

April 22, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 22, 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

Laura Wernick

Janet Green

City Employees

Ranjit Singanayagam

Sisia Daglian



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7:00 P.M. CASE NO. BZA-017219 -- 544 MASS AVENUE Original Hearing Date: 03/26/20	21
7:00 P.M. CASE NO. BZA-017247 -- 16-18 FOREST STREET Original Hearing Date: 03/26/20	26
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1 P R O C E E D I N G S

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3 (6:34 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Andrea A. Hickey, Jim Monteverde, and
6 Laura Wernick

7 CONSTANTINE ALEXANDER: Welcome to the April 22,
8 2021 meeting of the Cambridge Planning Board. My name is
9 Gus Alexander and I am the Chair. Let me apologize for the
10 late start; we were having technical difficulties on our
11 end. But hopefully we're ready to go.

12 This meeting is being held remotely, due to
13 statewide emergency orders limiting the size of public
14 gatherings in response to COVID-19, and in accordance with
15 Governor Charles Baker's Executive Order of March 12, 2020,
16 temporarily amending certain requirements of the Open
17 Meeting Law; as well as the City of Cambridge temporary
18 emergency restrictions on city public meetings, city events,
19 and city permitted events, due to COVID-19, amended on May
20 27, 2020.

21 This meeting is being video and audio recorded,
22 and is being streamed live on the City of Cambridge online

1 meeting portal and on cable television Channel 22, within
2 Cambridge. In due course, there will also be a transcript
3 of the proceedings.

4 All Board members, applicants, and members of the
5 public will state their name before speaking. All votes
6 will be taken by roll call.

7 Members of the public will be kept on mute until
8 it is time for public comment. I will give instructions for
9 public comment at that time, and you can also find
10 instructions on the city's webpage for remote BZA meetings.
11 Generally, you will have up to three minutes to speak.

12 I'll start by asking Staff to take Board member
13 attendance and verify that all members are audible. Brendan?

14 BRENDAN SULLIVAN: Brendan Sullivan present and
15 audible.

16 SISIA DAGLIAN: Andrea?

17 ANDREA HICKEY: Andrea Hickey present.

18 SISIA DAGLIAN: Jim Monteverde?

19 JIM MONTEVERDE: Jim Monteverde is present.

20 SISIA DAGLIAN: Laura Wernick?

21 LAURA WERNICK: Laura Wernick is present.

22 SISIA DAGLIAN: And Gus. And Janet, are you on?

1 [Pause]

2 Not yet. Yeah.

3 CONSTANTINE ALEXANDER: Janet won't be on until
4 7:00.

5 SISIA DAGLIAN: Okay.

6 JIM MONTEVERDE: Yeah.

7 CONSTANTINE ALEXANDER: So we have all five, I
8 think. Our agenda tonight is a little bit bifurcated.
9 We're start our regular agenda right now, but at 7:00 we
10 have some continued cases that are on the agenda. Continued
11 cases are cases that started at an earlier date, but for one
12 reason or another have been continued until tonight.

13 So when we get to -- and the continued cases are
14 advertised for 7:00 p.m. So when we get around 7:00 p.m., I
15 will temporarily recess this regular meeting until we hear
16 the continued meetings, and then we'll return to the regular
17 agenda for tonight's regular meeting.

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(6:36 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: So with that, I will call
the first regular case. It's Case No. 111104, 23 Bigelow
Street. Anyone here wishing to be heard on this matter?
Hello? Anyone here for Bigelow Street?

DONALD FOOTE: I am Don Foote and I am here.

CONSTANTINE ALEXANDER: I'm sorry?

DONALD FOOTE: I am Don Foote, and I am here.

CONSTANTINE ALEXANDER: Okay, good. The floor is
yours, sir.

DONALD FOOTE: Well, thank you. I appreciate your
time tonight. I am the designer and hopeful builder of a
very modest addition to 23 Bigelow Street, as you can see
from your plans.

