

BOARD OF ZONING APPEAL FOR THE
CITY OF CAMBRIDGE GENERAL HEARING

JUNE 23, 2011

7:30 P.M.

in

Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

Brendan Sullivan, Chairman

Constantine Alexander, Vice Chair

Timothy Hughes, Member

Tad Heuer, Member

Thomas Scott, Member

Sean O'Grady, Zoning Specialist

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P R O C E E D I N G S

(7:20 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: Let me call the meeting of the City of Cambridge Board of Zoning Appeal to order for June 23, 2011. The first case will be case No. 10092, 350 Main Street.

Is there anybody here interested in that matter?

(No Response.)

BRENDAN SULLIVAN: The Board is in receipt of correspondence dated June 23rd to the Board of Zoning Appeal from Gerald Fandetti requesting a continuance of the hearing to September 8, 2011 at seven o'clock.

All those in favor of continuing this matter to September 8, 2011?

CONSTANTINE ALEXANDER: On the condition --

BRENDAN SULLIVAN: On the condition that the Petitioner change the existing posting sign to reflect the new date of September 8, 2011, and the time of seven p.m. And that the sign be maintained for a period of at least 14 days prior to the September 8th hearing. And that any submittals be in the file by five p.m. on the Monday prior to September 8th.

All those in favor of continuing the matter? Not heard.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Hughes, Heuer, Scott.)

(7:25 p.m.)

(Sitting Members: Brendan Sullivan,
Constantine Alexander, Timothy Hughes,
Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board
will hear case 10096, 535-545 Cambridge
Street.

Is there anybody here on that
particular matter? That would be on the
850 square feet of commercial space for
a fitness school. There's nobody here on
that matter.

The Board is in receipt of a letter
from Beantown Companies dated June 23rd
to Maria Pacheco. "Dear Maria: I'm
writing to withdraw the request for
hearing on the above-referenced Special
Permit. Thank you for your time.
Alissa Devlin, Esq."

On the motion to withdraw this
matter, all those in favor?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Hughes, Heuer, Scott.)

(7:25 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10097, 535-545 Cambridge Street.

Is there anybody here on that matter?

BARBARA BROUSSARD: They're all in the other room.

UNIDENTIFIED AUDIENCE MEMBER: Plus us.

BRENDAN SULLIVAN: Did you see Mr. Resnick at all?

BARBARA BROUSSARD: Yes, he's

here.

MARC RESNICK: Sorry, we were with the -- meeting with the neighbors.

BRENDAN SULLIVAN: Could you please introduce yourself for the record.

MARC RESNICK: Hi. My name is Marc Resnick. I'm the owner of the building. Currently the owner and Petitioner I suppose.

BRENDAN SULLIVAN: Before we proceed, there was one procedural matter that on May 12th, when this was first opened up, and there was a motion to continue, and I directed that -- made a motion to continue the matter until July 23, 2011 at seven o'clock on the condition --

TAD HEUER: June 23rd.

BRENDAN SULLIVAN: What did I say?

TAD HEUER: July.

BRENDAN SULLIVAN: June.

At seven o'clock on the condition that the Petitioner sign a waiver, and also that you change the newly installed posting sign to reflect the new date of June 23rd at seven p.m.

Apparently you changed the date to June 23rd, but not the time. So, the situation is that, I believe, it's fatal to going forward tonight because it's an incorrect posting.

MARC RESNICK: Why don't we wait until nine o'clock?

BRENDAN SULLIVAN: Because I said that it would be at seven o'clock and the community has turned out.

CONSTANTINE ALEXANDER: In other words, the case is continued subject to certain conditions, and you didn't satisfy the conditions.

MARC RESNICK: Is that what you

want to do? All the neighbors are here today to speak --

BRENDAN SULLIVAN: We're not sure about that if all the neighbors are here today. You know, there may be some other people who have looked at the sign, saw that it was posted for 9:15 and said, well, I'll come down at 9:15. I don't think it's fair to the neighbors, to the community, and to those interested that when I said it was going to happen at seven o'clock, that that should have changed. The sign should have changed, and it should have been properly noted. And it was -- so I think it's an improper posting.

MARC RESNICK: I just would like to offer if I could volunteer to go last and wait until 9:15 so that it would actually be a proper posting?

BRENDAN SULLIVAN: I will

entertain a brief, very brief comments from the public on the continuation matter either until 9:15 or to another date.

Ms. Hoffman.

HEATHER HOFFMAN: The date wasn't changed until a couple of days ago.

CONSTANTINE ALEXANDER: Really?

BRENDAN SULLIVAN: Okay.

UNIDENTIFIED AUDIENCE MEMBER: I can't stay until 9:15 and I would rather see it postponed. I'm firmly opposed to it.

BRENDAN SULLIVAN:

Ms. Broussard, do you have any comment at all?

BARBARA BROUSSARD: Well, I'm already here, but I really don't want to wait until 9:15. I would prefer that if we -- the next time have it early and have it posted so I can go home and finish what

I'm doing.

BRENDAN SULLIVAN: Okay.

Anybody else wish to offer any comments regarding that matter?

MARK JAQUITH: Pretty much the same thing. I've got to be going home to deal with things regarding our child's life.

BRENDAN SULLIVAN: Any comment from the Board at all?

Tom, any comments at all?

THOMAS SCOTT: No. I support the suggestion.

BRENDAN SULLIVAN: Any comments?

TIMOTHY HUGHES: No, I'm good.

MARC RESNICK: Could I suggest that possibly the people who are here to testify, testify now and then have their -- what they like to say, and then the other neighbors that come at 9:15 can also speak if there are any? That would

make sure that all the neighbors would have the opportunity to voice their opinions.

CONSTANTINE ALEXANDER: If one neighbor couldn't hear what the other neighbor has said and have an opportunity for dialogue, it doesn't work.

BRENDAN SULLIVAN: The answer is no, as far as I'm concerned. Anyhow, let me make a motion to continue this matter.

Sean, the next day?

SEAN O'GRADY: August 25th.

BRENDAN SULLIVAN: Until August 25, 2011 at seven p.m. on the condition that the Petitioner change the posting sign to reflect the new date of August 25, 2011, and the time of seven p.m. And that the sign be maintained for a period of at least 14 days prior to that date. And any submittals, changes to the Petition, be in the file by five p.m. on the Monday

prior to that particular date.

MARC RESNICK: What was it, change the Petition, what would that mean just I know?

BRENDAN SULLIVAN: If you have different submittals or change in the plans or change in anything at all basically.

MARC RESNICK: How about like signatures of the neighbors who are in favor of this? Do those need to be submitted at any given time? I just want to make sure I follow the rules properly.

BRENDAN SULLIVAN: No, you can bring those. It's just that anything that may change the --

CONSTANTINE ALEXANDER: Just diagrams of the fast food operation is going to look like in terms of its layout and stuff like that.

BRENDAN SULLIVAN: You know,

possibly after you've had a more extensive conversation with the community, you may want to tweak it one way or the other. I'd like to see it by five p.m. so that gives the community an opportunity and also the Board an opportunity to review it prior to the actual time of the hearing.

Sure, would you identify yourself?

ATTORNEY ALISSA DEVLIN: My name is Alissa Devlin. I'm an attorney for Marc Resnick. I'm just wondering was there a letter or notice sent out that told us the different time? Because I know I was told that it was June 23rd, but I don't recall being --

CONSTANTINE ALEXANDER: This was the testimony that was taken by the stenographer. It's right in the testimony. It was stated right here at

the hearing.

ATTORNEY ALISSA DEVLIN: Oh, so it was said at the hearing?

BRENDAN SULLIVAN: Yes.

ATTORNEY ALISSA DEVLIN: There's no further notice?

BRENDAN SULLIVAN: There's no further posting, no. The onus is on the Petitioner then to change the date.

ATTORNEY ALISSA DEVLIN: Okay.

BRENDAN SULLIVAN: And while I have you, Ms. Devlin, if you would sign that. While I have you, if you can sign that, it's from the previous case.

ATTORNEY ALISSA DEVLIN: Oh, absolutely. Thank you.

BRENDAN SULLIVAN: Okay. On the motion to continue it on those conditions?

(Show of hands.)

BRENDAN SULLIVAN: Five in

favor.

(Sullivan, Alexander, Hughes,
Heuer, Scott.)

(7:30 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10051, 175 Huron Avenue.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman, members of the Board. James Rafferty on behalf of the Applicant. We have filed a request to continue the case.

CONSTANTINE ALEXANDER: This one?

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER:
Continue the continued case?

ATTORNEY JAMES RAFFERTY: We're continuing both of them, yes.

BRENDAN SULLIVAN: There is correspondence in the file dated June

23rd from Mr. Rafferty requesting a continuance of the matter until Thursday, August 11, 2011 at seven p.m.

Sean, is that date available?

SEAN O'GRADY: Yes.

BRENDAN SULLIVAN: Okay.

ATTORNEY JAMES RAFFERTY: Would you like to be heard?

RICHARD AICHELMANN: I'd like to be heard on this.

ATTORNEY JAMES RAFFERTY: You should come up.

RICHARD AICHELMANN: My name is Richard Aichelmann A-i-c-h-e-l-m-a-n-n. I live at 175 Huron Avenue. We've lived in the neighborhood for more than 30 years, and in this house for over 25. When we purchased our condo almost 18 years ago, we bought it as a house -- as a home --

BRENDAN SULLIVAN: All we're

doing -- this is just a motion to continue this.

RICHARD AICHELMANN: I'd like to get this on record.

BRENDAN SULLIVAN: For?

RICHARD AICHELMANN: Well, because I find that if it's not discussed in public, there tends to be misunderstandings and people tend to forget. And if it's not on the record, I'm concerned about that because --

ATTORNEY JAMES RAFFERTY: That letter is in the file, too, right?

RICHARD AICHELMANN: This letter is not in the file.

TAD HEUER: So this case is --

RICHARD AICHELMANN: Well --

TAD HEUER: One second.

RICHARD AICHELMANN: No --

TIMOTHY HUGHES: This is a motion

to continue. You can speak towards the motion to continue, but you can't speak to the merits of the case, because we don't want to start getting into the merits of the case because then we have to --

RICHARD AICHELMANN: Well, it's not really the merits of the case so much that --

TIMOTHY HUGHES: Well, it sort of is.

RICHARD AICHELMANN: This is the fourth meeting that I've come to, and so far the Petitioner has not chosen to show up. He's chosen to send his counselor instead.

TAD HEUER: That's fine, though. You can do that. Procedurally --

RICHARD AICHELMANN: I know that's procedural. Okay. But --

ATTORNEY JAMES RAFFERTY: We did

send you an e-mail.

RICHARD AICHELMANN: You did send us an e-mail this time. I got an e-mail about a couple hours ago that it was going to be continued. But I think that if it's on the record and it's in writing, and the Petitioner sees it and his counsel sees it in writing, there might not be the same misunderstandings. The neighbors all have different impressions about exactly what is the scope and scale of this project and what the Petitioner wants to do. There's two different petitions out there now, two different signs on the door. So no one really knows which one he wants to go forward with. He continues to make --

BRENDAN SULLIVAN: Okay, on a procedural matter, on a procedural matter, this is a very narrow parameter here. There's a motion to continue the

matter. If I were to accept or allow you to read into the record, then that basically opens up the case, which we don't want to do, because then we have to -- well, the Petitioner doesn't want to open it up and I don't want to open it up. And so consequentially I will not. I will accept anything written and put it in the file.

RICHARD AICHELMANN: Okay.

BRENDAN SULLIVAN: But not to be read in public here.

RICHARD AICHELMANN: May I ask for a point of clarification then? Is this Petition for the initial one?

BRENDAN SULLIVAN: This is for the initial one.

RICHARD AICHELMANN: Okay.

BRENDAN SULLIVAN: And then there will be the next one after that.

RICHARD AICHELMANN: Is there a

reason why we want to keep -- he wants to keep both open?

BRENDAN SULLIVAN: It's just a procedure --

ATTORNEY JAMES RAFFERTY: I can explain it to you after this here.

BRENDAN SULLIVAN: It's just procedural matter. It's perfectly fine and in order.

RICHARD AICHELMANN: Okay, well, I do have something then I would like to provide. I haven't signed it. If you would like me to sign it, I could.

BRENDAN SULLIVAN: That's fine. That's fine. And then I'll put it in the file.

TAD HEUER: And then you're going to want to discuss this for the next case, right?

RICHARD AICHELMANN: Yes.

TAD HEUER: We'll take that under

advisement that that's in there. You might want to hang on to it so you can actually read it in five minutes when we get to the next case.

ATTORNEY JAMES RAFFERTY: No, we're doing the same thing with the next one.

TAD HEUER: We're going to continue that? Okay.

BRENDAN SULLIVAN: Okay. So anyhow, on the matter to continue this, let me make a motion to continue this matter to August 11, 2011, at seven p.m. on the condition that the Petitioner change the posting sign to reflect the new date and time of seven p.m. And that any submittals be in the file by five p.m. on the Monday prior to the hearing of August 11th.

CONSTANTINE ALEXANDER: By the Petitioner. You or any other neighbor

has up until the time of the hearing to give letters or whatever you want.

RICHARD AICHELMANN:

Understood. Thank you for the clarification.

CONSTANTINE ALEXANDER: Is August 11th a date that you can make?

RICHARD AICHELMANN: As far as I know, as of today, yes.

BRENDAN SULLIVAN: So on the motion to continue this particular matter, which is case No. 10051, which is the original case, all those in favor?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Hughes, Heuer, Scott.)

(7:40 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10114, 175 Huron Avenue.

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Thank you, Mr. Chairman. James Rafferty on behalf of the Applicant. The Applicant has filed a request in this case as well, seeking a continuance.

As you know, this is the case that the Applicant tends to go forward with. The prior case contained a request to allow for commercial use on the ground floor. The feedback from the neighbors was that that was not acceptable. So while that case remains on the docket for issues related to repetitive petition,

this is the case now that is the case that we would be going forward on. That case would be withdrawn at whatever conclusion occurs in this case. And I wanted to make that clear. And I'll be happy to discuss that further with the abutter after the hearing. But we're seeking a similar continuance in this case.

CONSTANTINE ALEXANDER: If you're going to withdraw this regardless of how the real case turns out, why not withdraw it now?

ATTORNEY JAMES RAFFERTY: Because there's a question as to whether or not repetitive petition because there are some elements in the case, you would then require me to -- you would then -- the repetitive petitioner requirements says any unfavorable action and a withdrawal is an unfavorable action.

CONSTANTINE ALEXANDER: Yes, but

how could this Petition for a three-family unit, which is your big case, be a repetitive petition for --

ATTORNEY JAMES RAFFERTY: But that finding would require me to go to the Planning Board and for you to make -- you recall how that works?

CONSTANTINE ALEXANDER: Yes, I recall.

ATTORNEY JAMES RAFFERTY: Then meaning for this case, I'd have to go here and you'd have to find that this wasn't a repetitive case, and then I'd have to go to the Planning --

CONSTANTINE ALEXANDER: I would be surprised. Okay.

ATTORNEY JAMES RAFFERTY: With all due respect, I don't think it's within your purview to simply look at it and say it's not repetitive. I think if it's happening within the two years --

CONSTANTINE ALEXANDER: You're right.

ATTORNEY JAMES RAFFERTY: It's fraught with peril legally.

BRENDAN SULLIVAN: Well, the exposure.

ATTORNEY JAMES RAFFERTY: Exactly.

CONSTANTINE ALEXANDER: I accept that.

BRENDAN SULLIVAN: And we are in receipt of correspondence today regarding this matter from other abutters.

