is
11 being proposed -- and again, for the same reason, just no
12 change, that has any impact on anyone.

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

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

20 The Board also finds that the modification of this
21 existing telecommunication facility at the site proposed by
22 the petitioner doesn't substantially change the physical

1 dimensions of the existing wireless tower or base station at
2 such facility, within the meaning of Section 6409 A of the
3 Middle Class Tax Relief and Job Creation Act of 2012, also
4 known as the Spectrum Act.

5 So based on these findings, the Chair moves that
6 the petitioner be granted the special permit it is seeking,
7 subject to the following conditions:

8 One, that the work proceeds in accordance with the
9 plans submitted by the petitioner and initialed by the
10 Chair.

11 Two, that upon completion of the work, the
12 physical appearance and visual impact of the participated
13 work will be consistent with the photo simulations submitted
14 by the petitioner, and initialed by the Chair.

15 Three, that the petitioner shall at all times
16 maintain the proposed work, so that its physical appearance
17 and visual impact will remain consistent with the photo
18 simulations previously referred to.

19 Four, that should the petitioner cease to utilize
20 the equipment approved tonight for a continuous period of
21 six months or more, it shall promptly thereafter remove such
22 equipment and restore the building on which it is located to

1 its prior condition and appearance to the extent reasonably
2 practical.

3 Five, that the petitioner is in compliance with
4 and will continue to comply with in all respects the
5 conditions imposed by this Board with regard to previous
6 issues, special permits granted to the petitioner with
7 regard to the site in question.

8 Then we have this long song and dance about
9 complying with the -- notifying the Board or Inspectional
10 Services Department could lose the permit, you know the
11 drill.

12 ADAM BRAILLARD: Yes.

13 CONSTANTINE ALEXANDER: I've got permission to
14 incorporate that on the reading?

15 ADAM BRAILLARD: Yes.

16 CONSTANTINE ALEXANDER: Thank you. On the basis
17 of all of these, the Chair moves that we grant the special
18 permit requested. All those in favor, please say, "Aye."

19 THE BOARD: Aye. [All vote in favor]

20 CONSTANTINE ALEXANDER: Five in favor, permit
21 granted. Good luck.

22 [COLLECTIVE]: Thank you.

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(10:20 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017155 -- 13 Surrey Street. Anyone here wishing
to be heard on this matter?

SARAH RHATIGAN: Good evening, again, Sarah
Rhatigan for the petitioner.

SAMIR BUKHARI: Samir Bukhari. Spell it?

CONSTANTINE ALEXANDER: Yeah.

SAMIR BUKHARI: S-a-m-i-r B-u-k-h-a-r-i.

SARAH RHATIGAN: So we are here for both a
variance and a special permit. And Mr. Bukhari lives in in
this townhouse condominium with his family, and this is --
if you drove by the property, this is what those condominium
where it's three attached, and it's three townhouse
structures attached to one another, and their condominium is
actually at the rear of the structure, technically when
you're looking at the property.

I'd like to look at the survey to just kind of

1 remind myself of where the rear yard and the side yards are,
2 because it's not necessarily -- you know, into it.

3 SAMIR BUKHARI: Right.

4 SARAH RHATIGAN: When preparing just for the
5 Board's understanding, when preparing the dimensional form,
6 what we tried to do is present the information both in terms
7 of for zoning purposes the ratios of floor area per the
8 total structure, floor area to lot, which is what's
9 required, but then also to show you what his unit's -- you
10 know, portion of that floor area is.

11 And the request for relief is really for what we
12 consider very minor variations from dimensional lo
13 requirements, but also ones that are quite important to the
14 success of their renovation work, and for being able to
15 repurpose the space within their house for their family.

16 The hardship is both a personal hardship, but it's
17 more a hardship that would also be general to others as
18 well.

19 And those hardships relate to the peculiar -- not
20 peculiar, but unique or different sort of architectural
21 style of these town homes that were built -- there's
22 somewhat of a slope, so the grade runs down, so that the

1 main living floor is quite high and off the elevation of the
2 rear yard.

3 So although the petitioner does have some yard
4 area to work with, or to enjoy, if you will, it's actually
5 quite difficult for them to access that area safely. And in
6 particular, with their plans -- they have elderly folks who
7 have some health issues who often come to the Boston
8 hospitals and Samir's wife is a physician sort of helping
9 with their health care.

10 The ability for them to be able to go from the
11 main living area out onto a rear deck, which is part of the
12 relief that's being requested, is a real significant
13 enhancement for them.