A little background on this: Catherine Olivier
(phonetic), who is the owner, has been a resident at 23
Bigelow for over 40 years(sic), living on the first and
second floors, but doesn't need that much space anymore, and

1 would like to have her daughter and family move in to those
2 floors of the house.

3 So she is proposing minor variations to the
4 basement, which are these three things:

5 Enlarging two existing windows on the side, so
6 they match the one window, which is already bigger on that
7 side, adding a small addition at the rear basement level
8 only -- that would allow much more light into the space.
9 Square footage of this basement unit is about 36 square feet
10 -- basement addition, excuse me.

11 Also, this will force us to relocate the stairs
12 coming down from an existing deck into the back yard. As
13 you can see, they're now all the way at the back of the
14 deck. They are currently coming down right where the 48
15 line -- notice you can see on that drawing is where the
16 addition's going to be.

17 So that's all we really need to do. And I look
18 forward to hearing your questions.

19 CONSTANTINE ALEXANDER: Okay. You're seeking two
20 forms of relief tonight, both a variance and a special
21 permit. So let's deal with the variance first, which
22 involves the construction of the addition at the basement

1 level, and the relocation of the stair to the rear deck.

2 I think you've touched upon to obtain a variance
3 you need to satisfy three conditions -- I think you've
4 touched upon them already in your presentation: The fact
5 that there's a substantial hardship involved if we don't
6 grant the variance and allow the -- construct the addition
7 to the basement level; that the hardship is owing to the
8 fact that this is already a nonconforming structure, and
9 therefore any modification for a variance requires further
10 zoning relief; and that relief may be granted -- let me get
11 the magic words out -- without substantial detriment to the
12 public good, or nullifying or substantially derogating from
13 the intent or purpose of this ordinance.

14 So that's it for the variance. I have no
15 questions. Brendan, do you have any questions?

16 BRENDAN SULLIVAN: Brendan Sullivan no questions.

17 CONSTANTINE ALEXANDER: Jim?

18 JIM MONTEVERDE: Jim Monteverde no questions.

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: Andrea Hickey no questions.

21 CONSTANTINE ALEXANDER: Laura?

22 LAURA WERNICK: Laura Wernick no questions.

1 CONSTANTINE ALEXANDER: Okay. I'll open the
2 matter up to public testimony right now. I would mention we
3 have a letter from the file from a neighbor who's in support
4 of the relief being sought. Let me get the instructions
5 out.

6 Any member of the public who wishes to speak
7 should now click the icon at the bottom of your Zoom screen
8 that says, "Raise hand."

9 If you're calling in by phone, you can raise your
10 hand by pressing *9 and unmute or mute by pressing *6. We'll
11 take a few moments to see if anyone is calling in, and
12 wishes to speak.

13 [Pause]

14 SISIA DAGLIAN: I don't see anyone.

15 CONSTANTINE ALEXANDER: Okay, we have no one who
16 wishes to speak, and as I mentioned, we do have one written
17 communication from a neighbor who is in support of the
18 project. Let's -- we'll go to the special permit next, and
19 then we'll go to motions. Sir, the special permit?

20 DONALD FOOTE: So there are three windows on the
21 side of the house. The one that you can see in this
22 elevation is -- at the basement level -- is a full-sized,

1 double hung window. I did submit some photos of that side
2 of the house, which -- yeah, there you go -- you see the
3 other two are pretty ugly -- just, they're not even glass,
4 they're Plexiglass sashes.

5 And we just want to make both of those windows
6 match the over two double hung that is currently existing in
7 the rear.

8 CONSTANTINE ALEXANDER: Short and sweet, thank
9 you. Brendan, any questions?

10 BRENDAN SULLIVAN: No, I have no questions. I
11 think that's a very fair and reasonable request from the
12 petitioner to allow this. So I would be supportive of it.