Now, if you would like to, just on this particular matter again, to be continued.

RICHARD AICHELMANN: Yeah, I mean, we are not in objection of it being continued. I would like to submit this. I have copies, so it would not be

something that I wouldn't be able to read again. I could print it out and copy it. We also have drafted a letter in cooperation with some of the other neighbors, and we have probably about 10, 12 neighbors that have signed this letter that all feel the similar way. And it's not so much specific issues with the development. We're not opposed to the development. We want development to be done though appropriate and reasonable, and we want it to be done in cooperation with the neighborhood in an open community minded manner. And so some of the neighbors feel we've been excluded.

BRENDAN SULLIVAN: Okay.

RICHARD AICHELMANN: I would like to provide additional --

BRENDAN SULLIVAN: So, I'll submit this into the file anyhow, and then counsel I'm sure will review it and then

there could further discussions.

One question that I had is on sheet A1 in reviewing this, I notice that there are some dimensions here. The one dimension which is lacking is this width here. And I would ask counsel to have Petitioner provide that and submit that for the final.

ATTORNEY JAMES RAFFERTY: The width of the existing driveway?

BRENDAN SULLIVAN: Correct. That's the one dimension that's not there.

TAD HEUER: Can you also provide existing elevations? Some of the concern is about the placement of windows, would be valuable, right? In the file, as I read it, it's only proposed elevations with the windows as they would be. I understand it might be a blank wall, but I'm not even sure where on the

wall. I'm sure there are existing elevations.

ATTORNEY JAMES RAFFERTY: Yes. They should be there, but I will make sure they are because they were in the other case. Yes, but in the walls in particular they're blank concrete walls.

TAD HEUER: I understand. Thanks.

BRENDAN SULLIVAN: Also, were you aware that there were some submittals on Monday? Some revisions?

RICHARD AICHELMANN: Um, no, because what time on Monday? Because I looked at the file.

BRENDAN SULLIVAN: When I close this down in a couple minutes, if you want, you can take a look at the file.

RICHARD AICHELMANN: Okay, I was there before closing time, like at after six o'clock I think on Monday, and I

didn't see them.

BRENDAN SULLIVAN: Oh, all right. Well, you can look at them.

CONSTANTINE ALEXANDER:

Understand that the Petitioner up until five p.m. on the Monday before August 11th can change the plans again. So you have to --

RICHARD AICHELMANN: Right.

CONSTANTINE ALEXANDER: And I'm sure that he will contact you, notify you, but if you want to be sure, you should always check the file.

RICHARD AICHELMANN: I did. You know, I was there around six p.m. on Monday, and I don't recall seeing anything different. So --

BRENDAN SULLIVAN: Okay. Well, check anyhow while you're here and while it's here.

RICHARD AICHELMANN: Sure.

BRENDAN SULLIVAN: On the motion then to continue this matter until August 11th on the condition that the Petitioner change the posting sign to reflect the new date of August 11th and a time of seven p.m. And that any changes to the submittals already in the file by the Petitioner be in the file prior to the five p.m. on the monday prior to the August 11th date. And this is a case not heard.

All those in favor of continuing?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Hughes, Heuer, Scott.)

ATTORNEY JAMES RAFFERTY: Thank you.

BRENDAN SULLIVAN: So, if you want to -- I'll give it back to Sean, and

you can take a look at that at your leisure
if you want. And maybe go off to the side
there.

(7:45 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10115, 302 Elm Street.

Do you have a business card with you?

AYR MUIR: I'm not sure I have one with me.

BRENDAN SULLIVAN: That's all right. It would just make it easier for the stenographer.

AYR MUIR: Yeah. My name is Ayr Muir. The first name is A-y-r. And the last name is M-u-i-r. And I'm the President and CEO of Clover Fast Food. We're based at Seven Holyoke Street, Cambridge, Mass.

BRENDAN SULLIVAN: The reason why you're here, it's in a Business A

Zone. And under Article 4.0 which is the Table of Uses, Section 4.35 is permitted by way of Special Permit.

AYR MUIR: Yes.

BRENDAN SULLIVAN: Okay. And tell us what you would like to do.

AYR MUIR: We are leasing the space at 302 Elm Street. It's probably more, you would know better, it's 1075 Cambridge Street, but the actual address is on Elm Street. It's the former Casual Bakery. And we are looking to make it into a cafe and a large kitchen, and we're centering a lot of our operations there. And we want to sell food there. And we're -- a lot of the food's going to be takeout by its nature, so we're seeking a Special Permit for fast order food.

BRENDAN SULLIVAN: Did the previous owner which was Casual Bakery, they use pretty much the same site that

you're proposing. And they also had a retail store and prepared foods there also. So how is your operation going to differ from theirs?

AYR MUIR: My understanding, and I'm not an expert on this, is that the Zoning is special for a bakery with cafe that only sells baked goods that are of a bakery style. And that what we're doing is a more broad menu, and we need to have a Special Permit for that. That's the way it was explained to me.

CONSTANTINE ALEXANDER: Let me help you.

AYR MUIR: Okay.

CONSTANTINE ALEXANDER: We have a definition in our Zoning By-Law fast order food enterprise.

AYR MUIR: Yes.

CONSTANTINE ALEXANDER: Not a McDonald's necessarily. And it's

defined as -- you don't have a linen table cloth for the food service, a metal stationary. It's designed for takeout trade. It's not so much it's a bakery. It's a kind of --

AYR MUIR: Yes --

CONSTANTINE

ALEXANDER: -- related to food.

AYR MUIR: There's additional exception for bakeries. Bakeries are allowed to have cafes without having a special -- with takeout without having a special fast food permit, and I think that's how they're operating their bakery.

TAD HEUER: They're operating as a retail bakery.

AYR MUIR: So, we'll have a broader menu. We are going to step outside of that zone, so we need a Special Permit.

TAD HEUER: Yes. It's the same designation as on Brattle Street. Parenthetically I would say somewhat dubiously by the city, but there was a separate designation for it for unknown reasons.

BRENDAN SULLIVAN: So you will not have table service per se?

AYR MUIR: We will not. People will enter, they'll be greeted by a server, they'll take their order, the food will be prepared, and their name will be called out and they will take it to a table and sit down and eat it or take it away.

BRENDAN SULLIVAN: And they're handed the food in a biodegradable type of container --

AYR MUIR: Yeah, we --

BRENDAN SULLIVAN: -- of something, and they're not plates and

it's actually something that you throw away --

AYR MUIR: Sure.

BRENDAN SULLIVAN: -- when you're done with it basically?

AYR MUIR: Yeah. We're real excited -- and we pioneered at our location at Harvard Square. There's no trash can and no recycling cans, just 100 percent compost. So everything that you take with the food along with the serving utensils and everything are all compostable and they're all collected then.

CONSTANTINE ALEXANDER: And the nature of the business, you're going to operate essentially the same as you do in Harvard Square?

AYR MUIR: That's right. It's essentially the same. There may be small tweaks to the menu. There's a large

Brazilian population there, so we want to have Portuguese things on the menu. But it's essentially the same name for the business and basically the same business.

BRENDAN SULLIVAN: What will be your hours of operation?

AYR MUIR: Well, we haven't applied for the CV yet to define those. But we're looking to serve breakfast, lunch and dinner seven days a week. It would be safe to say seven a.m. to ten p.m.

CONSTANTINE ALEXANDER: This is going to be your kitchen for all of your operations?

AYR MUIR: We will use the kitchen to support -- we operate food trucks and we'll use this to support those trucks. So we prepare a lot of the food on board, but some of it will be prepared here.

CONSTANTINE ALEXANDER: What

about truck traffic? Trucks coming in to pick up the food and bring it back.

AYR MUIR: Yeah. The trucks have, they stay parked all day. So we will have -- we'll have normal deliveries as any restaurant would. And we have a resupply van. We have little van that we send around to bring food around to deliver to the trucks. There are in the evening, we might have some trucks come back to be cleaned and things like that, but it wouldn't be all day in and out.

There's indoor parking behind the space which is one of the attractions to us. So, when we're doing that kind of work, it's actually behind the garage door.

BRENDAN SULLIVAN: So it would appear that it's not totally -- it's not much different than previous operation.

AYR MUIR: That's right.

BRENDAN SULLIVAN: Except that different menu items and maybe different service.

AYR MUIR: That's right.

BRENDAN SULLIVAN: Yes, or a variation thereof.

CONSTANTINE ALEXANDER:
Approximately square feet would the fast order food establishment occupy?

AYR MUIR: Yeah, it's -- it will be about -- yeah, the total square footage I think on record is just under 9,000 square feet.

CONSTANTINE ALEXANDER: That's the whole -- that's everything?

AYR MUIR: Yeah, the whole. And the restaurant plus the dining area or are you just talking about the dining area?

CONSTANTINE ALEXANDER: Just the dining area.

AYR MUIR: Just the dining area

will be about a thousand square feet, maybe a little more. And then the kitchen will be another couple thousand square feet. The kitchen will be a large kitchen, and it's -- the design is going to be open so that people sitting and eating can see all the preparation that's going on.

TAD HEUER: So those circles that are lined up along that wall, is that an atrium plan? What are those? I initially thought those were seats, but I gather they're not seats.

AYR MUIR: Yeah, let me see this. Oh, right here? Yeah, they are seats.

TAD HEUER: Okay.

AYR MUIR: This is a massive counter.

TAD HEUER: Right. So where's your cash register?

AYR MUIR: Oh. We -- I don't

know if you're familiar. We are a little odd, we don't have a cash register. So we have people that greet you and they, they're holding the cash register on their belt, so the money is there. And they take the orders and, you know, and deal with it. So that would all happen in this front area where people enter.

TAD HEUER: And is there going to be a counter there for the people to sit at and eat?

AYR MUIR: Yeah. These are all chairs for people to sit and eat. These are tables for people to sit and eat. And the food is being prepared back here and in this area as well.

TAD HEUER: So, if you're looking at predominantly -- and I only ask this because we're under a fast food Special Permit, if it's predominantly going to be takeout, where is your takeout crowd

going to form and mingle and then leave?
How does that work?

AYR MUIR: Yeah, our
experience -- we do a fair amount of
takeout, but to date we've never
experienced say more than 30 percent of
our food, 30, 35 percent being takeout.
So it's not, you know, it's not
predominantly takeout. But some people
do take it to eat. And the service is
very fast, so most things come in and out
in three minutes, four minutes.

TAD HEUER: What, do they just
stand in the middle and --

AYR MUIR: They're welcome to sit
down or sit on one of these chairs and
watch the food be prepared, you know, or
mill around in this area. We're going to
have some displays back here they can look
at of, you know, of some other things for
sale.

CONSTANTINE ALEXANDER: Holyoke Street is your only other retail establishment?

AYR MUIR: Yeah, that's right.

CONSTANTINE ALEXANDER: And don't you have much more by way of seating than you have here?

AYR MUIR: Yeah, a lot more. I think our CV is 120 seats there. I'm not remembering exactly. But it's quite a few more. This is going to be more like 50 or 60.

CONSTANTINE ALEXANDER: The reason I say that is the side of your example, you're responsive to our questions, but your experience is in Holyoke. But Holyoke by definition is going to attract more people that are going to sit there.

AYR MUIR: Yeah.

CONSTANTINE ALEXANDER: So I

think the issue that Tad was getting to, I think is relevant. I mean, how are you going to deal with the fact that most of the people are going to be coming in and going out?

AYR MUIR: Yeah. We'll have to make decisions on that. These tables here -- we've designed the space in the front to be very flexible. So these chairs we can move back and tables we can move back if we need to create more space there.

BRENDAN SULLIVAN: Some of that stuff may be --

AYR MUIR: I think it's a lower traffic location than Harvard Square is my guess. I mean, I think our total sales are going to be a small fraction of what we do in Harvard Square. So I don't expect it will be -- but if traffic develops, we'll have to adjust

the -- take out some of those table.

BRENDAN SULLIVAN: It's an added feature of the premise and not the main focus of basically.

AYR MUIR: Yeah.

I don't know the right time to give you -- I have some signatures of support. We just stood out there for -- sorry about the condition, it started to rain on us. But we stood out there for a couple hours this past weekend and talked to some of the people passing by.

BRENDAN SULLIVAN: By way of free food if they signed your petition?

AYR MUIR: That would have been a good idea. I didn't think of that.

TAD HEUER: When you're talking about the traffic issues and why there aren't traffic issues, you say you haven't had traffic issues in your other locations, but you're other locations are

either by definition are not where you're going. Like, yes, you know, Harvard Square is near the Red Line, downtown Boston is, you know, I mean --

AYR MUIR: You're talking about parking specifically and cars?

TAD HEUER: Yes. I mean, how applicable is the fact that you're located in places that are almost by definition some of the best located public transportation/walkable spaces in the entire United States relevant to the fact that you're going to be on, you know, a commercial thoroughfare not near anything?

AYR MUIR: Yeah, you know, I think that, you know, my expectation -- where we've succeeded in the past are mostly people that live and work within five minutes of where we serve. And I don't think that that

model -- we're not looking to change that model. So we don't have a broad advertising program or anything like that. I mean, this is -- my expectation is that most of our daily customers are going to be people that live and work in the area and come to find us. And that won't be the exclusive traffic, but I think that will be the bulk of what we're focussed on expecting. You know, I can share this with you, my expectation that the sales at this restaurant are a quarter of what our sales are in Harvard Square. So, we're not expecting this as a massive traffic.

And I know that if you look at the Harvard Square restaurant which is very, very busy all day long, it gives a different sort of impression. But, you know, I realize that we're not in the main -- we're not in a main thoroughfare

in the way we are there. I'm expecting it's going to be a little more quiet and slow. But I think we'll have a great, you know, opportunity to get to know people and develop relationships.

CONSTANTINE ALEXANDER: My assumption is that the attraction of this property is the sort of the center kitchen. This is an adjunct. I mean, you're going to have a kitchen, you're going to be making food. You got something -- already there was a retail space for certain food before Casual Bakery. And you're going to continue it?

AYR MUIR: Yeah. And we like the idea that people can come in and see everything being made and, you know, be a part of that. And we can add those amenities to the neighborhood. I mean, maybe we do bring a little more foot traffic from Inman Square down the street

and that might benefit that general area.

TAD HEUER: I guess the issue is that we don't have a classification for fast food accessory use, right? I mean, that's really --

BRENDAN SULLIVAN: That's what it is.

TAD HEUER: Is it?

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: Any questions by the Board at all?

(No Comments.)

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody who is anxiously waiting to be heard? If you would come forward and please give your name.

ERIN MARGOLIS: My name is Erin Margolis, and I live at 305 Elm Street. And basically you're operation is triple what the bakery was. He'll be running

three meals a day, and the bakery would come and go in the morning. And the cafe was never heavily used. And so we have big concerns about parking both for employees and for customers. We have concerns about deliveries. It's a narrow street. Cars and tow trucks drive too quickly down that street to begin with, but, you know, you've got your big trucks leave in the morning, that's fine. And then you have a little duty truck that runs around, along with deliveries, that will be coming regularly. I imagine you'll have more deliveries than the bakery, because you're doing more volume. And also, composting sounds great, but we have tremendous rat problems in the neighborhood while the bakery was operating because they didn't have good control of their trash. That's another thing, I want to hear more about how

you're not going to have any trash.

I think, if I could hear more about those things, about, you know, getting some assurance that the tripling of business really, which is what it amounts to, isn't going to be a hardship on the neighborhood. And, you know, we're not going to have problems on our street more than we already have with truck traffic.

Do you have anything in your plans about that?

