

January 14, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 14, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Matina Williams

Jason Marshall

City Employees

Ranjit Singanayagam

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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, Matina
Williams and Jason Marshall

CONSTANTINE ALEXANDER: Welcome to today's meeting
of the Cambridge Board of Zoning Appeals to order. My name
is Gus Alexander, and I am the Chair.

This meeting is being held remotely, due to
statewide emergency orders limiting the size of public
gatherings in response to COVID-19, and in accordance with
Governor Charles D. Baker's Executive Order of March 12,
2020, temporarily amending certain requirements of the Open
Meeting Law, as well as the City of Cambridge temporary
emergency restrictions on city meetings, city events, and
city permitted events, due to COVID-19, dated May 27, 2020.

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22, within
Cambridge. In due course, there will also be a transcript
of the public proceedings.

All Board members, applicants, and members of the

1 public will state their name before speaking. All votes
2 will be taken by roll call.

3 Members of the public will be kept on mute until
4 it is time for public comment. I will give instructions for
5 public comment at that time, and you can also find
6 instructions on the city's webpage for remote BZA meetings.
7 Generally you will have up to three minutes to speak, but
8 this might change, based on the number of speakers.

9 I will start by asking the Staff to take Board
10 member attendance and verify that all members are audible.

11 SISIA DAGLIAN: Brendan Sullivan?

12 BRENDAN SULLIVAN: Brendan Sullivan, present and
13 audible.

14 SISIA DAGLIAN: Andrea Hickey?

15 ANDREA HICKEY: Andrea Hickey, present.

16 SISIA DAGLIAN: Jim Monteverde?

17 BRENDAN SULLIVAN: He's --

18 SISIA DAGLIAN: Jim?

19 BRENDAN SULLIVAN: He's here, but he's not. He's
20 on mute.

21 SISIA DAGLIAN: We can't hear you. Jason
22 Marshall?

1 JASON MARSHALL: Jason Marshall, here.

2 SISIA DAGLIAN: Matina Williams?

3 MATINA WILLIAMS: Matina Williams, here.

4 SISIA DAGLIAN: Jim?

5 [Pause]

6 CONSTANTINE ALEXANDER: We're in the process of
7 tracking down a fifth member for tonight's hearing. So just
8 bear with us. Does Jim have to sit?

9 BRENDAN SULLIVAN: No, Jim is the fifth.

10 CONSTANTINE ALEXANDER: All right, let's continue
11 with the five members, then. Brendan?

12 BRENDAN SULLIVAN: No, we need Jim.

13 ANDREA HICKEY: If they're withdrawing, do we need
14 Jim?

15 CONSTANTINE ALEXANDER: No.

16 ANDREA HICKEY: I don't think so.

17 CONSTANTINE ALEXANDER: We're about to start the
18 meeting without Jim.

19 ANDREA HICKEY: Okay.

20 SISIA DAGLIAN: Starting the regular agenda.

21 CONSTANTINE ALEXANDER: Yeah, we're going to start
22 with the regular agenda, so we don't need nobody --

1 ANDREA HICKEY: Oh.

2 CONSTANTINE ALEXANDER: -- has to be on that case.

3 ANDREA HICKEY: Understood. Thank you.

4 CONSTANTINE ALEXANDER: Okay. Tonight we have our
5 regular agenda, which has been advertised, and we have some
6 continued cases. These are cases that have started a while
7 back, and for one reason or another were continued until
8 tonight. The continued cases have been advertised for 7:00
9 p.m., not 6:00 p.m., as the case for the regular agenda.

10 So we'll start with the regular agenda. When we
11 approach 7:00 p.m., I will recess this meeting -- until
12 6:30, until 7:30, I'm sorry -- and we'll hear the continued
13 cases, and when they're concluded we'll come back to our
14 regular meeting and finish up for the night.

15 So, with that --

16 BRENDAN SULLIVAN: We need Jim.

17 CONSTANTINE ALEXANDER: Hm?

18 SISIA DAGLIAN: Matina can sit on it.

19 BRENDAN SULLIVAN: Gus isn't sitting on this one.

20 CONSTANTINE ALEXANDER: No, I'm going to --

21 SISIA DAGLIAN: Oh, that's right.

22 CONSTANTINE ALEXANDER: -- open the case, and I'll

1 introduce you.

2 BRENDAN SULLIVAN: But you only have four. You
3 don't have Jim yet. We need him for the first case.

4 SISIA DAGLIAN: I texted him.

5 BRENDAN SULLIVAN: He showed up on the screen.

6 SISIA DAGLIAN: Yeah.

7 CONSTANTINE ALEXANDER: We're not quite ready to
8 start the regular agenda, because I'm not going to sit on
9 the first case, and that means we only have four members
10 right now. So we're trying to track Mr. Monteverde. He
11 should be -- will be sitting tonight once we get all of
12 them.

13 JIM MONTEVERDE: Sorry, can you hear me now?

14 BRENDAN SULLIVAN: Yes.

15 SISIA DAGLIAN: Yes, we can hear you now.

16 CONSTANTINE ALEXANDER: Now we can hear you Jim,
17 yes. All right. Now we're ready to go.

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2 (6:05 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Matina Williams and Jason
5 Marshall

6 The first case I'm going to call is Case Number
7 100423, 1350 Massachusetts Ave. As I've just indicated.
8 I'm not going to sit on this case, and so, Mr. Sullivan, the
9 Vice Chair, will run this case. Brendan?

10 BRENDAN SULLIVAN: Mr. Twardowski, are you
11 present?

12 SISIA DAGLIAN: Yes, they're here.

13 MICHAEL GAIRNO: Michael Giaimo here for Tim
14 Twardowski, representing Verizon Wireless.

15 BRENDAN SULLIVAN: All right. If you would
16 introduce yourself with your name, if you would spell it
17 please for the record and also your address?

18 MICHAEL GIAIMO: Sure, yep. It's G-i-a-i-m-o,
19 Robinson+Cole at One Boston Place.

20 BRENDAN SULLIVAN: Great, thank you.

21 MICHAEL GIAIMO: Great, thank you.

22 BRENDAN SULLIVAN: Okay. Excellent, thank you.

1 So this is an upgrade to an existing wireless facility.

2 We've had several of these come before your Board
3 before, and we understand the concerns about visibility. I
4 think this installation meets those concerns.

5 It is a replacement of existing antennas, the
6 addition of an antenna within a space that it is below a
7 different antenna. So in other words, it's still going to
8 appear very similar. These antennas will be painted or
9 wrapped to match the building.

10 There will be some relocation of the radio
11 equipment, but it will all be within the same realm as the
12 existing facility. The purpose is to provide better service
13 and upgrade the existing equipment.

14 And it's a 6409 matter, meaning that it's an
15 upgrade that satisfies all the standards in the federal
16 regulation for a site upgrade like this.

17 BRENDAN SULLIVAN: Okay. I think I might ask
18 Staff if she could pull up the visual of the existing?

19 MICHAEL GIAIMO: There you go.

20 BRENDAN SULLIVAN: And the proposed?

21 MICHAEL GIAIMO: So you can see it really is the
22 same visual impact as the existing facility, there's nothing

1 new there.

2 BRENDAN SULLIVAN: Okay. Any questions by members
3 of the Board? Matina, any questions at this point?

4 MATINA WILLIAMS: No, I don't think I have any
5 questions.

6 BRENDAN SULLIVAN: Okay. Andrea, any questions at
7 this point?

8 ANDREA HICKEY: No, I don't have any questions.

9 BRENDAN SULLIVAN: Jim?

10 JIM MONTEVERDE: Jim Monteverde, no, thank you.

11 BRENDAN SULLIVAN: Jason?

12 JASON MARSHALL: No questions.

13 BRENDAN SULLIVAN: Okay. Let me -- since there
14 seem to be no questions, let me open it up to public
15 comment. Any member of the public who wishes to speak
16 should now click the button that says, "Participants" and
17 then click the button that says, "Raise hand." If you are
18 calling in by phone, you can raise your hand by pressing *9
19 and unmute or mute by pressing *6. Give it a couple of
20 minutes.

21 SISIA DAGLIAN: I'm not seeing anybody raise their
22 hand.

1 BRENDAN SULLIVAN: There appears to be nobody
2 calling in from the public with questions or comments. I
3 will close that portion of the public comment.

4 The Board should be advised that we have no
5 communication from the Planning Board on this particular
6 case -- that it was a requirement because it is in Harvard
7 Square that the Harvard Square Advisory Committee comment.

8 We have correspondence from Liza Paden dated
9 January 13, and a letter to Maria Pacheco. It says, "I
10 polled the Harvard Square Advisory Committee about the
11 antenna replacement at 1350 Massachusetts Avenue, and they
12 declined to comment on the installation." That is the sum
13 and substance of any correspondence on this particular case.
14 So I will close the public comment.

15 Councillor, any other final words to say?

16 MICHAEL GIAIMO: No, no, this is a pretty routine
17 upgrade, and thank you for your attention to it, and we
18 believe it satisfies all the standards that apply to this
19 site.

20 BRENDAN SULLIVAN: Good, thank you. Any comments
21 or questions from any member of our Board at this time, or
22 are we ready for a vote?

1 ANDREA HICKEY: Ready.

2 JIM MONTEVERDE: Ready.

3 BRENDAN SULLIVAN: Everybody's ready?

4 ANDREA HICKEY: Ready.

5 JASON MARSHALL: Ready for a vote.

6 BRENDAN SULLIVAN: Okay. Under Section 4.40, no
7 41, and 6.31 g1), in reviewing the special permit
8 application for mobile communication facilities, the Board
9 shall consider the following and reach a determination: The
10 scope of, or limitations imposed by any license secured from
11 any state or federal agency having jurisdiction of such
12 matters.

13 In reviewing your application, Councillor, I see
14 that you have provided your licensing, and that there are no
15 restrictions with regard to this particular site.

16 The Board shall also consider the extent to which
17 the visual impact of the various elements of the proposed
18 facility is minimized with the use of existing mechanical
19 elements. Your proposal appears to have minimal visual
20 impact on the existing facilities and building.

21 The proposed facility will be installed on the
22 penthouse of the building and painted to match the

1 penthouse, and as such will have no change on the existing
2 visual conditions of the building.

3 Further, it is located in a Business B zone, so
4 that the Chapter -- I'm sorry, sub note 49 -- having to do
5 with residential zones does not apply to this particular
6 application, and that the applicant must comply with the
7 special permit criteria.

8 Let me make a motion, then, that to grant the
9 special permit for the installation of the additional
10 facilities as per your application and the supporting
11 documents, the Board finds that the requirements of the
12 ordinance can be met with granting of the special permit.

13 That traffic generated or patterns of access or
14 egress resulting from what is being proposed would not cause
15 congestion, hazard, or substantial change in the established
16 neighborhood character.

17 The Board notes the existence of an existing
18 telecommunication facility on the building, and that the
19 additional changing of modification of existing and addition
20 to will have no material impact whatsoever.

21 The Board finds that continued operation of or
22 development of adjacent uses, as permitted in the ordinance,

1 would not be adversely affected by what is being proposed.

2 Again, the existence of existing telecommunication
3 facilities at this locus and the addition will have no
4 adverse effect; in fact it will enhance the
5 telecommunications access to the general public.

6 There will not be any nuisance or hazard created
7 to the detriment of the health, safety and/or welfare of the
8 occupants of the proposed use.

9 The operation of the proposed facility would not
10 adversely impact the health, safety and/or welfare of the
11 residents. On the contrary, as I said, the proposed use
12 will be to the benefit to the city, to promote the safety
13 and welfare of its residents, businesses and drivers for an
14 abiding, reliable, state-of-the-art digital, wireless
15 service.

16 The Board also references the letters from the
17 Harvard Square Advisory Committee which, shall we say,
18 enhances that point. So the proposed installation will not
19 impair the integrity of the district or adjoining district,
20 or otherwise derogate from the intent and purpose of the
21 ordinance.

22 The proposed facility is designed to blend with

1 the existing characteristics of the property and reducing
2 any visual impacts of the surrounding area.

3 Also, there should be some additional findings,
4 and as a condition, the Board also finds that the
5 modification of its existing telecommunication facility to
6 the site proposed by the petitioner does not substantially
7 change the physical dimension of the existing wireless tower
8 or base station at such facility within the meaning of
9 Section 6409.

10 Based on the finding, The Board moves that the
11 petitioner be granted the special permit it is seeking,
12 subject to the following conditions.

13 That the work proceed in accordance with the plans
14 submitted by the petitioner, and initialed by the Chair.

15 That upon the completion of the work, the physical
16 appearance and visual impact of the proposed work will be
17 consistent with the photo simulations submitted by the
18 petitioner and again, initialed by the Chair.

19 That the petitioner shall at all times maintain
20 the proposed work, so that its physical appearance and
21 visual impact will remain consistent with the photo
22 simulations previously referred to.

1 That should the petitioner seek to utilize the
2 equipment approved tonight for a continuous period of six
3 months or more, it shall promptly thereafter remove such
4 equipment and restore the building on which it is located to
5 its prior condition and appearance, to the extent reasonably
6 practical.

7 That the petitioner is in compliance with and will
8 comply -- continue to comply with all, and in all respects
9 the conditions imposed by this Board with regard to previous
10 permits granted to the petitioner with regard to the site in
11 question.

12 Further, in as much as the health effects of the
13 transmission of electromagnetic energy waves is a matter of
14 ongoing societal concern and scientific study, the special
15 permit is also subject to the following conditions:

16 a) That the petitioner shall file with the
17 Inspectional Services Department each report it files with
18 the federal authorities regarding electromagnetic energy
19 waves emissions emission -- emitting from all of the
20 petitioner's equipment on the site.

21 Each site report shall be filled -- shall be filed
22 with the Inspectional Services Department no later than 10

1 business days after the report has been filed with the
2 federal authorities.

3 Failure to timely file any such reports with the
4 Inspectional Services Department shall ipso facto terminate
5 the special permit granted tonight.

6 b) That in the event that at any time the federal
7 authorities notify the petitioner that its equipment on the
8 site, including but not limited to the special permit
9 granted tonight, fails to comply with the requirements of
10 law, or governmental regulations -- whether with regard to
11 the emissions of electromagnetic energy waves or otherwise -
12 - the petitioner within 10 business days of receipt of such
13 notification of such failure, shall file with the
14 Inspectional Services Department a report disclosing in
15 reasonable detail that such failure has occurred, and the
16 basis for such claimed failure.

17 The special permit granted shall ipso facto
18 terminate if any of the petitioner's federal licenses is or
19 are suspended, revoked or terminated.

20 c) That to the extent that a special permit has
21 terminated, pursuant to the foregoing paragraphs a) and b),
22 the petitioner may apply through this Board for a new

1 special permit, provided that the public notice concerning
2 such application discloses in reasonable detail that the
3 application has been filed because of the termination of the
4 special permit pursuant to paragraphs a) or b) above.

5 Any such new application shall not be deemed a
6 repetitive petition, and therefore will not be subject to
7 the two-year period during which repetitive petitions may
8 not be filed.