13 CONSTANTINE ALEXANDER: Jim, any questions?

14 JIM MONTEVERDE: Jim Monteverde no questions,
15 thank you.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: I have no questions, thanks.

18 CONSTANTINE ALEXANDER: And Laura?

19 LAURA WERNICK: No questions, thank you.

20 CONSTANTINE ALEXANDER: Okay. I'll make a motion,
21 and then we'll take a vote. We're talking about the
22 variance first.

1 The Chair moves that we make the following
2 findings: That a literal enforcement of the provisions of
3 the ordinance would involve a substantial hardship, such
4 hardship being -- and it's a hardship that runs with the
5 property, really; and it's not just a hardship peculiar to
6 the current occupants of the property -- and that hardship
7 is this is basement space that can be used for residential
8 purposes and will satisfy/allow the current owner to stay in
9 place without having to move out, and allow for family
10 members to move in as well.

11 The hardship is owing to the fact that this is
12 already a nonconforming structure, and therefore any
13 modification requires zoning relief.

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

17 In this regard, again I will mention that there is
18 a letter of support; that there is no opposition, that the
19 relief is modest in nature and has very little impact on --
20 if any -- on neighboring properties.

21 So on the basis of all of these findings, the
22 Chair moves that we grant the variance requested on the

1 condition that the work proceed in accordance with plans
2 prepared by Marta, M-a-r-t-a -- and I'll just spell the last
3 name K-r-u-s-z-e-l-n-i-c-k-a -- so Marta Kruszelnicka. And
4 the first page of which has been initialed by the Chair.

5 Brendan?

6 BRENDAN SULLIVAN: Brendan Sullivan yes to
7 granting the relief.

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: And Jim Monteverde yes to
10 granting the relief.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes to granting the
13 relief.

14 CONSTANTINE ALEXANDER: And Laura?

15 LAURA WERNICK: Laura Wernick yes to granting the
16 relief.

17 CONSTANTINE ALEXANDER: Okay. Variance granted.
18 Now let's move on to the special permit, where we have to
19 make a different set of findings.

20 The Chair moves that we make the following
21 findings: That the requirements of the ordinance cannot be
22 met unless -- with regard to the windows -- unless we grant

1 the special permit that's been requested.

2 That traffic generated or patterns of access or
3 egress resulting from what is being proposed regarding the
4 windows will not cause congestion, hazard, or substantial
5 change in established neighborhood character. In fact, it
6 has very little impact on the neighborhood, particularly
7 since the work is near the rear of the building.

8 That the continued operation of or development of
9 adjacent uses, as permitted in zoning ordinance, will not be
10 adversely affected by what is proposed, there will be no
11 invasion of privacy on neighboring property, given the
12 location of where the windows will be -- and again, also
13 supporting that is the absence of any objection from
14 abutting neighbors.

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

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

22 Again, as I've mentioned several times, the relief

1 being sought is modest; it is supportive of the neighborhood
2 generally, and I think we can rely on the fact of no
3 neighborhood opposition to support that proposition.

4 So on the basis of all these findings, the Chair
5 moves that we grant the special permit requested on the
6 condition that the work proceed in accordance with plans we
7 just referred to with regard to the variance -- we grant it.

8 CONSTANTINE ALEXANDER: Brendan?

9 BRENDAN SULLIVAN: Yes to granting the special
10 permit.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde yes to granting
13 the special permit.

14 CONSTANTINE ALEXANDER: Andrea?

15 ANDREA HICKEY: Andrea Hickey yes to granting the
16 special permit.

17 CONSTANTINE ALEXANDER: And Laura?

18 LAURA WERNICK: Yes to granting the special
19 permit.

20 CONSTANTINE ALEXANDER: And the Chair votes yes as
21 well to grant it.

22 [All vote YES]

1 So it's unanimous. The special permit has been
2 granted. Good luck.

3 DONALD FOOTE: Thank you.

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2 (6:49 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 110890 -- 11-13 Haskell Street. Anyone here
8 wishing to be heard on this matter?