AYR MUIR: Yes. So, I think I heard concerns volume is going to be large and a lot more going on.

ERIN MARGOLIS: Well, it's a kitchen as well as, you know, more the accessory use of your fast food restaurant, but now you're serving three meals out of one.

AYR MUIR: And the concern about traffic and the trash, right?

ERIN MARGOLIS: Yes. And make sure no deliveries before seven a.m., please.

AYR MUIR: And what was your name again?

ERIN MARGOLIS: Erin Margolis.

AYR MUIR: Erin? I can understand those concerns. I know that the bakery has basically been vacant for a lot of years. So it will definitely be a lot --

ERIN MARGOLIS: No, it hasn't.

TIMOTHY HUGHES: It hasn't been a lot of years, but it's been vacant for a few.

ERIN MARGOLIS: About a year.

AYR MUIR: I think my understanding is it was a serious business up through the mid-nineties and then the production volumes declined a lot, and the last five or eight years it's

been minor compared to what it used to be. And I think that, I know they changed equipment in there. I mean, they used to be a very big bakery and they became a small bakery. And what we're doing is going to be active again. So that, you know, that would be different from what it's been really recent. It's been quiet there. And we're hoping that's a positive thing. That we can -- I was just there the other day. There's almost people sleeping on the corners there. Somebody set-up chairs on like my corner in front of the doors, and there's a lot of -- there's a lot of that right then. That will be -- you know, I'm hoping that's a positive influence we bring, we'd bring life to the space. That it will, a lot of that will be cleaned up and it will have bright lights.

ERIN MARGOLIS: I kicked that guy

on the chair, and I kicked him off our walk. So he found a chair.

AYR MUIR: Maybe you don't want to move the chair. But I think that, you know, we -- our goal would be to be a great neighbor. My goal would be one of our, you know, for you to be one of regular customers and free to, you know, love eating our food and like getting to know us.

BRENDAN SULLIVAN: You have to go before Licensing for your common victualer's license.

AYR MUIR: That's right.

BRENDAN SULLIVAN: So some of those limitations can be placed then.

ERIN MARGOLIS: On the business license?

BRENDAN SULLIVAN: Correct. Okay? Before Licensing as opposed to here, because what is -- they can do

everything else as of right.

ERIN MARGOLIS: Yes. They can operate a kitchen.

BRENDAN SULLIVAN: Right. It's the fast food element, which is, I think what we've determined is for their small little piece of this thing, that what brings them down before us. But the entire larger picture really goes before Licensing.

ERIN MARGOLIS: Okay.

BRENDAN SULLIVAN: Okay? And some of those issues there -- I'm not trying to say we're not going to hear you and not be concerned about it, but it's just that -- their license will be tied to a lot of those issues that you're raising.

CONSTANTINE ALEXANDER: And that's a public hearing, too. You'll have an opportunity to go there.

BRENDAN SULLIVAN: Yes.

ERIN MARGOLIS: So how about the foot traffic?

TAD HEUER: Parking's our -- that may be true, but parking's our issue.

ERIN MARGOLIS: Yeah, I mean how about getting people in and out of the restaurant on a quick basis, on a quick turn basis? I mean, because the cafe people would just go and sit. I mean it wasn't -- and the retail bakery people would walk passed. I mean, is there going to be double parking with the customers? And you will have more employees with parking because you have more than a kitchen, you have a three meal service staff.

BRENDAN SULLIVAN: Well, it's like any business, and again, to answer your question, it's like any business in that area there is, you know, meters up

on both sides of Cambridge Street. And where does anybody go for, you know, to patronize any of those businesses? I mean, they find a spot. Is there much double parking in Cambridge Street?

Yes, there's from Inman Square all the way up back down to the courthouse. I mean, there's double -- it's almost like the flavor of Cambridge Street. Sometimes it's a nice flavor, and sometimes if you're living there, it's not so nice of a flavor.

TIMOTHY HUGHES: I'd like to point out that there isn't much double parking on Cambridge because there's too much traffic for there to be double parking.

BRENDAN SULLIVAN: But occasionally. But anyhow, I think that, you know, there's parking available. I just --

ERIN MARGOLIS: You feel that there's sufficient parking available?

BRENDAN SULLIVAN: I don't think there's going to be a big line of cars and a big line of people to be honest with you. I think that this is sort of a small little facet of this larger building. It's sort of an adjunct to the whole operation which, you know, in the past there was -- Casual was Portuguese? So that he would have, you know, that community sort of drop in, you know, much like Murphy's.

TIMOTHY HUGHES: And stay.

BRENDAN SULLIVAN: Just like Murphy's Pub would be in South Boston, you know, that type of thing. It was an ethnic and cultural thing to sort of hang out there. I don't see that happening here. I don't have those great concerns.

TAD HEUER: How many employees are you going to have on-site roughly?

AYR MUIR: It will depend on how, you know, how the restaurant does and how busy it gets. But I would expect at any given time staffing levels at the restaurant would be two and the minimum. I don't like to be working alone. And at a maximum, we might have 15, 20 people, you know. I think it depends on a lot of things, but I think that's -- I would love to say that there would be lines of cars and people, but I don't really think it's -- I mean it's not what I'm expecting at this location. So I think that the staffing levels will reflect the volumes.

TAD HEUER: And how are they going to get to work?

AYR MUIR: Right now, 100 percent of my employees take public transportation. I don't have any employees that drive to work at any of my locations. And I expect that, you know,

whether it -- I don't expect there will be very many people.

TAD HEUER: Partly that's because you're currently located in Harvard Square, Kendall Square, Government Center and South Station, right?

AYR MUIR: We have some operation in the Jamaica Plain, and, you know, it's a little bit of a haul to get out there. But employees find bicycles to get there or take busses to get there. And, you know, most of my employees are younger. Most of them don't own cars. I'm -- it's actually a problem for me because you have to have a license to drive trucks, and a lot of them don't have licenses. But, you know, without going into it, not many of them have cars or even an opportunity. This isn't people that are commuting from outside of the city with cars and parking

everyday. It's just not what works.

TIMOTHY HUGHES: And although there's no train station, it's very accessible by busses. And the 69 runs up and down Cambridge Street. The CT1 and 2 come from Sullivan Station and go into Boston through Kendall Square and stuff. So I mean -- and then there's the line that come up through Central Square and cut through at Inman Square down Springfield Street. So there's at least four busses that service this area within three or four blocks.

BRENDAN SULLIVAN: Which also makes it difficult to double park.

TIMOTHY HUGHES: Yes.

BRENDAN SULLIVAN: So anyhow.

AYR MUIR: Do you want me to speak to trash?

ERIN MARGOLIS: I don't know if it's there --

BRENDAN SULLIVAN: Yes.

AYR MUIR: I think the best thing I can say about this is come see any of our operations at any time. We're very vigilant about cleanliness and then trash.

BRENDAN SULLIVAN: Is everything contained within the building or do you have outside disposal?

AYR MUIR: The dumpsters will be within the building, in the enclosed parking in the back.

BRENDAN SULLIVAN: Okay.

AYR MUIR: And we have -- I mean, we've -- so far we've been operating on Holyoke Street for eight months, and we've had not a single rodent problem in that entire time. And we've never had any pest problems in any of our vehicles and -- we just clean everything down very thoroughly every day, and we're very

careful about the trash. And the, the compost, unlike trash, you don't want it to sit around in a dumpster for a while. You get rid of it on a daily basis.

ERIN MARGOLIS: It's not a drum?

AYR MUIR: No, it's smaller amounts and then pick up is frequent so it doesn't rot and smell. So, it's just about everyday it gets taken away. And it's not as big. It's not a big -- it's not like a big dumpster. It's smaller bins that happen to fill up more frequently.

So, we will produce some trash because some of the packaging and things come in trash. But most of what we produce will be compost. But we will, we'll exercise all of the appropriate precautions to make sure none of that spills out and we don't cause any rodent problems.

ERIN MARGOLIS: They're just waiting.

THE STENOGRAPHER: I'm sorry, what? I didn't hear you.

ERIN MARGOLIS: I'm just making a joke. The rats are just waiting for the -- I'm afraid the rats are just waiting for the next meal. So -- it was bad. Even the restaurant owners down the street were a little bit, you know, upset. It was about a year and a half ago, two years ago, we were just overrun on the street with rats because they were -- they had their dumpsters out in that parking area and they weren't taking care of it. I don't know if they cut back on garbage service or what, and of course you don't want that in your facility.

CONSTANTINE ALEXANDER: How about cooking odors? Any issues about that?

AYR MUIR: There shouldn't be. I mean, I think that there's -- it's not, they're not heavy or offensive odors coming off. I mean, there may be a smell of bread baking or something like that. But I don't expect smells. We'll put it in a proper updraft ventilation system and, you know. I don't expect anything or have issues with that.

TAD HEUER: And in terms of delivery what do you expect your schedule will be?

AYR MUIR: The delivery schedule will have -- we'll have morning and we'll have afternoon deliveries. And then it varies by, you know, we deal with a number of different vendors. Some deliver once every two weeks, and some deliver daily. The most frequent deliveries for us are produce and spices from Christina's which will be a nice shorter drive for them now.

But those are the things we get more often. And I think we need to learn a little ourselves. It's a much larger space than we've operated in the past. And in the past we have to have very frequent deliveries because we don't have space for anything. But here we'll have more room. But I still expect our produce will be two times a day. It's not a, it's not like a tractor trailer truck that does the produce deliveries. It's a smaller van that does those deliveries.

TAD HEUER: Just as a procedural point, apropos of not very much except that the dimensional form seems to be somewhat incomplete only -- and partly because it has nothing to do with the fact that the Special Permit dimensions, but for instance it indicates, that you know, the number of loading areas required by the Ordinance is not a loophole. I'm

sure there is a loading zone requirement for this zone if not for this use. And some of the other elements suggesting the Ordinance has no requirement. It absolutely does have a requirement, but it may not be applicable here. I would suggest that if we do grant relief, it be contingent on the form being re-filed to appropriately complete all the elements that be required.

BRENDAN SULLIVAN: So relief is contingent upon the application form to be reviewed by the Zoning Specialist for completeness and accuracy?

TAD HEUER: Yes.

SEAN O'GRADY: Yes, I know. I'm wondering what happens if it's not?

BRENDAN SULLIVAN: Well, it's --

TAD HEUER: He doesn't sign the --

SEAN O'GRADY: You can't do that.

TAD HEUER: I know.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: We have to make other findings.

BRENDAN SULLIVAN: Let me just open it to more public comment.

Also, the Board is in receipt of three pages totalling 60 signatures of a petition which says: I signed this because I support Clover's application for a Special Permit to serve take away/fast food. And there are 60 people -- vast majority from the neighborhood: Cambridge Street, Hurley Street, Oak Street, Tremont Street. And I notice there's one here signed by a Brendan Schwartz which seems like a contradiction anyhow. I'm not sure how that happened. There must be a story behind Brendan Schwartz.

We also are in receipt of

correspondence from the East Cambridge Business Association. "Members of the Board: We are writing in support of the case No. 10115, an application by Ayr Muir for a Special Permit to create a hub of operation for Clover Foods. Clover Food is a growing company with a fantastic local reputation, and having them headquartered in East Cambridge is an exciting development for the neighborhood. Thank you for taking this into consideration."

The Board is in receipt of correspondence from City Councillor Timothy Toomey. "Dear Board Members: I'm writing in support of case No. 10115, Clover Food who is seeking a Special Permit to create a hub of operations for their growing business. It's important to keep the growing businesses such as Clover in our city to create jobs and to

improve retail along this section of Cambridge Street. Additionally, this particular building is very well suited for this type of operation because it has traditionally been used as a hub of operation for another longstanding Cambridge business. Thank you for your attention to this matter."

And that is all of the correspondence. I will close public comment.

Do you have anything else to add, refute?

AYR MUIR: Just a clarification on completing the zoning form. So, the element -- I mean, I read carefully through what the Zoning requirements were, and then in areas that there wasn't -- it didn't specify for this, I didn't fill them out.

TAD HEUER: That's all right.

AYR MUIR: Should they be filled out anyway or something?

TAD HEUER: I can guarantee you that there is something in the Ordinance that will say for this Zoning -- it's usually for the Zoning District what the requirements are. So the form has three columns, what you have now. What -- the question is what's most likely going to be no change because you're asking for a use, not for a dimensional relief. And the third column is what the Ordinance requires. And the Ordinance requires for every zone in the city a certain set of distinct measurements, number of parking spaces.

AYR MUIR: Even though it has nothing to do with this permit and this application? I see.

TAD HEUER: And those are all, you know, Zoning can point you to what

section it is, and you can go down the line.

BRENDAN SULLIVAN: Let me point the findings of 11.30 which is the fast order food establishment, there are some conditions that we must meet.

That the operation of the following establishment shall not create traffic problems, reduce available parking in the area or threaten public safety on the streets and sidewalks or encourage or produce double parking on the adjacent public streets.

And it says we have discussed that and find that they do not create any of those.

The physical design, including color and use of materials of the facade of the building.

Is there going to be any changes at all?

AYR MUIR: Windows are changing, but the shell is not changing.

BRENDAN SULLIVAN: The establishment fulfills a need for such services in the neighborhood --

CONSTANTINE ALEXANDER: Wait, before you go there. What color are the materials? What's the signage going to look like? What's the appearance going to be? Besides you're not going to change the physical layout. What's the signage going to be like? How are you going to advertise yourself in the building?

AYR MUIR: It will be very simple. I will put the name Clover up there. But if anybody is familiar with what we do, it tends to be pretty understated and it's black and white.

CONSTANTINE ALEXANDER: Okay. We have to make that finding.

BRENDAN SULLIVAN: The establishment fulfills a need for such a service in the neighborhood.

And your pleadings say that the Clover service local seasonal food and accessible price points.

There is no offering in the immediate vicinity that can probably make such a claim that further Clover serves a full menu of vegetarian food and offering that is not available in Inman Square. So, and that the menu is somewhat unique and also will serve the ethnic community which is in the neighborhood.

So we can say that it will probably fulfill a need.

The establishment will attract patrons primarily from walk-in trade as opposed to drive in or automobile related trade. The Board should specifically

find that the district in which the establishment is proposed be located does not have significant pedestrian traffic.

The Board finds that it does have substantial pedestrian traffic.

The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the foods and the utensils and other items provided for the consumption thereof.

And the presentation is that you have fully biodegradable utensils and packaging.

The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons to properly dispose of all packaging materials, utensils and other items provided with the sale of food.

So you're going to provide receptacles inside the premises?

AYR MUIR: That's right.

BRENDAN SULLIVAN: And possibly at least one directly outside?

AYR MUIR: Yeah, we could do that. That seems like that's something that's useful.

BRENDAN SULLIVAN: I think so. And then have it maintained and monitored for no spillage. And that the area immediately on the sidewalk be maintained in an orderly fashion.

The establishment complies with all state and local requirements accessible to ingress, egress, use of utilities on the premises for handicapped and disabled persons.

The Board finds that the premises are located on the first floor without any steps into the property.

Okay. I make a motion, then, to grant the relief requested for the

establishment of a cafe which comes out the auspices of the fast food establishment as per the plans submitted.

The Board finds that the requirements of the Ordinance can be met. Traffic generated or patterns of access or egress would not cause congestion, hazard or substantially change in the established neighborhood. In fact, will continue a previous business at this location. And augment that with some additional food offerings.

Continued operation of, or development of adjacent uses as permitted to the Zoning Ordinance would not be adversely affected by the nature of the proposed use. There would not be any nuisance or hazard created to the detriment of the health, safety, and welfare of the occupant of the proposed use or to the citizens of the city.