9 d) That within 10 business days after receipt of a
10 building permit for the installation of the equipment
11 subject to this petition, the petitioner shall file with the
12 Inspectional Services Department a sworn affidavit of the
13 person in charge of the installation of equipment by the
14 petitioner of the geographical area that includes Cambridge
15 stating that:

16 a) he or she has such responsibility, and

17 b) that the equipment being installed pursuant to
18 the special permit we are granting tonight will comply with
19 all federal safety rules, and will be situated and
20 maintained in locations with appropriate barricades and
21 other protections, such that individuals, including nearby
22 residents and occupants of nearby structures will be

1 sufficiently protected from excessive radiofrequency
2 radiation under federal law.

3 At the end of the motion, would anybody like to
4 add to that at all any special conditions that would be
5 appropriate?

6 JIM MONTEVERDE: Jim Monteverde, no.

7 BRENDAN SULLIVAN: All right. Hearing none, on
8 the motion, then to grant the special permit, Matina?

9 MATINA WILLIAMS: Yes, I agree we grant the
10 permit.

11 BRENDAN SULLIVAN: Andrea?

12 ANDREA HICKEY: Yes, I vote in favor of granting
13 the special permit.

14 BRENDAN SULLIVAN: Jim?

15 JIM MONTEVERDE: Jim Monteverde, I vote in favor
16 of granting.

17 BRENDAN SULLIVAN: And Jason Marshall?

18 JASON MARSHALL: Jason Marshall, I vote in favor
19 of granting the special permit.

20 BRENDAN SULLIVAN: And Brendan Sullivan voting in
21 favor of the special permit.

22 [All vote YES]

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Special permit granted.

MICHAEL GIAIMO: Thank you very much.

BRENDAN SULLIVAN: All right. Thank you.

MICHAEL GIAIMO: Good night.

CONSTANTINE ALEXANDER: Thank you, Brendan.

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(6:20 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 98710 -- 16 Dover Street. Anyone here wishing to
be heard on this matter?

[Side conversation among Board Members]

CONSTANTINE ALEXANDER: Okay, I've called the
case. Is there anyone here -- Mr. Hope, are you available
on the line?

BRIAN LAVELLE: I am available - Brian Lavelle -
can you hear me?

CONSTANTINE ALEXANDER: Oh, yes, yes.

BRIAN LAVELLE: So I am the manager of Hawthorne
Development, LLC and Carl Oldenburg I our architect, who
will be answering your questions tonight. Sean is not
participating; he helped us to put together the package to
submit to you folks.

CONSTANTINE ALEXANDER: Okay. Carl? Proceed.

CARL OLDENBURG: Good evening. I'm Carl

1 Oldenburg, I'm the architect of this project.

2 I do have a little sort of narrative -- a little
3 description of the project in case some of you are not
4 familiar with all of its details. So I'll just launch into
5 that, but let me know if I'm getting into too much detail.

6 So the building at 16 Dover Street is an existing,
7 two-family dwelling that is nonconforming with respect to
8 front and side yard setbacks, and also, to the gross floor
9 area.

10 The left side of it is only two and a half feet
11 from the property line. The front is about a little over 10
12 feet from the property line, and the existing gross floor
13 area is 4542 square feet, which results in existing FAR of
14 0.9. The maximum FAR allowed is 0.5.

15 Our project is a complete gut renovation of the
16 structure and some landscape improves. It will continue to
17 be a two-family dwelling. We're not adding to the footprint
18 of the building, and we're not proposing any major changes
19 to the exterior.

20 The existing third floor is finished; it's
21 essentially a finished attic. And as such, the ceilings are
22 mostly the underside of the roof structure, and are too low

1 for the spaces to be used comfortably and to meet current
2 building codes for headroom.

3 And there are presently two bedrooms and a sitting
4 area in the bathroom on the third floor, and we propose to
5 continue that use, except one of the bedrooms will become a
6 bonus room instead of a bedroom, but head room is inadequate
7 when the rear head room -- in the rear bedroom and in the
8 bathroom.

9 So we're proposing a shared dormer for the bedroom
10 to increase the head room. And what I see on the screen are
11 the existing floor plans, existing elevations, and proposed
12 floor plans for the first floor and basement, and proposed
13 floor plans for the second floor, third floor and the roof.

14 So on the third floor plan the drawing in the
15 middle, on the drawing the front of the building is toward
16 the lower part of the screen. On the drawing the front of
17 the building is toward the lower part of the screen, and the
18 dormer that we're referring to is in that bedroom in the
19 back, which is on the top side of the image.

20 SISIA DAGLIAN: I need a minute.

21 CONSTANTINE ALEXANDER: Mr. Oldenburg, are you
22 familiar with the City of Cambridge's dormer guidelines?

1 CARL OLDENBURG: Yes, I am.

2 CONSTANTINE ALEXANDER: Okay, why don't you just
3 for the record address that you do comply with the dormer
4 guidelines in all material respects, and to the extent you
5 don't why don't you just identify where and how?

6 CARL OLDENBURG: Oh, okay, fine. Yeah, so if I
7 could come back to that in a second, as I said -- and
8 actually we do have a revision to propose to the design of
9 the dormer, which I'll get to in a minute, but if you don't
10 mind, let me just continue with the thought process here.

11 CONSTANTINE ALEXANDER: Okay.

12 CARL OLDENBURG: Because the issue here is that --
13 well actually -- sorry I'm stammering here -- but to answer
14 your question, the proposed dormer is designed to be set
15 back on the face of the building by about 18 inches in this
16 case, and the end of the dormer is set back from the back
17 face of the building about a little over two feet.

18 Now, the drawing you see in front of you, the
19 lower two drawings are the elevation views of the dormer,
20 and the drawing on the lower right corner is the back
21 elevation. And you can see that the proposed dormer has a
22 height at the top which is higher than the existing

1 ridgeline. And there was a comment from the Historical
2 Commission about that, and we agree that that's not the best
3 design.

4 And recently in the past couple weeks, couple
5 days, we came up with a proposed design which does not
6 require the height, the top height of the dormer to be any
7 higher than the existing ridge.

8 So I sent over today a revised cross-section view,
9 which maybe could be pulled up on the screen to show a
10 revision to the shape of it. The drawing on the left is as
11 we originally proposed it. The drawing on the right is a
12 revision.

13 And as you can see, I've lowered -- what we're
14 doing is we're lowering the floor, the third floor, so that
15 as much we could -- so that we can achieve the required
16 headroom and create a dormer that does not extend any higher
17 than the existing ridgeline and meets the building code for
18 interior headroom.

19 In other words --

20 CONSTANTINE ALEXANDER: Can you address the length
21 of the dormer?

22 CARL OLDENBURG: The length of the dormer would

1 remain the same as in the original proposal.

2 CONSTANTINE ALEXANDER: And it is 15 feet or less?

3 CARL OLDENBURG: It is, it's 10 feet deep,
4 slightly -- less than 11 feet.

5 CONSTANTINE ALEXANDER: Thank you. Is that it?

6 CARL OLDENBURG: Yeah, a couple more thoughts is
7 our application also included a request for an additional
8 small-shed dormer, which maybe could be seen on -- yes, on
9 drawing number, not that one but the side view left
10 elevation drawing number 2 in the middle near a gable, so
11 from your cursor move over to the left, and then straight
12 up. At the very top is just a little dormer.

13 But again, because we are lowering the third --
14 the floor structure, we don't need that dormer. So we would
15 like to remove that from our request, if that makes sense.

16 And if -- again, are we clear as to where it is?
17 If your cursor -- where's your cursor now? Yeah, that's it,
18 that one there -- that existed only for the purpose of
19 creating building code required headroom in the existing
20 bathroom. But we no longer need that. So that we can just
21 remove the request.

22 And that particular dormer was also within the

1 side yard setback, so it had two issues there. So we can
2 remove that altogether.

3 CONSTANTINE ALEXANDER: Are these dormer changes
4 reflected in the plans that you filed, in the plans that you
5 have before us?

6 CARL OLDENBURG: The plans that have been filed
7 include the dormer that we are now requesting to not move,
8 if that makes any sense, and only that supplemental drawing
9 which I sent over recently shows the revised configuration
10 of the shed dormer in the rear.

11 CONSTANTINE ALEXANDER: Sir, our rules require
12 that the plans that you want us to consider must be filed
13 with the Inspectional Services Department no later than 5:00
14 p.m. on the Monday before the hearing.

15 I don't think you're complying with that. On the
16 other hand, the changes that you're making are not material,
17 and as such don't create a new -- to my mind, anyway --
18 zoning issues.

19 So I'm happy to proceed with the plans that you
20 have. If the other members of the Board have a problem with
21 that, let me know.

22 ANDREA HICKEY: This is Andrea Hickey, I'm fine

1 with that.

2 JIM MONTEVERDE: Jim Monteverde, I'm fine with
3 that.

4 JASON MARSHALL: Jason Marshall, I'm also okay to
5 proceed. I think it seems like from what he's describing
6 the changes actually make it less intensive. Thank you.

7 BRENDAN SULLIVAN: [Brendan Sullivan], I would
8 agree.

9 CONSTANTINE ALEXANDER: Okay. Back to you, Mr.
10 Oldenburg. Is that it for your presentation?

11 CARL OLDENBURG: Okay, no. A couple -- one more
12 thought. There's the third element of our request is to
13 modify some windows on the left elevation, which we've shown
14 on the screen now. We are adding a window and making a
15 modification to an existing window -- making it smaller and
16 higher.

17 This is the elevation drawing on the upper left,
18 and the image on the screen shifted down a little bit. So
19 the one we're adding is at the first floor, the third one
20 over from the left. Yes, that one.

21 CONSTANTINE ALEXANDER: Yep.

22 CARL OLDENBURG: Right now there's no window

1 there, we're just adding that one. And then at the top
2 level the third floor, there's an existing double hub
3 window.

4 We're proposing to remove it and replace it with a
5 small awning type window up higher, and the purpose of that
6 is to continue to have a window in the bathroom, but in such
7 a way that makes more sense as far as that anterior design
8 goes, and it increases privacy, so that there isn't a large
9 double window looking right into the bathroom.

10 The window that we're adding is a new kitchen area
11 on the first floor. We feel it kind of continues the rhythm
12 and design of the windows on that floor. It's positioned --
13 although it's right very close to the property line, that
14 wall is only two and a half feet from the property line, but
15 the neighboring house is some distance away. It's across a
16 fairly wide driveway. I think it's maybe 25 feet away or
17 so.

18 So we don't feel it's adding to the privacy or
19 aesthetic issues -- aesthetic problems.

20 CONSTANTINE ALEXANDER: Have you spoken with the
21 neighbor to whom -- who face it, who face the new windows?
22 Because there could be privacy concerns.

1 CARL OLDENBURG: Yes. May I speak?

2 CONSTANTINE ALEXANDER: Go right ahead.

3 CARL OLDENBURG: Yes. So I did meet with the
4 neighbor on the left about the --

5 BRENDAN SULLIVAN: Excuse me, this is Brendan
6 Sullivan. Is that Brian speaking?

7 BRIAN LAVELLE: Yes, Brian Lavelle.

8 BRENDAN SULLIVAN: Yeah, if you could introduce
9 yourself, Brian, for the record.

10 BRIAN LAVELLE: So Brian Lavelle is my name, and I
11 am the manager of Hawthorne Development, LLC. I did on the
12 recommendation of Sean Hope meet with the neighbor on both
13 sides of the property left and right to explain what we were
14 trying to do, and they seemed pretty happy with it.

15 CONSTANTINE ALEXANDER: Thank you.

16 BRIAN LAVELLE: Thank you.

17 CONSTANTINE ALEXANDER: Anything else in your
18 presentation?

19 BRIAN LAVELLE: No, just one other thought, and
20 that is that the shared dormer was not really intended to
21 increase the floor area necessarily, but it -- because the
22 floor area is measured to the point where the ceiling height

1 is greater than five feet, adding the shed dormer is sort of
2 -- consequently increases the gross floor area by in this
3 case 59 square feet, so it changes the FAR from 0.9 to 0.91.

4 CONSTANTINE ALEXANDER: Right.

5 BRIAN LAVELLE: So, any questions? Brendan?

6 BRENDAN SULLIVAN: [Brendan Sullivan] No, I have no
7 questions.

8 CONSTANTINE ALEXANDER: No questions? Matina?

9 BRENDAN SULLIVAN: She is not on this one.

10 JIM MONTEVERDE: No, see how she's not on. This
11 is Jim Monteverde. I just have two questions. I -- you're
12 adding I think two window wells?

13 BRIAN LAVELLE: Yes, we are.

14 JIM MONTEVERDE: And those are -- there's no
15 variance or permit requested for it?

16 BRIAN LAVELLE: Correct.

17 JIM MONTEVERDE: Okay. And in the revised dormer,
18 and in the -- I guess the left elevation dormer that you're
19 keeping, just -- this is for the Board -- does the dormer
20 guidelines suggest that the top of the dormer should be
21 below the ridge?

22 BRIAN LAVELLE: I believe it does suggest that,

1 yes.

2 JIM MONTEVERDE: Yeah. Is that possible at all in
3 your section?

4 BRIAN LAVELLE: Yes, it is. Yes. That's the
5 revision that we're proposing, so the left-hand drawing
6 that's now displayed will not be what we would propose. We
7 would propose the drawing on the right.

8 JIM MONTEVERDE: No, I understand that. But I'm
9 asking the Board if I understand the dormer guidelines
10 correctly that it recommends that the top of the dormer be
11 below the roof ridgeline?

12 BRIAN LAVELLE: Oh, so --

13 JIM MONTEVERDE: Right now you're at the
14 ridgeline.

15 ANDREA HICKEY: Yeah, meaning that it doesn't meet
16 at the peak?

17 JIM MONTEVERDE: Correct.

18 UNIDENTIFIED SPEAKER: Yeah.

19 ANDREA HICKEY: That's my understanding, Jim, as
20 well.

21 JIM MONTEVERDE: Yeah, so these are old --

22 ANDREA HICKEY: That it should be below the --

1 JIM MONTEVERDE: Yeah. The

2 ANDREA HICKEY: The suggestion is that it be
3 below.

4 JIM MONTEVERDE: Right. So Mr. Oldenburg, is
5 there a way to achieve that?

6 CARL OLDENBURG: Oh, I see. Does it -- I don't
7 think that it specifies a specific dimension, but it's
8 probably not much. A few inches, let's say, two or three
9 inches?

10 And the problem is that in order to meet headroom
11 requirements and have as much slope to the roof as possible,
12 we've got to do some little tradeoffs here.

13 My feeling was that as you observe the dormer from
14 the ground, it would be difficult to see whether it really
15 is right at the ridgeline or a few inches lower than the
16 ridgeline, and that more importantly, or more importantly
17 visually would be to have the roof of the dormer not be
18 flat, but be sloped.

19 So my feeling was it would be preferable to
20 basically have the dormer as high as it could be, and still
21 be -- you know, in conformance with the guidelines as much
22 as you can.

1 Having said that, I think we could probably work
2 it out to lower it a little bit, but I think the roof is
3 going to tend to get flatter as we do that.

4 JIM MONTEVERDE: Yeah, I'm just saying if you
5 can --, again, my recollection of the dormer guidelines is
6 it does suggest that the dormer roof be below the ridge, and
7 if you have any way to achieve that by some dimension, then
8 I think you could say you're compliant.