14 So there are two small changes that result in
15 relief being needed for a very, very small increase in FAR,
16 and some very minor encroachments on setbacks. And we've
17 been significantly -- compared to some of the cases that
18 we've heard tonight, the very good news we think is that
19 there's quite unanimous support amongst neighbors.

20 And you've received already -- or at least we've
21 sent via e-mail some support letters from the condominium
22 owners, which I believe you do have in the file. And then

1 there were some letters that we received that we've been
2 collecting that we'll somebody to you today.

3 CONSTANTINE ALEXANDER: I don't think we have any
4 on file, let me look.

5 SARAH RHATIGAN: You don't have the condominium
6 letters?

7 CONSTANTINE ALEXANDER: I don't think so. Well,
8 do you have copies?

9 SARAH RHATIGAN: We will be able to get you
10 copies.

11 CONSTANTINE ALEXANDER: Okay, thank you.

12 SARAH RHATIGAN: If we can't find printed copies,
13 if I could possibly read them to you or we could represent
14 them. We'll make sure that -- I know they were e-mailed.
15 We have some technical issues sometimes where our e-mails go
16 to spam, and I know that the administrator was out for a few
17 days, so that might mean they may be sitting in the junk
18 mail.

19 CONSTANTINE ALEXANDER: Your representation is
20 sufficient.

21 SARAH RHATIGAN: Okay, great. Thank you. So
22 briefly, in terms of the relief, the specific things that

1 are being changed that require relief, it's easiest, at
2 least for me, to see this when we look at the concept
3 drawings.

4 So there is a rear deck here that's being shown.
5 It's a pretty modest width and length, but it does result in
6 some -- a very small portion of technically it's floor area
7 being created underneath the structure because it's -- you
8 know, a structure outside the building.

9 And it also is within the rear yard setback. When
10 the townhouse structures were built, they were built on an
11 older version of the townhouse ordinance that allowed for
12 smaller setbacks.

13 So all of the dimensions are not now -- now under
14 modern townhouse regulations noncompliant. So almost any
15 changes just outside the envelope of this building are going
16 to require either special permit relief or windows or a
17 variance in this case for the changes.

18 So anyway, so it's the rear deck that we're
19 showing here that requires relief -- again, both because of
20 the setback and because of the little bit of floor area that
21 that creates.

22 And then also this one's interesting. There's

1 this little -- well, relatively small bay window that has
2 been proposed over the kitchen window, and it's a bay, and
3 bays are exempt in terms of setbacks. So it doesn't create
4 a setback issue.

5 And I don't think it should be considered floor
6 area, but there was some disagreement about that, or some
7 question about that, I should say, in the Building
8 Department. And since we were already applying for a
9 variance for the rear deck we said, "Well, we're going to
10 show you what we're doing."

11 The window itself does not require a special
12 permit relief. It's just that the depth of the bay, if you
13 are to consider the space under that floor area, then it
14 adds some floor area. So we've shown that in our
15 calculations. It's really minimal.

16 But it will be really helpful to the family for
17 being able to have a much better, you know, air and light in
18 the kitchen, and I believe it's a garden -- for a gardener
19 who wants to garden there.

20 The -- I think we've talked about the hardship. I
21 hope you feel like we've addressed that. The impacts on the
22 neighbors should be we think close to nothing. There's a --

1 if you look on the survey here, so there's a fence that runs
2 along this -- where this line is. This is where cars come
3 in to park. So -- I'm sorry, is there a fence on this
4 perimeter right here?

5 SUZANNAH BIGOLIN: No.

6 SARAH RHATIGAN: No. The fence is here, right?

7 SUZANNAH BIGOLIN: Yeah.

8 SARAH RHATIGAN: So there's a fence that is quite
9 high. So even if neighbors were to be looking towards this
10 direction, they would probably largely not be able to see
11 the rear deck.

12 There's an apartment building back here, no
13 complaints from anyone in terms of from abutters. We sent
14 out a letter to everyone in the neighborhood letting us know
15 -- letting them know what was happening.

16 And so in terms of the variance, I think I
17 presented what I was hoping to present if you have questions
18 or concerns.

19 CONSTANTINE ALEXANDER: Yeah.

20 SARAH RHATIGAN: Should I move to the special
21 permit?

22 CONSTANTINE ALEXANDER: Why don't we take a vote

1 on that?