And that the proposed use would not impair the integrity of the district or adjoining districts, or otherwise derogate from the intent and purpose of the Ordinance.

That the application form be reviewed and resubmitted, if necessary, for completeness and accuracy.

All those in favor of granting the Special Permit?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Hughes, Heuer, Scott.)

AYR MUIR: Thank you very much.

(8:20 p.m.)

(Sitting Members: Brendan Sullivan,
Constantine Alexander, Timothy Hughes,
Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board
will hear case No. 10116, 326 Concord
Avenue.

If you would introduce yourself for
the record and tell us what you'd like to
do.

PAULINE CARPENTER: Sure. I'm
Pauline Carpenter. I'm an architect and
friend of the owner Eliza Garfield.

BRENDAN SULLIVAN: Pauline?

PAULINE CARPENTER: Carpenter.

BRENDAN SULLIVAN: Carpenter?

PAULINE CARPENTER: Yes.

Eliza's child is sick this evening so she couldn't be here.

So, we are seeking to build a dormer on the third level of her unit. She has a third floor unit, and it's a one-bedroom unit. She just adopted a daughter from Nepal who is three-years-old, and she would like to try to create a bedroom space for her out of a current storage space. We've done a lot of options trying to carve a bedroom out of this somewhat of a large unit. It's a very large master bedroom that we're --

BRENDAN SULLIVAN: How long has she lived there?

PAULINE CARPENTER: She's lived there for two years.

CONSTANTINE ALEXANDER: It's just me, but I'm a little bit confused by the plan. Did you submit alternative dormer plans?

PAULINE CARPENTER: We submitted two dormer plans. We submitted one that complies with the dormer guidelines in terms of its size and its setbacks. And I'm little concerned about the space between the two -- the existing room and the new dormer, so I submitted another option.

CONSTANTINE ALEXANDER: The one that complies with the dormer guidelines, that's the one that's the seven foot?

PAULINE CARPENTER: Yeah.

CONSTANTINE ALEXANDER: But it's seven foot, you're really increasing an existing dormer which is nine feet already?

PAULINE CARPENTER: No, there's

no dormer there currently.

CONSTANTINE ALEXANDER:

Not -- according to the elevations there is.

PAULINE CARPENTER: So I'm adding a new -- that scheme I'm adding a new dormer.

THOMAS SCOTT: A third dormer?

PAULINE CARPENTER: A third dormer on that elevation.

CONSTANTINE ALEXANDER: Okay, third dormer.

PAULINE CARPENTER: I was concerned about that awkward space by adding the third dormer. And I didn't know whether, you know, which would be better. I mean, the building is somewhat compromised design-wise anyway.

TAD HEUER: So I understand it's compromised design-wise. I wouldn't argue with that. Isn't that the best

reason for us to not further complicate it design-wise? And say this is terrible for the neighborhood, we're going to make it continuing -- it's a lost cause. Let's really blow it.

PAULINE CARPENTER: I guess I'm not saying that. I actually don't think adding a dormer compromises it. It makes it -- the neighborhood is, as you know, lots of dormers, lots of things going on on the roof. I don't think this dormer compromises the design.

CONSTANTINE ALEXANDER: Just talk to me a little bit about the dormer that complies with the dormer guidelines.

PAULINE CARPENTER: Sure.

CONSTANTINE ALEXANDER: You said it sort of -- you're not crazy about that. Elaborate why.

PAULINE CARPENTER: Okay. I'm concerned about it's an awkward space up

on the roof.

BRENDAN SULLIVAN: Do you have another copy of that?

PAULINE CARPENTER: Sure.

CONSTANTINE ALEXANDER: Awkward space. So, you mean awkward looking?

PAULINE CARPENTER: Awkward looking. Awkward looking.

CONSTANTINE ALEXANDER: Okay, but functionally it's --

PAULINE CARPENTER: It's the same square footage. It doesn't add any --

CONSTANTINE ALEXANDER: Given the fact as you say this building is over dormer or over whatever --

PAULINE CARPENTER: Yeah.

CONSTANTINE ALEXANDER: Why not go with something that complies with dormer guidelines? I mean, to our desires --

PAULINE CARPENTER: Yeah.

TAD HEUER: Can I ask -- if I'm looking at this correctly, and if I'm remembering my dormer guidelines correctly, it's an overall length of 15 feet, not 15 feet per dormer. That one is seven feet, and the next one has to be at least seven and the next one has to be about 20.

PAULINE CARPENTER: Yep.

BRENDAN SULLIVAN: Seven and nine.

TAD HEUER: Plus other existing? So we're in the twenties?

CONSTANTINE ALEXANDER: That's the problem.

PAULINE CARPENTER: Yeah.

TAD HEUER: That's the problem.

CONSTANTINE ALEXANDER: That's what I saw. That's the problem. And that goes to the original point of what

Tad was suggesting that maybe too much is too much. I mean, I understand, speaking only for myself certainly, I understand the need of your client for that additional bedroom, but as Tad has said, in the past maybe the time comes to buy a new place, move to a new place.

PAULINE CARPENTER: Yeah, and she's just concerned about, you know, when she purchased and prices and, you know, whether she can actually financially manage that.

CONSTANTINE ALEXANDER: The trouble is that if we do give permission, these dormers are here forever. I mean, it's going to live beyond the time your client lives in the property.

PAULINE CARPENTER: Yep.

CONSTANTINE ALEXANDER: And the city is stuck with something that may not be desirable architecturally and land use

wise.

TAD HEUER: She does recognize that the child will be getting older and will not be able stay in a room that size, at a certain point we will then have -- thinking the average size of people and the fact that they age, she will not be able to stay in that location because there aren't going to be enough bedrooms for a child who now would be three, at some point will be six, who some point will be 10 and will at some point will be 15.

PAULINE CARPENTER: She's very petite.

TAD HEUER: The child? Of course she is, she's three.

TIMOTHY HUGHES: She's a petite three.

TAD HEUER: So I mean I guess my concern is that we're looking at this and

we're already -- I think we're carving out a space for what looks like a closet and adding a dormer to create a bedroom that will be viable for a few years on top of a house that already has way too much stuff. All of that really --

BRENDAN SULLIVAN: And then it will be become a closet again.

TAD HEUER: And it may be a closet again. Yes, but a dormer.

CONSTANTINE ALEXANDER: Dormer closet.

BRENDAN SULLIVAN: It will revert back to its former life.

TAD HEUER: Right.

THOMAS SCOTT: I mean, it seems like you could carve out space within the existing plan to create the bedroom. You'd sacrifice some space in the living room, let's say, if that living room is in fact an entire living room, but it

seems it would be possible. How big is the proposed bedroom dimensionally? I can't tell.

PAULINE CARPENTER: It's -- this is -- I think it's, it's about nine by six? Nine by seven?

THOMAS SCOTT: Isn't there a stipulation that the room has to be a minimum of 70 square feet from the code?

PAULINE CARPENTER: For?

THOMAS SCOTT: For habitable space.

PAULINE CARPENTER: Yes, I think what we're going to do is actually move this washer/dryer to get that extra space.

THOMAS SCOTT: And I think for it to be a bedroom it would have to have a closet, right?

CONSTANTINE ALEXANDER: No.

TIMOTHY HUGHES: That's not in

code. That's real estate jargon.

CONSTANTINE ALEXANDER: That's just --

THOMAS SCOTT: Okay. It just seems really small.

PAULINE CARPENTER: Yes.

THOMAS SCOTT: Almost unusable. I guess I would defer to Sean if it in fact meets code, and if it's considered large enough to be a habitable space.

SEAN O'GRADY: Again, I just do the Zoning Ordinance so I couldn't officially answer that. But my understanding is 70 square feet.

THOMAS SCOTT: Yes.

BRENDAN SULLIVAN: Well, I mean, my thought is it's not going to look right on the building no matter how it's done. It's just compounding a problem with the building.

PAULINE CARPENTER: Yeah.

BRENDAN SULLIVAN: And I empathize with this situation in trying to cut out a spot, but it may be a space that just doesn't work anymore. I mean, that's what we were initially thinking of.

Well, anyhow. Is there anybody here who wishes to speak on the matter, 326 Concord Avenue, Unit 3?

(No Response.)

BRENDAN SULLIVAN: There is none, and there is no correspondence.

PAULINE CARPENTER: She's spoken to her neighbors and they're, you know, the ones across the street and ones directly adjacent, and the owner in the building is fine with them.

BRENDAN SULLIVAN: Any comments? Tom, your thoughts on it?

THOMAS SCOTT: It just seems like there's a lot of effort there and you're

not getting a whole lot, you know, for the value.

PAULINE CARPENTER: Right.

THOMAS SCOTT: It seems like it's barely, if it even meets the 70 square feet requirement, the one where it's an isolated dormer, it's only -- the main portion of the room is only five by six I think it was, so it's only 30 square feet. So I think you would have a hard time kind of getting it to 70. And, you know, you're basically taking a condition with two existing dormers that already kind of don't meet the guidelines and we're adding to that. It just doesn't seem to make a lot of common sense, you know, relative to at least the rules that we're, you know, expecting to go by this.

BRENDAN SULLIVAN: Tim, any thoughts?

TIMOTHY HUGHES: I just don't see

it happening. I mean, I sort of come down on the side B of Tad's kind of like equation, that the house is a lost cause in terms of -- in terms of design elements. But, you know, we can't set a precedent by adding this much more dormer on this house at this point in time.

BRENDAN SULLIVAN: Anything?

TAD HEUER: Nothing more than what I've said before.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested for the proposed dormer as per the plans.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner because it would preclude the Petitioner from providing a comfortable and appropriate living space for a recently adopted new

daughter than the current space.

The Board finds that the hardship is owing to the structure, layout of the apartment, and that there is no other space in which to create a child's bedroom without seriously compromising the other spaces in the apartment, and this is the only viable option to the Petitioner.

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

All those in favor of granting the relief requested?

(No Response.)

BRENDAN SULLIVAN: There is no affirmative votes. Not receiving the necessary four affirmative votes from the Board, the motion is denied.

The Board finds that a literal enforcement of the provisions of the Ordinance would not involve a substantial hardship to the Petitioner because the Board finds that there may be other alternatives to the interior layout or that space just does not provide adequate room for the Petitioner.

The Board finds that the hardship is not owing to circumstances relating to the soil conditions, shape or topography of the land. And especially affecting this particular structure and not the zoning district in which it is located.

The Board finds that the Board cannot grant relief without substantial detriment to the public good, and that relief cannot be granted without nullifying or substantially derogating from the intent and purpose of the Zoning Ordinance.

Anything else to add to that? All those in favor of the -- well, sorry.

PAULINE CARPENTER: Okay, thank you.

(8:35 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10117, 67 Smith Place.

Introduce yourself, please, and spell your last name for the record.

IHSAN GURDAL: I'm Ihsan Gurdal

G-u-r-d-a-l.

VALERIE GURDAL: Valerie Gurdal
G-u-r-d-a-l.

BRENDAN SULLIVAN: Okay. And
what is it you would like to do?

IHSAN GURDAL: Run educational
classes for our staff and customers at 67
Smith Place at Unit 13A.

BRENDAN SULLIVAN: Okay.
Currently the building is used for
storage; is that correct?

IHSAN GURDAL: Storage, and we
run a mail order business.

BRENDAN SULLIVAN: Okay. And in
conjunction with your location at I guess
Huron Avenue, is it?

IHSAN GURDAL: 242-252 Huron
Ave.

BRENDAN SULLIVAN: That you
would like to run what type of classes?

IHSAN GURDAL: Educational

classes such as like cheese, how cheese comes to life. Formaggio classes.

CONSTANTINE ALEXANDER:

Formaggio classes.

IHSAN GURDAL: And chocolate.

And we give classes on salt and butter and --

CONSTANTINE ALEXANDER: And

these classes, I know you offer cooking classes to customers. Are these classes going to be conducted there?

IHSAN GURDAL: Yes, at the annex.

CONSTANTINE ALEXANDER: At the annex. Plus classes for your own staff?

IHSAN GURDAL: Correct.

VALERIE GURDAL: Correct.

CONSTANTINE ALEXANDER: How many square feet do you have?

IHSAN GURDAL: We have about 2100 square feet.

CONSTANTINE ALEXANDER: And how

much of that is devoted to the school?

IHSAN GURDAL: About a quarter of it.

CONSTANTINE ALEXANDER: About 500 feet?

IHSAN GURDAL: 560 I think is what I measured.

BRENDAN SULLIVAN: Sean, if I can read this right, they're in an Industrial B-2, and that's the Alewife Overlay District Zone. Under the Table of Uses it is not permitted or permitted by way of Special Permit, 4.36?

TAD HEUER: 4.33, right?

SEAN O'GRADY: 4.33.

BRENDAN SULLIVAN: Sorry, 4.33.

SEAN O'GRADY: Schools and Industrial B-2 is indeed a Special Permit.

BRENDAN SULLIVAN: Okay. So it's permitted by way of Special Permit?

SEAN O'GRADY: Yes.

BRENDAN SULLIVAN: The proposed use is cheese classes, and what are the hours?

IHSAN GURDAL: We run them anywhere from six p.m. and seven p.m., and they tend to last hour to hour and a half.

BRENDAN SULLIVAN: And on weekends?

IHSAN GURDAL: It's usually Friday night, Saturday night, Sunday day, and sometimes very rarely during the week. They tend to be maybe two -- three, two a month periodically. Very periodically.

TAD HEUER: How many people, you know, what's your class size?

IHSAN GURDAL: It tends to be anywhere from eight to 15.

VALERIE GURDAL: But staff would be more.

TAD HEUER: Okay. So these are like all staff classes?

VALERIE GURDAL: No, like the eight to 15 would be customers. But staff training, we have more staff.

TAD HEUER: Right. When you say all staff, kind of like an all staff meeting. All of your employees will come in and get trained on one type of item?

VALERIE GURDAL: Correct.

CONSTANTINE ALEXANDER: And those staff training sessions are on the weekends, too?

IHSAN GURDAL: Not necessarily. It really varies. Weekends are too busy at the stores. They can be during a weeknight.

CONSTANTINE ALEXANDER: Okay. The answer to Brendan's question, your classes that you're going to conduct for the outside world, those are going to be

on the weekends; Friday, Saturday,
Sunday?

IHSAN GURDAL: Very much so.

CONSTANTINE ALEXANDER: And the
classes for your staff, how many a week
and what hours a week?

IHSAN GURDAL: Once a month if we
can get them. That's the catch. She's
holding one, and my wife runs the South
End, the Boston store, she's holding one
next Tuesday and probably going to get 10
people. It's hard to rally the staff.

CONSTANTINE ALEXANDER: Even
though you pay their paycheck?

IHSAN GURDAL: Trust me, it's not
easy.

BRENDAN SULLIVAN: Okay. The
Board is in receipt of a layout provided
by the Petitioner of the interior space
of Unit 13A.

All right. So that's it. Simple,

I guess. Cheese.

IHSAN GURDAL: And I've taken pictures of the inside.

BRENDAN SULLIVAN: Yes, we have all of that.

Let me open it to public comments. Is there anybody here who would like to speak on the matter?

JOHN CHAN: Yes, I do. May I sit up close?

BRENDAN SULLIVAN: Sure.

JOHN CHAN: My name is John Chan, and I'm an abutter at 48 Loomis Street. I live on the residential side of that area, and I just wanted to ask Mr. and Mrs. Gurdal that where their unit of 13A is located -- I brought a layout of the area and that is the warehouse.

IHSAN GURDAL: We are somewhere in here. I don't know exactly.