9 CARL OLDENBURG: Okay.

10 JIM MONTEVERDE: That would be great.

11 BRENDAN SULLIVAN: This is Brendan Sullivan. Jim,
12 not to add to the confusion here, but I think the policy has
13 been that if complying with the dormer guidelines is not
14 longer than 15 feet, that it comes in the required amount
15 from the face of the main house, which this does, it comes
16 in the required distance from the ends of the roof that it
17 can go to the peak.

18 JIM MONTEVERDE: Oh, okay, all right. Thank you.

19 BRENDAN SULLIVAN: I think that Sean O'Grady would
20 chime in on this and say that if you meet three of those
21 tests then the fourth one is okay, or if you meet four of
22 them, then the other one is okay too, so that under this

1 condition going from the peak down would be allowable.

2 JIM MONTEVERDE: Right.

3 BRENDAN SULLIVAN: historically anyhow, so.

4 JIM MONTEVERDE: No further questions, then.

5 CONSTANTINE ALEXANDER: Andrea, any questions?

6 ANDREA HICKEY: Yeah, I do have a question. So I
7 see that you're proposing an addition of a deck, and that
8 you're not requesting any relief for that. Is there a deck
9 presently in the location of the proposed deck?

10 CARL OLDENBURG: There's a concrete patio.

11 ANDREA HICKEY: At grade?

12 CARL OLDENBURG: At grade.

13 ANDREA HICKEY: All right. The deck that you're
14 proposing, does that meet side yard setback requirements?

15 CARL OLDENBURG: Yes, it does. Our site plan
16 shows it as seven feet eight from the side yard, and 28 feet
17 eight from the rear yard.

18 ANDREA HICKEY: I have no further questions.

19 CONSTANTINE ALEXANDER: Thank you, Andrea. Matina,
20 any questions?

21 JASON MARSHALL: Mr. Chair, Jason Marshall. I'm
22 on this case.

1 CONSTANTINE ALEXANDER: Off that case, I'm sorry.

2 JASON MARSHALL: No, the benefit of going last is
3 all the questions I had have been asked and responded to
4 with satisfaction. No questions.

5 CONSTANTINE ALEXANDER: Okay.

6 BRENDAN SULLIVAN: Jim, Brendan Sullivan again.
7 On page -- I don't know, they're not numbered. Anyhow, the
8 ridge connection under the dormer guidelines says, "The
9 preferred setback should be at least one foot -- one foot
10 from the roof ridge, Figure 5. If, however, the dormer
11 meets the recommended setback for side and front walls, the
12 dormer roof may start at the ridge beam, Figure 6."

13 JIM MONTEVERDE: Okay, thank you.

14 BRENDAN SULLIVAN: A little clarification.

15 ANDREA HICKEY: Perfect, thank you.

16 CONSTANTINE ALEXANDER: Okay, I'm going to now
17 close public testimony. No, I'm going to open public
18 testimony, I'm sorry. Anyone wishing to be heard on this
19 matter? If so, you must now click the icon at the bottom of
20 your Zoom screen that says, "Raise hand." If you are
21 calling in by phone, you can raise your hand by pressing *9
22 and unmute or mute by pressing *6.

1 We'll take a moment or so to see if anyone wishes
2 to speak.

3 SISIA DAGLIAN: I don't see anyone.

4 CONSTANTINE ALEXANDER: Apparently not, so now
5 I'll close public testimony in its entirety. Discussion, or
6 are we ready for a vote? I'm ready for a vote.

7 BRENDAN SULLIVAN: Ready.

8 JIM MONTEVERDE: Ready.

9 ANDREA HICKEY: Ready.

10 CONSTANTINE ALEXANDER: Okay. The Chair moves
11 that we make the following findings with regard to the
12 special permit that's being sought: That the requirements
13 of the ordinance cannot be met without the special permit.

14 That traffic generated or patterns of access or
15 egress resulting from what is proposed will not cause
16 congestion, hazard, or substantial change in established
17 neighborhood character.

18 In this regard, the modifications to what is there
19 does not have an impact beyond the neighboring lots, and
20 there is no objection from any neighbors with regard to what
21 is being proposed.

22 That the continued operation of or development of

1 adjacent uses, as permitted in the zoning ordinance, will
2 not be adversely affected by the nature of what is being
3 proposed. Again, the residential use of the building will
4 continue with the modifications that are proposed.

5 No nuisance or hazard will be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city.

8 And generally, what is being proposed will not
9 impair the integrity of the district or adjoining district,
10 or otherwise derogate from the intent and purpose of this
11 ordinance.

12 So on the basis of all of these findings, the
13 Chair moves that we grant the special permit requested on
14 the condition that the work proceed in accordance with plans
15 prepared by Carl. C. Oldenburg, Architect, and dated
16 10/30/2020. Brendan, how do you vote?

17 BRENDAN SULLIVAN: [Brendan Sullivan], yes to
18 granting relief.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: [Jim Monteverde], yes for relief.

21 CONSTANTINE ALEXANDER: Okay. Andrea?

22 ANDREA HICKEY: [Andrea Hickey], yes in favor of

1 relief.

2 CONSTANTINE ALEXANDER: Jason?

3 JASON MARSHALL: Mr. Chair, just a clarifying
4 question, do we have to reference the more recent plans that
5 amended the proposal?

6 CONSTANTINE ALEXANDER: Well, that's the problem;
7 we have these more recent plans, but we don't have them to
8 initial. These came in after -- as I pointed out earlier --
9 after the 5:00 p.m. deadline. I'm going to leave it up to
10 the Building Department. They may say --

11 JASON MARSHALL: Okay.

12 CONSTANTINE ALEXANDER: -- you've got to come tell
13 the petitioner. These plans are not the plans that you
14 showed to the Board, and therefore you're going to have to
15 go back to the Board. That's the petitioner's problem,
16 because he didn't follow the rules. How do you vote?

17 JASON MARSHALL: Jason Marshall, I vote in favor.

18 CONSTANTINE ALEXANDER: Okay, the Chair votes in
19 favor.

20 [All vote YES]

21 Mr. Oldenburg, I hope you heard what I just said.
22 You didn't follow our rules, and you may have a complication

1 when you go to get building permits. But I'll -- that's --
2 you're going to have to deal with that on your own, and you
3 may have to come back before our Board. Thank you. Case is
4 over.

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2 (6:43 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, Matina
5 Williams and Jason Marshall

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 100881 -- 4 Dinsmore Court. Anyone here wishing
8 to be heard on this matter?

9 BILL HARPER: I am Bill Harper, I'm Project
10 Designer for Henriette Lazaridis, owner.

11 CONSTANTINE ALEXANDER: Okay. The floor is yours.
12 What relief are you seeking, and why should we grant it,
13 grant the relief you're seeking?

14 BILL HARPER: Well, we are hoping to add a small
15 addition to the first story of 4 Dinsmore Court. We are
16 seeking relief because the existing house as it is does not
17 meet -- it's nonconforming. It already exceeds setbacks.

18 We are proposing -- and I'd be happy to start walking
19 through drawings or images of what was submitted --

20 So here, this is the demolition plan of the
21 existing conditions you can see. So Dinsmore Court is at the
22 right of the screen -- the street, rather. This is to the

1 rear of the property, and the kitchen is a first-floor
2 addition with a gabled roof. We are proposing to take the
3 gabled roof off, remove that existing deck --

4 [and then we can go to the next image]

5 -- and extends the first floor out with an
6 addition of six-foot-four by 10 feet in the existing deck's
7 footprint, and then fill out that square with a deck step,
8 plus a granite stepdown to account for the height, the step
9 to grade.

10 Then we would put a single flat roof atop the
11 existing kitchen and the new addition to unify it as one.
12 That's visible in the next image, which is the second-floor
13 plan, the roof plan.

14 The next image is the plot plan, which highlights
15 the deck itself in black, but then the series of boxes, the
16 proposed addition, the series of red boxes, rather.. the
17 proposed addition of 6.4 x 10, and then the deck step and
18 then the deck step and then the granite step as well.

19 Next image is the existing elevations. It's a side
20 elevation, and then the next is a rear elevation showing the
21 gable as it cuts below the existing.

22 The proposed -- next image -- shows our single,

1 you know, we're raising the ceiling height, but tucking
2 below the existing -- existing loop, rather.

3 Next image?

4 It shows the rear, the full roof as it goes
5 across, so.

6 Next image?

7 Okay. Then that's the opposite elevation.

8 The third photo down, you can go through these
9 quickly. Because this is first from the front of the screen
10 not visible. So this shows the rear addition, the existing
11 gable, and the deck that we are hoping to fill out for the
12 large, the living space. So --

13 The conventional information obviously shows the -
14 - so the existing house, the existing requirements, the side
15 setbacks are already 7.8. The existing is 3.3 feet. So the
16 house as it is nonconforming.

17 We are hoping to continue that exterior wall line,
18 extending it out, but not past the existing full kitchen
19 footprint. And so, that's -- I believe that's the extent of
20 the project scope. I'd be happy to answer questions at this
21 point.

22 CONSTANTINE ALEXANDER: Thank you.

1 BILL HARPER: Mm-hm.

2 CONSTANTINE ALEXANDER: Brendan, any questions?

3 BRENDAN SULLIVAN: No, but I'm just wondering if
4 this was not a candidate for a special permit?

5 CONSTANTINE ALEXANDER: Jim?

6 JIM MONTEVERDE: Jim Monteverde. I just have a
7 question. Could you just explain the two compressors that
8 sit up on the new flat roof?

9 BILL HARPER: Yes. So the compressors -- it's not
10 ideal, but this is an effort to preserve as much open space
11 in the back yard as possible. It's a very tight lot. This
12 was actually the main sticking point of our Historical
13 Commission approval.

14 JIM MONTEVERDE: I can imagine.

15 BILL HARPER: Well, so -- and actually, I will say
16 I don't know how much just basically we ended up needing to
17 go a second time, and with a new proposal that would turn
18 both compressors basically parallel with -- so the
19 compressor on the right in this image is sort of parallel
20 with Dinsmore Court.

21 JIM MONTEVERDE: Yep. No, I understand.

22 BILL HARPER: And the compressor on the left is

1 also parallel.

2 JIM MONTEVERDE: Right.

3 BILL HARPER: Which got us approval. Obviously,
4 they weren't a fan of the compressors being so visible, but
5 also this elevation is a little bit misleading as far as
6 prominence. This is the back of a dense neighborhood. And
7 we were able to gain -- we were able to confirm that we can
8 paint the housing of the compressors.

9 JIM MONTEVERDE: Yep.

10 BILL HARPER: So it'll be less visible in front of
11 the slate roof. But it's tricky. It's just not a lot of
12 room.

13 JIM MONTEVERDE: Was there any discussion about a
14 screen for these things?

15 BILL HARPER: It got talked about for a little
16 bit, but given the distances required and to keep them
17 apart, and there's a skylight there, we were really hoping
18 not to do a screen. And they gave us approval without it.
19 So we were pleased about that.

20 JIM MONTEVERDE: Okay.

21 CONSTANTINE ALEXANDER: All set, Jim?

22 JIM MONTEVERDE: Yes, thank you. No further

1 questions.

2 CONSTANTINE ALEXANDER: Okay, Andrea?

3 ANDREA HICKEY: I have no questions at this time.

4 CONSTANTINE ALEXANDER: Jason?

5 JASON MARSHALL: No questions, Mr. Chairman.

6 JIM MONTEVERDE: Okay. I'll now open the matter
7 up to public testimony. Again, I'll give the instructions.
8 Any members of the public who wish to speak should now click
9 the icon at the bottom of your Zoom screen that says, "Raise
10 hand." If you're calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6.
12 We'll take a moment to see if anyone wishes to speak.

13 SISIA DAGLIAN: Let's see.

14 CONSTANTINE ALEXANDER: Okay, apparently there's
15 no one who wishes to speak, so I will close -- well, before
16 I close public testimony, I will for the record note that we
17 have a letter of support for the petitioner. It is from
18 Kristine, K-r-i-s-t-i-n-e Langston, L-a-n-g-s-t-o-n and
19 Robert Langston.

20 "My husband and I are neighbors of Henriette and
21 Matt at 6 Dinsmore Court. We are perfectly happy that they
22 wish to do things to make their home even more lovely. It

1 is good that people want to improve and make their homes
2 safer." And they have a comment about another neighbor I'm
3 not going to read into the record. The letter concludes,
4 "Please approve the changes at 6 Dinsmore Court."

5 So with that I'll close public testimony.
6 Discussion, or are people ready for a vote?

7 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
8 vote.

9 JIM MONTEVERDE: Ready.

10 JASON MARSHALL: Jason Marshall ready for a vote.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: I'm ready.

13 CONSTANTINE ALEXANDER: Okay, thank you. the
14 Chair will make the following motion with regard to the
15 variance being sought:

16 That a literal enforcement of the provisions of
17 the ordinance, of our ordinance, would involve a substantial
18 hardship, such hardship being that this is a relatively
19 small structure in need of -- on a relatively small lot, and
20 there is a need for additional living space within or
21 without the structure.

22 The hardship is owing to circumstances relating

1 to the shape of the lot and the location of the structure as
2 it now is on the lot. This is -- I believe the structure
3 predates the adoption of a zoning ordinance from the City of
4 Cambridge.

5 And relief may be granted without substantial
6 detriment to the public good, or nullifying or substantially
7 derogating from the intent and purpose of this ordinance.
8 In this regard, this is another case of a homeowner wishing
9 to improve the structure that he or she or both are living
10 in.

11 That there is no neighborhood opposition; in fact
12 there is neighborhood -- some neighborhood support.

13 So on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition that the work proceeds in accordance with plans
16 prepared by Byggmeister, B-y-g-g-m-e-i-s-t-e-r Associates,
17 and William Harper dated 10/23/2020, and the first page of
18 which has been initialed by the Chair.

19 Brendan, how do you vote?

20 BRENDAN SULLIVAN: Yes to granting the variance.

21 CONSTANTINE ALEXANDER: I'm sorry?

22 BRENDAN SULLIVAN: Yes.

1 CONSTANTINE ALEXANDER: Jim?

2 JIM MONTEVERDE: [Jim Monteverde] I will grudgingly
3 vote to approve. The discussion about the rooftop suitcases
4 I take objection too, but I don't think it's really a zoning
5 issue, although I wish it was, and if you've presented it to
6 other authority or Boards and they've accepted it, I will
7 accept it.

8 CONSTANTINE ALEXANDER: Thank you.

9 JIM MONTEVERDE: So I vote to approve.

10 CONSTANTINE ALEXANDER: Andrea?

11 ANDREA HICKEY: I adopt all of Mr. Monteverde's
12 comments, and vote to approve.

13 CONSTANTINE ALEXANDER: And Jason?

14 JASON MARSHALL: Jason Marshall in favor.

15 CONSTANTINE ALEXANDER: And the Chair is in favor
16 as well, variance granted, case over.

17 [All vote YES]

18 Thank you.

19 BILL HARPER: Thank you.

20 CONSTANTINE ALEXANDER: It's now five of 7:00. We
21 have our continued cases starting at 7:00. The next case
22 may be a little bit controversial, so I'm going to suggest

1 we recess this case starting now, and reconvene at 7:30.
2 And if we're still dealing with the continued cases at that
3 point, we'll finish doing that, and then we'll reconvene
4 this meeting and conclude our regular agenda.

