

BOARD OF ZONING APPEAL FOR THE
CITY OF CAMBRIDGE GENERAL HEARING

THURSDAY, SEPTEMBER 8, 2011

7:00 P.M. in

Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

Brendan Sullivan, Chair

Constantine Alexander, Vice Chair

Tad Heuer, Member

Thomas Scott, Member

Mahmood Firouzbakht, Member

Slater Anderson, Member

Sean O'Grady, Zoning Specialist

REPORTERS, INC.

CAPTURING THE OFFICIAL RECORD

617.786.7783/617.639.0396 (Fax)

www.reportersinc.com

I N D E X

<u>CASE</u>		<u>PAGE</u>
10118	--	3
10092	--	5
10093	--	18
10103	--	22
10130	--	56
10047	--	51
10147	--	108
10148	--	160
10149	--	175
10150	--	185
10151	--	223
10152	--	230

P R O C E E D I N G S

(7:05 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: Let me call the Board of Zoning Appeal to order for September 8, 2011. The first case will be case No. 10118, 459 Broadway. Is there anybody here interested in that particular case?

(No Response.)

BRENDAN SULLIVAN: We have receipt of correspondence dated September 1st on the letterhead of the City of Cambridge Executive Department. "I am requesting that the Board of Zoning Appeal hearing regarding the CLRS sign be continued from Thursday, September 8th to the next Board of Zoning Appeal hearing scheduled for seven p.m. on Thursday, October 27th. I'm requesting this continuance in order for us to provide more comprehensive

information to the Board on this matter."

All those in favor of accepting the request for a continuance --

CONSTANTINE ALEXANDER: On the condition that....

BRENDAN SULLIVAN: And on the condition that the Petitioner change the posting sign -- maintain the posting sign. Change the date of the posting sign to reflect the new date of October 27, 2011 and the time of seven p.m.

(Show of hands.)

BRENDAN SULLIVAN: On the affirmative vote of five members.

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

(7:05 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10092, 350 Main Street. Is there anybody here interested in that matter? Please come forward. Introduce yourself for the record.

NICHOLAS FANDETTI: My name is Nicholas Fandetti.

BRENDAN SULLIVAN: There is a request here -- if you could just sit down for a minute. In reading the request for the continuance, I notice that you wish to have a continuance. You're still in negotiations with MIT and it's still ongoing. And also that you also cite the ongoing study by Goody Clancy regarding the Kendall Central Square area.

And I guess the question that I had is are the negotiations with MIT, are they being

somewhat fruitful at all? I mean, this case has been continued for quite a long time. My thought is that the Goody Clancy study is not going to come out possibly until after the first of next year, then you've got hearings; you've got Planning Board, you've got Ordinance Committee. A year from now we'll still be talking about the study. And as far as negotiations with MIT, I mean, I was either hoping for a letter in the affirmative or the negative. There is silence from them which I'm not sure the negotiations are bearing any fruit. Usually I'm in favor of continuing if I felt that they were going to bear some fruit. And I'm not sure -- I mean, are they or are they not?

NICHOLAS FANDETTI: They are progressing, however, slowly.

BRENDAN SULLIVAN: You know, to me it seems is that they're either for the project as presented or they're not.

NICHOLAS FANDETTI: Well, it's a very complicated discussion. It involves not just, you know, our proposal, but it's what they're planning as well. And we're trying to work with them so that both their project and our project will fit together because we are abutters. And there's, you know, they're planning on building a building basically adjacent to our building, and we're planning the same thing. So, I mean, we've had numerous discussions, and there have been multiple scenarios to solve our issues. And it's taken them a significant amount of time to discuss all of the different options that are in front of us. So we feel that after the study's released, it will give clarity to what --

BRENDAN SULLIVAN: I mean, doesn't it make sense to withdraw this, wait for the study to come out, address the studies, then you've got a clearer picture of what's going

to happen in the entire area or what they would like, and then address that. I mean, I don't -- just speaking for myself, you know, 28 by 85, 30-room, six-story hotel providing no onsite parking to me is somewhat troubling to some, and to continue negotiations on for months and months and months, I don't --

CONSTANTINE ALEXANDER:

Mr. Chairman, if they withdraw it, though, they're going to have to face the repetitive petition issue. I like the way you're going. I think we should say -- I would vote of continuing it, but when they're ready to have the case before us, re-advertise to the neighborhood and everyone knows that the case is coming. Because now the danger is the neighborhood forgets about the case.

BRENDAN SULLIVAN: And that's from what I've been hearing the last many months and many months from the board members of the

Board we're just continuing for the sake of continuing, and that some of them are fruitless and some are just -- you know.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And, again, we haven't gotten into the merits. I have read and reread this case to infinitum. Roger Berkowitz has made a lot of money on me by going down to Legal Seafood by walking around the site and looking around. I just don't see how any of the negotiations, even if MIT were to come down and say, there is serious problems with the case. That's all. And I just don't know if continuing it, continuing it and continuing it for and, again, I think we'll still have this on the docket a year from now.

Does anybody else have any other feelings?

MAHMOOD FIROUZBAKHT: I think the suggestion made by Gus was a good one in terms

of not, you know, the Petitioner losing their rights by withdrawing, and that would seem to address your concerns of clearing the docket and not having this reheard and continuing it over and over again.

BRENDAN SULLIVAN: Tad, what are your thoughts?

TAD HEUER: I agree about the repetitive petition issue. I do have concern, however, about this taking up a slot as a continued case because we're in situations now where we'll be telling Petitioners -- so, Sean, what's our next available continued slot as of this evening?

SEAN O'GRADY: December 1st.

TAD HEUER: Right.

SEAN O'GRADY: Actually, October 13th.

TAD HEUER: And after that how many?

SEAN O'GRADY: And then it's all the way to December.

TAD HEUER: Correct.

So we're now at the beginning of September. We'll be telling people coming tonight if there's a minor deviation that we'd like to have discussed, they would like to go back and think about something, but not substantially serious, we just want to make sure it's signed off, we're actually telling them to come back three months from now. And it's largely, I believe, because we have cases that are continued in the interim that are cases that are administrative continuances. These are placeholders in the event that something comes to fruition, it may or may not. And I'm increasingly worried that we are filling up the three or four continued slots for each of our meetings with cases that are being continued for what seems like a sufficient period of time but never go anywhere and are clogging, for lack of a better word, our docket. And I would like

those slots open for our ability to give them to people who are actually going to need them in the next two weeks, four weeks. People who have very small requests and not find ourselves having to question whether we should balance and take an overload of cases to the agenda when we're consistently faced with seven or eight cases on the regular agenda. I am troubled by the notion of continuing the cases for the sake of continuing when that is actually deleterious to people who actually use those continued slots substantive given the limited resources.

CONSTANTINE ALEXANDER:

Mr. Chairman, why don't we just continue the case for nine months? I mean, they're way out. Twelve months, I don't care. I mean, but that won't clog our docket up for the foreseeable future. And if you're ready to go forward, I think you really should

re-advertise, re-advertise and come on the regular agenda.

BRENDAN SULLIVAN: Tom, what's your thoughts?

THOMAS SCOTT: I agree pushing them out makes sense. Let's say something resolved between now and that night, couldn't they jump on the docket?

BRENDAN SULLIVAN: Well, I would still want them to re-advertise. I mean we could keep -- this could be on, still open, but at that point to come sooner, it would have to be re-advertised.

How many days, weeks, months?

NICHOLAS FANDETTI: Yeah, I think six months would be reasonable under the circumstances.

BRENDAN SULLIVAN: Okay.

So six months is --

SEAN O'GRADY: Well, six months isn't scheduled yet. So we need a date

certain. I'm just wondering whether --

BRENDAN SULLIVAN: It's the last case of the year?

SEAN O'GRADY: -- the first case in --

BRENDAN SULLIVAN: Or the last date of the year?

SEAN O'GRADY: The last date of the year is the 15th.

BRENDAN SULLIVAN: Of December?

SEAN O'GRADY: Yes.

BRENDAN SULLIVAN: And that's our last known hearing?

SEAN O'GRADY: That's our last scheduled hearing, that's correct.

TAD HEUER: Sean, do we have a --

SEAN O'GRADY: We need a date certain. So I'm wondering whether you can say the first hearing in May?

CONSTANTINE ALEXANDER: Yes, I would make the same suggestion. Yes, why

can't we do that? We know we have -- yes, the first hearing in May or the first hearing in June. That's certain.

SEAN O'GRADY: But I mean legally you think that sounds right?

TAD HEUER: Have we ever not sat on the second and fourth Thursdays, holidays excepted?

SEAN O'GRADY: It's rare.

TAD HEUER: In May? I mean, we maybe do it in winter months when there's --

SEAN O'GRADY: I've been here for ten years, but Maria does the schedule.

BRENDAN SULLIVAN: Six months out would be the first meeting in March, and you would have to re-advertise.

SEAN O'GRADY: Yes.

BRENDAN SULLIVAN: Is that amenable to everybody?

CONSTANTINE ALEXANDER: Yes. I would say the first meeting in June. I would

push it out even further. And they can always -- and you have to re-advertise. So if you're ready to go in March, you re-advertise. We'll hear it in March.

BRENDAN SULLIVAN: Anybody else have any thoughts?

MAHMOOD FIROUZBAKHT: That sounds fair.

BRENDAN SULLIVAN: All right, so we'll continue this matter to --

TAD HEUER: The first meeting in June I believe.

BRENDAN SULLIVAN: -- the first meeting in June. On the condition that the Petitioner maintain the posting sign as per the Ordinance, which would be 14 days prior to whatever the next scheduled hearing. So it doesn't have to stay up there. You can take it down from now until then. And that at that time of this case, the time and date to be changed to reflect the new time and date

obviously on that sign. And the there is also an requirement to continue this matter, that it be re-advertised.

Is there anybody who would like to speak on this matter? Anybody like an abutter?

(No Response.)

So, on the motion to continue this as per those conditions?

(Show of hands).

BRENDAN SULLIVAN: Five in favor of continuing it until then. Okay.

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

(7:15 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case 10093. Is there anybody here on that matter?

(No Response.)

BRENDAN SULLIVAN: The Board is in receipt of correspondence dated 9/2, request for a continuance for a hearing regarding our home at 148 Richdale Avenue. It says, "Dear Friends: We request a continuance of our hearing until the next one to which we might be scheduled to allow us the time to resolve issues essential to our presentation. Thank you. Respectively, Dan Lenke, L-e-n-k-e and Lisan, L-i-s-a-n Mo, M-o.

CONSTANTINE ALEXANDER:

Mr. Chairman, echoing your remarks just from the last case, this case has been around much longer than the 350 Main Street.

TAD HEUER: I think it's been around exactly as long because they have consecutive numbers.

CONSTANTINE ALEXANDER: There's no sign up any longer. Not that they're now legally required to have one.

BRENDAN SULLIVAN: It goes back to March.

CONSTANTINE ALEXANDER: I'm more concerned that this case is just being continued for the purpose of just continuing it, and just sort of putting everything in status.

TAD HEUER: I also point out that this case where I believe there is also a case where potentially the Building Permit on the underlying building, not just sought after with the parking.

CONSTANTINE ALEXANDER: I would give it one more continuance. And I would say that's it. Make it very clear. Give

them a date, up or down, we're going forward, no more continuances.

BRENDAN SULLIVAN: Shall we push this off until -- when is our next?

SEAN O'GRADY: The next --

TAD HEUER: August of 2012?

BRENDAN SULLIVAN: We may have some other continued cases, I think, that carrying your line of thought along with merit, sooner hearings than this.

SEAN O'GRADY: Yes. We have two slots open on October 13th. And then --

BRENDAN SULLIVAN: I'm thinking November, December.

TAD HEUER: I didn't want to give them October.

SEAN O'GRADY: Right.

BRENDAN SULLIVAN: You said a December date?

SEAN O'GRADY: And then the next opening's December 1st.

BRENDAN SULLIVAN: Why don't we push it out until December 1, 2011 at seven p.m.

Now, on the condition that the Petitioner change the posting sign to reflect the new time, new date, December 1, 2011 and the time of seven p.m. And that the posting sign be maintained as per the Ordinance requirement.

CONSTANTINE ALEXANDER: And I would just go further, Mr. Chairman, to say that we instruct Mr. O'Grady to advise these individuals that the Board is not going to look favorably on further requests for continuances.

BRENDAN SULLIVAN: All right. Then on the motion to continue this matter?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

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

(7:20 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Chair will call case No. 10103, Seven Montgomery Street.

Okay. If you would reintroduce yourself for the record.

STEVE ALIANO: I'm Steve Aliano and I live at 286 Park Street in Medford, Mass.

BRENDAN SULLIVAN: Okay, the last time we talked and we sent you away to adjust some of the comments of the Board. You went back and you come back with two different options I believe.

STEVE ALIANO: Yep. Option 2 being the one that we prefer.

BRENDAN SULLIVAN: Because that is the larger structure?

STEVE ALIANO: Correct.

BRENDAN SULLIVAN: This is Option 1.

STEVE ALIANO: So pretty much we

took off the back decks, shrunk the roof down and redid some numbers.

BRENDAN SULLIVAN: So there's 60 square feet less in option -- 60 square feet more.

CONSTANTINE ALEXANDER: It's 100 feet more than Option 1.

STEVE ALIANO: Right.

CONSTANTINE ALEXANDER: So the FAR is going to 1.07 from its current 0.8 in a 0.5 district.

STEVE ALIANO: That's correct.

CONSTANTINE ALEXANDER: The other option would have been 1.02, so slightly different than a Zoning point of view?

STEVE ALIANO: Yes.

CONSTANTINE ALEXANDER: But no setback issues?

TAD HEUER: They're all setback issues.

CONSTANTINE ALEXANDER: That's what

I thought. But if you look at the dimensional form, it doesn't say.

TAD HEUER: Well, they're building in the setback, but they're not extending out beyond the existing walls.

CONSTANTINE ALEXANDER: I see.

BRENDAN SULLIVAN: The big difference, Steve, is that you're maintaining the entrance into the basement. Option 1 you have a new entryway here, and where's the entrance to the first floor on this one, Option 2?

STEVE ALIANO: Option 2 the entrance stayed, the stairs stayed the same, and then when you get to the top of those stairs, there's a -- you come into the main door. Option 2 you said, right?

BRENDAN SULLIVAN: Option 2.

THOMAS SCOTT: Two?

BRENDAN SULLIVAN: Correct.

STEVE ALIANO: Option 2. When you

come up this three-by-eight deck, that is the main entrance. The one -- this is the main entrance right here. And then there's a side entrance on the side kind of where the sink is into the basement.

BRENDAN SULLIVAN: The driveway?

STEVE ALIANO: The driveway is where it says. First floor electrical.

BRENDAN SULLIVAN: All right. Obviously meaning here and this is your driveway here?

STEVE ALIANO: Yes. Correct yes.

BRENDAN SULLIVAN: What's the big difference to you Option 1 -- Option 2 actually over Option 1?

STEVE ALIANO: Just that it leaves us living space where the stairs are now. You know, we can build over the existing stairs that are there now and then use that little deck to enter the home. So that's pretty much the only difference. Just

losing that little corner for living space.

BRENDAN SULLIVAN: It's not friendly to have the house along the back as opposed to having it from the view of the street. I mean, if you come down Montgomery Street and you would see an entry here, which I think is more residential, maybe more pleasing than to have sort of a blank wall there. There is an entrance into the basement.

STEVE ALIANO: Yeah. We like Option 1, too, with leaving the stairs where they are and maybe putting a little --

BRENDAN SULLIVAN: I'm just trying to think how it's going to look to make it more residential. I mean, the house needs something.

STEVE ALIANO: Right.

THOMAS SCOTT: So this is a stairway.

(Discussion among Board Members).

BRENDAN SULLIVAN: I mean, is this really meant to be this way, is this totally a solid --

TAD HEUER: I was going to say just have balusters instead.

BRENDAN SULLIVAN: -- as opposed to having balusters which again -- I'm trying to soften the boxiness of it all and make it somewhat comparable to other traditional.

STEVE ALIANO: Yeah. That would definitely not stay like that. It would be balusters like you said. And there would be a finished post. This would be a finished post.

THOMAS SCOTT: Here holding up this corner?

STEVE ALIANO: Yeah, probably wrap it.

BRENDAN SULLIVAN: It's down the street. So Option 2's not an option.

All right, any other questions?

CONSTANTINE ALEXANDER: No questions.

BRENDAN SULLIVAN: Mahmood? Let me open it to public comment?

Is there anybody here who would like to speak on the matter?

(No Response.)

BRENDAN SULLIVAN: I see no one. There is correspondence in the file initiated by Mr. Aliano to the residents in the vicinity of Seven Montgomery Street, which is basically a request to sign a petition if they were in favor. He outlines the work to be proposed. It is signed by Marie McKenzie, 223 Rindge Avenue as being in favor. Fran Kenney, K-e-n-n-e-y at 16 Montgomery Street who is in favor. Julie Viens, V-i-e-n-s at 11 Montgomery Street signed in favor. Youseff S-h-e-i-l-a-h? E-h?

STEVE ALIANO: I'm not sure.

BRENDAN SULLIVAN: Or something

like that. 209 Rindge Avenue.

Patricia Conway who lives at 213 Rindge Avenue. These are the people around the --

STEVE ALIANO: Yes, the people in front of me. The people to the left and the right and the person directly behind me.

THOMAS SCOTT: Are they in favor of 1 or 2?

MR. ALIANO: Both.

STEVE ALIANO: Both.

THOMAS SCOTT: They're not opposed to either one?

STEVE ALIANO: No.

CONSTANTINE ALEXANDER:

Mr. Chairman, I just want to point out that those letters, which are identical, prepared by you, state that we require that the neighbors sign off on this. We don't require that. We always encourage you to -- just a misunderstanding on your part, but I just want to make sure the record is clear.

STEVE ALIANO: Yes.

CONSTANTINE ALEXANDER: We're not delegating this decision to the neighborhood.

STEVE ALIANO: Yes.

CONSTANTINE ALEXANDER: We like to hear people's views, but we're going to make our own decision.

STEVE ALIANO: I was actually -- Sean had said something. I meant to take it out of there before I printed it, but I missed it.

CONSTANTINE ALEXANDER: That's okay. I just wanted to make the record clear --

STEVE ALIANO: Yes.

CONSTANTINE ALEXANDER: -- of what our requirements are.

BRENDAN SULLIVAN: Okay, let me close public comment.

Anything else to add?

STEVE ALIANO: No, thank you. No.

BRENDAN SULLIVAN: Okay. Gus,
what's your thoughts?