2 SARAH RHATIGAN: Okay.

3 CONSTANTINE ALEXANDER: First of all, anybody have
4 any questions they want to ask? I'll open the matter up to
5 public testimony. Anybody here want to comment on the
6 variances being requested? No one wishes to comment, so
7 we'll close public testimony. We have the letters that you
8 sent to us, letters of support. Ready for a vote?

9 The Chair moves that we grant -- we make the
10 following findings with regard to the variance being sought:
11 That a literal enforcement of the provisions of the
12 ordinance would involve a substantial hardship, such
13 hardship being as that this condominium structure needs
14 modification to continue to be a suitable or desirable for
15 residential purposes.

16 So it's not peculiar to you, but it runs with the
17 land, if you will.

18 That the hardship is owing to, again, the shape of
19 the structure, and it's location on the lot.

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

1 ordinance. On the basis of all of these findings, the Chair
2 moves that we grant the variance requested on the condition
3 that the work proceed in accordance with plans prepared by
4 Walker Architects, which are part of our file, each page of
5 which is going to go by the Chair.

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

7 THE BOARD: Aye. [All five vote YES]

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

10 SARAH RHATIGAN: Thank you. So the special permit
11 request is due to the request to install a sliding glass
12 door on this rear wall of the townhouse structure to access
13 the new deck.

14 In terms of, you know; otherwise the construction
15 is conforming to the zoning ordinance, but the variance that
16 you've printed, there should be no effects to traffic or
17 congestion or access or egress problems. And there
18 shouldn't be any detriment to the neighbors. Again, there's
19 still quite a bit of distance to the rear, and no components
20 or concerns from the apartment folks behind.

21 CONSTANTINE ALEXANDER: As you said, the special
22 permit relief is very modest in nature, so I don't think

1 more needs to be said. Any questions for members of the
2 Board?

3 THE BOARD: No.

4 CONSTANTINE ALEXANDER: All right. Anyone here
5 wishing to be heard on this matter? None? I'll close
6 public testimony. I don't think we have any letters. The
7 letters you've given us tonight, they support the special
8 permit as well?

9 SARAH RHATIGAN: Yes. I'm sure they were generic
10 to the whole -- because we provided them -- folks who live -
11 - these renderings, so that they can see it.

12 CONSTANTINE ALEXANDER: Okay. Okay. The Chair
13 moves that we make the following findings with regard to the
14 special permit being sought: That the requirements of the
15 ordinance cannot be met unless we grant you the special
16 permit.

17 That traffic generated or patterns in access or
18 egress resulting from what is proposed will not cause
19 congestion, hazard, or substantial change in established
20 neighborhood character.

21 And again, as pointed out by the petitioner and
22 this Council, there's no impact on adjoining property that's

1 all almost internal to this condominium unit. And again,
2 the continued operation or development of adjacent uses, as
3 permitted in the ordinance, will not be adversely affected
4 by what is proposed. Same reasons apply.

5 No nuisance or hazard will be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city.

8 And generally, what is being proposed will not
9 impair the integrity of the district or adjoining district,
10 or otherwise derogate the intent and purpose of the
11 ordinance.

12 On the basis of all of these findings, the Chair
13 moves that we grant the special permit requested -- again,
14 on the condition that the work proceed in accordance with
15 plans referred to with regard to the variance. All those in
16 favor, please say, "Aye."

17 THE BOARD: Aye. [All vote in favor]

18 CONSTANTINE ALEXANDER: Five in favor, granted.

19 We'll just take a brief recess.

20 [BREAK]

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(10:37 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will call this meeting back to order. I'm going to call Case Number 017159 -- 62 Grozier Road. Oh, my goodness.

JACK JOSEPH: Yes. My name is Jack Joseph. I'm the architect. I'm representing Mary Pat and Gervasio Prado, the residents of this project. We are going for a variance and a special permit, which was originally planned as a total variance. It was recommended by the zoning people that it be done as two separate items.

However, the property is located on Grozier Road. It was originally a part of the development that was done for the Russell School development. So these buildings as they are presently located, built about 1980, were reviewed by the Community Development and the Planning Board before they were issued a new building permit.

So in fact, what they were as even of the code at the time greater FAR than as allowed. It's a two-family

1 residence, a larger unit that the Prados have lived in since
2 1980 and a smaller unit that they rent out, which they had
3 planned originally, to move into in their later years.
4 Surprise, surprise, the later years have arrived.

5 And they are now seeking to move into that smaller
6 unit. Experience has given them a lot of time to get the
7 know the building.