5 So thank you to this audience. We will be back
6 with you at 7:30.

7 -- votes yes as well, so the case is withdrawn.

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1 petitioner is seeking to do would be to add some dormers.

2 The building is a two-family residential, which is
3 allowed. But the existing interior staircase does not meet
4 code. And that is an issue that we are trying to rectify
5 with the dormer, because the property is lawfully
6 nonconforming, both for lot size and you can see on the
7 dimensional form it's -- the lot is too small, the FAR is
8 too big.

9 So we had to seek a variance in order to get
10 approval for the dormer. The dormer will actually reduce
11 the FAR, but still will not bring it fully into compliance.

12 But it will allow the petitioner to bring the
13 staircase, the upper staircase, into compliance with
14 building and safety codes. The existing staircase is very
15 narrow, and frankly a little dangerous for the existing
16 tenants.

17 So by adding the dormer upstairs, they can widen
18 the staircase and make it safer for the residents. The
19 dormer -- we did -- the reason this case was continued is
20 because unfortunately we had not fully complied with the
21 guidelines for the dormers, but that has been remedied. You
22 will see in the plans the dormer is exactly 15 feet, it will

1 not be any longer than that, and it is one and a half feet
2 from the existing roofline, back.

3 So it should comply with everything. It is a shed
4 dormer. Does anyone have any questions so far?

5 [Background noise]

6 CONSTANTINE ALEXANDER: We can't hear.

7 MICHELLE BARATTA: So in terms of the variance,
8 the hardship that we are seeking to overcome, the property
9 sits on a lot that is irregular. And because of the
10 irregularity, it actually -- it's not even, parallel lines,
11 it's too narrow. It comes back at an angle.

12 There's actually -- the property comes with an
13 easement from the next property over because it's so close
14 to the existing lot lines that you can see there on the
15 right. That's an easement that -- from the next property
16 over.

17 So because of that, it's not possible, obviously,
18 to widen the building or change the footprint of the
19 building to make it safer -- the staircase safer.

20 So really the only way that they can renovate this
21 properly would be to add the dormers, and -- you know, in
22 doing so, again, we're not changing the footprint of the

1 building. They're not making the building larger. And in
2 fact, the FAR would go down because it will -- they'll be
3 taking some of the space to make the staircase wider as
4 well.

5 [Background noise]

6 CONSTANTINE ALEXANDER: Again, I can't understand
7 -- hear -- at least I can't understand whoever's speaking,
8 what you're saying.

9 ANDREA HICKEY: Somebody has a TV on in the
10 background, I don't know who.

11 MICHELLE BARATTA: It's not on my end, but --

12 CONSTANTINE ALEXANDER: I assume, Ms. Baratta,
13 you've finished your presentation?

14 MICHELLE BARATTA: If anyone has any questions for
15 me --

16 CONSTANTINE ALEXANDER: Oh yeah, we'll get to
17 that. But I want to make sure we -- before we do that I
18 want to see if you have any more you want to say up front?

19 MICHELLE BARATTA: I mean, essentially, I think
20 that's it. We're just attempting to make the building safer
21 and comply with existing building codes. And, you know, and
22 we think that this will be good for obviously the public

1 good. It's not going to change the neighborhood or affect
2 the neighbors in any way. Everything will be done according
3 to the design guidelines, and obviously following all the
4 building codes.

5 CONSTANTINE ALEXANDER: Thank you. Questions from
6 members of the Board? Brendan?

7 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

8 CONSTANTINE ALEXANDER: No questions? Jim?

9 JIM MONTEVERDE: Jim Monteverde. One question.
10 Does the building have any -- although it's rather simple --
11 any historic history to it?

12 MICHELLE BARATTA: Not that I'm aware of. I know
13 that when we had to file, we did get something back from the
14 Historic Committee saying that this is not covered under
15 their jurisdiction --

16 JIM MONTEVERDE: Okay.

17 MICHELLE BARATTA: -- that this is not considered
18 a historic building.

19 JIM MONTEVERDE: Thank you.

20 CONSTANTINE ALEXANDER: Andrea, any questions?

21 ANDREA HICKEY: I have no questions.

22 CONSTANTINE ALEXANDER: Matina, any questions?

1 MATINA WILLIAMS: No questions.

2 CONSTANTINE ALEXANDER: Okay. The Chair has no
3 questions as well. So I'll now open the matter up to public
4 testimony. Any member of the public who wishes to speak
5 should now click the icon at the bottom of your Zoom screen
6 that says, "Raise hand." If you're calling in by phone, you
7 can raise your hand by pressing *9 and unmute or mute by
8 pressing *6. We'll take a few minutes to see if anyone
9 wishes to call in.

10 [Pause]

11 No.

12 SISIA DAGLIAN: I'm not seeing anyone.

13 BRENDAN SULLIVAN: I don't think you would.

14 CONSTANTINE ALEXANDER: Okay, there is no -- no
15 one in the audience wishes to speak. There are no letters
16 or other written communications with regard to the site or
17 the project. And so, I will close the public testimony and
18 turn to the Board. Discussion, or are you ready for a vote?

19 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
20 vote.

21 JIM MONTEVERDE: Jim Monteverde, ready.

22 ANDREA HICKEY: Andrea Hickey, ready.

1 CONSTANTINE ALEXANDER: Matina, are you ready for
2 a vote too?

3 MATINA WILLIAMS: I'm ready.

4 CONSTANTINE ALEXANDER: Okay, and the Chair is as
5 well. So the Chair moves that we make the following
6 findings with regard to the variance being sought:

7 That a literal enforcement of the provisions of
8 the ordinance would involve a substantial hardship, such
9 hardship being as that the structure is old; an older
10 structure in poor condition, and the staircase to the third
11 floor is hazardous to use, so that there is a need to
12 rebuild the staircase, and hence the need for the dormers,
13 for which relief is being sought tonight.

14 That the hardship is owing to the shape of the lot
15 and the topography of the lot. It's a very oddly shaped
16 lot, even if it meets the street in which it faces, and
17 therefore -- again, it requires zoning relief.

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

21 In this regard, the Chair would note that to the
22 project complies with our dormer guidelines, and it improves

1 the safety of this building and the useability of the
2 building, and that generally it improves the landscape of
3 the city of Cambridge and creates more housing for the City
4 of Cambridge.

5 So on the basis of all these findings, the Chair
6 moves that we grant the variance requested on the condition
7 that the work proceeds in accordance with plans prepared by
8 Seger, S-e-g-e-r Architects, the cover page of which has
9 been initialed by the Chair.

10 Brendan, how do you vote?

11 BRENDAN SULLIVAN: Yes to granting the relief
12 requested.

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: Jim Monteverde, yes.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: [Andrea], I vote yes.

17 CONSTANTINE ALEXANDER: Okay. Matina?

18 MATINA WILLIAMS: I vote yes.

19 CONSTANTINE ALEXANDER: And the Chair votes yes as
20 well, so it's unanimous.

21 [All vote YES]

22 Variance granted. Thank you.

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MICHELLE BARATTA: Great. Thank you so much.

1 * * * * *

2 (7:11 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 95889 -- 207 Lakeview Avenue. Anyone here
8 wishing to be heard on this matter?

9 SAM KACHMAR: Myself, Mr. Chairman.

10 CONSTANTINE ALEXANDER: I'm sorry?

11 SAM KACHMAR: Sam Kachmar, from SKA Architects.

12 CONSTANTINE ALEXANDER: Okay.

13 SHIPPEN PAGE: And Shippen Page, Mr. Chairman,
14 from PAGE & POWELL, 174 Lakeview Avenue in Cambridge.

15 CONSTANTINE ALEXANDER: The floor is yours.

16 SHIPPEN PAGE: Thank you, Mr. Chairman. This
17 matter I wanted to extend my thanks to the Chairman for
18 acknowledging that there were some issues with respect to
19 the neighbors on this that caused this to be created as a
20 new case tonight because it was never heard.

21 And in the interim between November and now, the
22 applicant Sam Kachmar and Maggie Courier (phonetic) have met

1 extensively with neighbors, particularly their abutters,
2 Roger Theberge and Linda Caswell, as well as their neighbor
3 across the street, Crystal Leslie and others, to make sure
4 that they've addressed their concerns.

5 The relief sought here, Mr. Chairman, is a
6 variance in a special permit because the variance is
7 justified because this house is an 1878 house -- is roughly
8 four feet from the right-side setback, and as such is a
9 preexisting nonconforming structure.

10 Any attempt to modify the building would require a
11 variance. And to make matters either more complicated or
12 simpler, the Cambridge Historical Commission has granted
13 them, and it will not oppose the demolition of the building,
14 which was sprayed with concrete cladding back in the early
15 th
16 20 century, and as a result the structural elements of it
17 have so weakened, that any modifications to the existing
18 structure would be dangerous and unwise.

18 The problems that precipitated the neighbor's
19 concerns were the lack of notice concerning the demolition.
20 These have been addressed, and I think the neighbors except
21 for the immediate abutters and the neighbor to the rear on
22 Standish Street, were never concerned with the design of the

1 building; more with the lack of transparency by the
2 petitioners.

3 I think we've worked our way through that. Mr.
4 Theberge and Ms. Caswell, I think are on the call this
5 evening. Genevieve Coil (phonetic) and her husband Joe Coil
6 have withdrawn their objection. Crystal Leslie has
7 essentially withdrawn her objection.

8 And Mr. Theberge and Ms. Caswell will not object
9 the three-foot bump-out on the northern side of the
10 building, and they've come to a reasonable accommodation
11 with the petitioners with respect to the mechanical, the
12 drainage and the walkway.

13 So I would defer now to Mr. Kachmar to take you
14 through a presentation of the building. The problem, as we
15 identified earlier on, was the relief is sought because Mr.
16 Kachmar and Ms. Courier wish to relocate the building
17 farther away from the property at 209 than they would be
18 allowed as-of-right, but it continues to have a five-foot
19 setback on the right side which is less than the 7.6 sum of
20 20 which the code requires.

21 So I will stop there. I'll reserve time after Mr.
22 Kachmar's presentation to fill in the legal requirements for

1 the granting the variance and special permit. Sam?

2 SAM KACHMAR: Good evening, thank you members of
3 the Board for hearing us tonight. Sisia, could you bring up
4 the plans? Thank you. My name is Sam Kachmar. I'm from
5 SKA.

6 I'm here as both architect and applicant for this
7 hearing regarding 207 Lakeview. My wife Maggie and my
8 Associate, Kareen Mello and Stephen Hoen [all names
9 phonetic].

10 We have lived here in Cambridge since 2008, and
11 we're seeking a variance for the special permit on this part
12 of our house that encroaches into the side yard setback
13 along the side towards 205 Lakeview Ave. Let me take you
14 through the plans. We're seeking zoning relief.

15 On this first slide, you can see the existing
16 house, and then the historically referenced house we're
17 planning to rebuild in there.

18 Can you go to the next slide, please?

19 Here you see the existing site axon (sic) of the
20 house.

21 Next slide, please?

22 And then here you can see the proposed home, which

1 has very similar historical form to it.

2 Next slide, please?

3 Here you can see the existing streetscape as
4 photographed, and on the lower portion of this drawing you
5 can see the render of the proposed home.

6 Next slide, please?

7 Here in another angle of the same thing; the
8 existing home in the upper level, and the lower render
9 below.

10 Next sheet, please?

11 And this you can see our FAR calculations, 0.3 FAR
12 up to 0.44 and our open space is going from a 0.85 to a
13 0.79.

14 Next slide, please?

15 Here you can see the solar studies that we've
16 conducted showing the shadows both in the winter solstice as
17 well as in the summer solstice.

18 Next slide, please?

19 And here you can see the street elevations showing
20 the neighborhood and some of the other buildings around the
21 area, the neighborhood buildings. On the lowest drawing,
22 you can see the area where we're seeking relief in the side

1 yard setback, as well as a railing in the front yard setback
2 or window well.

3 Next slide, please?

4 Here on the existing site plan, you can see the
5 location of the current house highlighted in red towards the
6 bottom. You can see the southern yard -- side yard setback
7 where the house is, an existing nonconforming structure
8 about four feet from the property line.

9 Next slide, please?

10 And here you can see the proposed home where we
11 have reduced that nonconformity, and now it's five feet back
12 from the property line, and we're seeking a variance for the
13 front yard setback. We're creating a window well and a
14 railing in that front yard.

15 Next slide, please?

16 On this slide, you can see a drainage plan. We're
17 proposing a cistern in the rear of the yard, where all the
18 downspouts and the gutters drain into on the property.

19 Next slide, please?

20 And here on the lower-level plan, you can see the
21 basement layout.

22 Next slide, please?

1 On the first-floor plan, you can see we've moved
2 kind of the main living spaces, the kitchen, the living
3 room, the dining room towards 205 Lakeview in an effort to
4 preserve privacy between ourselves and 209 Lakeview.

5 Next slide, please?

6 On the second floor, you can see where we've laid
7 out four bedrooms. We have three children and a growing
8 family.

9 Next slide, please?

10 And on the attic level, you can see we've added
11 stairs that go up to the attic. It's kind of a tight head
12 height space. The house currently has 10-foot ceilings per
13 floor, and the Historical Commission requests that we keep
14 those at the same height.

15 Next slide, please?

16 On the south elevation, you can see where we tried
17 to maintain the historical look and style of the home, and
18 on the right, you can see outlined in red the area of the
19 requested relief.

20 Next slide, please?

21 On the west elevation, you can see where we've
22 maintained the pair of brackets for the Italian style.

1 Next slide, please?

2 On the north elevation, you can see where we have
3 oriented the glass openings towards the rear of the yard in
4 an effort to maintain privacy between neighbors.

5 Next slide, please?

6 And on the east elevation, you can see where we've
7 spaced out the windows and traditional layout and added a
8 shingle flare (sic) between the first and second floor, to
9 break down the scale of the façade, and the intersecting
10 gable volume within the side yard setback is highlighted in
11 red.

12 Next slide, please?

13 And here you can see -- if you want, you can scan
14 to see a video presentation of the outside of the house.
15 Beyond this is the survey of the house.

16 And the next slide?

17 And then beyond that is a site plan sort of
18 showing the average distance between many of the houses
19 along Lakeview Avenue.

20 Thank you for your time. You should have a
21 significant number of letters of support in our file. I
22 appreciate your allowing us to present. Thank you.

1 CONSTANTINE ALEXANDER: Thank you. I have a quick
2 question. Just maybe out of curiosity, how did you inform
3 the neighbors and deal with the neighbors with regard to the
4 impact of the demolition?

5 SAM KACHMAR: We hosted multiple Zoom calls, both
6 a neighborhood wide Zoom call to review all those things as
7 well as some individual Zoom calls to address individual
8 concerns.

9 CONSTANTINE ALEXANDER: And did you have good
10 attendance at that Zoom call?

11 SISIA DAGLIAN: We did. I think at the Zoom call
12 we had -- I want to say 10 or 11 neighbors at that call, and
13 then we did individual calls with people who wanted or
14 wished to have separate ones as well.