CONSTANTINE ALEXANDER: My
thoughts. If I look at the numbers, I think
we have to turn this case down. The relief
that's being sought is just too great a
departure from what our Zoning Laws require.
And then there are two other factors, to me,
come to play in this decision: One is a
personal situation. You have a good
personal reason for wanting to do what you
want to do. Of course, the corresponding
element to that is that after you're long gone
is we're left with the structure that you want
to build and that may not be in the best
interest of the City of Cambridge. Which
gets me to the second and real point. Is that
I think it's in the best interest of the City
of Cambridge that something happens to the
structure. If we don't grant relief, the

future of this structure after you're long gone is not good for the neighborhood or the like. This is the structure that needs to be improved, modified, increased.

Mr. Heuer has made the point in the past meetings, which I have subscribed to about the need to keep small homes as starter homes in Cambridge. We can't let every small house be increased in size. But I think this is one that needs to be increased to get to be the point of a starter home. I mean it just doesn't work as it is. And I'm afraid that unless we grant some relief, and I think the relief being here is -- I would allow the relief, to allow this building to be improved, because I think this is one case where a non-conforming structure is even better for the City of Cambridge than the current non-conforming structure.

With that being said, with some reluctance, I would be in support of the

petition, whichever the two. I view it Tweedledee and Tweedledum. If you prefer going with 2, I would go with 2.

BRENDAN SULLIVAN: I think I would concur with what you're saying in that it is also to me, there is a tipping point with how much do you put into a house to make it worthwhile?

No. 1, the investment in time and also money, and also going forward, the livability of the house. And if you take a house like this which needs an awful lot of work, the tipping point sort of says that it needs to be a little bit larger than would normally be, that you can't just take that existing house, put a ton of money into it and then just say okay, now we have a very pricey, whatever it may be, you know, 984 square foot house. I think it needs to be improved. I think it would benefit the neighborhood to have something done to it. And I think it is

beyond that tipping point of allowing a little bit more in order to get it to a level that it needs to be. And it's probably adding, it's a big number, but it's probably at a minimal level.

I mean, I would opt for Option 1 only because I think that from the street you see the entryway. I think it can be done so that it becomes a little bit more traditional, a little bit more friendly. That's all.

Tom, what's your thought?

THOMAS SCOTT: Yes, I think the plan certainly, the improved plan is marginal even with all the improvements. But I think certainly doing something to the house to improve the property, to give it a better appearance on the street, a little more character. I'm in favor of Option 1 as well only because I think the entrance really needs to be visible from the street and not hidden behind the building. It's a safer

solution, and I think it can give the building a little more character as well.

BRENDAN SULLIVAN: Tad, your thoughts?

TAD HEUER: I'm probably more troubled than Gus is for the reasons that Gus articulated. I'm not quite sure that I'm to the point yet. I think it's a small structure. I think it's a small structure on a very small lot. The purpose of the ordinance is not to perpetuate non-conforming structure and certainly not to double in size in terms of FAR going from a 1.0 to look at things and come in here and say if you're a 0.5, you're going to a 0.6, that's a big increase. Rarely do we say you're a 0.5 to a one plus, and that seems acceptable. I understand that we're dealing with small numbers here. We're starting with the small square footage to begin with. But still I think that there is rough logic

in the reason we use FAR as a measuring stick to begin with, not looking to overburden lots. I think that's certainly the size of the house is smaller than those in Cambridge I think. I lived on Rondella Circle (phonetic) a couple years ago. There's a smaller house that's been renovated to the hilt, and it's still pretty small, but it's been marketed at a very attractive price presently. I think small houses can and do work in Cambridge the way they don't work in other municipalities and other states, but Cambridge is a place where you can do a lot with where people are happy to live in a small footprint. I know it's a challenge. I know there are people who deal with a lot, 60 some odd square foot house in a creative way. I understand that the needs of the petitioner here, they're different. They're not looking to deal with 900 square feet. They want a bit more space because they're going

to be adding another person there in order to act as a caregiver. That being said, I'm not quite sure that that individual hardship balances out against that this is a structure that's going to be there long after the current occupants are gone, albeit they'll be there 100 some odd years or so. I think it needs to look the way it is, but very small here is still rather grand in my view. If the Board were to grant relief, I think Option 1 is better than Option 2. The same articulated, it puts the residential in view of the public way. It's behind the building. I think that's even more crucial in this situation. Because the lot is so small, there's no access seemingly to that building except through the entryway. There's no yard. There's nothing that articulates where the house is situated on the lot. I think I would also like to see Option 1, that -- there's a chain link fence in front

of the house. I think that should be removed. I think the siding right now is vinyl. I think it should be something nicer than that. If we're going to allow this house to stand in perpetuity, I don't think in its current state should be perpetuated. And not just in terms of -- if we're going to allow essentially a gift of bulking and massing here, I think the Board and the City is entitled to increase in the quality of the structure that's being placed there because it's going to be there for a much longer time.

BRENDAN SULLIVAN: Mahmood?

MAHMOOD FIROUZBAKHT: What is the proposed siding?

STEVE ALIANO: We're probably going to go with some type of wood siding with pine trim. There's gonna be a pressure treated fence that goes all around the property to kind of make it look nice and divide us from the Ryan's lot.

TAD HEUER: Is that the one on the right?

STEVE ALIANO: Yes, the one closest to Rindge Ave.

TAD HEUER: So you would be creating a driveway instead of a common shared driveway? You would be demarking your driveway?

STEVE ALIANO: Yeah, yeah, because it -- the chain link fence definitely needs to go. We already planned to put up a fence. We told the Ryans it would be something we would do just to dress-up the two houses. It probably would be about four to five feet high.

BRENDAN SULLIVAN: Siding to be -- and you're going to be tied to this, so think long and hard. Are you going to say wood clapboards?

STEVE ALIANO: No.

TAD HEUER: I would say wood

clapboard or for preference for wood.

STEVE ALIANO: I know there's some imitation material that you can buy now.

TAD HEUER: It's already plank.
It's the cement?

STEVE ALIANO: Yes.

TAD HEUER: It's easy to maintain
you can paint it.

STEVE ALIANO: Yes.

Do you have to paint it or does it come
pre-painted?

TAD HEUER: It comes pre-painted but
if you want to special order it, it's easy to
paint.

STEVE ALIANO: We're going with that
material.

BRENDAN SULLIVAN: So we can say
non-vinyl siding?

STEVE ALIANO: Non-vinyl siding.

BRENDAN SULLIVAN: We'll tell you
what it's not.

TAD HEUER: Not an aluminum shingle.

BRENDAN SULLIVAN: Not aluminum or vinyl.

The stairway will be open balusters?

STEVE ALIANO: Yes, correct.

BRENDAN SULLIVAN: What is on the second floor, what is up in here?

STEVE ALIANO: The second floor is just a bedroom and a bathroom.

BRENDAN SULLIVAN: Oh, I'm sorry. So this area -- I guess what I'm looking at, and I'm not trying to design your house here for you. I'm trying to soften the massing of this thing here as it was put. I would like to see another window.

THOMAS SCOTT: That's a laundry room, is it; washer/dryer right here?

BRENDAN SULLIVAN: Now, see the plan shows a window here. It does not show one here. So I'm going to punch one in here. And then, again, this is a washer/dryer. If

we could put another window in here, and again, you could probably get them to line up symmetrical with one in the opposite corner.

STEVE ALIANO: Just make it look uniform?

BRENDAN SULLIVAN: Correct.

TAD HEUER: On the front elevation, so the side of Montgomery Street, the new window is obviously being centered because it's under the eave, right, where your current eave is?

STEVE ALIANO: Right.

TAD HEUER: Is there anything -- I don't know what's on your first floor now. And is there anything if you're going to be re-siding you can move that window to make it symmetrical down the middle or is that down the middle of a dividing wall?

STEVE ALIANO: No, we can put that in the middle, in the back of the home. The south elevation.

TAD HEUER: Is that what this --

STEVE ALIANO: No. We're talking about the front of the home or the back?

TAD HEUER: Just whatever is facing Montgomery Street.

STEVE ALIANO: This is the back of the -- this is the back of the house. This is Montgomery Street.

TAD HEUER: That's the back of the house.

STEVE ALIANO: No, I'm sorry, you're right. I'm sorry. I've had a long day.

TAD HEUER: That's okay.

STEVE ALIANO: This is Montgomery Street. This is the back of the home.

TAD HEUER: Yes, I'm thinking on Montgomery Street if there's a way to slide so you end up with the top and bottom that you have right now. I just want to make sure I'm not sticking a window in the middle of a wall there.

BRENDAN SULLIVAN: Which elevation are we talking now?

TAD HEUER: South.

THOMAS SCOTT: South elevation.

BRENDAN SULLIVAN: We're aligning this one with that?

TAD HEUER: Yes.

BRENDAN SULLIVAN: So we're just putting two windows.

TAD HEUER: That one is existing.

THOMAS SCOTT: Can we suggest corner boards and trim boards around the windows? Not to push it, but....

TAD HEUER: Whatever you want.

THOMAS SCOTT: It will give it a more colonial look. I think it will be a little nicer.

BRENDAN SULLIVAN: And wood casings?

THOMAS SCOTT: Wood casings, yes.

BRENDAN SULLIVAN: Okay, on the

motion, then, to --

CONSTANTINE ALEXANDER: I don't think Mahmood ever had a chance to speak.

BRENDAN SULLIVAN: Oh, I'm sorry.

MAHMOOD FIROUZBAKHT: Yes, a question in terms of the plans. So we've made hand-drawn sketches on the plans that are submitted here?

BRENDAN SULLIVAN: Right.

MAHMOOD FIROUZBAKHT: I guess to the extent that we grant relief, I'd want to, as a condition of us granting relief, I would want the petitioner to submit finalized plans to reflect the hand-drawn sketches just to confirm, you know, that it's all drawn to scale and that the Building Department can use them to confirm that the work was done --

STEVE ALIANO: Absolutely.

MAHMOOD FIROUZBAKHT: -- in conformance with our decision. Just that there's no doubt.

BRENDAN SULLIVAN: Before, if we vote to grant, before I would sign the decision, that would be a condition, is that these drawings would be cleaned up and put into a final form.

STEVE ALIANO: Okay.

BRENDAN SULLIVAN: That's all. And be submitted to the Building Department. I would do this as soon as you can. You know, sit down with the architect and go through that and then he can submit a clean set of drawings and then I will review those. And before I sign the decision --

STEVE ALIANO: Paul's not here today because he's on vacation.

BRENDAN SULLIVAN: You've got weeks anyhow.

MAHMOOD FIROUZBAKHT: And I guess my sense generally, this is, I think, this is more relief than I think we typically would grant. It's a unique situation, though.

It's a unique home. It's a unique house. It's a unique lot. And I look at, you know, some of the purposes of our Zoning Code, and one of the purposes is to promote the rational use of properties in the City of Cambridge. And currently as this home stands, you know, it's 900 square feet over two or three floors, I don't see that to be a rational use. And I think what's being proposed is more rationale and, therefore, I'm willing to support it. And I defer to my colleagues who are design professionals in terms of the Proposal 1 versus Proposal 2 being the preferred one.

BRENDAN SULLIVAN: Okay.

TAD HEUER: And your foundation, that's all you're taking out, the porch, so your foundation is going to be a constant all the way across?

STEVE ALIANO: Right. We'll probably stucco finish it again to make it

nice.

TAD HEUER: And the brick is just something that's holding up the deck?

STEVE ALIANO: Yes.

BRENDAN SULLIVAN: I make a motion to grant the relief requested for the addition and the modifications to the house at Seven Montgomery Street as per the plans submitted and the changes as noted.

The plan entitled the Aliano residence, Seven Montgomery Street, dated 8/26/2011 and noted Option No. 1. And the dimensional form contained therein.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner as it would preclude Petitioner from allowing him to modify, change and to upgrade the existing house which is in great need of improvement. And the granting of this Variance would allow

that.

The hardship is owing to the fact that the existing house is non-conforming in almost all aspects built prior to the enactment of the current Zoning Ordinance. And that any addition, modification of this nature would require some relief from the Board.

The Board finds that the relief being requested is fair and reasonable for this particular structure.

The Board finds that desirable relief may be granted without either substantial detriment to the public good. And 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?

MAHMOOD FIROUZBAKHT: Can we condition Option 1 as well.

BRENDAN SULLIVAN: And also that it's conditioned upon the Petitioner to submit a clean, revised set of drawings reflecting changes that were initialed by the Chair here tonight, prior to the signing of the case.

All those in favor of granting relief?

(Show of hands.)

BRENDAN SULLIVAN: Four in favor.

(Sullivan, Alexander, Scott, Firouzbakht.)

BRENDAN SULLIVAN: And one voting in the negative. And comments are as noted.

TAD HEUER: Yes. Good luck.

STEVE ALIANO: Thank you.

(7:50 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10047 which is 64 Dudley Street. Is there anybody here interested in that matter? Dudley Street?

(No Response.)

BRENDAN SULLIVAN: There is correspondence in the file on the letterhead of Regnante, Sterio and Osborne, LLP. It was hand delivered. "Ladies and gentlemen: As a result of discussions with staff of the Inspectional Services Department, it has been suggested that case No. 10151 be re-advertised and new notices sent to the abutters of 15 Cedar Street and 31 Cedar

Street as well as 64 Dudley Street. To that end I respectfully request that the above cases be continued until the November meeting of the ZBA to permit these actions to take place. It will also give the Petitioner time to have the filing reviewed by staff of the Inspectional Service for completeness and for input from the Historical Commission.

Very truly yours, Theodore C. Regnante,
R-e-g-n-a-n-t-e.

This matter will be continued to?

SEAN O'GRADY: December 1st.

BRENDAN SULLIVAN: December 1st.

On the motion to continue this until December 1, 2011 at seven p.m.

CONSTANTINE ALEXANDER: Changing the sign? On the condition they change the sign.

BRENDAN SULLIVAN: On the condition that the Petitioner maintain and change the sign. Maintain the sign as per the Ordinance

requirements, and change the sign to reflect the new date of December 1st and the time of seven p.m.

CONSTANTINE ALEXANDER:

Mr. Chairman, I want to go further on the signage. The sign right now is in the parking lot, around the side of the building, not noticeable at all from the street, on Dudley Street. And there's a clear doorway and window where the sign can posted. And I would like the require that the signage be on Dudley Street and not on the parking lot. It's sort of hidden.

BRENDAN SULLIVAN: The requirement requires that it be clearly legible of the public way within 20 feet.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And can they not just put it right at the street on a --

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: -- placard or

something?

CONSTANTINE ALEXANDER: Either that or tape it to the door.

This is like the case we had, the Greek restaurant over on East Cambridge, where the address is on one street and they put the sign around the corner and nobody knows about it.

BRENDAN SULLIVAN: Sean, the other interesting issue would they be required to have two signs because of the street frontage?

SEAN O'GRADY: Yes, we decided that's true.

BRENDAN SULLIVAN: Okay, so that they will --

SEAN O'GRADY: They would have six signs.

BRENDAN SULLIVAN: -- place, maintain signage as per the Ordinance requirement. And that it reflect the new -- both signs, any signage reflect the new

date of December 1, 2011 at seven p.m.

MAHMOOD FIROUZBAKHT: So,
Mr. Chair, this continuance is related only
to case No. 10047?

BRENDAN SULLIVAN: Correct.

MAHMOOD FIROUZBAKHT: And we're
going to do 10151 at 8:30?

BRENDAN SULLIVAN: Correct.

All those in favor for the motion to
continue this?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor to
continue.

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

(7:50 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Thomas Scott, Mahmood Firouzbakht, Slater Anderson.)

BRENDAN SULLIVAN: The Board will hear case No. 10130 2-10 Brattle Circle.

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman. For the record, my name is James Rafferty. I'm an attorney with the law firm of Adams and Rafferty located at 130 Bishop Allen Drive in Cambridge appearing this evening on behalf of Hill Harder Development. Seated to my immediate right is Lauren Harder, H-a-r-d-e-r. And to Ms. Harder's right is Martin Hill. They are the principals of the ownership entity. And to my left is the project architect Mark

Boyes-Watson.

Mr. Chairman, and members of the Board, you may recognize this case was before the Board a few weeks ago. At the time it was a larger project. It had more units and it had more square footage. A question arose about the applicability about Section 11.200. And after reviewing that matter with the Building Commissioner, the ownership realized that the determination being made would prevent the project, the economic viability of the project is lost. So modifications have been made. The submission tonight is a scaled back project. So it's scaled back both in terms of the number of units and in terms of its proposed square footage.

It is a very interesting site. It has some historical significance. The main house on the site was built back for the superintendent of the Mount Auburn Cemetery. It was built in the late 1800's. And the area

all around here with all the greenhouses, you'll notice Brattle Circle, was kind of a -- later in 1940's, '50's colony that was built. But the original area here was related to the cemetery. And this was the superintendent's house. And what happened is that the main house had a series of additions placed on it starting at about 1939. The property was acquired by William Galvin who was an architect with an office in Harvard Square. And Mr. Sullivan at the Historical Commission said he was an architect entrepreneur. He didn't simply do designs for his himself. He was in the development business, I mean, for clients. So he put a series of additions onto the main house, and there were a number of -- I think there were three units in the main house. And then there's a former barn on the property, and that wound up with four units. And then there was a two-family house.

So if you've had an opportunity to go out to that site, today the existing conditions are pretty different than what's proposed here. The overall square footage of the gross floor area is approximately 16,000 square feet. So the project today would result, as proposed, in a net reduction of 6,000 square feet. The unit count today is at 12 units. And some of them are more appealing than others. But the records reflect that they were the 12 units at that location.

So, Ms. Harder and Mr. Hill acquired the property and began the process of trying to devise an acceptable scheme. It's an interesting lot because it has access from Brattle Circle, which is a private way. It has access on Mount Auburn Street. There is a garage with some offices above the garage right hard on Mount Auburn Street, zero setback, but curb cuts to accommodate the

garages there. And then there are some other interesting features including a swimming pool on the site. The site also has third form of access from Brattle Street along the private way, a shared driveway, with the abutting property. So, Mr. Boyes-Watson's scheme tends to take advantage of all three points of access and to distribute both the traffic, as well as the massing on the site. And I'll let him walk through with you the proposal. But the proposal involves a removal of a significant amount of the existing GFA, and because it is non-conforming, of course, then we need zoning relief to restore it. So we're taking down probably about 9,000 square feet of GFA and putting back somewhere around?

MARK BOYES-WATSON: Taking more than that.

ATTORNEY JAMES RAFFERTY: Taking more than that?

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: But the specific zoning relief you're requiring is just FAR?

ATTORNEY JAMES RAFFERTY: There's GFA. There are parking spaces on Brattle Circle in the front yard, so we're asking for zoning relief for those two spaces. And there's also a unit count, because in the Res. B District, even though we're going to be, at the end of the day we'll have seven units compared to the existing 12. Once we get rid of the other structures, those units go away, so it does require relief to bring them back.

CONSTANTINE ALEXANDER: I'm sorry, I'm not following that.

ATTORNEY JAMES RAFFERTY: The 12-unit project today --

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: -- spread out over the existing 16,000 square feet of

GFA --

CONSTANTINE ALEXANDER: Yes.