JOHN CHAN: Okay.

VALERIE GURDAL: Where's the driveway in the middle?

JOHN CHAN: I'm sorry, this is the driveway here. And then there's a Pear Tree, you know, the company is over here. Right?

IHSAN GURDAL: That's at the end. We're more this way.

JOHN CHAN: You're more this way?

IHSAN GURDAL: Yes.

JOHN CHAN: Oh, okay.

BRENDAN SULLIVAN: So you can orientate.

JOHN CHAN: Yes, I see that.

Where would the people be parking, the people who are coming there?

IHSAN GURDAL: This way.

JOHN CHAN: They'll be parking on that side?

IHSAN GURDAL: Yes.

JOHN CHAN: And then you said how

often are the meetings going to be?

IHSAN GURDAL: Right now we would like to have a class once a week if we can.

JOHN CHAN: Okay.

IHSAN GURDAL: But it seems to be every other week sometimes. And we're running in the store at the moment, but it's too congested, we don't have seating.

CHRISTOPHER CHAN: And when you say stores, it's not in this building here, right?

VALERIE GURDAL: No, we have a store in Cambridge and a store in Boston.

JOHN CHAN: Oh, I see, okay. And you said when class is being held, there's going to be 10 or 15 people?

IHSAN GURDAL: Correct.

JOHN CHAN: And it's going to be held on weekends as well; Friday, Saturday, Sunday nights?

IHSAN GURDAL: It depends. Most of the time right now we're only running on Sundays.

JOHN CHAN: Oh, okay.

VALERIE GURDAL: The cheese 101 will always be in the Cambridge store, right?

IHSAN GURDAL: Yeah, because we have cheesecakes in our Cambridge store. It depends if we have more than seven, eight people, sometimes we run them here. But most of the time it's in the store.

JOHN CHAN: So the training that you're running right now is mostly in the Cambridge store, not at 67 Smith Place?

IHSAN GURDAL: We haven't, no.

JOHN CHAN: Okay. But your future plan is to utilize 67 Smith place to hold those classes?

IHSAN GURDAL: Yes.

VALERIE GURDAL: Right, correct.

JOHN CHAN: I see.

BRENDAN SULLIVAN: Is there access from Smith Place over to where you are in Loomis Street?

JOHN CHAN: Yes, currently there is a development going on over here.

BRENDAN SULLIVAN: Right.

JOHN CHAN: There has been a big contention around the neighborhood. And our concern is whether there is going to be traffic flow coming in from our residential area. Because currently this used to be -- this used to be a closed end of the street here.

BRENDAN SULLIVAN: Right.

JOHN CHAN: And now they just -- the developers over there completely opened up everything. So everything is connected at this point. I mean, they have a -- put some large cones around here blocking traffic, however,

that is subject to open any time. Right now --

BRENDAN SULLIVAN: So the question is Concord Avenue to Griswold to --

JOHN CHAN: That's correct.

BRENDAN SULLIVAN: And do you know if that from Smith Place to Loomis is going to be blocked off or not?

JOHN CHAN: We do not know that for sure. The developer over there, Mr. Bob Ray from SMC as well as Mr. John Freeman have not indicated to the neighbors as to whether they are going to be blocking off the connecting, the connection between Loomis Street and Smith Place. So we do not know at this point whether there is going to be any block of traffic.

BRENDAN SULLIVAN: I think they should have probably provided that to the

City or that the City may chime in on that.

VALERIE GURDAL: Right.

BRENDAN SULLIVAN: But, you know, that's --

IHSAN GURDAL: If it does help you, our directions to our clients come the other way.

VALERIE GURDAL: Take a right at the Burger King.

CONSTANTINE ALEXANDER: Signage is such that it directs them through --

IHSAN GURDAL: No, we don't have any signage over here. And when people sign up for the class, they can download from our website the directions would be coming from this way.

BRENDAN SULLIVAN: Yes.

VALERIE GURDAL: And we have signs -- they have, you know, signs saying to --

BRENDAN SULLIVAN: I think

you're correct. I think all the traffic is coming in this direction, turning around and exiting in that direction.

IHSAN GURDAL: And this is blocked at the moment. I know I heard about this contention. There is -- no trucks are allowed to go through here.

JOHN CHAN: So, who did you hear that from?

IHSAN GURDAL: I saw the cones.

JOHN CHAN: Oh, the cones. There's only cones. But there are not stones over there, I can tell you that.

IHSAN GURDAL: There are jersey barriers.

JOHN CHAN: There are jersey barriers, no, but they do not block the entranceway here. They block some -- they actually, using jersey barriers to block off some area to do the electrical work. But that's outside of

that street area. And then just you said you're going to be parking on the other side.

IHSAN GURDAL: We have six parking spots, and there's a letter from the condo association that since our classes are after hours of the building operations, we are allowed to park along this side, along --

JOHN CHAN: Along the building.

IHSAN GURDAL: They're here. There's no parking here.

JOHN CHAN: You won't be anywhere near --

IHSAN GURDAL: We're more or less here.

JOHN CHAN: Okay. And when they get the permit, how long will that be good for?

BRENDAN SULLIVAN: Special Permit.

TAD HEUER: Forever until they abandon it. Or if they don't start it in two years, then it expires.

JOHN CHAN: Oh, I see.

TAD HEUER: Or we can limit it to a certain period of time which we do very infrequently. Usually if there's a concern about someone who is not going to be able to comply with the condition, we'll say you get it for say a year and then come back. It's usually in very unique circumstances.

CONSTANTINE ALEXANDER: Plus a Special Permit is personal to them. They can't sell it to a Burger King, for example.

JOHN CHAN: It's not transferable, even to the next owner of the business?

CONSTANTINE ALEXANDER: That's right. The new person would have to come

back for the Special Permit.

JOHN CHAN: I see.

Mr. Gurdal, do you own the unit or do you rent?

IHSAN GURDAL: We own.

JOHN CHAN: You own the unit.

If the permit is given today, is there any -- if down the road if there is any, any conditions that the abutting neighbors are not pleased with, is there any way for the abutters to appeal the decision later on down the road?

BRENDAN SULLIVAN: There is -- well, not much beyond eight weeks from now.

JOHN CHAN: Okay, I see.

BRENDAN SULLIVAN: It's going to take about a month for it to be typed up and then put into final form.

JOHN CHAN: I see.

BRENDAN SULLIVAN: I sign it and

then there is a 20-day appeal period.

CONSTANTINE ALEXANDER: In the courts.

JOHN CHAN: Oh, is that right?

CONSTANTINE ALEXANDER: You have to go to court.

BRENDAN SULLIVAN: And then during that 20-day appeal period, you could contest the granting of the Special Permit to the Court.

JOHN CHAN: I see.

BRENDAN SULLIVAN: After the 20 days is over, they go then to the Clerk's office who certifies that nothing has been appealed.

JOHN CHAN: I see.

BRENDAN SULLIVAN: They then take that down to the Registry of Deeds and the Registry of Deeds back to the Building Department, and then they get their permit.

JOHN CHAN: I see.

BRENDAN SULLIVAN: But going forward months from now, a year from now, no, there isn't.

JOHN CHAN: I see.

IHSAN GURDAL: What are you worried about?

VALERIE GURDAL: But other people in that building, I mean, are you worried that like they'll use that driveway?

JOHN CHAN: There is that concern. There is that persistent concern around the neighborhood how the traffic flow is going to be around here. And we've been working with the City, with the Inspectional offices as late, at about half a year ago -- actually I should say last fall. And until that time we did not hear any indication as to what the traffic flow here is going to be. So, the

neighbors have a pretty dark concern as to what the traffic concern is going to be. Also, at the same time, because your classes are being held in the evening, that may disturb the peace around the neighborhood. Because there has been a lot of issues around this neighborhood, at this end of the neighborhood here, with the development going on. And there's been just a lot of contention with the neighbors. Not particularly to the Gurdals that we're against. However, by having that Special Permit being on a permanent, basis just in case there is any further peace being disturbed in the neighborhood our concern is that may not be revokable down the road by the neighbors.

CONSTANTINE ALEXANDER: Would it help any if -- and it doesn't necessarily address your point, but if we condition

the Special Permit on the basis that all signage directing their clients to the space be directed from Smith Place? At least with the signage will encourage people not to go where you don't want them to go.

JOHN CHAN: Yes, I think that would be a good condition to put on the Special Permit. Would you like to have that?

IHSAN GURDAL: No, we already have the signage and --

VALERIE GURDAL: Yeah, but that's fine. I would say the signage in the street, yeah.

CONSTANTINE ALEXANDER: You have that, right?

IHSAN GURDAL: It would be counter-productive. Our customers would be coming from our neighborhood and it's kind of like a loop for them to come

your way.

BRENDAN SULLIVAN: Less traffic coming from Concord down by the Burger King on to Smith Place, turning around and going back out the same way then it is Loomis to Griswold or whatever. It's far easier for them to come to this direction and then turn around and go back in that direction.

VALERIE GURDAL: Right.
Because they know where the store is.

BRENDAN SULLIVAN: To ally any fears and to put some maybe a little bit of teeth into it, even though they may be baby teeth, we can condition that the Petitioner be directed to tell any patrons to come by way of Smith Place and leave by Smith Place.

CONSTANTINE ALEXANDER: And all signage advertising how to get to there would be on Smith, directly from Smith

Place.

IHSAN GURDAL: I didn't print it not knowing this. But on our website there's a clear direction coming from this direction.

JOHN CHAN: And also the parking, there's -- at nighttime especially during wintertime when the night gets dark early in the evening, we don't want to see too many headlights coming in and out of the area here. Is there any way to restrict that in terms of location of parking?

BRENDAN SULLIVAN: Well, parking is all along the side of that building there.

IHSAN GURDAL: We are from here that way.

JOHN CHAN: So, is there any way to condition that parking is gonna be --

CONSTANTINE ALEXANDER: Am I not right that you don't usually have classes

nine to ten at night?

IHSAN GURDAL: No.

CONSTANTINE ALEXANDER: They meet in the late afternoon, early evening. In which case at least most times of the year there won't be any headlights on.

IHSAN GURDAL: Sunday would be like noon to two.

CONSTANTINE ALEXANDER: Yes. I mean, it's not like a restaurant where you have people eight, nine, ten o'clock at night driving in with headlights blazing.

VALERIE GURDAL: And any of those other people who are in that building can come and go as they please, too.

JOHN CHAN: Right, but the traffic is very light during the weekend. And please pardon me, but as an abutting neighbor here, we have suffered, my family, my tenant, many of the people here

have suffered for so many years now, and we still have a lot of unknowns around the area. There's a current development going on here where there's new condos being built all around here. This lot is currently empty and the developer is not telling us what he is going to do over here either. So we have a lot of uncertainties around the neighborhood. And, again, it's not personal to you, Mr. and Mrs. Gurdal, but we just like to be on the safer side protecting our neighborhood here. And now that I heard that permitting -- the Special Permit's going to be permanent, we just like to have a some conditions built into that to protect the neighborhood.

CONSTANTINE ALEXANDER: Let me ask this, everybody as well, suppose if another condition were that classes cannot be conducted after eight o'clock

at night? Which would mean, you know, and you won't have people coming at late hours? That wouldn't be a problem for you, would it?

IHSAN GURDAL: Never an issue.

JOHN CHAN: Okay.

VALERIE GURDAL: Now wait a minute, they have to be in by eight?

CONSTANTINE ALEXANDER: In by eight so there's no people driving in and out. I'm just throwing out ideas.

IHSAN GURDAL: End at eight and then they'll leave.

VALERIE GURDAL: Then you have to clean-up and stuff like that.

CONSTANTINE ALEXANDER: Oh, I'm talking about when the class is conducted, not the maintenance of the building.

IHSAN GURDAL: And I also just want to point out that further in that

picture, it's not really shown, there is no parking available this way. There is a blockage by one of the tenants. I think it's a landscape company, so there is no more parking and it almost right around here. So everything would have to be all the way to the right. So there's no way they can see lights at night.

JOHN CHAN: That they're blocked, what do you mean by block? Is that just that they're asking you not to park there?

IHSAN GURDAL: No. There's a structure, a metal fence structure where they -- so this is only the passing way and kind of we have the dirt area here, which you don't know and I don't know what's gonna happen.

JOHN CHAN: Exactly, yeah. But people have been parking around this area here.

IHSAN GURDAL: Those are construction vehicles.

JOHN CHAN: But, no, there is actually Pear Tree, a lot of Pear Tree cars parked over here as well lately.

IHSAN GURDAL: And companies, they're always going to park here.

JOHN CHAN: Yeah, there is the Winters Company over on this side.

IHSAN GURDAL: This is a brand new company right here.

JOHN CHAN: There's a brand new company over there that's occupying that place right now?

VALERIE GURDAL: And on the other side there's --

IHSAN GURDAL: So you're going to have parking over here all along here, which I think it's -- I don't know what the difference is.

JOHN CHAN: Yeah, again, most of

the occupants of the building they do not come during the evening. They come in during the day and then they leave. And then our concern is that now that they're going to be holding classes in the evening, that disturbance around the neighborhood makes then into the evening when all the families are trying to have some peace and quiet in the neighborhood.

TAD HEUER: I would point out that most of the other tenants aren't there in the evening, it means there's very little, if any, incentive for the individuals coming to their classes who arguably are going to be the only people coming to this building, they're not going to be circling the building for parking if there's no one there as you suggest. They'll park in the closest space available. Which means they won't get up towards the Loomis Street side. I

mean, it will be one thing if you said this is a firm full of architects and they all work until midnight and you're adding additional capacity because of these classes. But it sounds to me like you have complementary uses. You have people there during the day. They leave, kind of abandoning the structure in the evening. And every once in a while some more people come in and they take up that space. And I think that's why the condo owner has said it's non-assigned parking for nights and weekends essentially because no one's there. So, I think your concern is certainly well taken. I think the practicalities of this particular use means that, you know, you're going to have kind of a cut -- you're never going to have both of these uses conflicting at once.

JOHN CHAN: Yes, I fully understand your position. But, however,

in the area in the last about ten years since the new owner has taken over that warehouse, this 67 Smith Place, a lot of common sense has gone out the window.

The neighbors have suffered for so many years for little things, big things, you name it. I mean, there's been a lot of construction work going on early in the morning. Two o'clock in the morning. I mean, I tell you, there's a lot -- and there are so many events that I mean I call the police, I call the Inspectional Services. However, it's chasing after like -- they come and go. Like two o'clock in the morning, like, how you going to go catch them? There's a lot of illegal snow dumping here as well.

Again, I've been working with the police station and Inspectional Services.

However, I mean, there is no end chasing after those illegal activities either.

BRENDAN SULLIVAN: This is an election year. And I think what I would do is contact one or all, possibly more candidates and city councillors and contact the Mayor.

JOHN CHAN: Yes.

BRENDAN SULLIVAN: And have him come down to a neighborhood meeting and address your concerns. If nothing else, you're venting, but I think he may get Mr. Gray's attention.

JOHN CHAN: Yes.

BRENDAN SULLIVAN: That's what I would do.

JOHN CHAN: Yes.

BRENDAN SULLIVAN: And anyhow I think that Mr. Gray has probably created an unpleasant situation. Unfortunately these people now come down and, you know, someone is getting ripped because of past sins of Mr. Gray. But, that's what I

would do.

JOHN CHAN: Yes.

BRENDAN SULLIVAN: You will get the City's attention before November. You may not get it after November. So I would stress going to the City Council. I mean, we hear you. We empathize with you. You may get their attention on Monday nights.

JOHN CHAN: Monday nights?