15 CONSTANTINE ALEXANDER: Okay, thank you. I think
16 one impact apparently of your call which I appreciate was --
17 and as Mr. Page pointed out -- the occupants at 230 Lakeview
18 Avenue, Joseph and Genevieve Coil, have withdrawn their
19 objection, which they'd expressed with the original
20 petition.

21 So -- and I guess it worked. I'm able to find out
22 as to everyone else whether they may participate in the call

1 when I open this matter up to public testimony.

2 But in the meantime, Brendan, any questions?

3 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: Jim Monteverde, no questions.

6 CONSTANTINE ALEXANDER: Andrea?

7 ANDREA HICKEY: No questions.

8 CONSTANTINE ALEXANDER: Matina?

9 MATINA WILLIAMS: No questions.

10 CONSTANTINE ALEXANDER: Okay, and I've asked my
11 question, or made my comment. I will close public
12 testimony. Oh, no, I won't close it, I will now open public
13 testimony and allow persons to participate in the hearing.

14 Any member of the public who wishes to speak
15 should now click the icon at the bottom of your Zoom screen
16 that says, "Raise hand." If you're calling in by phone, you
17 can raise your hand by pressing *9 and unmute or mute by
18 pressing *6. We're going to take a few minutes to see if
19 anyone wishes to call in.

20 [Pause]

21 Apparently, no one does. So I think we're now
22 ready to close public testimony. As I mentioned, there is

1 one letter from the Coils withdrawing their objection, and
2 we do have one new letter from Patricia West, who lives at
3 60 Standish Street #2.

4 "I am writing to state my support for the
5 neighbors, my neighbors, Sam Kachmar and Maggie Currier in
6 their application for a variance and special permit for
7 their home at 207 Lakeview Avenue."

8 Ok, with that --

9 SHIPPEN PAGE: Mr. Chairman?

10 CONSTANTINE ALEXANDER: Yes.

11 SHIPPEN PAGE: It's Attorney Page speaking.

12 CONSTANTINE ALEXANDER: Yes.

13 SHIPPEN PAGE: I wonder if you'd like me to recite
14 the provisions that would form the legal basis for this, or
15 are you happy to do that yourself.

16 CONSTANTINE ALEXANDER: I think for the record, it
17 would be a good idea for you to do that. I'm sorry, go
18 ahead.

19 SHIPPEN PAGE: No, that's fine. I just want to
20 provide that a literal enforcement of the provisions of this
21 ordinance would involve a substantial hardship, as recited
22 in the petitioner's application, because the house has a USB

1 life of it's expired and built in 1876, has significant
2 structural issues that cannot be remedied without rebuilding
3 the house, and the fact that the house is already a
4 nonconforming house in the sense that it is only four feet
5 two inches from one of the lot lines.

6 The hardship is owing to the following
7 circumstances relating to the soil conditions, shape or
8 topography of the land or structures, and especially
9 affecting such land or structures but not affecting the
10 general zoning district in which it is located, because it
11 is nonconforming to the right side of the property, and
12 there's extensive water issues on the bottom, on the
13 basement of the property which causes significant flooding.

14 Desirable relief may be granted without either
15 substantial detriment to the public good, because it will
16 not negatively affect the adjacent residential uses, because
17 the changes will conform with the building code and are less
18 invasive than would be required by right, and is consistent
19 with the other residential design on the street.

20 And it's also reducing the nonconformity by moving
21 it farther away from the property at 205 lakeview Avenue.

22 The requested relief will not substantially

1 derogate from the intent or purpose of the ordinance because
2 the relief is modest in nature in the sense that it is only
3 with respect to the right-side yard setback and the modest
4 window well, and the windows on the right side of the
5 building, and if improved will increase the quality of
6 Cambridge's housing stock for renovated family-friendly
7 properties.

8 Thank you, Mr. Chairman.

9 CONSTANTINE ALEXANDER: Thank you, Mr. Page. Now
10 that public testimony is closed, questions from members of
11 the Board?

12 BRENDAN SULLIVAN: [Brendan Sullivan], no
13 questions.

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: [Jim Monteverde], no questions.

16 ANDREA HICKEY: [Andrea Hickey], no questions.

17 CONSTANTINE ALEXANDER: Matina?

18 MATINA WILLIAMS: [Matina Williams], no questions.

19 CONSTANTINE ALEXANDER: And I've asked my
20 questions, so I have no further questions. I guess we're
21 ready for a motion. The Chair moves that we make the -- and
22 we have, as Mr. Page has pointed out, two votes to take; one

1 for a variance and one for a special permit. I'll start
2 with the variance first.

3 A literal enforcement of the provisions of the
4 ordinance would involve a substantial hardship, the hardship
5 being is that we have a very old structure, as it's outlived
6 its useful life, and there's a need to basically rebuild and
7 expand the structure, which is what the petitioner proposes
8 to do.

9 That the hardship is owing to the soil conditions.
10 There are problems with drainage or flooding in the rear of
11 the lot, and also the shape of the lot is on the narrow
12 side, at least for -- and that's what causes the setback
13 problem that's being addressed with the relief being sought
14 tonight.

15 And that relief may be granted without substantial
16 detriment to the public good, or nullifying or substantially
17 derogating from the intent and purpose of this ordinance.
18 In this regard, what is being proposed will improve the
19 housing stock of the City of Cambridge. The need for relief
20 is very modest in nature.

21 And that, again, has been demonstrated over the
22 course of this hearing. The petitioner has obtained what

1 appears to be unanimous neighborhood consent.

2 So on the basis of all these findings, the Chair
3 moves that we grant the variance requested on the condition
4 that the work proceeds in accordance with plans prepared by
5 Sam Kachmar S -- I'm sorry, I'll get the right entity's name
6 -- SKA, Sam Kachmar Associates, the cover page of which is
7 dated 01/14/2021, and which has been initialed by the Chair.
8 Mr. Sullivan?

9 BRENDAN SULLIVAN: Brendan Sullivan, yes to
10 granting the variance.

11 JIM MONTEVERDE: [Jim Monteverde], yes for granting
12 the variance.

13 ANDREA HICKEY: [Andrea Hickey], yes for granting
14 the variance.

15 MATINA WILLIAMS: [Matina Williams], yes for
16 granting the variance.

17 CONSTANTINE ALEXANDER: And the Chair votes yes as
18 well.

19 [All vote YES]

20 So the variance is granted.

21 Mr. Page, let's quickly talk about the special
22 permit. I know you -- since we've talked about the variance

1 all this time --

2 SHIPPEN PAGE: Thank you.

3 CONSTANTINE ALEXANDER: -- should we grant the
4 special permit.

5 SHIPPEN PAGE: Thank you, Mr. Chairman. I believe
6 the special permit is for the windows in the right-side yard
7 setback. It will still be in the setback, it'll be far
8 removed from 205, but because it's still in the setback, the
9 reconfiguration of the windows will require a special
10 permit.

11 And the justification for that is that this is in
12 keeping with the architectural design of the building. It
13 has had no objections from the residents of 205 Lakeview and
14 will not encroach on their privacy, and it will not be
15 substantially detrimental to the neighborhood.

16 CONSTANTINE ALEXANDER: Thank you. Okay. The
17 Chair moves that we make the following findings with regard
18 to the variance being sought: Special permit -- I'm sorry,
19 I said variance; I'm sorry, I meant special permit -- that
20 the requirements of the ordinance cannot be met without the
21 special permit.

22 That traffic generated or patterns of access or

1 egress resulting from what is being proposed will not cause
2 congestion, hazard, or substantial change in established
3 neighborhood character.

4 In this regard, the need for the special permit is
5 really very technical in nature. The window that is there
6 now is in the setback from when the building is modified or
7 reconstructed. It will be in the same place, and so there's
8 really no impact. No new impact on the neighborhood.

9 That the continued operation of or development of
10 adjacent uses, as permitted in the zoning ordinance, will
11 not be adversely affected -- again for the same reasons that
12 I cited a moment ago with regard to traffic patterns and
13 patterns of access or egress.

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

17 And generally, what is being proposed will not
18 impair the integrity of the district or adjoining district,
19 or otherwise derogate from the intent and purpose of this
20 ordinance.

21 So on the basis of these findings, the Chair moves
22 that we grant the special permit requested, again on the

1 condition that the work proceed in accordance with plans
2 identified and in connection with the variance we just
3 granted.

4 Brendan?

5 BRENDAN SULLIVAN: Brendan Sullivan, yes to
6 granting the special permit.

7 JIM MONTEVERDE: [Jim Monteverde], yes for the special
8 permit.

9 ANDREA HICKEY: [Andrea Hickey], yes in favor of
10 the special permit.

11 MATINA WILLIAMS: [Matina Williams], yes in favor
12 of the special permit.

13 CONSTANTINE ALEXANDER: And the Chair makes it
14 unanimous. I vote in favor as well.

15 [All vote YES]

16 Special permit granted, case over.

17 SHIPPEN PAGE: Thank you very much, Mr. Chairman
18 and members of the Board. Thank you.

19 SAM KACHMAR: Thank you, Mr. Chairman.

20 CONSTANTINE ALEXANDER: Thank you.

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(7:31 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: It being 7:30 or actually
a little bit later than that, the regular meeting of the
Zoning Board of Appeals will be reconvened, and the first
case we're going to call as we continue on our agenda is
Case Number 100282 -- 51 Cedar Street, #51A. Anyone here
wishing to be heard on this matter?

ALICIA POPTANI: Yes, that would be me -- myself,
Alicia Poptani. I'm sitting next to my husband, Mohamed
Poptani.

CONSTANTINE ALEXANDER: Are we on?

ALICIA POPTANI: Can you hear me?

CONSTANTINE ALEXANDER: I can hear you. Now, I
can hear you.

ALICIA POPTANI: Oh.

CONSTANTINE ALEXANDER: I don't see you, that's
what puzzled me.

ALICIA POPTANI: Oh, sorry.

1 CONSTANTINE ALEXANDER: Okay. For the record,
2 please identify yourself?

3 ALICIA POPTANI: Office, yes. Alicia Poptani.
4 And my husband, Mohamed Poptani, is sitting right next to
5 me.

6 MOHAMED POPTANI: We're the petitioners.

7 CONSTANTINE ALEXANDER: Okay. Proceed with why --
8 the relief you're seeking and why we should grant it.

9 ALICIA POPTANI: Okay. Good evening. Thank you
10 so much for taking the time to listen to us. We've lived in
11 Cambridge for over 14 years, and we have two young children,
12 both of whom were born here.

13 We are -- if you could go to the next slide,
14 please. Thank you.

15 We are applying for a variance to allow for the
16 placement of sheds within the setback ordinance. We feel we
17 need two sheds. The first one, which we've highlighted in
18 blue, is located in the parking area, and that's where we
19 intend to store bikes and sports gear.

20 The second one, which is highlighted in green, is
21 located in the front yard, and is where we intend to store
22 tools, a push mower, landscaping items, a ladder, among

1 other items.

2 Due to the building and property line setback
3 ordinances, we were unable to find a placement for the sheds
4 on our exclusive use land that would comply with all the
5 ordinances. If you could go to the next slide.

6 We love our house, but it lacks adequate storage.
7 It has a finished basement and doesn't have an attic. We're
8 currently using our basement bedroom to store many of the
9 items we were hoping to move to the sheds, which would allow
10 for the space to be used for remote learning or working from
11 home during the pandemic.

12 However, we want Mohamed's parents to be able to
13 move in with us after the pandemic, so having this space for
14 them would be vital.

15 You can go to the next slide, please.

16 The parking area shed is located on the exclusive
17 use area directly in front of our deeded parking spot. The
18 degree to which the shed would not comply with the ordinance
19 is eight foot of our approximate 180-foot abutment with the
20 properties at 49 Cedar Street, or 4%.

21 Next slide, please?

22 The proposed parking area shed is of resin

1 construction for ease of assembly. We picked it based on
2 being able to accommodate a bicycle.

3 A typical adult bicycle is six feet long, so we
4 selected a shed of four feet deep by five feet wide. We can
5 move on to the next slide. Sorry, eight feet wide, sorry.
6 Four feet by eight feet wide.

7 The -- this is a rendering of the shed as viewed
8 from 49 Cedar Suites driveway. The proposed location has a
9 six-foot tall fence that will for the most part hide the
10 parking area shed. You can see the current on the left and
11 the rendered on the right.

12 Next slide, please?

13 This slide shows a simulation of shade impact due
14 to the proposed shed. The date used for the simulation is
15 December 21. The left simulation is at 11:00 a.m., the
16 right is at 2:00 p.m.

17 As you can see, the proposed shed will marginally
18 increase the existing shape created by two healthy trees.
19 The one on the left I believe is 30 feet-ish, and the one on
20 the right 17 feet. That's all for that slide, if you could
21 go to the next one.

22 So switching gears, this is now the front yard

1 shed. It's located at the front of our exclusive use yard.
2 The degree to which the shed would not comply with the
3 ordinance is 10 feet of our 50-foot abutment with Cedar
4 Street, or 20 percent. It would also not comply with the
5 side setback for an additional four feet of our
6 approximately 180-foot abutment with the same property, 49
7 Cedar. So an additional two percent.

8 Next slide, please?

9 The proposed front yard shed is a wood
10 construction. Due to the more visible location of this
11 shed, we wanted to be considerate of its height and chose to
12 limit it to seven feet, as that is the allowable height for
13 a fence.

14 Prefabricated options, including resin
15 construction weren't available due to this height
16 limitation. We had to pick the size based on being able to
17 accommodate a ladder, and the various other items we noted
18 earlier. We selected a shed of four feet deep by 10 feet
19 wide.

20 You can go to the next slide, please.

21 This, again, is a rendering of the shed as we come
22 across the street. As with the parking area shed, the

1 proposed location is a six-foot tall fence that will for the
2 most part hide the shed. So, again, left is current; right
3 is with the proposed shed.

4 If you could go to the next slide.

5 We had the opportunity yesterday to present our
6 case to the North Cambridge Stabilization Committee where we
7 similarly presented this variance. The additional items
8 that we discussed were if amending the special permit was
9 another option for being granted permission for the sheds,
10 and whether the granting of the requested variance would
11 create additional variance requests from neighbors.

12 As part of our application, we submitted plans and
13 letters of support signed by eight resident neighbors.

14 Since submitting our application, a landlord of a condo that
15 abuts us at 49 Cedar Street brought concerns to our
16 attention. We attempted to be responsive to their concerns
17 by sending them a new proposed shed, but they quickly
18 stopped communicating with us.

19 A second landlord at 49 cedar then joined the
20 first in submitting a formal letter of opposition and did
21 not give us a chance to speak with them. We provided a
22 letter of response addressing each of their concerns.

1 At this point, I would also like to point out that
2 the only resident and the last of the unit owners of 49
3 Cedar Street signed our letter of support, which was
4 submitted with our application. We feel the decision
5 provided as part of our response supports the approval of
6 our variance.

7 In conclusion, we believe the approval of our
8 variance application will have minimal impact on public good
9 and provide much needed storage for our family.