ATTORNEY JAMES RAFFERTY: -- the proponent is going to retain a portion of the original house.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY JAMES RAFFERTY: And that contains two units. Three? The remainder of the site is gone, so the lot area per dwelling unit needs to be satisfied as you start to add units back in.

CONSTANTINE ALEXANDER: What I thought I heard you say, and I don't think I heard you say that are you looking for a use variance?

ATTORNEY JAMES RAFFERTY: No.

CONSTANTINE ALEXANDER: Because it's a townhouse?

ATTORNEY JAMES RAFFERTY: It's a townhouse, that's correct, right.

CONSTANTINE ALEXANDER: All right,

because I want to be clear on that.

ATTORNEY JAMES RAFFERTY: No, no, no. It's the lot area per dwelling unit is the relief. So you can't have townhouses here, but the townhouse requirements -- the project did receive, because of its location, the number of units, it did receive a townhouse Special Permit which the Ordinance directs the Planning Board to review. So the Planning Board approval was for the larger project, and we are going to return there shortly with -- depending on the outcome here and show them the smaller project, but they were very enthusiastic with this recommendation from the Planning Board around it and that's when it was a larger project, a ten-unit project containing even more square footage --

CONSTANTINE ALEXANDER: Out of curiosity, why did you not go to the Planning Board first before coming to us which is the

usual?

ATTORNEY JAMES RAFFERTY: Well, we did.

CONSTANTINE ALEXANDER: No, I know with the original project. Now for the revised project you're going to go back to the Planning Board.

ATTORNEY JAMES RAFFERTY: Well, the Planning Board decision, I think it's more in the nature of an amendment. I talked with the Planning Board. They think they can deal with it administratively. It's still a townhouse Special Permit. We're seeking to build less than we were authorized. So the current thinking is it's not going to require a public hearing.

CONSTANTINE ALEXANDER: Oh, okay.

ATTORNEY JAMES RAFFERTY: We're simply going to deal with it in a general -- but they have a section on their agenda called General Business. The

decision has not yet been promulgated from the written decision, so they're willing to look at this as an amendment saying that new notice and a new hearing. So we're just looking to -- so the townhouse Special Permit which authorized the construction of ten townhouse units is now --

CONSTANTINE ALEXANDER: I follow that. I apologize.

ATTORNEY JAMES RAFFERTY: Right.
So we --

BRENDAN SULLIVAN: So they have not reviewed this --

CONSTANTINE ALEXANDER: That's my question.

BRENDAN SULLIVAN: -- present petition?

ATTORNEY JAMES RAFFERTY: They reviewed the petition. They haven't reviewed the scheme showing a reduction from ten units.

BRENDAN SULLIVAN: That's not my question. They have not reviewed the petition in its present form?

ATTORNEY JAMES RAFFERTY: They have not reviewed the revised plan. The petition is unchanged. The zoning relief that's being sought remains the same, but the scheme now is a reduction in dwelling units, but all the elements of the petition remain in place.

BRENDAN SULLIVAN: So your position is because that they approved the previous larger project that they probably would be more enthusiastically approved a smaller project?

ATTORNEY JAMES RAFFERTY: Oh, I think if you look at the findings in the draft decision, that all those findings are equally applicable to this case and perhaps even more so. So, yes, I think it's fair to say our assumption is. And I agree, I mean, I think there's no straight sequencing requirement

when you have overlapping jurisdiction between this Board and the Planning Board. I think in many ways, letting the Planning Board see the project is advantageous because as you all know, they comment on cases anyhow. So we did follow that sequence in the original filing. It just -- because of the interpretation around the 11.200 we continued here, we scaled it back, we have provided copies of this to the staff and the Planning Board and discussed whether we -- and the expectation now is that we will be placed on the general business agenda on the next meeting next Tuesday. And the members there would confirm that this scheme is better. I mean, all kidding aside we do say if you liked it at ten, you'll love it at seven because the organization remains the same, the number of buildings, the accesses, the below grade parking off the Mount Auburn Street side, the access along the private

driveway and the building on Brattle Circle. It's just a scaled back project. There's fewer units and less gross floor area.

BRENDAN SULLIVAN: Okay. Just running back through the numbers. So on the GFA you're putting aside the existing of the ordinance. You're over the ordinance requirement by 306 square feet. Is that correct?

ATTORNEY JAMES RAFFERTY: No, no, much more than that.

BRENDAN SULLIVAN: Oh, I'm sorry 3,000?

MARK BOYES-WATSON: Yes.

BRENDAN SULLIVAN: 3,000.

ATTORNEY JAMES RAFFERTY: Yes.

BRENDAN SULLIVAN: The requirement for the ordinance is 0.5 for the first 5,000 and then 0.35 for thereafter. And so you're going to be at 0.56; is that correct?

ATTORNEY JAMES RAFFERTY: Yes.

MARK BOYES-WATSON: Yes.

BRENDAN SULLIVAN: And the lot area per dwelling unit you're okay because of the minimum of 2500. And part of it, well then 4,000 for the rest of it.

ATTORNEY JAMES RAFFERTY: That's where we ran into trouble, right.

BRENDAN SULLIVAN: And that's sort of the tipping point there other than the GFA.

The frontage on Mount Auburn Street is the ordinance requires 15, and you're going to provide 15.

ATTORNEY JAMES RAFFERTY: Yes.

BRENDAN SULLIVAN: In the rear requires 25, and there is none.

ATTORNEY JAMES RAFFERTY: Yes, it's hard to find a rear in this lot. I mean, there's Mount Auburn and there's Brattle Circle. The conclusion is there isn't.

BRENDAN SULLIVAN: The left side seven-six you're in compliant there because

you're going to be 12. The right side 76, and you're going to ten, a combination -- I mean, both number 22, and the sum of 20. So that satisfies the height would be 35, that's not changed. And the length of the building so on and so forth.

The open space was compliant before, is compliant going forward.

Number of units. The max is five and you're proposing seven. And five does not work?

ATTORNEY JAMES RAFFERTY: The scheme itself, I mean the zoning relief, it's true that there's two additional units being requested but it's the other way to do the same analysis to look at the first column. It has greater conformity with the lot area per dwelling unit requirement in this scheme than the current scheme. It has greater conformity to GFA or FAR requirements or this scheme than in the existing condition. It

has greater conformity to the Mount Auburn Street setback in this scheme than it does in the existing condition which is a zero setback. But given the size of the units and the layout, yes, there is a relief requested to go to get to seven units.

BRENDAN SULLIVAN: So, the bottom line basically is for seven units?

ATTORNEY JAMES RAFFERTY: Seven.

BRENDAN SULLIVAN: The whole entire project does not work. You can probably say that it's not even totally desirable to sell it, but I mean, seven is really the --

ATTORNEY JAMES RAFFERTY: Oh, and I missed it.

BRENDAN SULLIVAN: And in order to make the project a viable project.

ATTORNEY JAMES RAFFERTY: Right.

MARK BOYES-WATSON: Otherwise you get tipped back into sort of a 12-unit renovation, the alternative which has all

those other non-conformities that Jim mentioned, the front yard, the side yards. And non-conformance being eliminated, you know, obviously the GFA and unit count non-conformity is being reduced. The front yard violations being removed. The side yard ones are being all mitigated. There's a zero lot line conditions and one near zero lot.

BRENDAN SULLIVAN: So that's the proposal along Mount Auburn Street?

ATTORNEY JAMES RAFFERTY: Yes. In this model that's Mount Auburn Street. We were trying to show you the historic structure, if you will.

CONSTANTINE ALEXANDER: Brattle Circle is on the other side.

ATTORNEY JAMES RAFFERTY: Brattle Circle is right here. So this is the superintendent's house, and there was considerable --

BRENDAN SULLIVAN: And the former superintendent's across the street?

ATTORNEY JAMES RAFFERTY: I believe that must have been the perk of the job that you get a lifetime placement. But, I don't know that for sure.

But there was, there was great praise given to the restoration elements of the original house by the Historical Commission, because we did obtain demo approval for some of the others. But you can see the dormer additions of 1930's here really didn't do much to honor the style of this house. So, it's, it's going to -- if approved, it has the potential to be a very nice residential community, located in a very nice residential neighborhood. It is frankly a practical aspect to what's going on here, as Mr. Boyes-Watson said, you know, there is plan B which feels in many ways like a lose, lose, which is okay. We deal with the

existing fabric of the GFA and you cut and paste and come up with some combination of units that are less than 12 and take advantage of the significant grandfathering that exists on the site. I think the correspondence in the file and testimony tonight will reflect that there is a high level of enthusiasm by the abutters for this approach. And I think the project, obviously with even three less units than originally submitted, probably can be seen as having a higher level compatibility of the existing neighborhood.

Mr. Boyes-Watson could go through this in greater detail if there's an interest in floor plans and so forth.

BRENDAN SULLIVAN: Yes, quickly.

MARK BOYES-WATSON: So I won't go over what Jim was saying. But this is just a graphic that helps to understand the relationship what's in the model. And grey

in this illustration is the existing condition. I'm just going to give you these two and very quickly. From the model I can review elements of the design. But just to -- here's Brattle. Gerry's Landing, Mount Auburn, here's the circle. The green is the site. This is the Assessor's map. So this is -- this is the -- how you see how the abutters work.

And so when you look and you zoom in on our site, you know, here's that non-conformity on Mount Auburn. Here's that almost on the side yard along here, there's another encroachment here and there's another encroachment on the side yard setback here. So when we overlay the new, which obviously has some of the -- actually even amongst its dereliction there is a pleasurable space that we are recreating here in this scheme. You see it here. But here you really see how the, how the buildings are

becoming more conforming as we, as we rebuild them.

And then the -- so what that is. And then I'm trying to -- so the other thing that's happening is that, that Jim didn't mention it, has an element of relief in it. So I'm going to mention now, which is we talked about the access on Brattle Circle. Here's Mount Auburn. And here's that little private lane that comes down here. These parking spaces already exist. They're in a front yard now. They're not in a front yard. They're off a lane. But they're sort of in a yard and there's no setback. So I just want to bring people's attention to that. That's an existing condition. This is a proposed condition. There's right now a driveway into this courtyard, and obviously in terms of the visual amenity of the whole scheme and everything we're trying to do, we are proposing that for these two units that

there's parking here off the circle. But that's actually in a front yard and we're requesting relief.

CONSTANTINE ALEXANDER: Where's the circle, the roadway?

MARK BOYES-WATSON: Right -- this is the half of that circle.

CONSTANTINE ALEXANDER: This is the circle, okay?

MARK BOYES-WATSON: Yeah. It's usually like around here --

CONSTANTINE ALEXANDER: Got it. Got it.

MARK BOYES-WATSON: And so that actually is not there now, so it would require relief.

Down at this end of the site is where that big garage is, which is all non-conforming. We're actually removing it. And one of the things that the Planning Board liked about this is that by

distributing this parking like this, that you leave the heart of the site and the open space system is working well.

CONSTANTINE ALEXANDER: And the front yard is actually in a cul-de-sac, it's not on a street front yard?

MARK BOYES-WATSON: Exactly.

SLATER ANDERSON: And you could achieve parking for that building in courtyard, you know, if you had to.

MARK BOYES-WATSON: Yes.

SLATER ANDERSON: But it's aesthetic.

ATTORNEY JAMES RAFFERTY: And this photo depicts that parking going on currently.

MARK BOYES-WATSON: Exactly, yes. Right.

ATTORNEY JAMES RAFFERTY: So it's almost a relocation of the parking from the courtyard over to the --

SLATER ANDERSON: It's not that you could put it somewhere but else it's a better design.

ATTORNEY JAMES RAFFERTY: And in commenting on it, because everyone's mindful of the aversion, particularly from the Planning Board, because of the impact on the streetscape, they have parking in the front yard setback, and noted the comment you made, Mr. Alexander, well it is a cul-de-sac, it is not a traditional streetscape that we like to protect.

MARK BOYES-WATSON: So I think the model is explicit. So I don't think I need to, unless you would like me to explicate anything in particular. But one of the things I just want to note is that a grade change from the lane and indeed the circle.

ATTORNEY JAMES RAFFERTY: That's the driveway.

MARK BOYES-WATSON: Driveway,

right. Driveway and the circle, Mount Auburn. There's about a ten-foot grade change. So when you see, so in this scheme there are various retaining walls, and the buildings themselves which they do today form -- this retaining wall exists today. But also as you come down, it allows us -- right now this is a very unsafe condition, but the garage when the cars are coming in off Mount Auburn, if you know that bit of Mount Auburn, it's pretty fast moving traffic, etcetera. And they're actually reversing out into that traffic to the extent it's used. So what we've done is designed an area where you can actually reverse and maneuver your car and come back out again. So there's just under a ten-foot level change between this side and this side. So there's a series of walls and changes of level that get you down. It allows also for this not to be -- this is a very, maybe a foot or so. The

elevation of this is only about a foot or so below, Mount Auburn, so it's not a ramp to get onto Mount Auburn.

ATTORNEY JAMES RAFFERTY: I think that would cover it.

BRENDAN SULLIVAN: Questions from the members of the Board?

CONSTANTINE ALEXANDER: I would make the observation that Mr. Rafferty should have used a word better than scheme.

ATTORNEY JAMES RAFFERTY: Are you suggesting that the pejorative plan --

BRENDAN SULLIVAN: Tom, any questions?

THOMAS SCOTT: No questions.

BRENDAN SULLIVAN: Mahmood, any questions?

MAHMOOD FIROUZBAKHT: No questions.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: No questions.

BRENDAN SULLIVAN: Let me open it to

public comment. Is there anybody here who would like to speak on the matter at 2-10 Brattle Circle? Come forward, please identify yourself and spell your last name for the record and comment.

BOB RILEY: My name is Bob Riley. I live at 15 Brattle Circle, and I'm very in favor of this project. The way the people who lived in the home and the attachments, they continued to build onto it is in such disrepair. And we've actually -- concerned that we're gonna end up with squatters in the house. We've had to call the police because we've found windows opened, lights on, and we're in favor of this project. And I'd also like to be able to speak on behalf of some people that couldn't be here tonight. Dan Pink and his wife Joan Pink that are abutters, that are in favor of this project also. We would like to see it move forward as quickly as possible.

So thank you for your time.

BRENDAN SULLIVAN: Thank you.

Anybody else like to speak on the matter?

Sir.

GARY SELIGSON: My name is Gary Seligson, S-e-l-i-g-s-o-n. And we've lived here about 15 years and we have watched the property at 2-10 deteriorate from what was already a very poor condition. And the neighborhood has been eager, everyone in the neighborhood has been eager for something to happen in that property. And when it was finally sold, we were very enthusiastic. It turned out that Lauren and Martin couldn't have been better buyers from the standpoint -- from our standpoint and that of the other neighbors that I've spoken to. They've been extremely cooperative, thoughtful, considerate in talking to the neighbors. Their plans have taken all of our concerns into account. We note that they're

trying the best they can to minimize any negative effects it would have on the neighborhood. And as far as I can say, we're all very much in favor of it. And if plan B were to come to pass which would be to try to do what they can within the existing shell of the buildings, I don't even know how that could be feasible, but it would be a ten percent solution of the problem. Because the problem really needs this kind of solution going.

BRENDAN SULLIVAN: Thank you.
Anybody else like to speak on the matter?

DAVID TELLER: Hi. I'm David Teller. 457 Mount Auburn, No. 5. I'm basically the abutter on the side yard. At this point the property is basically right at the property line. There's no distance between my property and this. So I'm very much in favor of this solution. I think it will make this a much nicer area. The

property is really an eyesore. It's derelict. There are raccoons living in it. So this is going to be a major improvement for the neighborhood.

Thanks.

BRENDAN SULLIVAN: Is there anybody else who would like to speak on the matter?

MICHAEL MELFORD: My name is Michael Melford, M-e-l-f-o-r-d. I live at No. 12 Brattle Circle, adjoining the property. I support the development also.

BRENDAN SULLIVAN: Anybody else wish to speak?

ROSALYN DAVIDSON: Rosalyn Davidson, I live at 320 Brattle, however, my house fronts on Brattle Circle. Although my house address is 230 Brattle Circle. We are thrilled with this project. I won't go through everything people have said about the eyesore that through Brattle Circle has been, and this looks just splendid. And I think

we've all been taken by how they have talked with all of us and kept us informed and shown us plans, and we have voiced our concerns and so on which they have, they have responded to. And so I really hope this goes through. It looks like a great project.

BRENDAN SULLIVAN: Thank you.

Anybody else who wishes to speak?

(No Response.)

BRENDAN SULLIVAN: I see none.

There is correspondence in the file from Jules Giordiano, G-i-o-r-d-i-a-n-o. She lives at 15 Brattle Circle, and the project needs to be started immediately as planned with all the neighborhood approvals. Has now becoming hazard in the neighborhood. And expressing the concerns of the previous gentleman. They are the ones most deeply affected by the property and want to voice their strong support.

There's correspondence from Keith

Arbour, A-r-b-o-u-r and he also expresses his support. Sorry, lives at 457 Mount Auburn Street and applauds the developers for attention to detail.

There is correspondence from Rosalie Hornblower from 222 Brattle Street. And our property and their's share a driveway. We will continue to support the request for the Zoning Variance and hope the Board will give the approvals that they seek.

There is correspondence from Danielle Patkin, P-a-t-k-i-n. Writing to show the support for the project planned at 2-10 Brattle Circle. They have seen the project plan and are very excited that the improvements are being made. Look forward to the project moving forward as it will enhance the neighborhood. They live at 232 Brattle Street.

And correspondence from Canta Pian, P-i-a-n. And I'm writing on behalf of her

mother who is a 50-year resident of Brattle Circle and they remain -- they approve of the project as proposed.

And there is other correspondence in the file which dates to the previous petition, but I think they all expressed some support.

Okay. Let me close public comment. Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: No, thank you. Unless the Board has questions, relief is as we've identified, related to the parking in the front setback, the GFA, lot area per dwelling unit and lot area unit count.

BRENDAN SULLIVAN: So everything's a variance except for the constructing of the driveway and parking within five feet of the property line basically; is that correct?

MARK BOYES-WATSON: It's a Variance or Special Permit. I think its BZA Special

Permit.

CONSTANTINE ALEXANDER: I think the Special Permit for parking was you were going to reduce the size of the aisles.

MARK BOYES-WATSON: Oh, yes. It was dimensional. It was dimensional. We no longer need.

ATTORNEY JAMES RAFFERTY: We don't need that.

CONSTANTINE ALEXANDER: That's gone?

MARK BOYES-WATSON: Yeah, yeah.

BRENDAN SULLIVAN: So there is no Special Permit.

MARK BOYES-WATSON: Right.

SLATER ANDERSON: The existing house, anything with the existing house, the windows setback?