8 And one of the things they learned very quickly on
9 is their garage really -- although it is set to 16 feet
10 inches wide is in fact too small for two cars. Can't get
11 out.

12 There's a legal parking space in Cambridge -- you
13 know, a parking space is 8 foot 6, and this is 7-foot-6
14 smaller compact space. But when there are walls confining
15 you, these spaces do not work. So what they've
16 traditionally done is park one car in the garage.

17 They've also come to realize that if they're
18 moving into this smaller apartment in their elder years,
19 this is no toilet room on the first level. And the living
20 space is quite tight.

21 So what they're proposing to request is that they
22 move and take a portion of the two-car garage and make it

1 into a living space. They would leave a 9-foot-6 parking
2 garage space, which is adequate and takes 7-foot-6 of that
3 other space to increase their living space and provide
4 enough room for this toilet --

5 CONSTANTINE ALEXANDER: I assume your clients
6 still have two cars?

7 GERVASIO PRADO: No, we have -- we're down to one
8 car.

9 CONSTANTINE ALEXANDER: Down to one car?

10 JACK JOSEPH: Down to one.

11 GERVASIO PRADO: Yes.

12 CONSTANTINE ALEXANDER: So you don't have to park
13 in the -- you can park that one car in the garage?

14 JACK JOSEPH: We currently park the one car in the
15 garage.

16 CONSTANTINE ALEXANDER: Okay. The reason I ask is
17 that if you still had two cars.

18 JACK JOSEPH: Mr. Chair?

19 THE REPORTER: Could I just have you say your
20 names for the record? Spelled?

21 JACK JOSEPH: Your names.

22 MARY PAT PRADO: Mary Pat -- two words, Prado, P-

1 r-a-d-o.

2 GERVASIO PRADO: Gervasio Prado, that's G-e-r-v-a-
3 s-i-o, last name Prado, P-r-a-d-o.

4 CONSTANTINE ALEXANDER: What I was saying is that
5 if you had two cars, and only one garage, the other car
6 legally cannot be parked in the front yard. You have to
7 park on the street. But that's -- and I know you're seeing
8 relief, but why are you seeking relief on the parking? You
9 don't --

10 JACK JOSEPH: We have a two-unit building.

11 CONSTANTINE ALEXANDER: Oh, yeah.

12 JACK JOSEPH: Two-unit building, and we've never -
13 - they've never used the second space. They've always
14 practically parked a second car or tenant's car as
15 practically parked on the street. And we would propose to
16 continue to do that, but legally the question to continually
17 do that.

18 And so, this is basically -- I've prepared plans,
19 which we presented. We show how we would do this, and, you
20 know, they have presented these plans and talked to all of
21 the neighbors and the abutters, and as you can see, there's
22 a whole list of letters there. There are no objectors; in

1 fact, the abutters are all in support of this activity.

2 The -- we are basically by taking the garage
3 space, we are increasing the FAR.

4 CONSTANTINE ALEXANDER: Right.

5 JACK JOSEPH: And that is essentially what we --

6 CONSTANTINE ALEXANDER: It's a very modest
7 increase.

8 JACK JOSEPH: It's a modest increase. It's a
9 small percentage. It's 176 square feet of additional FAR
10 space that's added to the building.

11 The exterior of the building will be essentially
12 changed only in the fact that the garage door will be made
13 smaller, and an additional window will be added. And this
14 is our -- this is the crux of our request, both for the
15 special permit for the parking, and the increase in FAR for
16 the adjustment.

17 CONSTANTINE ALEXANDER: Okay.

18 JACK JOSEPH: Any questions?

19 CONSTANTINE ALEXANDER: Any questions? No?

20 COLLECTIVE: No.

21 CONSTANTINE ALEXANDER: You do not have any
22 questions, no. We'll take two separate votes, one on the

1 variance and one on the special permit, because it's our
2 practice. All right. Anyone here wishing to be heard on
3 this matter? No. We'll go to public testimony, you
4 submitted letters in support. I assume you have no letters
5 of opposition?

6 MARY PAT PRADO: No.

7 CONSTANTINE ALEXANDER: Ready for a vote?

8 COLLECTIVE: Yes.

9 CONSTANTINE ALEXANDER: The Chair moves with
10 regard to the variance requested that we make the following
11 findings: That a literal enforcement of the provisions of
12 the ordinance would involve a substantial hardship, such
13 hardship being as the petitioners moved on in age, there's a
14 need to modify the nature of the structure, and that
15 modification will benefit whoever owns that structure. So
16 it is not peculiar to you, just the prompting for this is
17 because of your advancing years.