10 We believe we have managed to carefully select
11 sheds whose aesthetic will not be detrimental to the
12 neighborhood.

13 We also believe that due to the unique nature of
14 our condo, where we have limited storage space because we
15 don't have a basement or an attic, and the shape of our
16 exclusive use outdoor space requires us to go through this
17 variance process, while other neighbors might either not
18 need exterior storage or sheds or be able to place them such
19 that they don't -- that they do comply with the setback
20 ordinances.

21 We greatly appreciate your consideration and are
22 happy to answer any questions.

1 CONSTANTINE ALEXANDER: Thank you. Questions from
2 members of the Board?

3 BRENDAN SULLIVAN: Brendan Sullivan, no questions
4 at this moment.

5 CONSTANTINE ALEXANDER: Jim? Jim Monteverde?

6 JIM MONTEVERDE: No questions, thank you.

7 CONSTANTINE ALEXANDER: Okay, thank you. Andrea?

8 ANDREA HICKEY: Nothing at this time.

9 CONSTANTINE ALEXANDER: Matina?

10 JASON MARSHALL: Mr. Chair, it's Jason Marshall.
11 I'm back from the other cases, and I also don't have any
12 questions at this time.

13 CONSTANTINE ALEXANDER: Okay. The Chair has no
14 questions at this point, but I think we might have some as
15 we go forward. Anyway, I'm going to open the matter up to
16 public testimony. I would point out that we have a letter
17 of opposition in our files and a rebuttal on that letter
18 prepared by the petitioner.

19 In any event, for public testimony, any member of
20 the public who wishes to speak should now click the icon at
21 the bottom of your Zoom screen that says, "Raise hand." If
22 you're calling in by phone, you can raise your hand by

1 pressing *9 and unmute or mute by pressing *6.

2 Okay, now's the time if anyone wishes to speak on
3 this matter.

4 SISIA DAGLIAN: There are two people that wish to
5 speak. Amy Tien, you can go ahead.

6 AMY TIEN: Hi, can you hear me?

7 SISIA DAGLIAN: Yes, can you --

8 CONSTANTINE ALEXANDER: Ms. Tien?

9 AMY TIEN: Yes. Thank --

10 SISIA DAGLIAN: -- talk a little louder?

11 AMY TIEN: Yes. Thank you so much. Amy Tien. I
12 am here on behalf of myself, Amy Tien, and Jennifer
13 Twardowski. We are two Trustees of 49 Cedar Street
14 Condominium Trust, majority represented interest.

15 As you know, 49 Cedar Street Condominium, we are
16 direct abutters to the right of 51 Cedar Street Condominium.
17 We are here to express our opposition to the proposed site,
18 location and desire to violate the setback requirements.

19 I just want to -- we want to present the pertinent
20 background in terms of 51 Cedar Street Condominium, which is
21 a two-dwelling development, two-townhouse dwelling plus a
22 one detached dwelling development that was granted under a

1 special permit in 2012. We have --

2 CONSTANTINE ALEXANDER: Excuse me, can I just ask
3 a question? Are you speaking on behalf of the Condominium?

4 AMY TIEN: Yes, we are. I am.

5 CONSTANTINE ALEXANDER: Okay, so -- and how many
6 are -- I'm sorry, one more time. How many members are --
7 not members, how many units are in the Condominium?

8 AMY TIEN: We have three units, and legally we
9 have the -- two of our Trustees we have majority percentage
10 of interest.

11 CONSTANTINE ALEXANDER: Okay, thank you. I'm
12 sorry to interrupt, keep going.

13 AMY TIEN: We have included with our written
14 statement the approved Planning Board site plan in 2012,
15 with parking landscape for the Board's reference and review
16 as we move forward. We would like to address each shed
17 accessory use and its negative adverse impact.

18 We'll start off with the first shed proposed to be
19 on the front lot line of the front yard. As you know, the
20 shed proposal is 4 x 10 x 7 feet high. This will be sitting
21 right in front of the front yard on the frontage lot line,
22 and the site lot line. We feel that this will pose as a

1 visual and public nuisance.

2 The petitioners argue that the shed will be
3 surrounded or hidden by a high privacy fence. The shed is
4 of note one foot higher than this fence.

5 The high privacy fence was not part of the
6 approved Planning Board design site plan. It was changed by
7 the petitioners. The high privacy fence covers nearly 40
8 feet on their front lot line, and 60 feet of the site lot
9 line between 51 Cedar and 49 Cedar Street.

10 It was previously a porous, four-foot front lot
11 fence and a four-foot site lot fence. This change has now
12 really affected our driver's site line for pedestrians and
13 runners and pets and bicyclists. It's really now become a
14 hazard. As you know, Cedar Street is a two-way busy, high-
15 traffic street.

16 In addition, this high privacy fence is really not
17 welcoming on a front lot line -- the front yard. And it's
18 spiteful. It's not very neighborly, and neighborhood
19 friendly. And it really does pose a safety hazard right now
20 to our -- of our cars exiting out of our driveway.

21 We really -- 49 Cedar Street we really want to
22 work with 51 Cedar Street to lower the fence and return it

1 to its previous four-foot porous fence for sight line
2 safety.

3 And as you can see, if we were to restore the
4 necessary sight line without the high privacy fence, we do
5 not want it replaced with another obstructing boundary
6 structure such as this proposed shed.

7 We now move towards the second shed that's
8 proposed, measuring 4 x 8 x 9, nearly 9 feet tall, proposed
9 to be placed in front of an open gray parking lot on a
10 designed open space. We will refer you back to the approved
11 site plan, which shows the parking lot of 51 Cedar Street
12 with three parking spaces and a common five-foot landscape
13 area in front. This is required as part of the parking lot
14 standards.

15 If you were to put this shed on this strip, it
16 will disrupt the strip of the five-foot landscape area
17 required, and this area is really the only open green space
18 of this parking lot area. It really does modify and make
19 changes and disrupt permeable open space.

20 Our great concerns are with water. It really does
21 affect our middle to rear section of our lot in use. Even
22 though this parking lot landscape area is not on our side,

1 it is still a valuable open space to us on abutting lot, as
2 part of the design -- approved design plan.

3 When you put a concrete slab foundation as they
4 have already done for preparation of this side, it really --
5 it does have negative environmental and atmospheric impacts.
6 In terms of water, it's now created concerns for disrupted
7 drainage, decreases retention of rainwater, decreases
8 absorption of heat from sunlight, and increases excessive
9 water flow onto our abutting lot.

10 We really would want adequate mulching and
11 drainage and drying after any major rain or snowstorms.

12 The height of the shed nearing nine feet is also
13 problematic. It's a view nuisance. It further limits
14 sunlight all season, especially in the winter, when we do
15 cherish a lot of the light coming through, some of the
16 barren trees during the limited daylight hours. It casts
17 more shadows onto our abutting yard and property, and does
18 therefore decrease our enjoyment use of our property.

19 The height further -- the roofline further poses
20 other concerns, especially when snow falls or lands on the
21 roof. Depending on the direction of the wind, this may
22 result in unwanted snowdrift onto our property lot, as well

1 as rainfalls that will increase rainwater onto our lot.

2 Finally, as this is now sitting in the setback of
3 this landscaped area, abutting our property lot line and the
4 fence, it really does interfere with our ability to repair
5 and maintain our fence for the future.

6 I think overall, we have many, many concerns, and
7 it's troubling of some of the changes 50 Cedar Street -- 51
8 Cedar Street have made to their site plans that are not
9 conforming; the changed fence, the increase in parking lot
10 area and originally designed for three parking spaces; now
11 there are five parking spaces.

12 They have replaced a lot of the front and side
13 yard green space with nonpermeable paver patios and
14 walkways. And adding this additional two sheds really just
15 further decreases nonpermeable space. You know, these sheds
16 itself, we have concerns not only as a public nuisance and
17 safety issue, but again, it really does contribute to the
18 nonconforming of their approved site plan.

19 So we do request that this variance not be
20 granted.

21 CONSTANTINE ALEXANDER: Have you had any
22 conversations with the petitioner?

1 AMY TIEN: We have already had -- we have had
2 discussions.

3 CONSTANTINE ALEXANDER: And obviously, you didn't
4 reach any agreement? So okay. Okay, I just want to know if
5 this is something that is emerging out of nowhere, or is
6 something that has been a matter of discussion, and that you
7 haven't come to a meeting of the minds. Thank you. Anyone
8 else wish to speak?

9 SISIA DAGLIAN: C Pierola.

10 COSTANZA PIEROLA: Can you hear me?

11 SISIA DAGLIAN: Yes.

12 COSTANZA PIEROLA: Hello?

13 SISIA DAGLIAN: Yes.

14 COSTANZA PIEROLA: Hi. I'm Costanza Pierola, and
15 I am a member of the North Cambridge Stabilization Committee
16 that met last night to hear and discuss this issue, which
17 was presented quite well by both presenters before me.

18 And I just wanted to share with you some of the
19 comments that we had after the presentation, when as
20 approved we discussed the pros and cons of this project.

21 And we are actually -- we actually had the same
22 concerns that Amy had, and in addition some others surfaced

1 such as setting a precedent for both neighborhood
2 friendliness -- unfriendliness type of fencing; before it
3 was four feet, as they say, and without consultation I guess
4 in the neighborhood they raised it, and it's really quite
5 different than the rest of the neighborhood.

6 As you can see from many instances in the city
7 where that is happening now that right at the street, no
8 setbacks and a big fence covering the little setback that is
9 in front of the building.

10 So as a group, we really discussed these issues as
11 not in the best community interest. It's not cohesive, the
12 design. It's also -- goes against the regulations of open
13 space and setback requirements.

14 As they already have violated some of that space
15 by putting a concrete pad, I suppose, in preparation for the
16 shed being accepted by this Board. But really, it's just
17 not necessary.

18 I mean, when they bought the property, it existed
19 as it is. And if they had a need for sheds maybe they could
20 do it against in another position, and it was brought up at
21 the meeting maybe they could put it against the building or
22 -- you know, somewhere within the setback in their property.

1 And we understand they want to maintain open
2 space, especially since all the open space is basically in
3 the front between the two buildings -- is already just a
4 very, very bare parking lot with pavers, not green area.

5 So we think it's very important to maintain that
6 green area in the setback where they have the shed, and I
7 for one as an individual, because we're not deciding as a
8 group, but we were just recommending these issues for you to
9 consider, that this is setting a precedent in the
10 neighborhood...

11 and in the city to eliminate setbacks for storage
12 reasons, or also to put up higher fences, making pedestrian
13 benefits unavailable -- you know, the nice walking around
14 the neighborhood, which we have to do in COVID a lot, and
15 coming up against a fence.

16 And also, the sight line I really don't know
17 exactly what the physics of it are, but it is an issue when
18 the fence is that high. But if they lowered the fence it
19 might be better, but definitely the sheds don't seem to
20 conform to what the regulations and the zoning permit,
21 because of the setbacks. Thank you.

22 CONSTANTINE ALEXANDER: Thank you for taking the

1 time to speak to us. Anyone else, Sisia?

2 SISIA DAGLIAN: Yes. Michael Brandon?

3 CONSTANTINE ALEXANDER: Mr. Brandon?

4 MICHAEL BRANDON: Good evening, Mr. Chairman.

5 Thank you for hearing me. I am Michael Brandon, 27 Seven

6 Pines Avenue. I am the Clerk for the North Cambridge

7 Stabilization Committee.

8 I know you have a lot of other cases tonight, so I
9 think I'll try not to go on and just repeat what you've
10 heard, but basically, I did want to thank Alicia and Mohamed
11 for presenting to our group last night, and I think you've
12 heard all the concerns that were raised and questions that
13 were raised.

14 Just one other issue that I don't think I heard
15 was the question of whether this application indeed meets
16 the criteria for granting a variance from the zoning, in
17 particular, whether there's actually a legal hardship
18 because of soil conditions and so forth -- and probably most
19 significantly whether or not it derogates from the intent of
20 the ordinance.

21 And the ordinance clearly establishes setbacks, so
22 it's a little hard to understand, and maybe the proponents

1 will want to address it, but the big issues seem to be, and
2 if you -- the Board might find it helpful to look through I
3 believe Amy Tien said that she had submitted a copy of the
4 approved site plan approved by the Planning Board when the
5 site was developed or redeveloped many years ago, and that
6 third -- well, unit, was added to the very deep back yard
7 that was there.

8 And if you look at it, as was said, you know,
9 there are just discrepancies. There seem to be showing now
10 five parking spaces. Three were allowed. There was a
11 landscape parking setback, where they are proposing to put
12 one of these sheds. There seem to be an addition of pavers
13 that reduce the green space.

14 And a big concern as Costanza just mentioned was
15 the high fences on the various parts of the property that
16 weren't approved according to that site plan.

17 The issue of the site lines as 49 Cedar exits to
18 the driveway is a real serious concern, especially because
19 it's a pretty heavily -- in addition to the two-way traffic
20 that Amy mentioned, there's a fair amount pedestrian traffic
21 there because there's a park, two elementary schools very
22 nearby off of Rindge Ave.

1 So that would seem to constitute a public safety
2 threat that at the very least perhaps the Traffic Department
3 should check and see if their standards are met.

4 So I guess in -- and then the other big issue that
5 came up last night was the question of precedent that would
6 be set, because the Board is, I think familiar with that
7 block of Cedar Street, and it's -- you know, it's pretty
8 cramped.

9 There are an additional 49 -- I think there's
10 another similar property that added a unit in the rear yard.
11 And so, you know, if one person does it, the others want to
12 do it, and it's very -- it's going to be a big change on the
13 streetscape of that residential street.

14 So I guess we had suggested to the applicants that
15 they might want to check with the Planning Board, and
16 consider maybe seeing if they could amend the special permit
17 that would allow them to make some of the changes that have
18 already been made -- you know, and legalize that.

19 And so, I went on longer than I had planned, but I
20 think -- oh, well, that's another question the Chairman I'm
21 sure will report on whether there were any comments received
22 from the Planning Board. I suspect not, but I think if they

1 were aware of some of these issues, that they indeed might
2 want a presentation, so they could at least provide comments
3 to the Board if the case is continued.

4 So I'll wrap up. Thank you very much. I'm sorry
5 to go on so long.

6 CONSTANTINE ALEXANDER: Okay. I will just observe
7 that with regard to all -- every time we have a hearing, the
8 agenda is sent to the Planning Board for comments. And most
9 of them have no comments on the cases. And I don't believe
10 they have submitted any comments on this case. So anyway,
11 thank you, Mr. Brandon.

12 MICHAEL BRANDON: Thank you.

13 CONSTANTINE ALEXANDER: Sisia, anybody else?

14 SISIA DAGLIAN: No.

15 CONSTANTINE ALEXANDER: That's it. So I'm going
16 to close public testimony. Time for a decision. Anyone
17 want to speak to whether or not we should grant the
18 variance.

19 BRENDAN SULLIVAN: [Brendan Sullivan], I would be
20 opposed to the application, totally.

21 JIM MONTEVERDE: [Jim Monteverde], I would be
22 opposed as well.

1 ANDREA HICKEY: [Andrea Hickey], I would be opposed
2 as well.

3 CONSTANTINE ALEXANDER: Okay, we'll keep going,
4 but the case is over, because they need -- the petitioners
5 need four votes in favor, and the most they could get at
6 this point is two. But anyway, go ahead. Jason?