ATTORNEY JAMES RAFFERTY: We have a --

MARK BOYES-WATSON: It remains

non -- the existing house remains non-conforming. And I think actually one of the things we had in the original relief that I think may be worth leaving in there just for, not to be ambiguous, is that, you know, were we to have to -- probably is not in good condition. So we would have to reconstruct most of it that we not fall foul of that. That's a non-conforming building by virtue of its front yard. So just to recognize that it was, it was in the relief requested in the generality and probably should remain there. And to recognize that that is a non-conforming structure, we may have to substantially, you know.

CONSTANTINE ALEXANDER: The trouble, Mr. Boyes-Watson, you haven't advertised that.

MARK BOYES-WATSON: Right, right.

CONSTANTINE ALEXANDER: We can't grant you relief to relocate the windows.

MARK BOYES-WATSON: Oh, no.

ATTORNEY JAMES RAFFERTY: No, no.

MARK BOYES-WATSON: No, they're not in the setback. None of our windows are in the setback. They either face the street or --

ATTORNEY JAMES RAFFERTY: The non-conforming wall is a front setback which doesn't --

MARK BOYES-WATSON: Yeah. No, mine was a GFA argument about the other GFA.

ATTORNEY JAMES RAFFERTY: That is in the Affidavit.

MARK BOYES-WATSON: I believe it is. I thought it was.

ATTORNEY JAMES RAFFERTY: Yes.

MARK BOYES-WATSON: And we hadn't really flagged that. It may even be moot. But that's quite right. Because that's the non-conformity that remains is the historic structure of the front yard.

MAHMOOD FIROUZBAKHT: And what's advertised, though, is a Special Permit to construct driveway and parking within five feet of property line.

CONSTANTINE ALEXANDER: That was for the original project. They redesigned. They don't need that any longer.

MARK BOYES-WATSON: We still have the front yard for parking which is a Variance.

CONSTANTINE ALEXANDER: That's a Variance.

ATTORNEY JAMES RAFFERTY: I can't understand what driveway that's referring to.

MARK BOYES-WATSON: Yes, I don't actually remember why we needed that. You know, I don't actually know why we needed that.

MAHMOOD FIROUZBAKHT: Okay, I guess I'm a little confused because this doesn't

even -- the non-conforming dimensional parking spaces are advertised under the Variance section. And then under the Special Permit it's the parking spaces within the five feet of the property line.

SEAN O'GRADY: That's the way the Ordinance reads.

MAHMOOD FIROUZBAKHT: So is that what they're asking for?

ATTORNEY JAMES RAFFERTY: So it could be that those spaces are -- the Special Permit applies to their relationship to the property line. And the Variance applies to their relationship to the front yard. I assume it involves those two spaces.

MARK BOYES-WATSON: Oh, actually it's true. Because -- that's absolutely right. Because those not only are in the front yard, but they don't have the parking -- they don't have the -- in Section Article 6, the setback requirements, right?

Well, although it could be construed for an existing one, two, or three-family house. But it could be construed as needing that relief.

ATTORNEY JAMES RAFFERTY: So those spaces need front setback relief by virtue of the Variance and side setback relief by virtue of the Special Permit.

CONSTANTINE ALEXANDER: Really?

SEAN O'GRADY: Yes, Article 6 is willy-nilly. And some stuff is Variance and some Special Permit, and there doesn't seem to be rhyme or reason to it.

BRENDAN SULLIVAN: But can we grant a Variance to the parking spaces as designed and include that as part of the Variance or is a Special Permit also -- in other words, we could do the entire project in toto by way of Variance?

SEAN O'GRADY: Well, I mean we discussed that inclusion before.

CONSTANTINE ALEXANDER: We've gone through this before.

BRENDAN SULLIVAN: It's a higher bar so it could be included as part of the Variance to accept it as per the plan.

SEAN O'GRADY: Well, we had traditionally done that for years but then legal asked us to stop doing that and actually cull things out.

BRENDAN SULLIVAN: So it's a separate motion then.

Let me make a motion then to grant the relief requested to --

MAHMOOD FIROUZBAKHT: Sorry, Mr. Chair, before we do that. I guess to the extent that we are granting relief on parking, one of the things I had difficulty with is really culling out the parking spaces on the plans. And so, I guess I'm wondering whether that can be done in a better more cleaner fashion where the parking spaces are

clearly identified? I mean, you can kind of tell, you can go through it and count them off, but it's a little bit, it's a little bit of guesstimating involving clear identified parking space 1, 2, 3, 4, 5.

MARK BOYES-WATSON: It's partly because some is based -- you know, because of the change in level. One of the reasons I think it's a little tricky is that different parking spaces there on different levels of plan. But maybe -- because I understand what you're saying. And maybe I can just mark those on that plan.

ATTORNEY JAMES RAFFERTY: To number the spaces.

MARK BOYES-WATSON: I could do it -- if I did it on the first floor plan, all I would have to do -- there are a couple buried under that garage is what I'm saying. They may appear. I could label it, if the Board would like, so that they're clear where

they occur just on the first floor plan.

MAHMOOD FIROUZBAKHT: I think for my purposes in particular I'm concerned about the two you need relief for. And I would want to have those certainly more identified more clearly.

SLATER ANDERSON: They sort of show up on this plan here. First floor plan, figure ground study, proposed. They're delineated on that, but they're not delineated on the proposed.

MARK BOYES-WATSON: Those two. Because I see they're not numbered. But the ones that are labeled lots of lines. You're looking at this one on, the proposed first floor plan, it's there. So that's sheet 301.

SLATER ANDERSON: That's it.

ATTORNEY JAMES RAFFERTY: One and two.

MARK BOYES-WATSON: One and two, yeah. And those are the ones that require

the front yard relief.

BRENDAN SULLIVAN: Over here. I saw those ones over there.

MARK BOYES-WATSON: At one point there was -- on the first submission there was also relief requested at this end of the site, but that's now being eliminated.

BRENDAN SULLIVAN: So, Mahmood, those are clear, those are clear. And it's the ones coming in off of Mount Auburn Street, is that not clear?

Do you have it on the Board?

MARK BOYES-WATSON: Yeah. You know what? It's what I was saying. It shows, because part of that is down in the basement because -- Jim, just flip that around. I just want to show why that occurred, but it is actually on the plans, it's just on two separate plans.

SLATER ANDERSON: Is this existing parking over on this location here?

LAUREN HARDER: On that driveway?
Yes.

MARK BOYES-WATSON: Yes.

SLATER ANDERSON: The lot does that,
that's the existing?

MARTIN HILL: Yes.

MARK BOYES-WATSON: So this is, it
is exactly what I said. And we used to have
it in line is what I thought. But if you go
also to A300 -- so the ones at the top of the
site are shown on the first floor. As it goes
down, it's easier to pick them out over here.
So you have one, two, three, four, five up
here. And then down below, down off here,
you have one, two, three, four, five, six,
seven.

So, if you look at the model, down in
that lower area, one, two, two in the garage.
One beyond. And then two in the garage
facing you. And then on the top of the plan,
one, two, three, four, five. So they're

shown that they -- they end up on two different plans because of the change of level.

ATTORNEY JAMES RAFFERTY: Seven on the lower level and five on the other one?

MARK BOYES-WATSON: Yes.

MAHMOOD FIROUZBAKHT: I would say just let them mark these two as the parking space that require relief on the plans that you're initialing.

BRENDAN SULLIVAN: And that is -- we can do that on 301?

MARK BOYES-WATSON: 301, yes.

BRENDAN SULLIVAN: So it's these two spots here?

MARK BOYES-WATSON: Yes.

BRENDAN SULLIVAN: And we can designate that --

MARK BOYES-WATSON: No. 1 and 2 is fine.

BRENDAN SULLIVAN: No. 1, No. 2.

MARK BOYES-WATSON: Right.

BRENDAN SULLIVAN: And that requires a Special Permit because it's within the front yard setback.

MARK BOYES-WATSON: Both a Variance. And -- that one is actually a Variance. And then I think for the dimensional relief that's the Special Permit, and I would also include that again for the setback. And also the two cars within that garage back, I think that was the other reason. Because I think that's seven-foot, six instead of eight-foot, six.

BRENDAN SULLIVAN: Anything else? Mahmood?

MAHMOOD FIROUZBAKHT: Nothing else.

BRENDAN SULLIVAN: That was a good point picking that up.

Anything else?

CONSTANTINE ALEXANDER: No. Excuse me, I want to make the condition that

just to be technically accurate, that the plan be approved by the Planning Board in the same form that we've seen. The Planning Board, when they go for their amendment, decide to change their plans, then they have to come back before us. Usually we have the benefit of the Planning Board's input when we see the plans. It's reverse this time.

BRENDAN SULLIVAN: Well, they would have to come back if there's any change in the plans anyhow. So that if --

CONSTANTINE ALEXANDER: Yes, I guess you're right.

BRENDAN SULLIVAN: If the Planning Board were to change anything, they would still have to come back, because we're approving these. So the Planning Board is going to have to adopt these or you're into another mix again.

ATTORNEY JAMES RAFFERTY: Yes, I don't anticipate that.

BRENDAN SULLIVAN: Let me make a motion to grant the relief requested to reconfigure the existing and to rebuild existing 12 multi-family residential units to seven units as per the plan submitted, which is dated 9/5/11, entitled "2 Brattle Circle, Mark Boyes-Watson Architects" and initialed and dated by the Chair.

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 the rehabilitation of the structures and the redesign of the area involved as part of this proposal.

The Board notes in particular the reduction of the number of housing units from the current 12 units to seven units, the removal of multiple sections of the existing building, and the pulling back of the

structures from existing frontage. Most notably Mount Auburn Street. Other rear and side yard setbacks.

The Board finds that there is an addition of more parking on the site, and an increase in, I believe, in open space; is that correct? Am I correct on the increase in open space?

ATTORNEY JAMES RAFFERTY: It's about -- it's a slight reduction. I think it goes from 34 to 32.

MARK BOYES-WATSON: Although on that --

BRENDAN SULLIVAN: Better distribution of the open space. Better distribution of the open space and a well designed landscape plan, all of which will bring the proposed development in closer conformity to the Ordinance and lessen the congestion in this particular area, which serves the purpose of the Ordinance.

The Board finds that the hardship is owing to the non-conforming nature of the existing structures which were built prior to the enactment of the existing Ordinance.

That desirable relief may be granted without any substantial detriment to the public good and would not nullify or substantially derogate from the intent and purpose of the Ordinance.

The Board is granting the Variance for the relief as outlined in the dimensional requirements and also the request.

Is there anything else to add to that?

All those in favor of granting the Variance as per the plans submitted?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Scott, Firouzbakht, Anderson.)

BRENDAN SULLIVAN: Now for the Special Permit.

The Board finds that the conditions of the Ordinance can be met.

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

That continued operations of or development of adjacent uses that is permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

There would not be any hazard or nuisance created to the detriment of the health, safety and/or 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, otherwise derogate from the intent and purpose of the ordinance.

All those in favor of granting the

Special Permit as designated parking space
No. 1 and 2 on the plan?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Scott,
Firouzbakht, Anderson.)

(8:35 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10147, 131-137 First Street. Whoever is presenting the case, if you would introduce yourself and spell your last name.

COLIN WEHRUNG: Colin Wehrung, W-e-h-r-u-n-g.

DAVID CODY: David Cody, C-o-d-y.

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

COLIN WEHRUNG: On First Street there's a vacant lot. It's been vacant for decades, and we want to put a food truck pod

location, and we're going to call it Food on First. Basically, you know, it's a blank concrete slab right now, and we're going to put a deck on the lot where people can sit and enjoy the food from the food truck vendors. And right now there's an issue in Cambridge with parking food trucks on the street, and they're really not allowing food trucks to go on the street. So we're creating a space where, you know, they can go and it's a central location.

CONSTANTINE ALEXANDER: Will those trucks be driving in and out everyday?

COLIN WEHRUNG: No.

CONSTANTINE ALEXANDER: They're going to be there sort of permanently?

COLIN WEHRUNG: Yeah.

TAD HEUER: How permanent is permanent? I'm going to have a lot of questions.

CONSTANTINE ALEXANDER: Yes.

COLIN WEHRUNG: We have a six-year lease.

TAD HEUER: Okay. So if you're going to have, you know, let's call the trucks A through F. Six trucks. Truck A, truck B, truck C.

COLIN WEHRUNG: Okay.

TAD HEUER: Is the intent that you're going to have each of them sign for a six-year period? Or are you going to, you know, have six slots that are always open? Are they going to come in for six months? What's your thought? You might not know.

COLIN WEHRUNG: I would love it if they signed a six-year agreement.

TAD HEUER: Right.

COLIN WEHRUNG: But, you know, this hasn't been done before.

TAD HEUER: Los Angeles has done it.

COLIN WEHRUNG: Well, yeah, I mean, in the New England area up here. You know,

if we can get six-month agreements, you know, that would be great. But we're really shooting for one year agreements so we can get commitment from the trucks so we can, you know, continue to make the lot nicer, we have plans down the road.

CONSTANTINE ALEXANDER: Why haven't you given us plans where the six trucks will be located? That's one thing that troubled me. We have a nice artist rendition, and I think your concept's intriguing, but I'd like to know where the trucks are going to be. Are they on the lot line? Are they in? How close are they to one another? We don't have any information to me, to make a decision. Again, I conceptually I think....

COLIN WEHRUNG: Besides, you know, I mean the actual --

CONSTANTINE ALEXANDER: Yes, the layout of the lot, yes.

BRENDAN SULLIVAN: It may be that

we're going to have some dialogue. There may be a lot of questions that you may not be able to answer tonight or present to us yet. But at least it's probably a good dry run for us to bounce some stuff off you. You may very well, I think you may have to come back one more time because some of the stuff you may not be able to readily provide for us. I think they've touched on some of it. I think obviously a -- I think a more definitive plan, rather than the schematic would be more in order. You know, you also mention in your petition that you were going to have a landscaped area. Now, I see some here. But I would almost like to see something more definitive as to exactly what's going in there. So there's, it's a nice outline of what you're doing, but I think we really, in order to give you specific relief, we're going to need some real specific pieces of information on a piece of paper.

COLIN WEHRUNG: All right. If we do that how specific do you want the landscaping?

CONSTANTINE ALEXANDER: We'll get you there.

BRENDAN SULLIVAN: I guess you have another question.

CONSTANTINE ALEXANDER: How are you going to provision the trucks? In other words. Are the trucks, they need, they need raw materials if you will. How is that going to happen? When is it going to happen? How much traffic is that going to cause?

COLIN WEHRUNG: We're not operating any food trucks on the lot. We're just providing the space. So, food trucks normally when they go out, you know, for the day to their location, you know, they're stocked up for the day when they leave their commissary.

CONSTANTINE ALEXANDER: I thought

you said the trucks are not going to leave the property though. I thought you said the trucks are more or less permanent. Therefore, somebody's got to bring in the stuff to be cooked.

COLIN WEHRUNG: Sure, the trucks by regulation, you know, have to go to their commissary, you know, to wash dishes. So that would be at the end of end of the day or in the morning.

CONSTANTINE ALEXANDER: So the trucks are going to be leaving there on a daily basis?

COLIN WEHRUNG: You know, once in the morning, you know, early morning they're gonna come in. And then at the end of the business day, they're gonna go back to the commissary.

TAD HEUER: So will they be parked on the -- at midnight, what will be on that lot ideally?

COLIN WEHRUNG: The deck and, you know, it could be that some of the trucks are parked there.

TAD HEUER: Okay.

COLIN WEHRUNG: Because I'd like to be able to offer to those trucks the ability to leave their truck there if they need to. If they have a support vehicle or if they're serving a certain type of food where they can handle all of their operations within that truck, you know, I'd say they can park there.

MAHMOOD FIROUZBAKHT: That's sort of standard, right, in terms of how the food truck business works? I mean, it's a mobile food service providing, you know, sort of vehicle and that's kind of the point of it, that, you know, it goes to service points.

COLIN WEHRUNG: Yeah, the regulations, like in Boston and in Cambridge, really don't, they really don't want to promote people driving around. It's like go

to your location in the morning and stay there. So, this kind of pairs up with that.

CONSTANTINE ALEXANDER: I want to understand the traffic impact. And I think we have to understand that because First Street is a busy street. We've got the Galleria Mall down the street and otherwise restaurants in the area. So I want to get a sense of what kind of increase or impact on traffic is going to happen from this?

The truck site, now I'm hearing are going to go in and out once a day, probably most of them. The ones that don't go out once or twice a day need to have someone bring food to them to prepare. How much of that is going -- do you have any sense of what that's going to be?

COLIN WEHRUNG: I mean, you know, I have separate from this project I've got another food truck in Boston that's going on the road tomorrow. But really it's, you

know, it's an early morning issue of getting the food on to the truck. I mean, you're doing this at five or six o'clock in the morning. You know, you're setting up on the site well before rush hour. Because you need to be there because hopefully you can snag some morning business.

CONSTANTINE ALEXANDER: Are there residences in the immediate area of this lot who might be disrupted by trucks coming in at five in the morning?

COLIN WEHRUNG: No. Right behind it I think it's 150, it's called 150 Second Street development. They leveled the whole block. And I think it's high tech, biotech.

BRENDAN SULLIVAN: There's a building there.

COLIN WEHRUNG: Yeah, it's a large development.

BRENDAN SULLIVAN: This is the other side of the old mattress place.

COLIN WEHRUNG: Yeah, John's mattress. That's it on the block. And I think maybe three blocks and then you get into residential.

CONSTANTINE ALEXANDER: Three blocks is a bit away. I'm not as concerned about that by immediate abutters.

BRENDAN SULLIVAN: Does your site go up to street or that lot next to you? No? So you're basically this lot right here? You're not this lot here. This is you right here.

TAD HEUER: (Inaudible).

COLIN WEHRUNG: Yes, water frontage.

BRENDAN SULLIVAN: I think hours of operations, the comings and goings, I sort of thought the trucks would sort of come and stay. You know, maybe on the weekends they'd pull out or something like that. And that they are serviced by, you know, or they bring

the stuff there. I did not realize that trucks are coming and going. No. 1.

I guess the hours of operation would be another thing because some may come in the morning, offer a fare, and then somebody would have, I don't know, breakfast. But I would think obviously the lunchtime crowd is the key.

COLIN WEHRUNG: Yeah, that's really what we're going for. I mean, we're right in the tech area. So most of this is a lunch crowd business.

CONSTANTINE ALEXANDER: Will the pod be lighted so that you could have dinnertime, people eating after dark?

COLIN WEHRUNG: Yeah, we're, you know, that's gonna involve bringing in electricity to the lot. And our plan is to see how this goes in the first year and then if it's viable, because we've got limited, limited funding. And so we need to wait

probably a year before we --

CONSTANTINE ALEXANDER: I would hate to see Fenway Park back there with big overhead lights, and all of a sudden you've got a, you know, a glare all around. That would be to me something that would be very much interested in limiting in terms of the ability to light the property for after dark use.