9 [Pause]

10 Apparently not. The Chair would advise some of my
11 fellow Board members that we are in receipt of a letter from
12 Christopher J. Alphen -- A-l-p-h-e-n -- Esquire, with the
13 firm of Elatman -- E-l-a-t-m-a-n -- Bobrowski -- B-o-b-r-o-
14 w-s-k-i -- and Haverty -- H-a-v-e-r-t-y and Mr. Alfin Right
15 [phonetic.]

16 Please be informed that this office represents
17 Sarah Steward, James G. Burns, Mark R. Steward and Lavera T.
18 Combrink [all names phonetic] of 11-13 Haskell Street,
19 Cambridge.

20 Please accept this correspondence as a formal
21 request to continue the Board's hearing set for April 22,
22 2021, until the next available public hearing. This request

1 would delay the opening of the public hearing of the
2 applicant's application until that date.

3 The grounds, therefore, the applicants state they
4 received notice from the neighbors requesting a continuance
5 to discuss the project in more detail. The applicants will
6 use the additional time to meet with said neighbors.

7 Sisia, this is a case not heard, so any five
8 members can hear it. Sisia, what's the next available time?

9 SISIA DAGLIAN: Well, June 10. Well actually, May
10 10. Oh no, that's -- sorry, June 10.

11 CONSTANTINE ALEXANDER: June 10. Okay. The Chair
12 makes the following motion: That this case be continued as
13 a case not heard, until -- when are we starting these cases?

14 SISIA DAGLIAN: 6:00.

15 CONSTANTINE ALEXANDER: 6:30?

16 SISIA DAGLIAN: Well, we were starting at 6:00.

17 CONSTANTINE ALEXANDER: 6:00?

18 SISIA DAGLIAN: Yeah.

19 CONSTANTINE ALEXANDER: Great. Until 6:00 p.m. on
20 June 10, subject to the following conditions:

21 That the petitioner or their representative sign a
22 waiver of time for decision. That's a standard form that we

1 require because for a case to be decided within a specified
2 period of time.

3 This form is available and -- this is for the
4 benefit of counsel, for the petitioners -- it's available at
5 the office -- the Building Department office.

6 If this form is not signed by 5:00 p.m. on a week
7 from Monday, this case will be automatically dismissed. So
8 you have to -- someone has to get to the Building Department
9 and sign the delay for a time for decision.

10 Second, a new posting sign or a modified posting
11 sign must erected and maintained for the 14 days before the
12 hearing on June 10. This can be done, either you get a new
13 poster from the Building Department, or you can take a magic
14 marker or some other device and take the current sign and
15 mark it up to show the new date and the new time.

16 And then lastly, to the extent that the petitioner
17 wishes to submit new or modified specifications, designs,
18 other data, that must be in our files no later than 5:00
19 p.m. on the Monday before June 10. If that is not done,
20 then this case will be further continued.

21 Brendan, how do you vote?

22 BRENDAN SULLIVAN: Brendan Sullivan yes to the

1 continuance.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: And Jim Monteverde yes to the
4 continuance.

5 CONSTANTINE ALEXANDER: Andrea?

6 ANDREA HICKEY: Andrea Hickey yes to the
7 continuance.

8 CONSTANTINE ALEXANDER: And Laura?

9 LAURA WERNICK: Laura Wernick yes to the
10 continuance.

11 [All vote YES]

12 CONSTANTINE ALEXANDER: The case is continued
13 until June 10, subject to the conditions I've laid out in
14 the motion I just made.