7 BRENDAN SULLIVAN: Jason?

8 JASON MARSHALL: Thank you, Mr. Chairman. [Jason
9 Marshall], and I'm also inclined to not be in favor, I just
10 want to maybe briefly explain why that is.

11 CONSTANTINE ALEXANDER: Go right ahead.

12 JASON MARSHALL: You know, because I understand
13 why the applicant, or the applicants are seeking to add
14 storage. And, you know, it's a well-intended objective, but
15 I think for me there's two real primary issues with the
16 proposal.

17 And, you know, this isn't questioning the personal
18 need, but that's the first issue, the hardship. We are
19 bound to apply a standard that that's the first issue. The
20 hardship, we are bound to apply a standard that's in our
21 statute in the Massachusetts General Laws, and the hardship
22 has to relate to the parcel itself and not to the personal

1 circumstances of the people who are living there at that
2 time.

3 In addition, you know, the standard for granting a
4 variance, it's an exacting one. And it's the exception and
5 not the rule. The request for the setback here of what I
6 see as a one-foot setback in the front and the side, that
7 just seems to really eviscerate what the requirements are
8 for a minimum setback.

9 So I think either one of those issues alone to me
10 is significant enough not to approve. So, again, I would be
11 inclined not to favor the request.

12 CONSTANTINE ALEXANDER: Thank you, Jason. And the
13 Chair would make it unanimous. I find -- I must say, I'm
14 saddened by the fact that in close neighborhoods, this could
15 come up with some sort of satisfactory resolution, rather
16 than having neighborhood warfare. But, that's how life is.

17 Anyway, the motion for a variance is denied.
18 Yeah, the motion for -- the petition for a variance is
19 denied. Case over -- not over yet, we have to as a Board
20 take one more vote to elaborate on the reasons why we're not
21 going to grant the variance. I think --

22 ANDREA HICKEY: Gus, if I could interrupt for a

1 second, did you actually cast a vote?

2 CONSTANTINE ALEXANDER: Yes, I voted as well.

3 ANDREA HICKEY: Thank you.

4 CONSTANTINE ALEXANDER: Okay, yeah. It's five
5 votes opposed, no votes in favor.

6 JASON MARSHALL: Mr. Chairman, let me clarify,
7 because I had said I was inclined not to support, so let me
8 just clarify and say I vote against the petition. [Jason
9 Marshall, sorry.]

10 CONSTANTINE ALEXANDER: I'm sorry, repeat that
11 Jason?

12 JASON MARSHALL: I had said that I was inclined
13 not to support, so let me make it final and say I vote not
14 to support the petition --

15 CONSTANTINE ALEXANDER: Okay, thank you.

16 JASON MARSHALL: -- for the record.

17 [ALL FIVE VOTE NO]

18 CONSTANTINE ALEXANDER: I maybe jumped the gun. I
19 thought you had said something more firm than that. And now
20 you have said it firmly, and your vote in opposition is
21 noted.

22 As I was saying, we have to as a matter of law

1 describe the reasons why we're denying the variance.

2 There's court -- a judicial decision to that effect.

3 I think the reasons are pretty obvious from other
4 comments that other Board members have made. But I will try
5 to summarize them. I think -- and please after I do that,
6 if anyone has any comments, suggestions, changes let me
7 know.

8 The Chair would move that we denied relief because
9 there was no substantial hardship within the legal means of
10 the word. The hardship is just to the people who are now
11 occupying premises, the petitioners, and the hardship is not
12 to the particular, the current owners, but anyone who would
13 occupy the property.

14 That there's -- the hardship must also be owing to
15 circumstances relating to the soil condition's shape or
16 topography, of such land or structures; and especially
17 affecting such land or structure, but not affecting
18 generally the zoning district in which it is located.

19 And again, there's absolutely no evidence that
20 this condition would be satisfied. It's just -- again --
21 back to a desire by the current occupants of the property to
22 have additional storage, by means of these sheds.

1 And that relief may -- if we granted relief, it
2 could be to the substantial detriment to the public good,
3 and we've had testimony from our presentation to that effect
4 that there is clear -- well, even if we don't even need
5 anything resolved, there's been clear problems with going
6 forward with these sheds.

7 Anyone else, anyone want to change or add or
8 subtract to (sic) that? Brendan?

9 BRENDAN SULLIVAN: [Brendan Sullivan], no, I would
10 add that to Jason Marshall's comments. The legal standard
11 has not been met, so.

12 CONSTANTINE ALEXANDER: And Jim? Jim Monteverde?

13 JIM MONTEVERDE: Oh, sorry. No further comments.

14 CONSTANTINE ALEXANDER: Okay. Andrea?

15 ANDREA HICKEY: I have nothing to add, thank you.

16 CONSTANTINE ALEXANDER: Okay. And Jason, anything
17 you want to add onto what you said already?

18 JASON MARSHALL: No, just what I said and the way
19 that you described it, Mr. Chairman. Thank you.

20 CONSTANTINE ALEXANDER: Okay. All right. So then
21 I take it everybody is in favor of the -- what I just
22 described, and so that should be part of our record, as to

1 why we denied the variance requested. The case is now over.

2 Thank you.

3 MOHAMED POPTANI: I'd like to thank the Board for
4 your consideration. I think both Lisa and I have learned
5 something about the nature of hardships. We didn't quite, I
6 guess, understand the legal definition. So thank you for
7 your consideration and your time.

8 LISA POPTANI: Thank you.

9 CONSTANTINE ALEXANDER: Thank you.

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2 (8:04 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Jason Marshall

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 100817 -- 56 Churchill Avenue. Anyone here
8 wishing to be heard on this matter? No one wishes to be
9 heard? And because -- the reason for that is that the
10 petitioner has not posted the sign that's required by the
11 zoning ordinance.

12 So we are unable to continue, to hear this case
13 tonight. We have to continue it to a future date, in which
14 the petitioner does satisfy the signage requirements of our
15 ordinance.

16 Sisia, do you have any requests from the
17 petitioner as to when they would like to vote?

18 SISIA DAGLIAN: Not that I'm aware of, no.

19 CONSTANTINE ALEXANDER: Okay. There's nothing in
20 the file. All right, what's the next available date?

21 SISIA DAGLIAN: February 25.

22 CONSTANTINE ALEXANDER: February 25, do we have

1 room on our agenda?

2 SISIA DAGLIAN: We have nothing else on that date,
3 correct.

4 CONSTANTINE ALEXANDER: Okay. The Chair moves
5 that we continue this case as a case not heard until 6:00
6 p.m. on February 25, subject to the following conditions:

7 1. That the petitioner sign a waiver of time for
8 decisions. The petitioner has already done that, because
9 they were advised by the Building Department that we're not
10 going to hear the case tonight, for the reasons I just
11 disciplined. So that has to be satisfied.

12 2. A new sign has to be posted and maintained for
13 the 14 days before February 25, as required by our
14 ordinance, in which the petitioner did not do with respect
15 to tonight's hearing.

16 And last, to the extent that the petitioner has
17 new, revised plans, specifications, drawings, they must be
18 in our file no later than 5:00 p.m. on the Monday before
19 February 25. That's to enable the members of this Board and
20 the citizens of the city time to review those and to reflect
21 upon them to see if they have any comments or problems.

22 Vote? Brendan?

1 BRENDAN SULLIVAN: [Brendan Sullivan], yes to the
2 continuance.

3 JIM MONTEVERDE: And [Jim Monteverde], yes for the
4 continuance.

5 ANDREA HICKEY: [Andrea Hickey], yes in favor of
6 the continuance.

7 JASON MARSHALL: [Jason Marshall], yes.

8 CONSTANTINE ALEXANDER: And the Chair votes yes as
9 well, so the case is continued until February 25.

10 [All vote YES]

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(8:07 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 101523 -- 2 Pearl Street Place. Anyone here
wishing to be heard on this matter?

MAHTA OSTOVARI: Yes. Mahta Ostovari, part owner
and the designer of the new renovation at 2 Pearl Street,
along with my husband, Christopher Pinkham, part owner of 2
Pearl Street Place.

CONSTANTINE ALEXANDER: Okay. You're seeking a --
a variance, for dormers and the like? So --

MAHTA OSTOVARI: A relief on a dormer and window
relocation on a nonconforming building.

CONSTANTINE ALEXANDER: Okay. You have to give us
reasons why you want to do this and why you meet the
requirements for a variance. Sisia's putting on the screen
your application right now.

MAHTA OSTOVARI: Yeah. So this house, we
purchased in July. It's a nonconforming building with the

1 setback tight on this side of the building where you're
2 putting the dormer, and also, for the back -- the rear side
3 where we are relocating some of the windows just to create
4 harmony for the exterior.

5 If you move down, you'll see the existing
6 condition of the house.

7 The next slide will show the areas where we are
8 requesting for the relief -- the windows on the first floor.
9 The windows on the second floor in the rear side, and the
10 dormer on the third floor, where we would like to add for
11 creating efficiency for the building, for the house that we
12 are hoping to move in our family.

13 The next slide just shows the location of the
14 building, and also, in relation the dorm in relation to the
15 building, the direct abutter.

16 And the next slide?

17 Also the series of slides shows the pool (sic) gut
18 renovation of the interior. And the windows that will be
19 removed to be relocated.

20 The next slide is the second-floor demolition.
21 The third floor shows the area where we would like to get
22 relief to relieve the ceiling to -- the roof to create the

1 dormer. That would be our -- you will see eventually that
2 that will become our master bedroom.

3 This shows the windows where they will end up.
4 That needs to be resized and relocated. And the next slide
5 is the second floor. Then the third floor shows where we
6 are hoping to put a master bath and a closet and a dormer to
7 gain the height, the ceiling height.

8 And then the roof plan shows the area which we
9 followed the 1996 guideline, and which was previously
10 discussed to have a setback both on the sides and also from
11 the front by 18 inches.

12 And then you will see in the following drawings
13 the elevations and how the dormer is in relation to the
14 building. Those are the windows. You will see the dash
15 line shows where the existings are. Some are being resized
16 and getting smaller, and some are slightly larger.

17 And this is the side that is 3.5 feet from the
18 property line, but there is a large side yard, and we -- the
19 owners have fully endorsed our design.

20 And then the next slide just shows why these two
21 windows we have proposed to relocate them or reorient them.
22 It's for the kitchen that we're hoping to put in the center

1 of the building.

2 The following slides just show the section through
3 the building through the house, and also, a section through
4 the dormer with the appropriate setback and in relation to
5 the existing ridgeline.

6 And if you go further down, these are just the --
7 this is the final rendering that we have shared with all the
8 direct abutting neighbors, and we have received their
9 endorsement.

10 Some of these slides we can go through them, but
11 they are all redundant series, like these pictures.

12 CONSTANTINE ALEXANDER: Have you spoken with your
13 neighbors, the ones that are most affected by what --

14 MAHTA OSTOVARI: Yes. We have a big list of
15 neighbors that they have supported us for this dormer, and -
16 -

17 CONSTANTINE ALEXANDER: We have a number of
18 letters of support in our file. Did anyone express any --
19 orally, any negative views about what you're proposing?

20 MAHTA OSTOVARI: No.

21 CONSTANTINE ALEXANDER: Thank you.

22 MAHTA OSTOVARI: Thank you.

1 CONSTANTINE ALEXANDER: Questions from members of
2 the Board at this point?

3 BRENDAN SULLIVAN: No. [Brendan Sullivan] no
4 questions, but a comment. I am very impressed with the very
5 concise and thorough presentation.

6 CONSTANTINE ALEXANDER: Agree.

7 MAHTA OSTOVARI: Thank you.

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: This is Jim Monteverde, no
10 questions.

11 ANDREA HICKEY: [Andrea Hickey], no questions.

12 JASON MARSHALL: [Jason Marshall], I agree with
13 Brendan. No questions.

14 CONSTANTINE ALEXANDER: The Chair has no questions
15 as well. So I'll now open the matter up to public
16 testimony. Any members of the public who wish to speak
17 should now click the icon at the bottom of your Zoom screen
18 that says, "Raise hand." If you're calling in by phone, you
19 can raise your hand by pressing *9 and unmute or mute by
20 pressing *6

21 BRENDAN SULLIVAN: Take a break to see if anyone
22 wishes to speak on this matter.

1 SISIA DAGLIAN: Yes, two people. Nancy Woods --

2 CONSTANTINE ALEXANDER: Okay.

3 SISIA DAGLIAN: Nancy Woods?

4 NANCY WOODS: Hi, I'm Nancy Woods. My husband
5 Fred and I are the house -- I guess right behind Mahta and
6 Chris's house, so we look at the back deck. We have no
7 objections, and we have submitted a letter to that effect.

8 CONSTANTINE ALEXANDER: We did. I was going to
9 mention that we do have a letter from you in the files.
10 Thank you for taking the time to speak. Anyone else?

11 SISIA DAGLIAN: Mahta, we have somebody with your
12 name and their hand up.

13 CONSTANTINE ALEXANDER: I'm sorry?

14 MAHTA OSTOVARI: That may be our attorney, Bruce?

15 BRUCE FITSIMMONS (phonetic): Yes.

16 MAHTA OSTOVARI: Bruce Fitsimmons maybe.

17 BRUCE FITSIMMONS: Yes.

18 MAHTA OSTOVARI: Yes, oh, great. Hi, Bruce.

19 SISIA DAGLIAN: Go ahead.

20 CONSTANTINE ALEXANDER: Okay. I'm now going to
21 close public testimony.

22 SISIA DAGLIAN: Wait, wait. He wanted to speak.

1 Bruce, do you want to speak? I guess not.

2 CONSTANTINE ALEXANDER: I guess not. We thought
3 we were going to have another speaker; apparently, we do
4 not. So again, we're going to close public testimony.
5 Discussion, or are we ready for a vote?

6 BRENDAN SULLIVAN: Ready for a vote.

7 ANDREA HICKEY: Ready.

8 JIM MONTEVERDE: Ready.

9 JASON MARSHALL: Ready for a vote.

10 CONSTANTINE ALEXANDER: Okay. The Chair moves --
11 by the way, the case is advertised as a variance, but that
12 was an error on the part of the Inspectional Services
13 Department. This is a case for a special permit.

14 So the vote -- the motion is going to be with
15 regard to granting a special permit to the petitioner. The
16 reference to the variance in the public advertisement I
17 think is a harmless error, in my view.

18 Anyway, with regard to the special permit, the
19 petitioner -- the Chair moves that we make the following
20 findings:

21 That the requirements of the ordinance cannot be
22 met without the special permit.

1 That traffic generated or patterns of access or
2 egress resulting from what is being proposed will not cause
3 congestion -- I'm sorry, I got distracted. Let me start
4 again.

5 That traffic generated or patterns of access or
6 egress resulting the relief being sought will not cause a
7 congestion, hazard, or substantial change in established
8 neighborhood character.

9 This is a not unusual upgrading of a residential
10 structure that has neighborhood support and no really
11 adverse effects from the point of view of the citizens of
12 the city.