18 That the hardship is owing to the shape of the
19 structure and its location on the lot, and that relief may
20 be granted without substantial detriment to the public good,
21 or nullifying or substantially derogating the intent or
22 purpose of the ordinance.

1 So on the basis of all of these findings, the
2 Chair moves that we grant you the variance requested on the
3 condition the work proceed in accordance with the plans
4 prepared by Jack Joseph Architects and initialed by the
5 Chair. They're all part of this file. All those in favor,
6 please say, "Aye."

7 THE BOARD: Aye. [All vote in favor]

8 CONSTANTINE ALEXANDER: Five in favor, variance
9 granted. Now the special permit, that's a different
10 section. So let me just pull it out.

11 The Chair moves that we make the following
12 findings with regard to the special permit being requested:
13 We have to find that a lesser amount of parking -- so a
14 result from only one parking space -- will not cause
15 excessive congestion, endanger public safety, substantially
16 reduce parking availability or other uses, or otherwise
17 adversely impact the neighborhood, or that such lesser
18 amount of parking -- well, no, the other part doesn't apply.

19 And you've testified or presented evidence that
20 this is all you're doing is really memorializing a practice
21 that's gone on already -- the people do park on the street,
22 there's no lack of parking spaces in the street.

1 JACK JOSEPH: Grozier Road is a limited road.

2 CONSTANTINE ALEXANDER: Right. And I know that.

3 And that there are -- well, the rest of it doesn't apply.

4 So there's plenty -- there's no need for the two parking

5 spaces that's required by our ordinance, given your

6 circumstances.

7 So on the basis of these findings, the Chair moves

8 that we grant you the special permit to reduce the parking

9 for this property from 2 parking spaces to one. All those

10 in favor, please say, "Aye."

11 THE BOARD: Aye. [All vote in favor]

12 CONSTANTINE ALEXANDER: Five in favor, relief

13 granted. Good luck.

14 JACK JOSEPH: Thank you very much.

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(10:46 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call Case Number
017158 -- 112 Upland Road. Sir?

ANDREW HARTNESS: Good evening. My name is Andrew
Hartness. That's A-n-d-r-e-w H-a-r-t-n-e-s-s, and I'm here
on behalf of myself, the homeowner and my wife, and our
three kids as well.

And we're here to ask relief for two things. One
is the addition of a basement access on the right side yard
of our house, and the second is to replace a bulkhead with
what is essentially the same thing, but a glass version to
bring light the basement.

CONSTANTINE ALEXANDER: And this is to improve the
safety in terms of accessing these things?

ANDREW HARTNESS: The door is to improve safety,
absolutely, and to bring light into the basement.
Currently, we only have access to that bulkhead.

CONSTANTINE ALEXANDER: Why do you need light in

1 the basement? What's behind the light?

2 ANDREW HARTNESS: Well, I'm an architect, and I do
3 a lot of -- I also do a lot of home improvement projects.
4 So I've got a whole workshop that I put down there, and we
5 can't see anything. We've had -- at some point years ago,
6 there was a lot of soil brought in the back yard, and then
7 brick on top of that. And they bricked over two windows.

8 So that was the bulkhead; it means we just don't
9 have any light in the basement, so we're hoping to provide
10 relief for that.

11 CONSTANTINE ALEXANDER: Okay. And you have -- as
12 an architect, you must know that we need to make -- we have
13 to make certain findings to grant you the variance you're
14 requesting. One is that a literal enforcement of the
15 provisions of the ordinance would involve a substantial
16 hardship.

17 ANDREW HARTNESS: Mm-hm.

18 CONSTANTINE ALEXANDER: What is (sic) your views
19 regarding a substantial hardship that requires you to get
20 the relief you're seeking?

21 ANDREW HARTNESS: So tied into this is the fact
22 that the foundation was in very bad shape, owing in part to

1 the fact that we have a lot of moisture coming into the
2 house. There's a lot of clay foundations, kind of keeps the
3 moisture tucked in.

4 And we also have windows that were at grade. And
5 so, water is essentially being funneled through the house.

6 We've since -- actually we had applied for the
7 variance -- I believe it is included in the sections and
8 plans that we're planning to replace the windows?