BRENDAN SULLIVAN: Monday nights. That's the City Council hearing.

JOHN CHAN: Oh, I see. Yeah, thank you so much. And I tell you I have contacted the city councillors many times before, and we have worked also closely with Mayor Maher as well.

BRENDAN SULLIVAN: Put in another call again.

JOHN CHAN: Yes, we'll do that.

Again, I don't want to jeopardize their intentions as long as that's not going to be disturbing the peace and quiet of the neighborhood here. And because the Special Permit is going to be on a permanent basis, we'd just like to put in some protection of the neighborhood in there if possible so that in case there is anything that is to the displeasure of the neighborhood here, that we can bring it up to the city. Or as you said at that point, is that going to be with the court or --

TAD HEUER: No. So, if we put a condition on the Special Permit, so for instance, all the signage has to direct them, you know, coming in from the non Loomis Street side, if we put in a condition on the hours that the classes would have to end and that would be when all the participants would have to be

gone, and as you said, the staff were cleaning up or working the mail order business or whatever. If those conditions are put in the Special Permit and we grant it, then if one of those is violated, for instance, you find that they're holding classes at midnight and everyone's driving passed your house to get away. And you see them leaving their unit, you know where they're from, you can then call Inspectional Services and say their Special Permit says they can't do this and they're doing it, and go and cite them with a violation and things like that. So your route for things that are in the Special Permit that are violated is to go to Inspectional Services who then enforces the terms of the permit. So if you just thought they shouldn't get the permit at all, then you would have the 20-day period to challenge it to court.

If you're concerned with how they're actually applying the permit and the conditions, you would go to Inspectional Services.

Does that make sense?

BRENDAN SULLIVAN: There's still an avenue open to you.

JOHN CHAN: I see. I'm sorry, go ahead.

IHSAN GURDAL: And we're also, you know, been in business for 32 years.

TAD HEUER: You can also walk into their store and talk with them.

IHSAN GURDAL: We are very reasonable people, and our goal is definitely not, you know, we've been in a much more residential neighborhood than we are now. And we bend backwards and whatever we can for our neighbors. So our goal is not to bother our neighbors.

TAD HEUER: Right. And in terms

of the hours, when did you say you expected classes to start and how long do they generally run?

IHSAN GURDAL: It could be five to seven, six to eight. We've never had any late classes.

VALERIE GURDAL: Yeah.

TAD HEUER: Okay.

VALERIE GURDAL: I mean, people work so....

IHSAN GURDAL: You know, the worst case scenario might be a seven to nine class, which doesn't really happen that often. Especially on a weekend when people don't work.

TAD HEUER: Right. So if we put a limit of no classes or all classes must end by --

CONSTANTINE ALEXANDER: 9:30?

TAD HEUER: -- by nine?

JOHN CHAN: 9:30? I believe

that's too late.

CONSTANTINE ALEXANDER: Too late?

JOHN CHAN: Yeah, for the neighborhood. I like eight o'clock better if I may.

VALERIE GURDAL: Can we say nine or 8:30?

JOHN CHAN: I mean classes end --

VALERIE GURDAL: Sometimes instructors can't get there by six.

IHSAN GURDAL: We're talking 10 to 15 people. And you can't even see us or hear us. I would say you're very valid in your concern about us holding classes. If we were here, we would be in your eyeshot. But we're really literally around the corner. It would be about 40, 50 feet into the building during our classes. And there are five units from us to the corner. So we're not in your

vision, and there's a huge fence here right now. There's no way you can see our car lights. I'm confident that we're not going to bother the neighborhood.

JOHN CHAN: I do trust you and I give you the benefit of the doubt. The only thing is that it looks like I mean certain conditions, once it's into the permitting process, there is no way for us to really take it back from you. So I do trust you so -- yes.

CONSTANTINE ALEXANDER: I'm sorry, I didn't mean to interrupt you. There's another approach, Brendan. We could grant the Special Permit for a term of years so you'll have a benefit of seeing how things work. And then say three years, two years, it will last for that long, and then they have to come back and reapply.

BRENDAN SULLIVAN: We can do a

conditional one for two years, and at the end of two years, we re-evaluate and we may take away the time frame then.

IHSAN GURDAL: I just want to also point out that I don't want to be penalized for things that happen here.

CONSTANTINE ALEXANDER: You won't be.

BRENDAN SULLIVAN: You won't be.

TAD HEUER: I would say if that's the way the Board wants to go in a terms of years, so be it. I think the Special Permit should be granted, in my opinion Special Permit grants on the term of years are for extraordinary circumstances with a type of use is overtly concerning to neighborhood in terms of a noxious nature in terms of its overburdening of existing capacity of facilities. And I don't see any of -- I mean, these are occasional classes with -- I believe will be ample

parking access appropriate to the location and they're going to be speaking about cheese. Cheese may smell bad, but I don't believe that will be noxious use. So I'm less inclined to do a term of years granting here. I think those are -- it's not the type of circumstance. I think it's --

IHSAN GURDAL: Cheese smells bad?

BRENDAN SULLIVAN: What would you support about a condition?

TAD HEUER: I would -- I don't believe this is one of those situations. I don't believe the Petitioner should be penalized for my belief in that regard.

BRENDAN SULLIVAN: Okay. Well, let's plow through that.

You all set?

TIMOTHY HUGHES: What about 8:30? Did we decide on a time?

CONSTANTINE ALEXANDER: Any further comments you want to give to us right now?

JOHN CHAN: Yeah, so my only concern is just the peace and quiet of the neighborhood while they're holding classes in the evening, and on weekends. So that's really the only concern at this point.

VALERIE GURDAL: Have you heard -- I mean, has our warehouse disturbed your neighborhood? Not us, I mean us specifically, not Mr. Gray and the other stuff. I mean have we disturbed you so far?

JOHN CHAN: There have been cases where there used to be an another tenant over on this side and they used to work during the evening hours -- on weekends and evening hours, and then they also had tried to built some other structure over

on the other side close to our residential neighborhood, which was apparently legal and they later one were cited by Inspectional Services. They had to move back. So there's been some issues with the tenants here as well and the owner, the entire owner of the area. So I just want to be on the cautious side.

VALERIE GURDAL: Right.

JOHN CHAN: And again, I do not want to stop you from your plan and I do want to penalize you for being there.

VALERIE GURDAL: Right.

JOHN CHAN: However, I just wanted to air our concerns as -- I represent the neighborhood as well, not just an individual abutter, but I represent the whole -- the Cambridge Highlands Neighborhood as well. So, that's what I'm here for. And I just have aired my concerns, and I'll leave it up

to you for your decision then.

Thank you.

BRENDAN SULLIVAN: Well, further public comment. The Board is in receipt of correspondence of a letter from Cambridge City Councillor, Councillor Timothy Toomey who you can contact.

"Dear Board Members: I am writing in support of case No. 10117, an application by Formaggio Kitchen to have the ability to hold classes periodically for education of staff and customers. Allowing him the ability to hold these classes and maintain the presence of this area and offer a much desired service to his patrons."

The Board is also in receipt of a volume of -- you must have been giving cheese away.

CONSTANTINE ALEXANDER: Can't go in the store without signing it.

BRENDAN SULLIVAN: By a lot of very interested people signing a petition, "We the undersigned petition Formaggio Kitchen to have the right to hold classes for the benefit of staff and customers at 67 Smith Place, Unit 13A." And it's signed by --

IHSAN GURDAL: And a letter from a colleague.

BRENDAN SULLIVAN: -- a plethora of people.

CONSTANTINE ALEXANDER: East Coast Realtor?

IHSAN GURDAL: Yes.

BRENDAN SULLIVAN: And on the letterhead of the East Coast Realty, "To Whom It May Concern: As a resident of Cambridge, I would like to offer my support for Formaggio Kitchen's petition for a zoning variance to hold culinary classes at 67 Smith Place. I have been

a customer of Ihsan's and Valerie's for 25 years and believe that their efforts go beyond, have enriched the City of Cambridge. Having a classroom situation where they can share their knowledge and enthusiasm would only contribute to benefit the city." Signed by Chris Schlesinger S-c-h-l-e-s-i-n-g-e-r.

Okay. So, you have nothing more to add? You don't need to add anything and you've said it all.

CONSTANTINE ALEXANDER:

Mr. Chairman, one more thing just for the record, your classes are not going to produce an inordinate amount of waste or the like that attract rodents?

IHSAN GURDAL: None whatsoever.

CONSTANTINE ALEXANDER: I don't think it would, but I want to --

IHSAN GURDAL: The Health Department has already come out.

CONSTANTINE ALEXANDER: I'm talking about just the classes. The classes are not going to have all kinds of waste you're going to throw out later on?

BRENDAN SULLIVAN: Is that how bait those with the cheese? That's how we used to do it, anyhow.

Let me make a motion to grant the Special Permit.

TIMOTHY HUGHES: Did we agree on the time by the way?

BRENDAN SULLIVAN: No, we'll get to that. Save your ammunition.

Grant a Special Permit to have the ability to hold classes periodically for education of staff and customers. The Board finds that the requirements of the Ordinance can be met.

The Board finds that traffic, congestion or patterns of access or

egress would not cause congestion, hazard or substantial change in the established neighborhood character.

The Board finds that on the presentation that the area in question is used during the day which is counter to when the Petitioner will use their premises with the educational purposes which are mostly late afternoon and into the evening. Hence that traffic will cause congestion and there is ample parking available. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

The Board finds that there would not be any nuisance or hazard created to the detriment of the health, safety and welfare of the occupants of the proposed use or to the citizens of the city; and

that the proposed use would not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

The Board grants the Special Permit contingent as per the plans submitted showing approximately 500 square feet of classroom space, plus or minus, a class capacity of 18 persons plus staff.

And the Board accepted the plan as submitted.

Now, on the further conditions that the Petitioner make every effort to direct patrons and staff to use the Concord Ave., Smith Ave. entryway to the premises, and that the exit be by the same way of using Smith Place to Concord Avenue, and not to use the adjoining residential streets for entry or exit to the premises.

Anything else?

CONSTANTINE ALEXANDER: The only question is whether you want to put a time limit on it or not.

BRENDAN SULLIVAN: I think I would like to put a two year myself.

Tom, have you thought about that?

THOMAS SCOTT: I'm okay with the time of day limit but not the years.

BRENDAN SULLIVAN: Years?

THOMAS SCOTT: Yes.

BRENDAN SULLIVAN: Okay.

Tim, what's your thought?

TIMOTHY HUGHES: I agree with Tad about the time limit. I think it should be reserved for extraordinary circumstances.

BRENDAN SULLIVAN: Okay, that's fine.

CONSTANTINE ALEXANDER: I would put it in some other further condition, either time of day or term of the Special

Permit simply because I think you'll be able to comply with it. I think it's a good accommodation to the neighbors and something that's sort of --

BRENDAN SULLIVAN: So what's the magic numbers, that classes not extend beyond 8:30 p.m.?

IHSAN GURDAL: That's fine.

BRENDAN SULLIVAN: Classes not extend beyond 8:30 p.m. You're not going to hold them in the morning?

VALERIE GURDAL: No.

BRENDAN SULLIVAN: So maybe that's --

IHSAN GURDAL: We do receive deliveries and run mail order.

BRENDAN SULLIVAN: All right. So that would be the only condition?

TAD HEUER: Yes.

CONSTANTINE ALEXANDER: And the signage, which you already mentioned,

directing people to use the Smith Place.

BRENDAN SULLIVAN: The sign
where?

TAD HEUER: The signage. The
direction. He already said it.

CONSTANTINE ALEXANDER: The
direction. You already said it.

BRENDAN SULLIVAN: All right,
yes, so that's already in there.

On the motion, then, to grant the
Special Permit?

(Show of hands.)

BRENDAN SULLIVAN: Five in
favor.

(Sullivan, Alexander, Hughes,
Heuer, Scott.)

(9:10 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: We're going to jump ahead for a minute. On case No. 10119, 100 Cambridge Park Drive. Could you sort of come forward? Just take a seat and introduce yourself for the record anyhow.

ATTORNEY WILLIAM PROIA: It's Bill Proia from Riemer and Braunstein.

BRENDAN SULLIVAN: Do you have a card, Mr. Proia?

ATTORNEY WILLIAM PROIA: Yes.

BRENDAN SULLIVAN: Before we get into the merits of even hearing the case, we have a procedural call about the posting sign was not observed by a few members of the Board, and hence probably

fatal to moving forward this evening. I notice that we have in the file -- nobody saw it there.

ATTORNEY WILLIAM PROIA: Yeah, I mean I sent a picture in because --

CONSTANTINE ALEXANDER: I'm sure you did.

ATTORNEY WILLIAM PROIA: -- we pounded it into the ground.

BRENDAN SULLIVAN: It may have been there the day you did it, but it has not been observed there since last --

CONSTANTINE ALEXANDER: Someone took it down, and you have an obligation to make sure -- not 24/7, but to make sure that the sign you put up stays up. And it wasn't.

MATT TAYLOR: If I could introduce myself. I'm Matt Taylor construction manager with Kindercare.

BRENDAN SULLIVAN: You can come

and sit down.

MATT TAYLOR: I apologize. We installed the sign and we have construction supervisors on-site who observed it certainly a couple days after it was up. I was not there every day. I can't attest to the Board that it was there every day, but, you know, the landlord that we're leasing the space from us, was aware of it. It was no reason for it to be taken down inadvertently. I don't know.

BRENDAN SULLIVAN: Well, it hasn't been there the last couple days, and it wasn't there over the weekend.

CONSTANTINE ALEXANDER: I was there on Tuesday and it wasn't there.

BRENDAN SULLIVAN: So, that is fatal to going forward tonight.

CONSTANTINE ALEXANDER: I have to point out to you, we had a case from

the same building, a telecom, a month or two ago and that sign was put up there and stayed up there. I don't know why your sign -- I'm sure you put it there. Somehow your sign disappeared. It wasn't a problem that was there before.

BRENDAN SULLIVAN: So you have to --

MATT TAYLOR: Well, I guess here's my question -- and I don't want to speak out of turn.

CONSTANTINE ALEXANDER: No, no, go ahead.

MATT TAYLOR: I understand. I'm trying to assemble words. I understand postings. We try to comply with it. I'm in a little bit of a situation here in that this hearing tonight is really compliant for us from a licensing standpoint to provide items that is needed under our criteria. It's obviously the Board's

call, but I feel like I'm a little bit -- it's last quite a bit for something that's somewhat of a semantics issue.

Bill, I don't want to speak for your end of it.

ATTORNEY WILLIAM PROIA: No, that's all right. Yeah, I mean it's a requirement of the Ordinance that it's there as notice.

BRENDAN SULLIVAN: And we get it. I mean, there were two previous cases tonight that got continued, and we take it very seriously and almost without exception. There are all kinds of good reasons why the signs fall down and they're not there, whatever they may be.

MATT TAYLOR: Absolutely.

BRENDAN SULLIVAN: And we really adhere to that requirement.

ATTORNEY WILLIAM PROIA: So you have some jurisdictional issues. If

notice isn't provided that way, you just don't have authority.

CONSTANTINE ALEXANDER: If we were to hear the case, the decision would be flawed because of lack of notice. We're open to attack by anybody. It's not in anybody's interest to have a case go forward with inadequate notice.

BRENDAN SULLIVAN: Sean, what would be the earliest? The only reason I called you forward, I didn't want you to have to sit here for another 45 minutes and then hear the same story.

SEAN O'GRADY: August 25th.

BRENDAN SULLIVAN: Anything sooner than that?

SEAN O'GRADY: No. You're chalk full all the way.