COLIN WEHRUNG: You're saying limiting?

CONSTANTINE ALEXANDER: Yes. I don't want an awful lot of lighting so that you encourage people sitting around eating a meal nine, ten at night.

COLIN WEHRUNG: Would that be a negative, to have --

CONSTANTINE ALEXANDER: To me. It's up to the other members of the Board. It would be a negative for me to have that kind of possibility.

COLIN WEHRUNG: Because, you know, I've got a vision of, you know, the deck and some trellis and everything building over it and putting a growing ivy and lighting it around on our seating deck. You know, this is plans maybe a year or two and having people there at night, you know.

CONSTANTINE ALEXANDER: Fine. Maybe we would need a lighting plan to see what the lighting is going to be and how much glare is going to go on the adjoining properties. We don't have any information on that.

TAD HEUER: Well, I think one issue that for me -- there are a couple, but the one that goes to the lighting issue is that I, too, was under the impression that they would be essentially like mobile homes, that they're not mobile. They're mobile to get them there, but if you want to jack them up and drive them, off you can. But most of the

time they're static. Which raised for me a question, of are these structures, do we need to deal with them as structures under the Zoning Ordinance, are things that are fixed to the site.

If you're saying they're going to be in and out --

COLIN WEHRUNG: Yes.

TAD HEUER: I'm more comfortable calling them vehicles. If that's true, I really think this is a Section 6.4 issue about creating an unusual, but a parking lot. And if it is a parking lot because it's going to be having these entities, they're coming and parking for a period of time, there are a set of regulations that deal what a parking lot is and not allowed to be. Some of them are simple. You know, lining spaces so you can tell where the, you know, the spots are gone going to be. So here you're usually just drawing a grid and park residential

vehicles here. Here you can draw a semicircle and do that.

It also includes a percentage of landscaping, where your landscaping has to be. I believe it has to be on the edge of the lot.

SEAN O'GRADY: There's a whole series of controls.

TAD HEUER: There's conditions with things like that. There are provisions for lighting and the parking lot, which I think goes to this and usually that's, I guess, you know, usually low, low lighting. I think it's one candle essentially. So it's pretty low level lighting because you're looking at, you know, getting people to cars. That's what it's designed for.

Here you have parked vehicles where there would be lighting questions. And so I think one of the things that you probably want to look at, and it's more a list of

requirements rather than necessarily stuff you would need relief from this Board for, although if you came up and you found it was attractable, you might need relief.

And Section 6.4 of the Ordinance is the parking lot provision. And I think a lot of what this sounds like comes to fix in at least in my mind, the notion of parking lot, even though you'll be using it not as a traditional parking lot, but you'll be parking food trucks and people are going to be walking on it most of the time. But from my view, not only is this a Special Permit for a fast food situation, I have other questions about that. But that it seems to fall within the terms of the use of the land as opposed to simply of the type of activity that's going on in the land. The actual use of the land is a parking use and I'm happy to hear other's thoughts.

BRENDAN SULLIVAN: Is this a 365 day a year operation?

COLIN WEHRUNG: Yes.

BRENDAN SULLIVAN: So that -- obviously, well you know, the other question I had, too, is that will the vehicles, will the vendors, will that sort of change? In other words, if you show six trucks but if some guys say, you know, and, again, I guess I have more questions than answers to the thing. And this is somewhat new to us. It's new to the city, so we just -- I guess my concern is to get it right, as right as we can for the first time. Will the trucks change? Will there be a different truck one day and another truck another day? Even though there may be six, there may be four, there may be three, there may be two. Obviously I think you envision that six trucks there on a daily basis. On a fast food permit, we normally tie that to a particular operator. Now, the one who's going to hold this permit is not going to operate any one

of these food trucks. So, that's something a little bit different. Something a little new to us, also.

COLIN WEHRUNG: Yeah, we were told when we -- we went under this fast food permit because I guess there was no other -- there's nothing else. And everyone is saying --

CONSTANTINE ALEXANDER: It's fast food.

BRENDAN SULLIVAN: Right, it's fast food.

COLIN WEHRUNG: And then we said we're not serving any food.

BRENDAN SULLIVAN: Right.

COLIN WEHRUNG: And then Cambridge, you know, regulates the food trucks.

BRENDAN SULLIVAN: That's Licensing, right.

COLIN WEHRUNG: Yeah, and that's Licensing.

CONSTANTINE ALEXANDER: I hope

you're not getting the impression here that we're negative about this. We just have a lot of questions that haven't been answered.

BRENDAN SULLIVAN: To me, I'll be honest with you. It's an intriguing concept. I do some work for a place around the corner quite a bit and oh, we have to walk up to the food court? You know. And this would be a far more convenient. I see the lines at the taco place going down the street, and I mean, it's yes, it works. I think it's -- you're trend setter here. But, again, it's -- we want to get this thing right. You know, we're going to need hours of operations, the comings and goings. The other thing is toilet facilities.

CONSTANTINE ALEXANDER: And the fact that as Mr. Heuer pointed out that you told us for the first time that you're going to have trucks going in and out. I do also agree this is a parking lot issue, and you've

got to deal with the parking lot requirements of our Zoning Ordinance. Either comply with them or seek a Variance from them.

TAD HEUER: But know what they are so you'll know if you want to come back we need relief from this because it's designed for car parking all day and people will be picking them up rather than what we're doing. I would be open to that kind of conversation to say it's not the usual parking situation, and here's why it can't be that way. But I think I'd at least like to know that you looked at it and how much of that you can do.

DAVID CODY: I had a discussion with Adam Shulman the other day and he was discussing along the same lines as a new or used car lot because those vehicles don't count as parked cars. And they're an item that's more stationary. The only reason the trucks would have to leave the truck in the first place is because that it's required by

law. They have to visit their commissary. They don't want to go anywhere, but they have to.

TAD HEUER: Well, my thought is that say you're either a structure or a vehicle, we don't have any other language in the ordinance to deal with.

DAVID CODY: Yes.

TAD HEUER: In my mind it's better for you to be a vehicle than a structure. Because if you're a structure, then we're starting to look at things -- it becomes more like you're putting up a hut for something, and then you start getting into issues, about you know, handicap accessibility and toilet facilities which is probably something I think would be nice to address. But there are lots of things that go along with the Ordinance's definition of structure that I think you would be best to avoid if you can. And I think you can avoid some of those with

the vehicle. That just means you get pushed into the parking lot time scenario. And, again, part of this is trying to cobble together what the intent of the Ordinance was because this Ordinance was not written with this concept in mind. As the Chairman said, we're trying to figure out how this would work given the somewhat inadequate tool that we're required to use. If that makes sense.

COLIN WEHRUNG: I look at it like the food truck area at MIT, which and I don't know how long that's gonna last, because MIT has developing plans over there. But I know that a permitted food truck area isn't going to be there forever. So I look at my area as kind of like the same concept except we're completely off the street. And I know you've got concerns about bathroom facilities. And I didn't know if MIT had to have those same --

CONSTANTINE ALEXANDER: Speaking only for myself, I don't -- to me it's not an

issue of bathroom facilities, that's not a zoning issue.

BRENDAN SULLIVAN: That's, it's a big issue with me only because I'm sort of rolling my head along as to how this thing works. And as a food truck that goes in front of the high school and kids go up and get their stuff from the food truck and go back into the building and do whatever they may do. MIT, I think a lot of those people go up to the food truck and go back to their office and disperse back in.

I think what you're trying to do is capture an area here where people -- you're providing a facility, a sit-down, where they will get their food. Some of them will go back to the various offices, but you also are providing an amenity that they can sit there and eat. Then that brings about with me toilet facilities. And, again, it doesn't, you know, I don't even know if the city will

allow port-a-potties, that type of thing. It could be as simple of that.

DAVID CODY: We think it would be attractive on the lot, but I spent a lot of time standing there and asking people questions as they walk by, what would you like if there's an outdoor facility here. Would you like to see lunch where people are walking 15 minutes to the MIT trucks and 15 minutes back and you'll have 45 minutes for lunch? They're killing the entire time. They said we'd love to, on a nice day, sit outside, eat something, go back to work.

BRENDAN SULLIVAN: Oh, yes, sit and chat. I see this proposal as an outdoor food court. And now what is involved in a food court type of thing, you know? So obviously not the Galleria, but and, again, I think your seating plan makes it very attractive, very nice, so on and so forth. But, again, it opens up another question as far as, you know,

obviously trash. You mentioned that waste manageable do a regular thing. And again our question is how much trash receptacles? How much is on a regular basis, you know, that we sort of really need to define that a little bit more. The individual trucks will be either licensing regulations and they get those for a year at a time, but those licenses are somewhat renewed routinely unless there's a grievous offense by the operator. And will, you know, we get the trucks there different days or something I guess. You know, again, the entrance and the egress. There are more questions I guess right now than there are answers.

TAD HEUER: I have more questions. One of them is this larger issue of we're licensing -- we're granting the Special Permits to operators, and here it's a situation where we're being asked to grant a Special Permit to a non-operator, an umbrella

type internet cafe, where we'll provide you to use the computers here. We'll give you the space granting the Special Permits to operators, grant a Special Permit to do whatever you want to do within it. And that may be fine. The conditions of the Special Permit for fast food are elements like trash and deliveries and other types of things that are, you know, I think in this context, more appropriately directed toward you as the site operator than necessarily to the food provider in your collecting trash. Here you've kind of divided those two elements apart from one another, you've uncoupled them. I think there are still some elements in the fast food Special Permit conditions that I'm not quite, for instance, are favorites. Is there a need, you know? Whether you know that whether that's a real condition element or not, depends on where you are in the city, but that's not something

you can answer as the operator. It seems to be something that's unique to the truck. We have six variations on sandwiches, submarine sandwiches. Is that any different in our mind than a variety of options being set forth there, or something you can't get in a restaurant?

So on the question of whether or not we're approving individual operators, so I think most of the items in the fast food permit are for nonfood-related elements that are really operator of the site. But that's something that isn't reflected, not through your fault on the application for a Special Permit, that as the general Special Permit requirements. I think it would be useful if we had your articulation in the file on the specific elements of 11.3 as to why those are better directed towards you guys than to the individual vendors. Because I think I do have a bit of hesitancy because we've never

done it before, granting a fast food license to a non-vendor that essentially is a facilitator. So kind of an articulation of why you're the right people to be getting fast food Special Permit rather than the trucks would be useful to me.

MAHMOOD FIROUZBAKHT: And just to build on this point that Tad is making, there, for example, in 11.3, one of the requirements or guidelines is that the greatest extent feasible, the operator will utilize biodegradable materials and packaging the food and utensils and other items for the consumption thereof. Obviously you won't be handling those materials. But one thing you can incorporate in your application would be that as part of the agreement with the respect that food truck providers they would be required to comply, you know, with this requirement of the fast food ordinance.

CONSTANTINE ALEXANDER: Yes.

COLIN WEHRUNG: So they would have to, so this is on, this would be on top of the City's requirements for each food truck.

DAVID CODY: Because strangely they have to comply to it anyway once they're trying to get licensed.

TAD HEUER: They need biodegradable materials.

DAVID CODY: If they're going to operate in the city, they have to operate what are the --

CONSTANTINE ALEXANDER: So city requirement for biodegradable other than what we impose.

DAVID CODY: Would it be different than any other restaurant?

TAD HEUER: Yes.

I think another thing that I would be interested in your thoughts. So you're showing six food trucks here which seems, at least in the rendition that you've given to

the right number, you have space for seating and everything else. My question is certainly six seems to be the most that we would allow, but is there also a minimum that we would want to require? The reason I'm thinking of is when I think of, you know, strip malls where they've seen better days, you see a gapped tooth effect. We've got one, the barber shop is there and then an empty storefront and then, you know, delapidated toy store that's hanging on by a thread and then an empty storefront and a corner store and it doesn't really give the impression of the vitality. It gives the impression of non-vitality. It spirals.

DAVID CODY: We completely agree with something like that. But knowing the lot's been there for 30 years with nothing on it, it's some sort of sense of improvement.

TAD HEUER: Sure. But I mean --

DAVID CODY: Whether it be one

truck, six trucks.

COLIN WEHRUNG: We want six trucks.

CONSTANTINE ALEXANDER: Suppose they only have two trucks on the lot, if trucks are vibrant and people are going to use them, it's not like, I don't think the strip mall analogy really works.

TAD HEUER: Yes, that's true if they're vibrant and people really want to use them. But if you've got two, we can't do business anywhere else. How are we going to deal with that from a zoning point of view?

I think trying to get a minimum number is too far. I think we need a maximum clearly.

COLIN WEHRUNG: Our objective is we, we must have trucks on the lot.

TAD HEUER: Right.

COLIN WEHRUNG: Or else, you know, if there's two food trucks on there --

TAD HEUER: Right. And I guess my

concern is, and this may be the situation for time limit Special Permit as we've been doing recently. Since this is going to an operator, and usually the operator is the one providing the food, if the food isn't very good and a Special Permit goes defunct because the operator goes out of business here, because they're uncoupled a situation where the operator will continue to own the lot in perpetuity eventually, but the entities own the lot if they're not being filled. They've still got a Special Permit to operate. And I'm not sure that we want one or none or trucks that appear there occasionally. I'm not sure that fulfills what would happen under a regular Special Permit if the food wasn't being provided, the Special Permit would go. Here we would coupled it so I think it may be resulted in a time limit of Special Permit.

BRENDAN SULLIVAN: I think that's in

order anyhow. You're going to have at least one truck, that's you. And do you have other somewhat commitments or okay commitments to --

DAVID CODY: We've discussed things with some people, but we didn't want to represent ourselves as being able to actually develop the lot. It wouldn't be fair to them or to us.

COLIN WEHRUNG: Right.

BRENDAN SULLIVAN: But the economics is going to dictate that you've got to get some trucks in there. That they are viable, too.

COLIN WEHRUNG: And, of course, we don't, you know, we can't have 100 trucks on the lot because then the other food trucks won't be able to --

BRENDAN SULLIVAN: I get that. The max is in order anyhow.

CONSTANTINE ALEXANDER: I believe

we've thrown a lot at you tonight which is what it's all about, because we're learning as we go along. But I, from my perspective, the next time we meet, I would like you to have, including what other people are going to add to this a plan. Show us a plan that shows I guess six -- up to six lots, six spots where on the lot they're going to be.

Dimensions. Where the deck is going to be. What your lighting, if any, is going to be on the property. What your landscaping, if any, is going to be. What your trash receptacle provisions are going to be. What toilet facilities you're going to have, if any. I think we need to see something concrete. And then from there we can deal with a lot of the very pertinent issues that Tad is referring to, which is, you know, how do we sort of get this round peg in the square hole with regard to the fact that you're not operating the fast food. You're the master

fast food enabler.

COLIN WEHRUNG: We're enabling the situation.

CONSTANTINE ALEXANDER: So I mean, that's a starting point that has got to be that the -- we can focus our questions and we can get a better dialogue than what they can do tonight.

BRENDAN SULLIVAN: On the point of toilets, I think you should investigate whether they would be required this way. You have that answer. And then also whether it makes good sense to provide --

MAHMOOD FIROUZBAKHT: You know on that point, even for me, even more important than patrons, because the patrons are there, have a place to go. They probably work in that area and then go back to their office and use facilities there. It's the workers and the trucks, you know, who are going to be there all day long, you know. They need

facilities. And that's a really practical concern there. So I mean, I would definitely want to hear what your -- you know, what your plan is to address their needs.

COLIN WEHRUNG: The plan is to --

BRENDAN SULLIVAN: Well, think about it, you know.

CONSTANTINE ALEXANDER: You don't have to answer right now.

BRENDAN SULLIVAN: Think about it and you can come back with a coherent answer.

THOMAS SCOTT: If you were to put those on the lot, then they would have to be screened in some way. These are things that you have to think about. My concern is the management. I mean, do you have a person that will be in charge of policing the site on a daily basis to make sure that the trash is in the receptacles. That the trash is being picked up regularly. That it's not kept there overnight. I mean, that's what

creates rodent problems is having food, trash you know, sitting in receptacles overnight. Those are things that I would be concerned about.

BRENDAN SULLIVAN: There has to be a manager and a contact person.

COLIN WEHRUNG: We're going to be the manager.

MAHMOOD FIROUZBAKHT: What is your experience? I mean, this is, you know, very new field, but what is your experience in doing this and taking on this kind of a, you know, venture?

COLIN WEHRUNG: None really.

TAD HEUER: Do you do other food truck stuff?

COLIN WEHRUNG: I mean, I've got -- I'm in law school right now. I've got a food truck that's going on the road.

MAHMOOD FIROUZBAKHT: Which one?

COLIN WEHRUNG: Spoon truck.

MAHMOOD FIROUZBAKHT: Where is that?

COLIN WEHRUNG: It's going to be on the corner of Martin Luther King Boulevard Warren Ave. at the Mall of Roxbury. So besides, you know, tomorrow's the first day. So, besides that none.

CONSTANTINE ALEXANDER: Good luck.

COLIN WEHRUNG: Yeah, thanks.

BRENDAN SULLIVAN: So next time you come back you'll be experienced.

COLIN WEHRUNG: No, we've got one of our partners in that business. I've been in the food service business for 40 years.

TAD HEUER: I think one other thing I think on this schematic, and this may end up coming back on the parking lot side. In terms of fencing front. We obviously want it to be open and inviting to people so, you know, you're still going to I think want to have some way to lock down your tables, store

your umbrellas. One easy way to do that is to have some kind of fencing on the lot. Maybe you're required by the parking lot ordinance. And if it is required and you say that's for a different reason and we don't think we need it, here's our proposal for why we don't need a fence, but we need relief from the Board to not put one up. The Ordinance would otherwise require it. You know, to just show us that you thought through, you know, why you wouldn't, if you would be or otherwise required to do it why in this situation doesn't make sense why we should grant. And the thing not only about landscaping but fencing and site security issues at large, particularly if you're going to have stuff on the site when your trucks aren't there and what that's going to look like.

BRENDAN SULLIVAN: And then in furtherance of that when the trucks go home

at night and there's nobody there, does the site become an attractive nuisance to, you know, the usual kids, homeless people? Does it become a hangout? Does it become a problem? You know, these are sort of things that went through my head anyhow when I was trying to divert problems I guess. And you provide benches and you provide a nice little area, then you build it, they'll come. So anyhow.

Mr. Marquardt, do you want to comment on this really briefly?

CHARLES MARQUARDT: I'm probably your closest abutter now.

BRENDAN SULLIVAN: Introduce yourself, Charlie.

CHARLES MARQUARDT: Charlie Marquardt. I know you guys are coming to see us. I've now decided that we're going to have a full meeting as opposed to a few minutes. I'll be quick. You mentioned

nothing near you. There's a development of almost 300 units planned right next-door, which is the corner lot that goes around. (Inaudible) Joe Langesel (phonetic) has a permit -- not permitted, yeah, Special Permitted property for that. You probably want to talk to Scans.co which is the building right behind you in terms of how you shield in there. So that's the dot-com building.