9 CONSTANTINE ALEXANDER: Right.

10 ANDREW HARTNESS: With permission of the
11 Inspectional Services Department, we had to go ahead and do
12 that, because of all the rain we had in April, May and June,
13 just because it was wet, we had standing water, so. A lot
14 of this is because of hygiene reasons, just because of the
15 fact that the basement is so closed up.

16 CONSTANTINE ALEXANDER: Any circumstance where
17 it's soil conditions of the lot -- I take it it's a little
18 clayish?

19 ANDREW HARTNESS: It is, it's clay. So what we've
20 done is we went ahead and did an experiment and dug a hole.
21 And about five and a half people did get the level of the
22 basement, that's where the clay stops.

1 So essentially from top level to that bottom level
2 is collectively about thirteen, fourteen feet. Once you get
3 below that it's sand. And so, we've been able to determine
4 that we can run any kind of -- any water that might also
5 risk coming into the basement through the construction of
6 stairs. We can actually drain it straight through to sand.

7 CONSTANTINE ALEXANDER: Okay. That's all I have
8 to ask of you. No one's here, no letters --

9 ANDREW HARTNESS: I do have a letter -- he's at
10 work -- actually from our abutting neighbors that share the
11 side yard with us.

12 CONSTANTINE ALEXANDER: Okay. So they're the ones
13 most directly affected?

14 ANDREW HARTNESS: Yes, sir, yes. It's a -- two
15 families live there, a family with kids about the same age
16 of our kids, and also, another family with a gentleman who's
17 handicapped, and he's an architect, and he's provided some
18 good advice on how we could realize the project as well.

19 CONSTANTINE ALEXANDER: Close public testimony.
20 Ready for a vote?

21 COLLECTIVE: Yes, ready.

22 CONSTANTINE ALEXANDER: The Chair moves that we

1 make the following findings with regard to the variance
2 being sought:

3 That a literal enforcement of the provisions of
4 the ordinance would involve a substantial hardship, such
5 hardship being as the structure in its current form is not
6 entirely safe and needs repairs or replacement of the
7 basement door and window.

8 That the hardship is owing to the soil, in part to
9 the soil conditions on the lot, and that relief may be
10 granted without substantial detriment to the public good, or
11 nullifying or substantially derogating the intent or purpose
12 of this ordinance.

13 So on the basis of these findings, the Chair moves
14 that we grant the special permit you're seeking on the
15 condition that the work proceed in accordance with plans
16 prepared by you, sir, A. Hartness, of Home [audio
17 interference] which has been initialed by the Chair. All
18 those in favor, please say, "Aye."

19 THE BOARD: Aye. [All vote in favor]

20 CONSTANTINE ALEXANDER: Five in favor, relief
21 granted.

22 COLLECTIVE: Thank you.

1 * * * * *

2 (10:52 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017160 -- 747 Cambridge Street. Obviously,
8 there is known here, other than John, wishing to be heard on
9 this matter? And there is a request for a continuance, I
10 think, but there's also opposition.

11 And the people who are opposing have a different
12 continued date than the petitioner has requested.

13 And I think under the circumstances it's only
14 equitable if we continue the case to a later date requested
15 by the abutter, who was in opposition.

16 I would note, by the way, that there's substantial
17 opposition to the relief being sought in the first place,
18 including opposition from the Planning Board, at least from
19 what I've seen.

20 So on the basis of these -- the Chair moves that
21 we grant -- that we continue this case as a case not heard
22 until the first hearing date in December, which is the date

1 they first --

2 SISIA DAGLIAN: The first and only December 12?

3 CONSTANTINE ALEXANDER: That'll be it. December
4 12 at 7:00 p.m., on the condition that the petitioner --
5 he's already signed a waiver of time for decision it seems
6 already. Yeah. On the condition that:

7 One, the petitioner posts a new sign or a modified
8 sign reflecting the new date, December 12; the new time,
9 7:00 p.m.; and that the sign be maintained for the 14 days
10 required by our ordinance.

11 And second -- and this is important -- this should
12 be communicated. It says here, "Have Maria communicate it
13 to the petitioner." That's the extent that the petitioner
14 wants to submit, modify or new or additional plans,
15 dimensional forms and the like. They must be in our file no
16 longer than 5:00 p.m. on the Monday before December 12.

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

18 THE BOARD: Aye. [All vote in favor]

19 CONSTANTINE ALEXANDER: Five in favor, case
20 continued.

21 [10:54 pm. End of proceedings.]

22

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2019.

Notary Public

My commission expires:

August 6, 2021