TAD HEUER: Well, we just continued, for instance, a case into August 11th that we were told by counsel

will never go forward under any circumstances, right?

BRENDAN SULLIVAN: Right.

SEAN O'GRADY: Yes, but that's only counted that as a case. Not --

BRENDAN SULLIVAN: I'm just thinking that this is -- when is your season start?

MATT TAYLOR: I mean, we're trying to open in the next couple of weeks. So it's.... It's obviously....

BRENDAN SULLIVAN: Is there any way we can shoehorn them in?

SEAN O'GRADY: It's to your discretion. Just know that you are booked every night.

BRENDAN SULLIVAN: Right. But that's okay.

CONSTANTINE ALEXANDER: Sir, to your point you want to open in the next couple of weeks. Even if we were to hear

the case tonight with the Variance you're seeking, you couldn't open in the next couple of weeks anyway.

MATT TAYLOR: Well --

CONSTANTINE ALEXANDER: Our decision comes down, signed by Mr. Sullivan, then get the 20-day appeal period. And then, and only then, will you get something from Inspectional Services to allow you to do what you want to do.

MATT TAYLOR: I understand the appeal period, I do. I get that. And I understand your process.

CONSTANTINE ALEXANDER: Right.

MATT TAYLOR: We're just trying to avoid further delays. But I fully understand.

ATTORNEY WILLIAM PROIA: What we're trying to say is if we -- we have the local permits in place that we need,

we can make the case to the regulators to do an inspection for length and --

MATT TAYLOR: That's a better way to word this.

ATTORNEY WILLIAM PROIA: Yes. We can get that all in place if we have to wait for an approval, even if the decision isn't filed with the clerk.

CONSTANTINE ALEXANDER: I understand that.

ATTORNEY WILLIAM PROIA: We can make the representation.

BRENDAN SULLIVAN: Yes, I mean I would try to get them in as soon as possible. I guess that would be my thought.

SEAN O'GRADY: I would say --

BRENDAN SULLIVAN: July?

SEAN O'GRADY: It's up to you. The other thing, too, is you were advised to come to this Board quite a while ago.

MATT TAYLOR: I can't speak to that.

SEAN O'GRADY: So to rush now is curious.

ATTORNEY WILLIAM PROIA: We were working with ISD because we thought we had a -- it's a Section 3 -- potential Section 3 of the Zoning Act. We're an educational institution. And we thought the regulations -- if you've looked at this, it's -- we need shade structures out in the playground, and that's it and kicks us over the FAR. And we were -- our reading of that section of the Mass. General Laws was that the Building Department could give us a permit for that. But they don't feel that they can. And so the Law Department weighed in and they asked us, you know, don't push that, please go to the Board.

BRENDAN SULLIVAN: Okay.

ATTORNEY WILLIAM PROIA: So, you know.

BRENDAN SULLIVAN: July?

SEAN O'GRADY: You have the 14th and the 28th. And then you have August 11th.

BRENDAN SULLIVAN: Can we do July 14th?

SEAN O'GRADY: If you like, sure.

BRENDAN SULLIVAN: Okay.

SEAN O'GRADY: I mean, it's you guys that have to sit. I'm getting paid one way or the other.

BRENDAN SULLIVAN: We'll do it July 14th.

TIMOTHY HUGHES: I won't be here July 14th.

BRENDAN SULLIVAN: July 14, 2011 at -- we'll put them down at seven p.m. on the condition that you change and maintain and then change the posting sign

to reflect the new date of July 14, 2011 and the time of seven p.m. And just, you know, read somebody the riot act, that it has to be observed.

MATT TAYLOR: Sure. And I guess the question I have is obviously I'll go find the sign hopefully.

BRENDAN SULLIVAN: Well, if not, then call Maria and get another one.

MATT TAYLOR: I can utilize the same sign with the new date.

BRENDAN SULLIVAN: Correct.

CONSTANTINE ALEXANDER: Use a magic marker.

BRENDAN SULLIVAN: But it's important because it has to go up by July 1st in order to get the 14 days. And, you know, plant a mine field around it or something.

On the motion --

TAD HEUER: This is a rather

large building. There is a requirement in the Ordinance that they have not just one sign but one sign between --

BRENDAN SULLIVAN: Every 300 feet or so.

TAD HEUER: Right.

BRENDAN SULLIVAN: So there may be a couple.

TAD HEUER: You may need more than just one sign to meet the requirements of the Ordinance because of the physical size --

BRENDAN SULLIVAN: Right. Tomorrow try and find the sign, No. 1.

MATT TAYLOR: Let me locate the first sign of subject, and if we need another one, certainly we'll put it up.

BRENDAN SULLIVAN: And then call Inspectional Services on Monday. Call Sean on Monday to determine.

MATT TAYLOR: Sean, what's your

thought? Should I post more than one?

SEAN O'GRADY: Maria will determine that.

MATT TAYLOR: Okay.

CONSTANTINE ALEXANDER: It will be determined by the amount of street front that you have. It's a formula in the Ordinance. I don't remember what it is.

BRENDAN SULLIVAN: 300 feet or something like that.

ATTORNEY WILLIAM PROIA: She gave us one. I'll check with her.

CONSTANTINE ALEXANDER: Usually you have to ask for more than one.

ATTORNEY WILLIAM PROIA: Yeah, I think we met with them to file the application --

TAD HEUER: I just wanted to make sure you were covered regardless.

Could you also, and before this

comes back, I noticed there are photographs of the shade, the pergola and the other structural things, you're asking for both relief for the FAR and also parking.

ATTORNEY WILLIAM PROIA: We're withdrawing the parking.

MATT TAYLOR: We're going to withdraw the parking side.

TAD HEUER: You're withdrawing?

MATT TAYLOR: I don't know if we can right now, but --

TAD HEUER: So the parking relief is no longer going forward. You're just going to be asking for the FAR?

MATT TAYLOR: Right.

TAD HEUER: My question is going to be can you provide photographs of the parking space if that was going to be --

ATTORNEY WILLIAM PROIA: We're going to ask the Board to let us withdraw

that.

TAD HEUER: That's fine.

BRENDAN SULLIVAN: Okay, on the motion --

CONSTANTINE ALEXANDER: And you can also continue on the condition to sign a waiver for time for a decision. I don't think you mentioned that.

BRENDAN SULLIVAN: Right. And on the condition that you sign a waiver of a timely decision -- timely hearing for a decision to be rendered thereof under the statute. And then any submittals --

TAD HEUER: They don't need one. The next required hearing date is August 6th.

BRENDAN SULLIVAN: Yes, well, have them sign it anyhow.

TAD HEUER: All right.

MATT TAYLOR: I'm more than happy

to.

BRENDAN SULLIVAN: On that
motion to continue?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor
to continue.

(Sullivan, Alexander, Hughes,
Heuer, Scott.)

BRENDAN SULLIVAN: So, again,
get out of jail free card here.

MATT TAYLOR: Thank you.

(9:20 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Timothy Hughes, Tad Heuer, Thomas Scott.)

BRENDAN SULLIVAN: The Board will hear case No. 10118, 459 Broadway.

VASSILIOS VALAES: Hello. I'm Vassilios Valaes from HMFH Architects. We're architects at the Rindge and Latin School. With me I have Stephanie McNeal from HMFH, and Michael Blatt, the OPM.

MICHAEL BLATT: I'm the project manager.

VASSILIOS VALAES: We're asking for a signage Variance for a moving sign and illuminated sign. It's the same sign. It's not two different signs. The sign is to be located at the old arch building entrance, but no longer is it an entrance, it's a canopy as you see here.

This old picture, these doors have been relocated, and the main entrance is around the corner. And this is more like a ticket booth area. It's become a ticket booth.

Here's another rendition of that area. And this is shown, showing in red. It's not actually red, it's a movable ticket sign with letters above. And those letters are polymer -- translucent letters above the sign made of polymer. They're called light block. Light block letters. Right here. And it would announce the name of the theatre, the Fitzgerald Theatre. And this moving ticker sign, or illumination sign is something that the school wants. They want to notify the passersby, the neighborhood, the community, of the daily events and weekly events and events happening at the theatre, the basketball

game, the football game. And we've gone in front of the Mid Cambridge Neighborhood Conservation Commission and they approve and would like this to be installed. I can give out detail if you like of the sign here.

TAD HEUER: Yeah, can you actually show me exactly where the sign is, because I looked at your photo sims and I mean --

VASSILIOS VALAES: Our what?

TAD HEUER: Your photo simulations. And they're not really photo simulations, because I have no idea where the sign -- these arrows point all over the place. There's one that kind of points underneath the overhang. There's another one that points onto the overhang.

VASSILIOS VALAES: Sure. This is the overhang right here.

TAD HEUER: Yes.

VASSILIOS VALAES: And this is it here.

TAD HEUER: Yes.

VASSILIOS VALAES: The same overhang.

TAD HEUER: Right.

VASSILIOS VALAES: So, this, if you cut a detail right here, you see this -- let me go over that with you. Yes. This is the angle, the channel here with a light fixture pointing up towards the letters, and the light which is also this same angle here. Channel, sorry, not an angle, channel. And there's a channel here. And this is the tickers, the --

TAD HEUER: Okay. Come here and show me on this photograph in the file exactly where the LED ticker is.

STEPHANIE McNEIL: Do you want me

to draw on that?

TAD HEUER: Sure, go for it.

STEPHANIE McNEIL: So, it will be right across here.

TIMOTHY HUGHES: So, the light block letters are freestanding on top of the canopy?

STEPHANIE McNEIL: Yes.

TIMOTHY HUGHES: And the LED ticker is across the face of the canopy?

VASSILIOS VALAES: Yes -- sorry, no.

STEPHANIE McNEIL: The LED ticker is what is supporting the light block signs. And then the light fixture that will illuminate the light block signs is behind the LED, too.

TAD HEUER: Okay. So I have this concrete canopy. It's not affixed to the concrete canopy. There's going to be something that runs -- it's going to be

anchored into the walls --

STEPHANIE McNEIL: Into the sides.

VASSILIOS VALAES: Into the sides. Protected by the canopy. Within the canopy.

TAD HEUER: Right. And then between the ticker and the existing concrete canopy they're going to be light block letters saying the Fitzgerald --

VASSILIOS VALAES: There.

STEPHANIE McNeil: Yeah. So when you're looking at the space, it will be spelling Fitzgerald Theatre across.

TAD HEUER: Right. So this LED is going to be essentially flush with this top canopy?

STEPHANIE McNEIL: Yeah, it's set back about eight inches.

VASSILIOS VALAES: Eight inches, yeah.

TAD HEUER: But well within in front of the doors?

STEPHANIE McNEIL: Well in front of the doors.

TAD HEUER: So, it's not going to be recessed to shield it from passersby and neighbors and anything else. It's going to be pulled well to the front of the building?

STEPHANIE McNEIL: Right.

VASSILIOS VALAES: About eight inches back from the, right.

THOMAS SCOTT: So, are the letters, the ticker letters, are they limited to the space right in between the two panels?

STEPHANIE McNEIL: This is the front.

THOMAS SCOTT: This is the front. This is illuminating from the back?

VASSILIOS VALAES: From the

back.

THOMAS SCOTT: So the whole face of this -- potentially there could be text running through, running by?

STEPHANIE McNEIL: Right.

THOMAS SCOTT: Got it.

STEPHANIE McNEIL: He likes it.

TIMOTHY HUGHES: I like it.

TAD HEUER: So, the sign ordinance is -- you're asking for a lot of things that we never grant to anyone. And you're asking for them all in the same sign. And I see that you cite why the relief can be granted. You cite the fact that the Ordinance is designed to preserve, enhance the substantial government interest in the City of Cambridge in its natural scenic, historic, cultural and aesthetic qualities. It's for these reasons that the CRLS project is proposing to add

additional signs for the ticket and for the theatre.

I would suggest that when they wrote the Ordinance, the advertising of cultural events wasn't what they meant when they said they want to preserve the cultural values of Cambridge. That was actually what the sign ordinance was intended to prevent these things from impeding the types of cultural values of Cambridge. I mean, it doesn't seem -- I don't think this section of the Ordinance supports it. I think it goes against it that's why we have the sign ordinance, right?

STEPHANIE McNEIL: I think in theory we want to add this sign because we think that it's going to add something to the building, it's going to add to the character of the building. And it's not -- it's going to be an information

piece, but it also represents, you know, the advance displays that they're going to be putting on.

CONSTANTINE ALEXANDER: To grant relief from us, you're asking for a Variance. You have to show a substantial hardship. I haven't heard a word yet about hardship. About what's the hardship is that you need to have an LED sign.

VASSILIOS VALAES: Oh, sure. Well, we need -- the school would like a sign.

CONSTANTINE ALEXANDER: I know the school would like a sign.

VASSILIOS VALAES: No, no, no. And a sign, a sign to display the multi-events that are happening. If we had a sign that, you know, people stood up on a ladder and placed letters everyday, it's just -- those letters can

be vandalized. It's just. There's a need for an easy way to display multi-information.

TAD HEUER: Okay. So there are a couple ways to display multi-information.

One of them is having someone stand up on the sign and move letter by letter. And I agree, that's a pain. You could also have someone stand up and hand paint the signs everyday, and that, too, would be a pain.

VASSILIOS VALAES: Right, right.

TAD HEUER: I didn't see anything in your presentation. You're showing me what the light block letters are going to look like. I don't see anything about the LED ticker. So I'm left to my own thinking devices and I've imagined what I think it is.

STEPHANIE McNEIL: Does the pack

have this --

VASSILIOS VALAES: A brochure
from the LED?

STEPHANIE McNEIL: Yes, it had
blue and black.

THOMAS SCOTT: Is the intent here
to have static wording?

TAD HEUER: That's my question.

THOMAS SCOTT: Static wording.
Or is the thing going to scroll, you know,
Tonight, this is happening? Tomorrow
night this is happening. Christmas
trees, because it's Christmas. I don't
know, I mean it's --

VASSILIOS VALAES: Because we
were, we were limited the size of it, the
sign to one row of text?

STEPHANIE McNEIL: Just two rows
of text.

VASSILIOS VALAES: Two rows of
text. Depends, I guess it would depend

on what they, the amount of -- you know, football game at 6:30 at Danehy Park or whatever. If it fits, it would stay -- it would stay put. If it doesn't fit, it might need to scroll.

TAD HEUER: Right. My question is pretty much exactly what Tom's is. Is it going to scroll? So I'm thinking of the kind of LED red light on black backgrounds from like the eighties where you type in your message on the Keytronic pad and then it runs on this little red thing and we see them in many of the fine establishments.

THOMAS SCOTT: Like in Times Square?

CONSTANTINE ALEXANDER: Times Square but a smaller version.

TAD HEUER: Or is it like the WGBH new building off the Pike where essentially it's a static visual

multi-color sign that is up there and is technically a sign, but looks if you were walking by it, a static sign?

VASSILIOS VALAES: Right. It's not going to be like that WGBH, it's more of a --

TAD HEUER: A Times Square ticker?

VASSILIOS VALAES: Yes.

TAD HEUER: I'm not thrilled by a Times Square ticker.

BRENDAN SULLIVAN: I don't see the brochure.

CONSTANTINE ALEXANDER: I didn't see it in the file.

VASSILIOS VALAES: We submitted it.

BRENDAN SULLIVAN: Do you have an additional one with you?

STEPHANIE McNEIL: No.

TAD HEUER: I mean, part of the

problem is that at least on the record we have here, we're approving a sign we've never seen. I don't think we've ever done that.

VASSILIOS VALAES: The brochure, is that what you mean?