COLIN WEHRUNG: Yeah, we've talked to them. Yeah.

CHARLES MARQUARDT: Okay. He also lives in Ten Rogers Street, the head of Scans.co New England which is the closest abutter.

You mentioned trash removal. I didn't hear recycling. I'm worried about snow removal. Because where are you gonna put it? Are you going to stack it up against the fence? Are you going to throw it in the street? You have to find a way to get it off

your lot so people can be there without taking up all our space.

COLIN WEHRUNG: Are you asking -- do you want answers?

CHARLES MARQUARDT: No, I don't want answers. The Chair asked me to just throw answers out and to just be brief.

CONSTANTINE ALEXANDER: No, we don't need any answers.

BRENDAN SULLIVAN: Absorb it.

CHARLES MARQUARDT: Absorb. It will go relatively quick.

Seating. I don't know if that creates need for parking in the Ordinance. I don't know if you get a waiver of the parking requirements.

I'm worried about pedestrian traffic impacts and what it does to the way they get across the street in line of sight versus where the crosswalks are. There's a lot of visitors to the mall. So I don't know if

you've met with the people at the mall with regard to their experience and why they have full time security details from the Cambridge Police Department there, and what's your need to have such safety there.

I am very concerned about lighting because I'm very close to you as other people will be.

I'm worried about your safety with regard to -- you're gonna have heating. So propane. So what's your safety facilities for fire, right? Food trucks use propane. I've seen them, all those big things on the back of the trucks. So what's the safety for those?

And you said something that sort of -- well, you said East Cambridge Planning Team meeting you will probably have a hard time saying see how it goes. We are looking at the connection between Kendall Square and North Point as First Street as a juncture in

the city. It's not somewhere we want to see how it goes. We want something that works. It could be vibrant and seeing how it goes gets a little scary. We don't want another Big John's sitting there. No offense. I know you're not there, but we want it gone. But we're looking to make that part of the street vibrant. We're hoping you'll do that as well.

BRENDAN SULLIVAN: Restrooms.

CHARLES MARQUARDT: Thank you, Mr. Chair, for mentioning that. Talk to the mall because they could have people going from there into the mall. Even with your food, because you're not allowed to bring outside food into the mall.

And finally just litter. It is really windy down there. There's a lot of wind. I'm sure you've, you know, felt that yourself down there. We don't want your litter to become our litter. So I don't know about

landscaping. I haven't seen the plan for landscaping design, trees, shrubs. How are you going to shield that ugly building from the rest of the beautiful site that you're gonna have?

So we look forward to you coming down. We have a very vibrant group with landscape, architect designers.

BRENDAN SULLIVAN: When do you meet next?

CHARLES MARQUARDT: We have a meeting next Wednesday, which we have a full slate for, and then we're meeting in August.

BRENDAN SULLIVAN: August?

CHARLES MARQUARDT: I'm sorry, October.

BRENDAN SULLIVAN: When in October?

CHARLES MARQUARDT: It's usually the second Wednesday. Whatever day you pick we'll make sure we get them in. I'm hearing a continuance coming.

BRENDAN SULLIVAN: It's going to have to be after the -- I'm not here on the 13th of October, so it may be the 27th anyhow.

CHARLES MARQUARDT: We'll commit to get them in before the meeting. That's all I have to say.

BRENDAN SULLIVAN: It may not be as it all sounds. There were just some questions that you probably didn't have answers to.

Sean, when is the October 27th?

SEAN O'GRADY: You have four continued cases on that night.

CONSTANTINE ALEXANDER: Who they are, are they real continued cases or phony ones?

SEAN O'GRADY: There's 61 Dudley, which is not 64. 18 Beech, which is going to be a big case. Four Kimball Lane.

TAD HEUER: That's the Cape tear down.

SEAN O'GRADY: Oh, yes. I don't know what's happening there. And then the school's case at 459 Broadway. And that's just the continuances.

BRENDAN SULLIVAN: Could you be ready on the 27th of October?

COLIN WEHRUNG: Yeah, yes.

BRENDAN SULLIVAN: Why don't we put them on for 27th of October. I think if you have your sort of some of the questions and some of these concerns and answers then it can go somewhat quickly. I'm not guaranteeing anything favorable or unfavorable, but at least either that or it's going to get pushed way out. I think sooner the better.

CONSTANTINE ALEXANDER: And the plans we're asking you to provide, have to be in our files by five p.m. on the Monday before the 27th. So you have a little bit less time than the 27th just to be sure. Those are our rules. That's how we proceed.

BRENDAN SULLIVAN: Now, you'll probably have again more questions. And so I throw it over to you. You can call Sean. And if Sean can't answer the questions, then we will maybe direct some of that to Sean to get back to you somehow. We'll work with you however.

DAVID CODY: Okay.

BRENDAN SULLIVAN: We're more than willing to do that.

DAVID CODY: Can I ask one quick question. I understand we can have set parking. I went to school in Cambridge and great atmosphere. You could do it, but I like the idea that cars can still move. Maybe the size of the trucks are different. We'd like to try to angle it visually from a street or different areas that they look good. I don't want to make a promise to you and commit to you, having it be in one spot and have that be a problem.

CONSTANTINE ALEXANDER: You'll have to convince of that on October 27th. The way we usually do it is yes, you are locked into a plan. If you want to try to convince us that you need flexibility of the plan, we'll hear you out.

BRENDAN SULLIVAN: At least make an attempt, you know, to do this now one outside the lines or something like that. You know, we're not going to send down the zoning police.

TAD HEUER: But I think you're also going to be constrained if you want to have a deck in the middle. There aren't going to be a lot of places you're going to array six large, you know, couple ton vehicles.

BRENDAN SULLIVAN: To get in and out. There's only so much real estate. But make a stab at it.

Any other questions by members of the Board at all or anything?

CONSTANTINE ALEXANDER: We gave them a full plate.

BRENDAN SULLIVAN: Let me make a motion, then, to continue this matter until October 27, 2011, at seven p.m. on the condition that the Petitioner change the posting sign and maintain it for at least 14 days prior to the October 27th hearing.

CONSTANTINE ALEXANDER: Just so you're clear, that sign that's up there now, take a magic marker and change the date and the time. October 27, seven p.m. If you don't do that, we're not going to hear the case in October.

COLIN WEHRUNG: Okay.

BRENDAN SULLIVAN: October 27th. And that you also sign a waiver of the statutory requirement for a hearing, and a decision to be rendered thereof. Sean can provide that for you. If you would sign that.

All those in favor of granting the continuance until then?

(Show of hands).

BRENDAN SULLIVAN: Five in favor.

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

BRENDAN SULLIVAN: Basically the waiver is that because we're asking you to continue this, is that we're waiving the right to have this heard and the decision to be rendered in the statutory period. Even though you have plenty of time. The decision has to be rendered by December 7th.

Anything else?

CONSTANTINE ALEXANDER: Five o'clock p.m. on the Monday before the October 27th meeting the plans need to be into our files.

BRENDAN SULLIVAN: If you have any questions, you want to sit down with Sean that's fine.

Thank you.

(9:25 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10148, 87 Raymond Street.

Introduce yourself for the record.
Are you with Avon Hill Historic?

BHUPESH PATEL: Yes, we are. My name is Bhupesh Patel. I'm the architect for 87 Raymond. Owner/agent and the architect. And this is the owner Steven Carroll, S-t-e-v-e-n M. C-a-r-r-o-l-l.

BRENDAN SULLIVAN: Okay.

BHUPESH PATEL: So we actually have two issues with the property that came about doing during the construction process. One basically, I'm just going to show you two elevations on the property. One is the

existing elevation, one that's proposed and one that's already been approved by the Historic Commission.

This is just the existing, and it shows basically a section in the middle here which is lower than the addition done in the 80's in the original house. We're actually taking this roof and raising it. And this is actually showing the raised portion, and basically it just allows us to get a real room on the second floor and allows to incorporate three new windows. One is an existing window just relocated slightly and two are new windows.

During that process we actually had the issues with the building structurally, so we asked for a demo permit that included the allowance to reframe a lot of the interior floors because they were built in 1846 with very minimal lumber. Some were three-by-four floor pieces, joists

themselves, and some were three-by-fives and some were three-by-six and that they fluctuated between those dimensions. So we actually asked that we could be allowed to re-floor the second floor under the demo permit to get this thing to be basically structurally sound before we did anything else.

In that process we actually leveled the floor. And in here I'm just going to show you a cross section and just explain why this required us to then get a variance.

This is the floor plate here and this is the old roof. And the red is the new roof. Basically by taking this floor and levelling it, we ended up raising it two inches on one corner and three inches on the other and basically made this temporary knee wall less than five feet.

BRENDAN SULLIVAN: Is it settled?

BHUPESH PATEL: Yes. We eventually

had to dig out this entire area to get all the clay out so it wouldn't settle anymore. But because it was done prior to us getting our final Building Permit, we were in this sort of catch 22 that now the knee wall was less than five feet. So the last four inches -- that's actually four-foot, nine on one end four-foot, ten on the other end. So that last four of five inches of space is new FAR. We are underneath the 50 percent FAR, but the 80's addition that was done on the house has already exceeded the ten percent. So this additional five square feet, which is actually what it is, along the length of that the knee wall is basically the additional feet that we're asking for.

TAD HEUER: And it's being described as a dormer; is that right?

BHUPESH PATEL: It's not actually. It's really just a middle addition.

TAD HEUER: I'm just looking at

the --

BHUPESH PATEL: It's a raised roof. It's not really a dormer because the whole roof is raised.

TAD HEUER: Right. But there's no additional dormer?

BHUPESH PATEL: No.

TAD HEUER: Right. So, I'm just looking at the advertisement to construct decks and add a dormer. To add a dormer is what you're referring to here?

BHUPESH PATEL: It's been referred to as a dormer.

TAD HEUER: Yes, okay.

BHUPESH PATEL: The second part of that is there is a site plan, which is like heavily colored here, but basically there's an old house here and the eighties addition here and there's a piece in question. Basically we are taking this side and raising it. But as you can see, there's a setback

line here. Both front here and here. Two front and two sides. This front yard setback basically is fine and relative to this, but there's two decks, a deck here and a deck here. But this both have been proposed. The start condition and solve the decks in the proposal and matching decks on both sides. So because that's in the setback, that's also on the Variance. There isn't actually a dimensional issue relative to the height or the fact that it's a deck because it's a roof already, but generally speaking --

BRENDAN SULLIVAN: It's at the second level.

BHUPESH PATEL: It's at the second level. So it's not changing the footprint in any manner, but basically it's to match. Basically symmetrical decks on both sides. But it's shallow two-foot rail. That was something that the Historical Commission wanted us to conform to to make sure that the

railing basically had the appearance of some of the classic homes that have -- not what's a parapet, but basically it has a railing and around the deck and added detail to the house and usually they're less than two feet tall and that's what this basically does.

BRENDAN SULLIVAN: What triggers the relief is it the fact that it's a non-conforming house with regard to --

BHUPESH PATEL: Correct, correct.

BRENDAN SULLIVAN: And because the previous addition has already put you over the ten percent even though you are under the max FAR?

BHUPESH PATEL: Correct.

BRENDAN SULLIVAN: That's what triggers coming down here.

BHUPESH PATEL: That's right.

BRENDAN SULLIVAN: And the deck is in a setback?

BHUPESH PATEL: It's -- we had to

describe it because it's in the scope of work that is not in the setback, but it doesn't change anything dimensionally or square footage wise.

BRENDAN SULLIVAN: Sean, why is it on the deck? Why do they need relief for that?

SEAN O'GRADY: I have no idea. That was my question also.

Is this a deck deck? A deck like you can go out onto it?

BHUPESH PATEL: You can go out onto it.

SEAN O'GRADY: Aren't you going to have a Building Code problem with two feet?

BHUPESH PATEL: It's actually three feet from the inside. It's just two feet from the outside. There wasn't actually -- Ranjit asked us to write up specifically what was proposed and approved by the Historic Commission to match this. So

we wrote both those things. But he -- Mike's concern was basically getting the Variance for the square footage.

SEAN O'GRADY: Okay.

BHUPESH PATEL: But, I've since asked Mike about the deck and he said he's not a concern from a standpoint but Ranjit said just leave it on there for now. If you need to explain it them, you can tell them that there's no dimensional requirement and that you're asking for a waiver on it, but it was immediately described because it was in the setback. And I said well, what does that really mean outside of the fact that it's described --

SEAN O'GRADY: Is it in or does it violate the setback?

BHUPESH PATEL: It violates the front yard setback.

SEAN O'GRADY: How many units are in the building?

BHUPESH PATEL: Just a single-family.

SEAN O'GRADY: Couldn't you use 822, H2 -- H1 actually for that invasion?

BHUPESH PATEL: I think it was just because it was described -- originally it didn't really have to do with the fact of the deck. It was the original description on the Historical Commission.

SEAN O'GRADY: Yes, well, okay.

BHUPESH PATEL: And that's why we wrote it up that way. And Ranjit said to copy it that way. Sarah had to review it again because it was an amendment, and like to know what it was proposed as, and I said can I take that portion out?

TAD HEUER: I agree with that and I'm almost confused as to why we're doing the FAR. Because I understand addition to the building, but this is the fault of the building itself, not an addition that's being

made. Nothing is being changed by you except over the course of the life of the building it's like normal wear and tear on your apartment. You don't pay your -- you don't lose your security deposit if there's normal wear and tear. I'm not sure why the bulk of the building, through no fault of the owner, is changing its floor level requires you to come back.

CONSTANTINE ALEXANDER: I don't understand why you're here. But, again, the relief is so modest I'm not sure I worry about it.

BHUPESH PATEL: Well, we were quite concerned that because it was in lieu of the construction process. As I said, it was that way from the beginning.

CONSTANTINE ALEXANDER: No harm, no foul.

TAD HEUER: Yes.

BRENDAN SULLIVAN: Any other

questions by Board members? Mahmood, any questions?

MAHMOOD FIROUZBAKHT: No.

BRENDAN SULLIVAN: Is there anybody here to speak on the matter at 87 Raymond Street.

(No Response.)

BRENDAN SULLIVAN: I see no one here. There is correspondence in the file from the Avon Hill Neighborhood Conservation District Commission. "The Avon Hill Neighborhood Conservation District Commission certifies pursuant to the title, chapter and verse of a code of the City of Cambridge on the City Council, establishing the Commission that the alterations described below is not incongruous to the historic aspect or architectural character of the building or the district. It involves changing of the grade and removing of the bulkhead. It says to add two second floor

porches with railings, and change two existing windows to doors at the second floor, and to demolish the existing roof and raise the roof of the L, central mass between the main block of the house and late 20th century rear addition. Which is the proposal before us and also the porches. They have voiced their support for the proposal. And it's dated 6/29/11 by Theresa Hamacher, H-a-m-a-c-h-e-r.

Nothing to refute, nothing to add.

BHUPESH PATEL: No.

BRENDAN SULLIVAN: Gus, anything?

CONSTANTINE ALEXANDER: No. I'm for it. I'm good as Tim would say.

BRENDAN SULLIVAN: Tom?

THOMAS SCOTT: I'm fine.

BRENDAN SULLIVAN: Mahmood?

MAHMOOD FIROUZBAKHT: I'm good.

BRENDAN SULLIVAN: Tad?

TAD HEUER: I'm going to abstain,

not because I don't support what you're trying to do. I don't think you needed to have wasted your time.

STEVE CARROLL: It's a civics lesson.

TAD HEUER: We're glad you could do it.

BRENDAN SULLIVAN: I'll make a motion to grant the relief required. The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner.

It would preclude petitioner from adding the section of the roof between two existing elements and the need of structural work, and the granting of the this Variance will allow for the room at that level to be a proper and liveable size.

The Board finds that the hardship is owing to the fact that the house is existing, non-conforming, built prior to the enactment

of the current Zoning Ordinance. And any relief of this nature would be required at least from this Board.

The Board finds that the request for relief is fair and reasonable and quite de minimus.

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

The Board cites the approval from the Avon Hill Historic Commission for this project.

All those in favor of granting relief.

(Show of hands.)

BRENDAN SULLIVAN: Four in favor.

(Sullivan, Alexander, Scott,
Firouzbakht.)

BRENDAN SULLIVAN: One abstaining.

(Heuer.)

(9:40 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10149, 76 Inman Street. Would you please introduce yourself.

SANTINO FERRANTE: My name is Santino Ferrante, S-a-n-t-i-n-o F-e-r-r-a-n-t-e. And in the interest of full disclosure, I am the owner of the property through a limited liability company, but I also own the house directly next to this property. I will be the abutter facing this work.

CONSTANTINE ALEXANDER: Sir, before you get into the merits of the case, I went

by the property Tuesday afternoon and there was no sign posted.

SANTINO FERRANTE: There was a sign posted. What happened with all the rain, it got washed down into the ground.

CONSTANTINE ALEXANDER: When did that happen?

SANTINO FERRANTE: It happened that day, because it was back up when I got home from work that evening.

CONSTANTINE ALEXANDER:
(Inaudible).

SANTINO FERRANTE: And I had to put it on the window, otherwise it was going to get washed away. And the window is only about ten feet away from the --

CONSTANTINE ALEXANDER: Okay.

SANTINO FERRANTE: So it was just that one accident in the afternoon. It was up in the morning, and when I came home it was down and I put it right back up.

CONSTANTINE ALEXANDER: Okay.

SANTINO FERRANTE: The -- I think you may have these photographs. This is the existing porch. And what we're looking to do -- what I'm looking to do is enclose the porch and put some windows in it. This is an approximate of what it would look like. I say approximate, only because this rendition shows six windows, we'll only have five windows. The porch now is flush with the side of the house. It will actually be about six inches back.

CONSTANTINE ALEXANDER: Is the idea of windows to create a three season room?

SANTINO FERRANTE: It will actually increase the size of the kitchen itself. The kitchen now is a narrow kitchen. It's very small. This will bring the, you know --

CONSTANTINE ALEXANDER: Kitchen to where it is now the porch?

SANTINO FERRANTE: What is now the

porch, yeah. It will double the size of it. Well, you know, it will add about 40 percent more to the size of the kitchen.

CONSTANTINE ALEXANDER: And that's the use of the enclosed porch is going to increase the size of the kitchen.

SANTINO FERRANTE: Correct.

The --

BRENDAN SULLIVAN: Without increasing FAR because it's already enclosed.

SANTINO FERRANTE: It's already enclosed. In fact, you know, the Special Permit's required because it's being built within the setback. But if you look at the dimensional chart, you'll see that we're actually, in every respect, reducing the nonconformity.

BRENDAN SULLIVAN: Okay. You're reducing the gross floor area by a small amount, you're pulling the structure back.

SANTINO FERRANTE: That's right.
Six inches.