13 That the continued operation of or development of
14 adjacent uses, as permitted in the zoning ordinance, will
15 not be adversely affected by the nature of what is being
16 proposed.

17 And again, as I've covered that with regard to my
18 previous finding, that there's just no -- it's just another
19 instance of upgrading a structure that needs with the
20 passage of time some improvements.

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

1 occupant or the citizens of the city.

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

6 So on the basis of these findings, the Chair moves
7 that we grant the special permit on the condition that the
8 work proceed in accordance with plans submitted by the
9 petitioner. They're dated 12/15/2020, and the first page --
10 the cover page of which has been initialed by the Chair.
11 Brendan, how do you vote?

12 BRENDAN SULLIVAN: [Brendan Sullivan], yes to
13 granting the special permit.

14 JIM MONTEVERDE: And Jim Monteverde yes for granting
15 the special permit.

16 ANDREA HICKEY: [Andrea Hickey], I vote yes in
17 favor of granting the special permit.

18 JASON MARSHALL: [Jason Marshall], yes in favor of
19 the special permit.

20 CONSTANTINE ALEXANDER: And the Chair votes yes as
21 well, so it's unanimous.

22 [All vote YES]

1 Special permit granted.

2 CHRISTOPHER PINKHAM: Thank you very much.

3 MAHTA OSTOVARI: Thank you very much. Thank you
4 for your time, late evening time.

5 CONSTANTINE ALEXANDER: Thank you.

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(8:18 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: All right. The Chair will
now call Case Number 101792 -- 17 Worcester Street. Anyone
here wishing to be heard on this matter?

KRISTIN SMITH: Yes, hello. This is Kristin
Smith, one of the owners of the property. Sorry, my Zoom
cut out for a second. Let me start my video.

CONSTANTINE ALEXANDER: Hi, I want to congratulate
the petitioners of this case. This is probably the easiest
case -- I shouldn't be doing this -- easiest case we've seen
in all the years, my years on the Board. -- setback. My
God, what's -- how could that have any adverse impact on
anything? Anyways, go ahead with your presentation.

KRISTIN SMITH: Yes.

ARCH HORST: Mr. Chairman, this is Arch Horst, the
architect.

CONSTANTINE ALEXANDER: Oh, hi, Mr. Horst.

ARCH HORST: How are you?

1 CONSTANTINE ALEXANDER: Fine, and you?

2 ARCH HORST: I'm fine, thanks. I thought I was
3 done with you guys, but guess what? We have a case where
4 something was not drawn that should have been drawn when you
5 heard this case originally. It was the skylight. And
6 that's why we're coming back.

7 CONSTANTINE ALEXANDER: Okay.

8 ARCH HORST: You can see that -- thank you,
9 Suzanne -- that this is a former stable that's in the corner
10 of this lot, and the skylight will be -- let's see, if you
11 can show the next page, Sisia, thank you.

12 The skylight is over the stair, which goes from
13 the first floor to the second floor. And you can see where
14 it's located on the right-hand plan on the upper level
15 there.

16 The reason there's a request for building inside
17 the setback is that there is -- basically the property sits
18 right on the property line, and within inches of the
19 property line. So this skylight is within the setback.

20 CONSTANTINE ALEXANDER: And the other -- I mean,
21 the skylight, unlike the window, cannot have any privacy
22 aspects to it, or lack of privacy, except for low-flying

1 aircraft.

2 ARCH HORST: That's correct. Right, right.

3 CONSTANTINE ALEXANDER: So anyway, questions from
4 members of the Board?

5 BRENDAN SULLIVAN: I have no problem; no
6 questions, no problem.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: [Jim Monteverde], no questions.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: [Andrea Hickey], no questions.

11 CONSTANTINE ALEXANDER: Jason?

12 JASON MARSHALL: [Jason Marshall], no questions.

13 CONSTANTINE ALEXANDER: And the Chair has no
14 questions as well. We'll open the matter up to public
15 testimony. Any members of the public who wish to speak
16 should now click the icon at the bottom of your Zoom screen
17 that says, "Raise hand." If you're calling in by phone, you
18 can raise your hand by pressing *9 and unmute or mute by
19 pressing *6. We'll take a moment to see if anyone wishes to
20 speak.

21 [Pause]

22 There is no one who wishes to speak, so I'll close

1 public testimony. I think we're ready for a vote.

2 BRENDAN SULLIVAN: Motion, yes.

3 CONSTANTINE ALEXANDER: The Chair moves that --
4 this is a -- this is a special permit case again.. The Chair
5 moves that we make the following findings:

6 That the requirements of the ordinance cannot be
7 met without the special permit.

8 That traffic generated or patterns of access or
9 egress resulting from this skylight and setback will not
10 cause congestion, hazard, or substantial change in
11 established neighborhood character.

12 And I think the facts speak for themselves on
13 this; there's no impact on the neighborhood whatsoever.

14 That the continued operation of or development of
15 adjacent uses, as permitted in the zoning ordinance, will
16 not be adversely affected by the proposed skylight and its
17 location. Again, I think the facts speak for themselves as
18 to this.

19 No nuisance or hazard will be created to the
20 detriment of the health, safety and/or welfare of the
21 occupant of the proposed use, or the citizens of the city.

22 And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,
2 or otherwise derogate from the intent and purpose of this
3 ordinance.

4 So on the basis of all these findings, the Chair
5 moves that we grant the special permit on the condition that
6 the work proceed in accordance with plans prepared by Black
7 River Architects, the first page of which has been initialed
8 by the Chair.

9 BRENDAN SULLIVAN: [Brendan Sullivan], yes to
10 granting the special permit.

11 JIM MONTEVERDE: [Jim Monteverde], yes for the
12 special permit.

13 ANDREA HICKEY: [Andrea Hickey], yes in favor of
14 the special permit.

15 JASON MARSHALL: [Jason Marshall], yes in favor of
16 the special permit.

17 CONSTANTINE ALEXANDER: And the Chair votes yes as
18 well, so it's unanimous.

19 [All vote YES]

20 Relief granted.

21 ARCH HORST: Thank you.

22 COLLECTIVE: Thank you.

1 * * * * *

2 (8:23 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Jason Marshall

6 CONSTANTINE ALEXANDER: The Chair will call our
7 final case for tonight, Case Number 102551 -- 133 Larch
8 Road. Anyone here wishing to be heard on this matter?

9 MEGAN KEMP: Yes, thank you Chairman. Attorney
10 Megan Kemp, Dash and Associates, 48 Grove Street in
11 Somerville, here representing the petitioner, Michael
12 Benedick and Karen Flood, the property owners. Also with me
13 here tonight is Keith Miller, the architect on this project.

14 This is an application for a variance on a single-
15 family residence in a Res B zone. The goal here is to bring
16 an existing back porch that is in a deteriorating condition
17 and needs to be fixed up anyway. As part of that, bring it
18 into compliance with the setbacks by shrinking it on the
19 side.

20 Also, as long as we're doing this, it's a good
21 time to try to make this a more reasonable space, particular
22 in light of the recent health crisis, realizing that there

1 is no real protected area where social distancing could
2 happen on the property and screen in part of this new back
3 porch and create an open-air space that can still be usable
4 to the current and future owners.

5 This is a variance because there is an existing --
6 it is a preexisting nonconforming building. And so, there
7 is a hardship due to the preexisting nature of the
8 structure.

9 There's nothing they can do about the size of the
10 existing house. In the setback, there's a small setback on
11 the north side of the house; we can't change that. So any
12 changes that the current or future owners would like to make
13 to the house will require a variance and relief from this
14 Board.

15 So let's see. Sisia, do you have the documents?
16 Okay, thank you.

17 MEGAN KEMP: We do believe that relief can be
18 granted without any substantial detriment. All of the work
19 is completely within the back yard of the building. The
20 setbacks will now be conforming; there's no encroachment
21 into the rear setback, it's a very long and narrow lot,
22 which is what had created the setback issues for the

1 preexisting building to begin with.

2 The impact is mostly to the neighbors on the two
3 sides of the lot, both who have issued, who've submitted
4 letters in support of this project. They have similar back
5 decks on their property and have no problem with this.

6 Sisia, if you could go up [one?] slide, I believe.

7 So this will be the side view of the new porch
8 situation. So this is all screened in, just to create a
9 dining area and it's going to be --

10 KEITH MILLER: Megan, I can jump in on the
11 description.

12 MEGAN KEMP: Yeah, Keith.

13 KEITH MILLER: So the design of the porch on the
14 lower level of it, we have some picket screening. This is -
15 - allows air to flow, but blocks the view of the trash
16 receptacles and recycling bins and composting bins that the
17 owner keeps underneath there to prevent pests and visibility
18 for those items.

19 On the main level, which connects to the first
20 floor, we have vinyl screens with mutttons that kind of match
21 the windows of the house. The railings for the screens are
22 located on the interior of the screen, so that provides the

1 building code requirements for railings. It also doesn't
2 create a lot of extra exterior railing features that aren't
3 prevalent on the rest of the house.

4 And then for the roof, there is an existing roof
5 deck, or there is an existing second floor deck that already
6 cantilevers off the back of the house. We've expanded that
7 to incorporate the entire roof of the deck for just
8 aesthetic purposes.

9 A gable roof would obviously block more
10 visibility, create more massing, and just a flat membrane
11 roof isn't very appealing.

12 So the railing gives it a nice, aesthetic finish,
13 which -- again, matches with the rest of the house. And
14 that was kind of the goal of the aesthetic for the design
15 work on the deck, the porch and the roof deck.

16 MEGAN KEMP: And again, just quick -- so but for
17 the existing -- the existing setback on the building, there
18 is -- the building is also already preexisting nonconforming
19 over the FAR, and the issue here is that the screen-in porch
20 adds additional FAR to the property, though we're trying to
21 bring the rear porch back into compliance with the setbacks.

22 There is an increase to the FAR and that is what

1 we're requesting a variance for.

2 CONSTANTINE ALEXANDER: Thank you. Questions from
3 members of the Board?

4 BRENDAN SULLIVAN: [Brendan Sullivan], no
5 questions.

6 JIM MONTEVERDE: [Jim Monteverde], no questions.

7 ANDREA HICKEY: [Andrea Hickey], no questions.

8 JASON MARSHALL: [Jason Marshall], no questions.

9 CONSTANTINE ALEXANDER: The Chair has no questions
10 as well. I will open the matter up to public testimony.
11 Any members of the public who wish to speak should now click
12 the icon at the bottom of your Zoom screen that says, "Raise
13 hand." If you are calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6.

15 We'll take a second to see if anyone wishes to
16 call in.

17 SISIA DAGLIAN: No, I don't see anyone.

18 CONSTANTINE ALEXANDER: Okay. So we'll now close
19 public testimony. As we do, I will report that we do have
20 two letters in our files in support of the relief being
21 sought; one from residents at 127 Larch Road, and the other
22 from a resident at 137 Larch Road. So these are closely

1 abutting or neighboring, I should say -- neighboring lots.
2 And they are supportive -- the owners of those lots are
3 supportive of the relief being sought.

4 Brendan, you want a -- anybody want any comments,
5 or are we ready for a vote?

6 BRENDAN SULLIVAN: No, I'm ready for a vote. I
7 think it's a nice plan.

8 ANDREA HICKEY: Ready.

9 JIM MONTEVERDE: Ready.

10 CONSTANTINE ALEXANDER: All right. Brendan?

11 BRENDAN SULLIVAN: I --

12 CONSTANTINE ALEXANDER: You did say you're ready,
13 yeah.

14 BRENDAN SULLIVAN: Yeah, I'm all set to make the
15 motion.

16 CONSTANTINE ALEXANDER: Jim said he's ready as
17 well. Jim?

18 JIM MONTEVERDE: Yes, sir, I'm ready.

19 CONSTANTINE ALEXANDER: Okay. Andrea?

20 ANDREA HICKEY: Yes, ready.

21 JASON MARSHALL: [Jason Marshall], ready.

22 CONSTANTINE ALEXANDER: And the Chair is ready as

1 well.

2 [All vote YES]

3 I take these ready votes as votes in support.

4 Okay, ready --

5 KEITH MILLER: Good yes.

6 CONSTANTINE ALEXANDER: Ready. I expect you're
7 ready to have a vote. Okay, ready. I thought you were
8 ready to have a vote. Okay. Anyways, we've got five votes
9 in favor, none in opposition. Relief granted. All right,
10 I've got to come up with the plans. I'm sorry, one second.

11 JIM MONTEVERDE: I appreciate the brevity, but --

12 CONSTANTINE ALEXANDER: The Chair --

13 BRENDAN SULLIVAN: We may want to run through the
14 pro forma.

15 CONSTANTINE ALEXANDER: -- where are the plans?

16 Oh, here they are. The Chair moves that we make the
17 following findings -- geez -- with the relief being sought:

18 That a literal enforcement of the provisions of
19 the ordinance will not involve a substantial hardship, the
20 hardship being is that the petitioner has a nonconforming
21 deck that intrudes into the setbacks, and is proposing to
22 eliminate that and replace it with a new screen porch, which

1 in turn has an FAR increase. The increase is modest, and
2 the overall effect is that for the current petitioners and
3 anyone else who owns the property, the use of the property
4 or the desirability of the property would be enhanced.

5 That the hardship is owing to the fact that this
6 is a nonconforming lot, and therefore any relief requires
7 zoning -- any modification requires zoning relief.

8 And that relief may be granted without substantial
9 detriment to the public good, or nullifying or substantially
10 derogating from the intent or purpose of the ordinance.

11 In this regard, the Chair would note that
12 neighboring property owners are in support, and that what's
13 going to happen is we'll have one nonconformance eliminated,
14 another one created, but the overall effect is to improve
15 the inhabitability of the structure and the useability of
16 the lot for whoever owns it.

17 BRENDAN SULLIVAN: Yes, to granting the variance
18 [Brendan Sullivan].

19 JIM MONTEVERDE: And Jim Monteverde yes for
20 granting the variance.

21 ANDREA HICKEY: [Andrea Hickey] yes for granting
22 the variance.

1 CONSTANTINE ALEXANDER: Jason?

2 JASON MARSHALL: [Jason Marshall] Jason Marshall,
3 yes in favor of the variance.

4 CONSTANTINE ALEXANDER: The Chair votes yes as
5 well. I do need to say that the relief being granted is
6 subject to the plans that were submitted by the petitioner,
7 the first page of which has been initialed by the Chair, and
8 they have been prepared by Miller Design and dated December
9 1, though it appears very small -- December 1, 2020.

10 Anyway, relief granted subject to complying with -
11 - proceeding with the plans that I've just identified. The
12 case is over, hearing is over.

13 MEGAN KEMP: Thank you, Chair, thank you, Board.

14 CONSTANTINE ALEXANDER: Thank you.

15 COLLECTIVE: Thank you, have a great evening.

16 [8:34 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

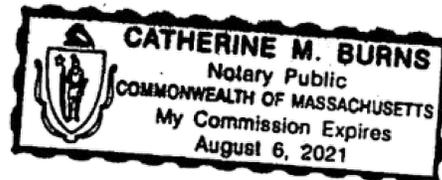
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 1st day of February, 2021.


Notary Public

My commission expires:
August 6, 2021



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