TAD HEUER: I know exactly what the Fitzgerald Theatre sign would look like, and then essentially I have a big blank space. If that's what you're going to put up there, I'm fine with that, but I don't think that what's you're putting up there.

STEPHANIE McNEIL: Well, I would say the programming capability of the sign, because essentially whatever text is going on there and whatever moment it's doing, is going to be something that's programmable by the school. So if it needed to be something conditional saying that you only have those -- the school has

those two lines of text, that's it. And then -- or even if it becomes two lines of text and maybe just, you know, it can blink instead of scrolling, if they're allowed to do that. Or, you know, it is a completely programmable element. So if it needs to be something conditional on it like that.

VASSILIOS VALAES: And also the school is open to a limit to when it shuts down at night.

TIMOTHY HUGHES: Oh, I think we would insist on that.

CONSTANTINE ALEXANDER: What I'm hearing then, and this is me, you come up with a rather neat idea, but unfortunately you run against our Zoning Ordinance. And I haven't heard a reason why -- yet why we should grant a Variance.

I've got to point out, not a month or two ago, we turned down one of the

largest employers in the City of Cambridge on a sign variance. And now the City of Cambridge itself wants a Variance in the rules it imposes on the rest of its citizens for, my characterization, a neat idea. I haven't heard why you need to have a flashing sign or any sign on the school. Sanders Theatre has cultural events all the time. They don't have big signs out there advertising tonight, the Boston Chamber Music Festival is going to have a concert. This is a high school. This is not a Broadway theatre. Why can't you comply with the sign bylaw with a modest sign and save this for the next project?

TIMOTHY HUGHES: I will point out it's not that we've never granted a Variance for a sign like this, because we did for the Museum of Science. We gave them a graphic programmable sign.

TAD HEUER: Before or after the sign ordinance?

TIMOTHY HUGHES: Oh, it was during the sign ordinance. There's a Variance for it.

TAD HEUER: Was that before or after the attempt to amend the sign ordinance that was --

TIMOTHY HUGHES: Oh, it was before that.

TAD HEUER: Right.

BRENDAN SULLIVAN: Let me just delve into the reason why you're here, is that the sign is larger than allowed. And you're allowed one at ten square feet and one at 20 square feet. So you exceed that; is that correct?

STEPHANIE McNEIL: Yeah, it's like 12 feet wide.

BRENDAN SULLIVAN: And then you're only allowed two signs per

building, and also they have to be either natural or external lighting only. And you're going to be internally illuminating. So that's the reason why you're here.

VASSILIOS VALAES: This is -- oh, yes, the LED is internal, correct.

TAD HEUER: Speaking for myself, I don't think you're hearing anyone concerned about the Fitzgerald Theatre --

VASSILIOS VALAES: Or being lit from behind.

TAD HEUER: I mean that's externally illuminated.

BRENDAN SULLIVAN: Yes, the other one that we -- there's nothing here to look at.

STEPHANIE McNEIL: I mean essentially it would be a, you know, if you think of the WGBH signs, the way that

is you've seen those LED dots, it's just going to be a black box then, and we'll have two lines of text that's programmable.

BRENDAN SULLIVAN: And that's where it says sign type 12?

STEPHANIE McNEIL: Correct.

BRENDAN SULLIVAN: And the dimensions of that?

STEPHANIE McNEIL: We're 12 feet wide and a foot ten tall.

VASSILIOS VALAES: Yeah, that tall. So the text would be...eight inches. So two lines.

BRENDAN SULLIVAN: One foot three high; is that right? Fifteen inches high. Am I reading this right?

STEPHANIE McNEIL: One foot, three would be the light blocks, and the one foot, ten would be the LED.

BRENDAN SULLIVAN: Okay.

VASSILIOS VALAES: These are the light, and this is the LED box.

BRENDAN SULLIVAN: Right.

TAD HEUER: Has the school had difficulty in getting people to come to events that it believes they would be convinced that they knew about?

VASSILIOS VALAES: I do not -- I don't know that. They haven't expressed that. They would like to announce -- they have a great drama department, great music and great athletics and school events. Patients' night, things like that. They want to --

BRENDAN SULLIVAN: It's an attention grabber, too. Obviously a moving object grabs your attention much more than a stationary one.

VASSILIOS VALAES: Yes.

TAD HEUER: I think that's the reason why the sign ordinance doesn't

allow moving signs.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: Which is a plus or minus.

STEPHANIE McNEIL: But I mean on the other side the argument can be made, you know, we're not trying to sell you something here. This is purely for the benefit of the community around to let you know what's happening at one of Cambridge's public facilities.

CONSTANTINE ALEXANDER: I continue to doubt there's such a need for this sign. I mean, the people who go to the school, the parents of the people that go to the school, they know what activities are going on. And the usual forms of communicating to the community what's going to happen there, just like Sanders Theatre, just like some of the

other theatres in Cambridge. I don't see the need for it.

And, again, I am troubled by the fact that the City of Cambridge in the amount of fairness, is asking for a change or a Variance of the rules that imposes on the citizens, and you're not meeting the conditions that allow you to get that Variance as far as I can see. But you know how I feel.

THOMAS SCOTT: So these red doors are going to be replaced with some type of ticket --

VASSILIOS VALAES: Yes.

THOMAS SCOTT: -- with a ticket window?

VASSILIOS VALAES: A ticket window, correct.

THOMAS SCOTT: So, when there's an event, they'll be selling tickets here?

VASSILIOS VALAES: Correct.

Underneath that canopy. So you walk underneath the signage and get to the window and then go around. And that's related just for the auditorium events. I would think that ticket -- maybe they sell sport tickets there, too.

BRENDAN SULLIVAN: Tim, what's your thought on it?

TIMOTHY HUGHES: I'm good with it. I mean, I think it -- if it's a ticketing area, I see the need for a programmable sign here. And it's not -- and we are in the 21st century after all. I mean, it's like if you need a changeable sign, how else are you going to do it if it's not graphically programmable with the technology that exists now. Like you said, you're not going to have somebody out there hand painting it or moving letters around

anymore. That's a bygone age. That's horse and buggy. We're not there anymore. So I do see a need for it over a ticketing area. And then it has the extra added bonus of announcing other events. And I think you might be kidding yourself about how aware some of these kids are about what events are going on at a school at any given time. Now, the only reason I know that the sign was up at the posting for this is because I work -- I'm a school volunteer at the high school. And I tell you, some of those kids don't know what's going on. And so parents -- and parents never hear some things from their kids, you know? The stuff that -- because the kid at school knows it, you know, it ever hardly ever gets transmitted down to the parents. And I have kids that were aware when they went to this school and I didn't hear

about things.

TAD HEUER: You're bringing a lot of onus on the sign.

TIMOTHY HUGHES: My son and my daughter. And you certainly can't trust a rag like the Cambridge Chronicle to communicate this kind of use, school events that, you know, exist in this community.

CONSTANTINE ALEXANDER: And you think the parents are going to learn about this? They haven't read about it in the Cambridge Chronicle. The kids haven't told them. They happen to be strolling down --

TIMOTHY HUGHES: Anything that you can do to help the situation for communication of information coming out of the high school I think is a good thing.

BRENDAN SULLIVAN: All right.

TIMOTHY HUGHES: And that's my

petition. I probably am the only one on the Board here -- or the most recent one on the Board here who had to shuttle two kids --

THOMAS SCOTT: I did.

TIMOTHY HUGHES: Oh, yeah.

THOMAS SCOTT: I couldn't get them to bring home the -- there's a weekly publication that lists all the events.

TIMOTHY HUGHES: Yeah, good luck with that one, huh? I think they should get a website to go along with the sign, too.

BRENDAN SULLIVAN: I would agree, Tim, anyhow.

What's your thought?

TAD HEUER: I have no children in the CRLS. I mean, I'm intending to go with Gus. Maybe if there was something in terms of actually adhering to the requirements, the specifics of

requirements of the Ordinance demonstrating a hardship, but I think here it suggests an idea that would be nice to have, but I don't see it complying with many -- it's not just one element of sign ordinance, but many elements of the sign ordinance. It's size. It's illumination. It's just that it's moving. Usually your requests for one of those we turn them down. So I mean maybe they can come back with a demonstration of hardship that would meet these requirements. I don't see it here in the application, and I'm not really convinced that there is one based on the information before us. Plus I can't see the sign so I have no idea what I'm agreeing to.

BRENDAN SULLIVAN: That last point may be a key point, and I think that puts us on somewhat of a tentative and perilous ground without having a graphic

in front of us showing us exactly what that is.

Tom, what are your thoughts on it?

THOMAS SCOTT: Well, I have a question, and, you know, is this the best place for this? And I know you're trying to appeal to both the public and the students, but maybe, you know, isn't the intent there because it faces Cambridge Street, to have the public see it as well?

VASSILIOS VALAES: This started out from the drama department, and then athletics said oh, this is great. And so it relates to the Fitzgerald Theatre and the auditorium, but it's going to be used for the entire school also. So this was a perfect place that will relate to the auditorium.

THOMAS SCOTT: But isn't most of the activity between the two buildings occurs through this avenue, either the

bridge or at street level?

VASSILIOS VALAES: Yes.

THOMAS SCOTT: Where I've seen it during the day and it's just -- the kids are just funneling across back and forth.

VASSILIOS VALAES: And on the bridge.

THOMAS SCOTT: And on the bridge. Wouldn't that be a more appropriate place for that type of signage where it doesn't really meet the --

VASSILIOS VALAES: Actually --

TIMOTHY HUGHES: I think the major bus stop, you know, for the kids is on Cambridge Street. I mean, the Broadway bus is, you know, intermittent compared to the bus that runs up Cambridge Street.

THOMAS SCOTT: But every kid that comes from Cambridge Street comes through this bottleneck right here. Everybody

passes right through there at one point during the day.

TIMOTHY HUGHES: From Cambridge Street into the campus?

THOMAS SCOTT: Yes.

TIMOTHY HUGHES: So they walk right by this? It's perfect.

THOMAS SCOTT: I know it's perfect. But what I'm suggesting is the sign better proposed like within the courtyard of the building where the activity is really occurring as opposed to out on the public street? I don't see that you gain a whole lot by having it out there.

BRENDAN SULLIVAN: I don't think it's being sited to where, you know, where they're going to sell tickets. I mean it's almost like the entrance to the theatre.

THOMAS SCOTT: Where's the

entrance now? Where is it now?

TIMOTHY HUGHES: It's around the corner.

VASSILIOS VALAES: Sorry. We also have -- this school is bringing -- is being brought up to the latest. And we will -- we have monitors inside the building also in corridor, in the main entrance and at the art theatre where there's also going to be announcements on these monitors. So it's happening all over. And this is one additional one towards, towards the community and the neighbors and the parents.

BRENDAN SULLIVAN: I think it's sort of the general purpose -- I mean, the purpose for the general public as well as for the students.

VASSILIOS VALAES: Yes.

TAD HEUER: So you think there are people who are walking down Cambridge

Street who have no idea what that massive building is that takes up four city blocks and all of a sudden they're going to see a sign and say I could have gone to X, Y and Z theatre presentation, but instead I wasted my money going to Harvard? Or going to, you know, somebody else's, you know, going to a movie on Church Street, the AMC?

TIMOTHY HUGHES: I think that reasoning may be a little fruitious.

TAD HEUER: I'm just trying to figure out who's your target audience? Because if you're saying we don't want to put it in the schools because the kids already have, you know, movable signs so they see what's going on. Maybe, you know, if the parents can pick up their children, but I'm not sure how frequently that happens they'll see it. And unless you live on Trowbridge Street, who's your

intended audience for this sign? Who would see this and wouldn't see anything else?

STEPHANIE McNEIL: Well, your Harvard comment is actually interesting because we had a lot of discussion going through our other signage for the building, and a lot of comments come out that people have lived in the area for some -- there was a gentleman whose wife did not realize that that was CRLS and was not a Harvard building. So that was the what first spurred out the Fitzgerald Theatre, to alert those people in the area who, you know, who aren't maybe necessarily the walking by every day, but they're maybe coming to the public library once a week, that type of thing, will be in that area will come around to alert them of the Fitzgerald Theatre and it is part of CRLS. And then also

yeah -- so, no, we know that kids are going to find out from the monitors inside the building what's going on. But there are those people coming by once a week going to the library --

VASSILIOS VALAES: And parents.

STEPHANIE McNEIL: -- parents that might be coming, you know, those are few who might be picking up their children. And I don't know what bus line it is, but that is a very popular MBTA bus stop that is going to be located right in front.

TIMOTHY HUGHES: Of nine.

BRENDAN SULLIVAN: The Fitzgerald Theatre and what goes on in there, you know, what goes on in there. But, anyhow. We could talk and talk about this.

I think my suggestion would be that we may continue this matter from tonight.

That you heard some of the soundings and the feelings from the Board. Come back with just those, have an appropriate answer for the hardship, address those issues. Bring down the brochure or whatever it is. The movable parts, anyhow, so at least we can see what we're going to approve. And have some conversation among yourselves huddled as to addressing the concerns, the issues that were raised. All right?

So now you've got a taste of it. This is sort of a free lap around the track, and then come back a little more prepared.

TAD HEUER: Just so you know, you need a supermajority to get the relief. You need four of us and not three of us.

TIMOTHY HUGHES: So do the math.

VASSILIOS VALAES: If it's worthwhile --

CONSTANTINE ALEXANDER: By the way, the additional material that the Chairman referred to must be in the -- you can't bring it down the night of. The Monday before by five o'clock.

STEPHANIE McNEIL: Sure.

VASSILIOS VALAES: We'll pass it on to Sean.

CONSTANTINE ALEXANDER: File it with Inspectional Services on the Monday before by five.

BRENDAN SULLIVAN: Sean, and the date would be?

SEAN O'GRADY: August 25th.

CONSTANTINE ALEXANDER: Is everybody here, because this is a case heard?

BRENDAN SULLIVAN: When is the proposed sign proposed to go up?

VASSILIOS VALAES: Well, school opens September 1st. We're supposed

to -- yeah, all the renovations, all phases are to be complete by September 1st. On track punch list items after that. But this is an easy item to install.

CONSTANTINE ALEXANDER: Yes, it's a nature of a punch list item.

VASSILIOS VALAES: They own this at the moment.

BRENDAN SULLIVAN: Okay. So a date would be?

SEAN O'GRADY: August 25th if everybody can do that.

BRENDAN SULLIVAN: August 25th would be the earliest date.

So, let me make a motion, then, to continue this matter to August 25, 2011 at seven p.m. to allow the Petitioner adequate time to reduce the material as requested by the Board.

Also on the condition -- and do we

have a time problem with this, Sean?

Decision has to be in by August 31st.
You want to do a waiver anyhow?

SEAN O'GRADY: I gave them one.

BRENDAN SULLIVAN: On the condition that the waiver be signed for statutory requirement of a hearing that a decision to be rendered. And the posting signs, which are four of them, I believe, be changed to reflect the date of August 25th and the time of seven p.m. And any submissions be in the file by five p.m. on the Monday before the August hearing date.

All those in favor of continuing the matter?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

VASSILIOS VALAES: I have a question. Sorry.

BRENDAN SULLIVAN: Yes.

VASSILIOS VALAES: Would it be possible to have the arts drama director here who -- she's one that --

BRENDAN SULLIVAN: Bring all the king's horses and all the king's men.

CONSTANTINE ALEXANDER:
Remember, there are legal issues. I don't know what she's going to add.

Don't forget to change the time.

(Whereupon, at 9:50 p.m., the
Zoning Board of Appeal
adjourned.)

C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of July 2011.

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

My Commission Expires:
April 23, 2015

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