BRENDAN SULLIVAN: You're
non-conforming on the left side?

SANTINO FERRANTE: That's right.
Left side facing the property from the street
to your back, that's right. So, it was -- not
eight and a half feet, it will now be nine
feet.

TAD HEUER: And the reason you're
pulling it back?

SANTINO FERRANTE: It just looks a
little bit better. We go from a clapboard to
windows, and it will set it back a little bit,
give it a little more depth.

This has already been approved by the
Cambridge Conservation District. They've
seen it, they've approved the plan.

MAHMOOD FIROUZBAKHT: They've
approved it with the six windows showing?

SANTINO FERRANTE: They've approved

it with the six windows, yes.

MAHMOOD FIROUZBAKHT: Do you have to go back to them?

SANTINO FERRANTE: I'm going to let them know that we've had to change the number of windows, they simply won't fit. We could put six windows, but they would be way too small.

CONSTANTINE ALEXANDER: What about the abutter, the one in particularly facing the windows?

SANTINO FERRANTE: That's me.

CONSTANTINE ALEXANDER: Oh, that's you. What do you think?

SANTINO FERRANTE: I think it's a great plan. The guy is great. And by the way, my sister abuts the other side and she told me to tell you she thinks it's a great idea, too.

TAD HEUER: Does she think you're a good guy or is there some friction there?

SANTINO FERRANTE: No, she loves me. And for the record, my parents are moving in here. So, it's our little compound. So I'm able to keep an eye on them.

BRENDAN SULLIVAN: Okay. Is there anybody here who would like to speak on the matter at 76 Inman Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody here. Nothing to refute, nothing to add, nothing to -- any questions, Gus, at this point?

CONSTANTINE ALEXANDER: No, I'm fine.

BRENDAN SULLIVAN: Tom?

THOMAS SCOTT: No.

BRENDAN SULLIVAN: Mahmood?

MAHMOOD FIROUZBAKHT: I think we're ready for a vote.

BRENDAN SULLIVAN: Tad?

TAD HEUER: I have a suggestion,

it's not a requirement at all, in removing the existing porch, if it's possible, either reuse or someone salvaged --

SANTINO FERRANTE: I preserved all of it. I have all of that. It was one of those things that we discussed with Historical people. We have it. I'm not sure where we can use it. I am going to be rebuilding the front porch. There's a possibility we might be able to use some of it there.

TAD HEUER: Yes, I mean, there are salvage places that will take it.

SANTINO FERRANTE: Yeah, we took it apart. We'll have every piece of it.

TAD HEUER: Good.

BRENDAN SULLIVAN: I'll make a motion to grant the Special Permit as per the request. And is there a plan here?

SANTINO FERRANTE: Just the photographs.

BRENDAN SULLIVAN: Photo simulations.

The Board finds that the requirements of the Ordinance can be met.

The Board finds that traffic generated, patterns of access or egress would not cause congestion, hazard or substantial change in the established neighborhood character.

The Board finds that continued operation on the 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 nuisance -- there would not be any nuisance or hazard created to the detriment of the health, safety or welfare of the occupants of the proposed use, or to the city.

The Board finds that in fact it would enhance the liveability of the house. And the Board finds that the proposal should

impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

All those in favor of the granting the Special Permit with the exception that instead of the six windows as shown, that the Petitioner be allowed to reduce that to five windows which will better fit the space.

All those in favor of the granting the Special Permit.

(Show of hands).

BRENDAN SULLIVAN: Five in favor.

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

SEAN O'GRADY: Are the six inches on their form?

SANTINO FERRANTE: Yes, it is.

BRENDAN SULLIVAN: It's on the dimensional form, Sean.

(9:45 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10150, 535 Cambridge Street. Okay, whoever is going to present the case, if you would introduce yourself for the record and please spell your last name.

CHRISTINE YOUNG: My name is Christine. My last name is Young, Y-o-u-n-g.

KENT LEUNG: And my name is Kent Leung, L-e-u-n-g.

BRENDAN SULLIVAN: What do you want

to do?

KENT LEUNG: We want to create a dog day care facility because a lot of people wanted one in that specific area for the past few years. And also, you know, we might sell, you know, a few dog leashes from the local artisans. But it's mostly going to be a dog day care try to help out, you know, with people creating the dogs all day long.

CHRISTINE YOUNG: A safe environment.

KENT LEUNG: Exactly. More properly behaved dogs.

CONSTANTINE ALEXANDER: Will you be boarding dogs overnight?

KENT LEUNG: No, definitely not. That's a kennel. This is a day care.

TAD HEUER: What's the hours of operation?

KENT LEUNG: Probably eight to -- probably 8:30 to 5:30.

TAD HEUER: And do you expect -- so, walk me through the standard draw. I'm thinking of kid day care, so I presume it's somewhat different and somewhat similar. Walk me through the, you know, what happens in the morning when I presume most of the people are trying to drop off their dogs and get out of there and go to work?

KENT LEUNG: Okay. Well the majority of our dogs, we pick up the dogs through dog taxi. So we almost pick up all the dogs. We drop them off. And normally -- I looked at the specific area, it was chosen because it's close to the Shaw's Plaza and that's only three blocks away. I want to park our dog taxi and then walk the dogs in.

TAD HEUER: Okay.

KENT LEUNG: And once we get the dogs settled, there will already be a staff member there, and we'll get the dogs settled and make

sure they're all comfortable. And basically either the owners can be -- pick them up. But to be honest, we would pick them up and drop them off. The reason why we have the dog day care facility is we wanted to put cameras installed in it so the Cambridge dog owners can see their dog on our website. We're going to design an iPhone app, so they can, you know, not just for iPhone but Android as well. Okay. At one point, but probably design something to look at their dog so that could be kind of nice. I'm a dog owner. That's why after I got a dog -- I don't have kids myself. I work with kids everyday, but, you know, my dog's like my kid.

CHRISTINE YOUNG: And we have nothing to hide. We want to show, you know, dog owners that the dogs are having fun. They're being stimulated through play. And we can, you know, and we can treat, you know, do tricks or something with the dogs.

KENT LEUNG: Dogs are so much smarter than people think they are.

CHRISTINE YOUNG: Absolutely.

KENT LEUNG: They're really like small people, they're smart.

BRENDAN SULLIVAN: How many?

KENT LEUNG: Probably I'm looking at because the space is so large, but we're only going to have a few dogs. Probably between 10 and 15.

BRENDAN SULLIVAN: Okay.

KENT LEUNG: I'm sorry. I was just going to say, also we'll be, you know, people can have little artisans and dog leashes, too.

CHRISTINE YOUNG: Right. Like, I've been looking into some different local community Cambridge residents who do offer, you know, some handmade things. You know, we are not going to like a Pet Smart or a Pet Co. We want to offer unique things. For

instance, one of the different things that I've noticed, there's a local person, her name is Mindy, and she actually makes different pet beds. And they're recycled. They're vintage looking. Something that I think is unique. And it would be wonderful that Cambridge has something that's different and, you know, stylish.

CONSTANTINE ALEXANDER: What I want to ask you, hopefully you're aware is that right next-door your landlord is proposing to put in a Subway.

TAD HEUER: That was canceled last week. Voted down by this Board.

CONSTANTINE ALEXANDER: Oh, okay.

TAD HEUER: There are reasons that are beyond me I would say since I voted for it.

CONSTANTINE ALEXANDER: Let me continue anyway. What about if someone wanted to put a restaurant or some sort of

food enterprise in the vacant storefront next to you? What about issues about smells, sanitary conditions, noise?

KENT LEUNG: Okay. So I thought of this ahead of time. So they're industrial grade air purifiers which decrease 99.9 percent of microbials, and it would also reduce -- reduces the smell. Because lots of hotels now a days actually, almost the majority of hotels in Boston have changed the last two years, have integrated the system, because they have pets in the rooms. That's actually a massive change because two years ago there were only five or six hotels.

CHRISTINE YOUNG: There's now 50 in Boston.

KENT LEUNG: 50 hotels in the past two years.

CHRISTINE YOUNG: If you go to bringfido.com, it's a website which allows different pet owners that can now go with

their dog to places. We noticed there's a huge increase in Cambridge alone with just the numbers for those who are licensing their dogs. So there's a definite need. I have a lot of different people come to me. I do -- I do a small pet service where I do dog walking. I do pet care. So I do have 50 percent of my clients coming from Cambridge and they, you know, they're definitely off. What else can you offer me? And I have a huge need on my end.

KENT LEUNG: So in addition to -- definitely with the smell that will not be a problem. These are unfortunately very expensive, but they're industrial grade air purifiers. And in terms of sound, there will be sound boards placed in the ceiling. And the dogs are walked quite frequently. They're happy dogs. That really won't be an issue.

BRENDAN SULLIVAN: Is there an

outside area behind the building to recreate the dogs at all?

KENT LEUNG: Yeah, so there is a specific park that has like a very large sign, you know, you can have your dog but make sure it's leashed. So that's very close to the place. And we can relieve the dogs at that location.

BRENDAN SULLIVAN: That's the one on Fourth Street?

CHRISTINE YOUNG: The one close to Shaw's.

KENT LEUNG: It's right next to McDonald's. I'm sorry I don't know the street.

TAD HEUER: There's nothing behind it because we had that 900 square foot deck a few years ago.

KENT LEUNG: I chose it because it was close to a dog park. And I know from going to the dog parks myself that I think

everyone in that area is asking -- wishes there was a dog, like a dog place they can take to besides Pet Smart. You know, Pet Smart by the ways has an overwhelming demand, you know. But I want to have more customized care where they can actually see their pets any time. They can talk to their pets. We're going to have like, phone call.

I work at a learning center and I help work with kids after school and underprivileged kids so I understand the needs of a lot of parents that they think pets are kids.

CONSTANTINE ALEXANDER: Are there any sanitary issues we need to be concerned about with the dogs and their feces and the dog food and it could cause -- bring in rodents that would impact the neighboring properties.

KENT LEUNG: Okay, so what I thought about, and I've already solved this problem

is that the feces won't be a problem because they're relieved every two -- they're taken out every two hours for one thing. But if something would occur, the floor we're designing is specifically designed so for pets. So it can be sanitary. And if we pick up, you know, the feces, etcetera, we have vacuum sealed industrial bins where the smell can't get out and they will be placed in the basement.

CHRISTINE YOUNG: And that will be away from --

KENT LEUNG: I don't want to smell it either.

BRENDAN SULLIVAN: You're renting the first floor, and how many square feet?

KENT LEUNG: Well, I think it's 1150 square feet plus a full basement.

BRENDAN SULLIVAN: Okay. And you use the full basement. Now the full basement is going to be used for?

KENT LEUNG: Just a waste basket and dog food.

BRENDAN SULLIVAN: Just basic general storage?

KENT LEUNG: Yeah, storage.

BRENDAN SULLIVAN: It's not meant for recreate the dogs?

KENT LEUNG: The dogs will be taken out every two hours.

CHRISTINE YOUNG: No one will be going out.

BRENDAN SULLIVAN: Is there any boarding of the dogs?

CHRISTINE YOUNG: No.

CONSTANTINE ALEXANDER: I asked that.

KENT LEUNG: No.

CHRISTINE YOUNG: I can provide boarding to some of our clients.

KENT LEUNG: Yeah, at my house or something. One or two dogs.

BRENDAN SULLIVAN: But it's not at this location?

KENT LEUNG: No, it's a dog day care. It's not a kennel.

BRENDAN SULLIVAN: And veterinary services are --

CHRISTINE YOUNG: No.

KENT LEUNG: No.

BRENDAN SULLIVAN: Not at this location.

TAD HEUER: Can you talk about parking and double parking on Cambridge Street?

KENT LEUNG: Well, almost all of our clients will be -- they use dog taxi. And if there's a -- we actually -- there's a zone drop off location right behind the building. So they can drive in and walk the dog over. And that's not on the Main Street.

TAD HEUER: That was kind of my question. Is this the alley or is this off

Seventh Street.

ATTORNEY ALISSA DEVLIN: Can I interject? Alissa Devlin. I'm here on behalf of the landlord. This would be the alley off of Seventh Street access.

TAD HEUER: So I'm back in the alley again. This is the ninth time this building has been before us, so I feel like it's home.

The alley, we had a long discussion about parking in the alley and tandem parking in the alley and other things in the alley and the big thing that came out of it besides denying the tandem parking in the alley, is that we thought it was fundamentally unsafe, to have cars going in and out going on to Seventh because it's a bad turn coming off a main road very close to the building. I'm not sure that my thoughts in that case changed at all. It's the same alley, but potentially with more traffic in it rather than somebody who goes to work and comes home. Now there's

a suggestion it would be used more frequently. I think we would want it to be used infrequently. More frequently would not be better.

KENT LEUNG: Can I interject?

TAD HEUER: Sure.

KENT LEUNG: So to be honest with you, as I mentioned, our clients will be using it -- we pick up the dogs. The main reason why we're having it, is that it seems more professional than having it like in the house or something. They can see the dogs. That's the main thing. To be honest, I could just rent out a warehouse place. But that's more like other places, but I want it to be a place with big windows that they can see the dogs.

TAD HEUER: That's fine. Don't misconstrue me. I'm just worried about this alley thing. We're very specific --

ATTORNEY ALISSA DEVLIN: If I can

interrupt, although the tandem parking was denied for the alley, the use of the alley has historically been for at least deliveries. I think this would be in keeping with that historical use where they're not planning to be parking there. It would be just for pick-up, drop-off and then --

CHRISTINE YOUNG: Two minutes.

ATTORNEY ALISSA DEVLIN: -- and primarily they would have their own pet taxi, which they're going to operate that out of -- near Shaw's. Did you say you're going to bring that by Shaw's?

KENT LEUNG: Yes, near Shaw's. it's only three blocks away.

ATTORNEY ALISSA DEVLIN: You said 10 to 15 dogs?

KENT LEUNG: Yeah, so there might be -- since we estimate about 95 to 97 percent of our dogs will be from our place. It's only the people that stop by, oh, you know, can we

just drop off our dog? But that's really the few people --

CHRISTINE YOUNG: Right. Because you can only see it in the morning.

KENT LEUNG: There's also three metered spots, too. There's three metered spots. There's a drop off spot. There's a Shaw's if they don't mind walking through -- I mean people are very energetic in Cambridge.

TAD HEUER: I'm more interested in the three metered spots than I am in back dooring this alley metaphors into something that we tried for it not to be previously.

KENT LEUNG: To be honest, most of it is pet taxi.

BRENDAN SULLIVAN: And it's the most used alley in the city?

TAD HEUER: I think it's the alley that comes before us the most, yes.

ATTORNEY ALISSA DEVLIN: It's the building.

BRENDAN SULLIVAN: Maybe just hasn't found a good use for it yet?

ATTORNEY ALISSA DEVLIN: If the building had any other, you know, space, but it's just taking up all the -- it's the whole building itself. It's struggling to find uses for the building that can't get around this thing for parking. We thought this one was kind of brilliant because the bulk of it, any of the parking issue is resolved by their pet taxi.

TAD HEUER: Right. And I'd agree with that. I'd say that being said, turning the alley into any kind of a parking space is something I --

ATTORNEY ALISSA DEVLIN: We're not asking for that. There's no parking issue before you.

TAD HEUER: I prefer the alley not be used for motor vehicles.

BRENDAN SULLIVAN: I think the modus

operandi --

KENT LEUNG: I mean, if it's necessary, we can just three blocks away at the Shaw's and walk the dogs.

TAD HEUER: This isn't your fault. It's been going on for years. And hopefully not come back.

I have another, just my preference, my personal preference would be that alley's not used for any type of auto use. For use of the bike lane.

On that dimensional form, it suggests that you're asking for this -- I don't think it was intended. You're asking for an increase in the FAR. I just don't understand that.

ATTORNEY ALISSA DEVLIN: That was probably my error.

TAD HEUER: Okay.

ATTORNEY ALISSA DEVLIN: There isn't any increase in FAR.

TAD HEUER: Yes, you have existing 9416 requested conditions, very specific 10,002.

ATTORNEY ALISSA DEVLIN: Yeah.

TAD HEUER: What's going on with that?

ATTORNEY ALISSA DEVLIN: I think it's just my error.

BRENDAN SULLIVAN: You're not changing anything?

ATTORNEY ALISSA DEVLIN: No. This is for permission for Special Permit to use the space, that's it.

TAD HEUER: Special Permit. Okay. Do you have any sense which of those numbers is the right numbers?

ATTORNEY ALISSA DEVLIN: I believe the 10,002, because this was probably from one of our earlier, one of the many other times.

TAD HEUER: The condo?

ATTORNEY ALISSA DEVLIN: Right.

TAD HEUER: So we can change this on the form to indicate it is 10,002?

ATTORNEY ALISSA DEVLIN: Yes.

CONSTANTINE ALEXANDER: I take it you're signing a lease for these premises?

KENT LEUNG: Yes.

CONSTANTINE ALEXANDER: How long is the lease for?

KENT LEUNG: It's a lease to own. So the lease by itself is three years, but I can purchase up to three years.

CONSTANTINE ALEXANDER: Sometimes in these Special Permit cases we put a time frame on the Special Permit to see how it works out in the neighborhood to allow you to finance your lease, often make the time frame correspond to the lease term. That's the reason I ask the question. I'm not trying to pry into your personal affairs. But I don't know if the Board would have any interest on

putting a time limit on the Special Permit, but that's the reason for the question.

BRENDAN SULLIVAN: Any other questions? Mahmood?

MAHMOOD FIROUZBAKHT: No, I'm fine.

BRENDAN SULLIVAN: Let me open it to public comments. Is there anybody here who would like to speak on the matter 535 Cambridge Street?

CHARLIE MARQUARDT: Charlie Marquardt, Ten Rogers Street. I'll try to be brief.

They are coming before the East Cambridge Planning Team next Wednesday evening. They're on the agenda already so that is good. We want something in the building. It sounds really cool. I don't have a dog, but watching it on TV all day doesn't sound all that great.

I have a couple of questions that really go to -- I'm not sure if it's you guys or if

it's you. I'm just going to run through them all.

First of all, you keep mentioning parking at Shaw's. I'm not sure that's technically allowed, that you can park at Shaw's and then walk all the way up because it's for Shaw's only. So be careful about that one.

Second, you keep mentioning there's a dog park. It's Old Star Mother's Park that has some off-leash dog hours. But it's not a dog park. It's actually a children's park. So you want to be real careful with that when you're at the East Cambridge Planning Team because they're real particular about that.

Anything you can do to make it okay for a restaurant to go in next-door would be great. I know it's in your best interest. I know it's -- we want something else in there.

TAD HEUER: You had a restaurant two weeks ago and everyone was against it.

CHARLIE MARQUARDT: I know you have your feelings on that.

TAD HEUER: I'm not sure where you're going to get the extra parking. They didn't need parking even for a restaurant.

CHARLIE MARQUARDT: I'm with you.

TAD HEUER: I'm just conveying to you to the East Cambridge Planning Team.

CONSTANTINE ALEXANDER: The comments you're making are things you should be talking to these folks offline. Why are you taking our time up? You're supposed to be giving us views of the neighborhood. Not giving them tips as to how to --

CHARLIE MARQUARDT: I started off with we hadn't met yet.

CONSTANTINE ALEXANDER: Well, I know that. Talk to them offline and let us pursue the case.

CHARLIE MARQUARDT: I agree that makes total sense to me. I appreciate it.

KENT LEUNG: I'm just trying to help out the community.

BRENDAN SULLIVAN: Does it make sense to continue this until after?

CONSTANTINE ALEXANDER: No, I wouldn't.

MAHMOOD FIROUZBAKHT: No, I wouldn't either.

THOMAS SCOTT: No.

BRENDAN SULLIVAN: All right. Anyhow, anything else?

CHARLIE MARQUARDT: I don't. I appreciate your comment. We'll meet with them on Wednesday and we'll go through this then.

Thank you.

BRENDAN SULLIVAN: Okay. There is correspondence in the file on the letterhead of the Cambridge City Council. "Dear

Board Members: I am writing in support of case No. 10150, an application by Kent

Leung."

KENT LEUNG: Leung.

BRENDAN SULLIVAN: Leung.

KENT LEUNG: I pronounce it a certain way to make it -- it's pronounced differently, but to make it easier for everyone else. It's pronounced Leung. But Leung is okay.

BRENDAN SULLIVAN: "Leung to allow for pet care and related services at 535 Cambridge Street. I feel this is good use of the space and will serve a growing number of local residents with dogs that are in search of local pet care services. Thank you for your attention. Signed Timothy Toomey, City Councilor."

On the letterhead of the East Cambridge Business Association; "Members of the Board: We are writing in support of case No. 10150. The ECBA feels that it is important for this space to become active, and feels that this

type of use will be beneficial for local residents seeking pet care. Additionally, this type of use will integrate nicely with surrounding businesses and hopefully create an increase in foot traffic that could be beneficial for all. Thank you for taking this into consideration."

CONSTANTINE ALEXANDER: Foot traffic would be four foot.

BRENDAN SULLIVAN: And that's the sum and substance of the correspondence.

MAHMOOD FIROUZBAKHT: I guess in granting a decision here, would it make sense to limit the number of dogs that can be cared for in this facility? I guess, you know, I'm a little concerned if it's a huge success, and hopefully it is, but then, you know, you have 50 dogs in there and it's like, you know, a little --

TAD HEUER: Not enough cameras for all of them.

KENT LEUNG: For our space, actually, to be honest, a lot of places they only have 400 square feet and they stick 30 dogs. We're going to have a 1,030 square feet and we're only putting 10 to 15 -- sorry. I heard 1030 or ten-something. Anyway we have 1,080 square feet.

ATTORNEY ALISSA DEVLIN: 1,180.

CONSTANTINE ALEXANDER: How much of that is basement?

KENT LEUNG: We have a whole basement and so we're only having 10 to 15 dogs. So most places have 400 square feet. And I can name all the places if you want. They have like 20 to 30 dogs, and really, I find this disconcerting as a dog owner, because there's no cameras in any of these places. And they tell people -- every single time I try to take my dogs to these places, Oh, we have only a few, few dogs here. I've seen every one of these places, I can name

them offhand, completely packed. And every single time I took my dog to these places, my dog just gets bit up. I can't allow that, you know.

BRENDAN SULLIVAN: So would you be amenable to a limit at this point?

KENT LEUNG: I guess, I don't know.

CHRISTINE YOUNG: What would you see as a limit?

TAD HEUER: 25.

KENT LEUNG: I just want to make it work and that's the truth.

MAHMOOD FIROUZBAKHT: You're saying 12 to 15 dogs. Is that, I mean, have you run numbers to -- and would that number of dogs would make your business viable and work? And so like limiting you to 25 would be more than adequate to make your business?

CHRISTINE YOUNG: We can limit it to 25?

KENT LEUNG: Yeah, that seems like

it makes sense.

CHRISTINE YOUNG: Yeah, that's a good number.

ATTORNEY ALISSA DEVLIN: Have you investigated that?

BRENDAN SULLIVAN: You can always come back and amend it at some point.

KENT LEUNG: Is it possible to have a limit at 30? I don't know.

BRENDAN SULLIVAN: I have no --

KENT LEUNG: I don't know how many dogs I'm going to get.

MAHMOOD FIROUZBAKHT: I have no expertise in this field, but the idea.

KENT LEUNG: I don't want to hit the number 25 and have to come back for an extra five or four.

BRENDAN SULLIVAN: I mean, I have no --

KENT LEUNG: The place, honestly, if you look at other places, I mean I can name

some places, the space is more than adequate. Because 400 square feet for like 30 dogs and we have a thousand. I mean, you know, that's 30, we're only 10 or 15.

CONSTANTINE ALEXANDER: Mahmood, I think you're points well taken. I think we attack it a different way.

I was thinking that we should condition any relief we grant that, one, no overnight boarding. And, two, that the equipment be installed to minimize odor and sound impact on the surrounding properties. I think if those are done, the number of dogs becomes less relevant it seems to me.

TAD HEUER: Then also as a footnote, the Ordinance section of 29 requires that a Special Permit be granted as long as there's an indication of minimization of noise and odors.

KENT LEUNG: No perceptible odor and noise.

MAHMOOD FIROUZBAKHT: I agree with you, Gus. I do like the idea of having a number to limit the number of dogs, because if you do have 50 dogs in there, I mean, it's going to be loud. It's going to be more chaotic. And then also then for me that might implicate traffic issues as well because then you have more customers who are coming and going and that kind of thing.

CONSTANTINE ALEXANDER: I agree with you. I don't now who pick the number.

TAD HEUER: Out of thin air.

KENT LEUNG: It's a small business.

ATTORNEY ALISSA DEVLIN: If for argument they did get 60 dogs and there was a problem, if the neighborhood was impacted, they would seek some relief and maybe challenge the existence.

BRENDAN SULLIVAN: Not at that point. They can complain, but the only other vehicle would be to let you do what you have

to do with the caveat of noise and --

CONSTANTINE ALEXANDER: Odor.

BRENDAN SULLIVAN: -- odor suppression and then put a two-year time limit on it and come back for review. See how well it's worked out, whether you have a dog or you packed the place. I think that dog owners tend to regulate how many they're comfortable with as it is a day care center.

KENT LEUNG: Especially with cameras.

BRENDAN SULLIVAN: I think that's going to, that's going to -- it's self-regulating in a sense.

CHRISTINE YOUNG: Absolutely. And we want it to be welcoming.

BRENDAN SULLIVAN: I think that if we were to condition that there be adequate noise and odor suppression as per your presentation.

KENT LEUNG: I'll buy the app for you

if you want to see how many dogs we have.

BRENDAN SULLIVAN: And that we put a time limit of two years for this initial permit.

KENT LEUNG: Okay.

BRENDAN SULLIVAN: And then you come back after two years and we review it to see how it's working out.

KENT LEUNG: Okay.

BRENDAN SULLIVAN: So, with that condition --

ATTORNEY ALISSA DEVLIN: Can I make a request?

BRENDAN SULLIVAN: Yes.

ATTORNEY ALISSA DEVLIN: With the initial lease is going to be for a three-year term, could it be a three-year review period so it coincides like you had mentioned with their original lease terms so we wouldn't be stuck having to possibly have a license.

BRENDAN SULLIVAN: Well, I sort of

like the two year myself.

CONSTANTINE ALEXANDER: Your call.

BRENDAN SULLIVAN: Yes, I think the, let's do the two years, okay? And I think that keeps everybody focussed.

ATTORNEY ALISSA DEVLIN: Okay.

BRENDAN SULLIVAN: Anything else?

TAD HEUER: Just the alley.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And that the alleyway behind the building not be used for the parking of vehicles associated with this business.

TAD HEUER: Parking or use.

BRENDAN SULLIVAN: Parking or use.

TAD HEUER: By vehicles.

BRENDAN SULLIVAN: Or vehicles associated with that business.

ATTORNEY ALISSA DEVLIN: There's no parking issue before you right now. So I'm not sure.

BRENDAN SULLIVAN: We're just....

TAD HEUER: It's a Special Permit.
We can condition pretty much what we want.

ATTORNEY ALISSA DEVLIN: Okay.

BRENDAN SULLIVAN: Let me make a motion to grant the Special Permit to allow for the pet care and related services. As per the application the Board finds that the requirements of the Ordinance can be met.

The Board finds that traffic generated or patterns of access or egress would not cause congestion, hazard or substantially change the established neighborhood character.

The Board finds that continued operation of development of adjacent uses, which there are none right now, and permitting the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

That no nuisance or hazard created to

the detriment of the health, safety or welfare of the occupants of the proposed use. And that the proposed use would impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

The Board notes the conditions imposed as part of this, and also notes the letter from the East Cambridge Business Association and from the City Councillor Toomey.

All those in favor of granting --

CONSTANTINE ALEXANDER: I'm sorry, I may have missed it. As part of the motion you got all the conditions in about the two years and the sound and no boarding?

BRENDAN SULLIVAN: Yes, that's all in there.

TAD HEUER: And that is an expressed agreement that we will have footnote 29.

BRENDAN SULLIVAN: Oh, I'm sorry. And that as part of the -- the Board finds that

the requirement footnote 29 has been complied with in the granting of this Special Permit.

All those in favor.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

Good luck.

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

(10:10 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10151, 64 Dudley Street. Is there anyone here on that matter? Your interest is.

MICHAEL PINKSEN: My name is Michael Pinksen. I own 43 Cedar Street. One, I didn't get notification that the meeting being at six. This kind of thing. But this proposal, I'm opposed to it because it's basically taking the thing and putting ten pounds of hardware in a one pound bag. They're proposing to alter that parking lot

and be stricter in that parking lot. Dumping all his parking traffic out through cleaning place again.

BRENDAN SULLIVAN: The earlier case which was at six o'clock was --

MICHAEL PINKSEN: Was continued.

BRENDAN SULLIVAN: The continued one. This is the one for the two-family. Both of them are going to have to be continued.

MICHAEL PINKSEN: I'm bringing it up at the next meeting.

BRENDAN SULLIVAN: Okay.

MICHAEL PINKSEN: I didn't get the notification from the city until very late. One, I have properties in a trust because I got very ill in '05 and there's basically a bounce between the trust and then back to me. Because the titles notified in the trust.

BRENDAN SULLIVAN: What was the address?

MICHAEL PINKSEN: 43 Cedar Street,
Cambridge, Mass.

BRENDAN SULLIVAN: Which address?

MICHAEL PINKSEN: 43A. The front.
There's a back building behind me is owned by
the realty company.

BRENDAN SULLIVAN: I'll tell you
43 -- yes, Equity Holding Corp.?

MICHAEL PINKSEN: Yes.

BRENDAN SULLIVAN: Okay. It was
sent to 43 Cedar Street but, is that -- do you
want it sent to another address?

MICHAEL PINKSEN: No, no, I want it
sent at this address. I just would like it
directly to me on time. That's going to be
dissolved recently. It's in the process of
being dissolved now. To basically to keep my
home, and I was ill. It took me another year
to recuperate. I had a stroke in '05 so
basically now what happens is they get it and
then I usually get a notification from them,

but it's later. These were mailed out 17th of August and I didn't get them to 20 something. One, I'm working in New York. I'm an ironworker, the trade industry is very dead.

BRENDAN SULLIVAN: We're going to continue this until December 1st.

TAD HEUER: At seven.

MICHAEL PINKSEN: You send me a notification?

TAD HEUER: That's when it will happen.

MICHAEL PINKSEN: What time?

TAD HEUER: Seven o'clock.

CONSTANTINE ALEXANDER: There will be no more mailings but the sign on the property will be changed, but you're not going to get any more mailings. Take good notes.

MICHAEL PINKSEN: And what do I do? Seven o'clock? Hear again?

TAD HEUER: It will be here. And those cases are heard so we go through all the continued cases first and then we do the regular agenda. So, there may be a couple cases at seven, but those will all get heard before we go to the regular agenda.

MICHAEL PINKSEN: The one I got from the city it said 8:30 for the meeting. I got here 8:15. Sorry, six o'clock continued blah, blah, blah.

TAD HEUER: They were running two different cases.

MICHAEL PINKSEN: That's fine.

BRENDAN SULLIVAN: Regarding case No. 10151, the Board is in receipt of correspondence on the letterhead of Regnante, Sterio and Osborne addressed to Maria Pacheco. "You may recall that the above case was continued to September 8th. A continuance was requested based upon my discussion with Mr. O'Grady that we would

redesign and downsize the project to incorporate the construction of one or two structures and to reduce the zoning variance with side yard and meeting all requirements. Since there have been several continuances, I would suggest that we re-advertise and re-notify the abutters. I'm happy to furnish any other information that the Board may request so that this matter may move forward on September 8th. But Mr. Regnante has requested a continuance on this matter to December 1st. On the motion to continue this --

CONSTANTINE ALEXANDER: This is a new case. We need a waiver for a time for decision and to change the sign.

SEAN O'GRADY: Yes, we do.

BRENDAN SULLIVAN: On the condition that -- do we have a waiver on this?

SEAN O'GRADY: I'll get one. We don't.

BRENDAN SULLIVAN: Yes, 10/14. On the condition that the Petitioner sign a waiver of hearing date and a decision to be rendered, and that the Petitioners change the posting sign, and if any other additional signs are required to comply with the posting Ordinance and to reflect the new time, new date of December 1st and the time of seven p.m.

All those in favor of the continuance.
(Show of hands).

BRENDAN SULLIVAN: Five in favor.

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

(10:20 p.m.)

(Sitting Members: Brendan Sullivan, Constantine Alexander, Tad Heuer, Thomas Scott, Mahmood Firouzbakht.)

BRENDAN SULLIVAN: The Board will hear case No. 10152, 5 Sparks Street.

BLAKE ALLISON: Blake Allison. Dingman Allison Architects, 1950 Mass. Ave.

NANCY HURLBUT: Nancy or Ann Hurlbut, H-u-r-l-b-u-t.

ROBERT HURLBUT: Robert S. Hurlbut, Jr.

BLAKE ALLISON: This property was in a Variance in 2004 to construct a new entry to the building. It's a Victorian cottage in the marsh district right at the end of Smart

Street. The first floor, as is typical in that area, is about six or seven feet higher than the sidewalk level. So as you can see in the pictures, it's fairly substantial. Staircase coming up to the new front door. This was the addition that was built with the relief. The staircase involves coming up to a landing, and then to a porch and then unfortunately they didn't put a roof over this porch. We went back to check on the original variance to see if it was included, and it was not. So we're here essentially to amend that '04 variance to put a porch over this roof.

I made some copies of that finding from 2004, and it's in the file or not, but they pretty much dealt with all of this at that time. So, I thought that would be helpful. The roof is as small as possible to fit over and cover the porch area. It's four feet wide, five-foot, nine inches long. The

compelling reason for the roof is basically the wintertime. The ice is pretty horrendous. This wall with the front door in it faces north, and as you can see, there's a valley coming down from above, and very steep mansard. And the snow piles up. It cascades down. It's an unsafe situation if there ever was one. So the square footage involves 23. It's less than one percent of the size of the building even though it's very small residence. So it's a typical in the area. We already had been to the marsh district and they've approved the plan.

CONSTANTINE ALEXANDER: That's correct.

BLAKE ALLISON: Is it already in the file? And last but not least, the Hurlbutts went around and talked to all the abutters, and there's also this document which was also used at the marsh district hearing. And so, as far as we know, there's no objection to the

plan. And maybe the Hurlbutts just want to talk about the joys of living with that front door in the wintertime.

NANCY HURLBUT: Well, you can imagine --

ROBERT HURLBUT: Or in the rain.

NANCY HURLBUT: Yes, in the rain. It would be nice to have just a step of time to do your umbrella under a dry place before you go into the house. You enter the house directly and it just would make life a lot simpler.

BRENDAN SULLIVAN: I went by your house countless times, lovely house and as I sort of stopped and -- you know, because cars are backed up onto Mount Auburn Street. What a lovely house. Boy, what it really needs is a canopy over that front door. I can't imagine how those people have not put a canopy over that. And how, specifically when you say the mansard, that the snow and the rain

and the ice just cascades down there. It's just no way of preventing it.

NANCY HURLBUT: It does.

BRENDAN SULLIVAN: So, finally when I saw the petition, I said finally. It's a lovely house anyhow.

BLAKE ALLISON: I was really hoping when we did the research we would have found that a roof had been included and then just not built. But....

BRENDAN SULLIVAN: Okay.

ROBERT HURLBUT: I would just add sentimentally that this house was selected in 2006 as to restoration project, most distinguished one in the city and we've spent our life living in old houses. I grew up in this neighborhood 75 years ago, and I have no intention of doing anything that would -- it was quite a different neighborhood then. But we're very proud of this. And so we've really insisted that we've used him before in

another restoration project that it fit all of our case. And my friend Charlie Sullivan tells me we've exceeded any of (inaudible).

BRENDAN SULLIVAN: Yes. Any other questions by the Board at all?

TAD HEUER: Sorry you had to wait so long.

NANCY HURLBUT: It's a learning curve.

BRENDAN SULLIVAN: I can open it to public comment. There's nobody in attendance. However, there is a petition.

"We have reviewed the proposal to build a roof over the front porch at 5 Sparks Street prepared by Dingman Allison Architects. We have no objection. Signed by the owner at Nine Sparks. Some of the names are hard to -- I don't know if I recognize. One Sparks, Seven Sparks, 239 Mount Auburn Street, Francisca. And people are in favor.

There's also correspondence from the

Half Crown Marsh Conservation District dated August 10th. They met and the Commission found that the proposal is not incongruence to the historic aspect or architectural character of the building or districts. And that specific finding is to install a new roof canopy over the front entrance in accordance with the application materials dated July 20, 2011.

They have received their approval.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. It would preclude them from installing this much needed 23 square foot roof over the existing front entryway which will provide safe access up the steps to the front of the house, and also to exit the house in inclement weather.

The Board finds that the hardship is owing to the fact that the existing house is

non-conforming.

The property was granted a Variance by the Zoning Board the case No. 8812 to construct new entry and front steps, however, this particular feature was not included at that time.

The Board finds that the non-conforming nature of the house be its inherent hardship.

The Board finds that desirable relief may be granted without substantial detriment to the public good and 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 as per the plans submitted.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Alexander, Heuer, Scott Firouzbakht.)

(Whereupon, at 10:25 p.m., the

Zoning Board of Appeals

Concluded.)

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 21st day of September 2011.

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

My Commission Expires:
April 23, 2015

**THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE
DIRECT CONTROL AND/OR DIRECTION OF THE
CERTIFYING REPORTER.**