15 And moving on, we'll take one more case before we
16 recess for the continued cases.

17 SISIA DAGLIAN: Actually, we can't, because it's
18 advertised for 7:15.

19 JIM MONTEVERDE: Too early.

20 CONSTANTINE ALEXANDER: no, no, one more regular
21 case.

22 SISIA DAGLIAN: We can't.

1 JIM MONTEVERDE: Nope, advertised for 7:15.

2 CONSTANTINE ALEXANDER: Oh, you're absolutely
3 right. I'm sorry, I'm jumping the gun. Well, we can't --
4 it's too early for the continued case, and too early --
5 [laughter] --

6 JIM MONTEVERDE: We have a break.

7 CONSTANTINE ALEXANDER: -- yep, the regular agenda
8 case. So we'll take a brief recess. We'll reconvene at
9 7:00 p.m. to hear the continued cases. Thank you.

10 [BREAK]

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2 (7:00 p.m.)

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

6 CONSTANTINE ALEXANDER: We're going to reconvene
7 this Zoning Board hearing to hear, as I indicated earlier,
8 some continued cases. The first case I'm going to call is
9 Case Number 017219 -- 544 Massachusetts Avenue. Anyone here
10 wishing to be heard on this matter? No one.

11 Because the petitioner in this case wants a
12 further continuance, they have requested in an e-mail to
13 this Board, or to basically Maria Pacheco that they want to
14 continue the case until July, sometime in July. I guess
15 they're having some issues with the Planning Board, and they
16 need more time.

17 What are the dates in July we have, Ms. Sisia?

18 SISIA DAGLIAN: Oh, July we have fifteenth and
19 twenty-ninth.

20 CONSTANTINE ALEXANDER: Fifteenth and the twenty-
21 ninth.

22 SISIA DAGLIAN: Mm-hm.

1 CONSTANTINE ALEXANDER: Let's try the twenty-
2 ninth. Is that okay with everybody? Is this a case heard?

3 JANET GREEN: Gus, I didn't sit on that case.

4 BRENDAN SULLIVAN: Not heard.

5 CONSTANTINE ALEXANDER: Not heard, yeah.

6 BRENDAN SULLIVAN: It's a case not heard.

7 CONSTANTINE ALEXANDER: That's right, we started
8 with you. It's a case not heard, so we just need any five
9 Board members.

10 JANET GREEN: Okay.

11 CONSTANTINE ALEXANDER: All right? The Chair
12 moves that we continue this case as a case not heard until
13 6:00 p.m. on --

14 SISIA DAGLIAN: July 29.

15 CONSTANTINE ALEXANDER: July 29, subject to the
16 following conditions, which the petitioner in this case has
17 satisfied in the past:

18 That this being a case not heard, nevertheless the
19 petitioner needs to sign a waiver of time for decision to
20 allow this case to continue until July 29 at 6:00 p.m.

21 If that waiver is not signed, and the waiver can
22 be obtained -- it's a very full document that we use for all

1 continued cases -- the petitioner needs to go to the -- get
2 in touch with Maria Pacheco at the Building Department and
3 get a waiver of time and sign it.

4 If that waiver is not signed and returned by 5:00
5 p.m. a week from this coming Monday, then this case will be
6 dismissed. So needless to say, it's important to the
7 petitioner to sign this waiver of time for a decision --
8 yeah, waiver for a time for a decision.

9 The second condition is that a new posting sign,
10 once again, must erected and maintained reflecting the new
11 date and the new time. And that sign must be maintained for
12 the 14 days prior to July 29.

13 And lastly, to the extent that there are -- will
14 be -- and I think they will be if this case is continued --
15 new plans, drawings, specifications and the like, they must
16 be in our file no later than 5:00 p.m. on the Monday before
17 July 29.

18 Brendan, how do you vote?

19 BRENDAN SULLIVAN: Brendan Sullivan yes to the
20 continuance.

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: And Jim Monteverde yes to the

1 continuance.

2 CONSTANTINE ALEXANDER: Andrea?

3 ANDREA HICKEY: Andrea Hickey yes to the
4 continuance.

5 CONSTANTINE ALEXANDER: And Janet?

6 [Pause]

7 JANET GREEN: Janet?

8 JIM MONTEVERDE: You have to unmute.

9 ANDREA HICKEY: You're muted.

10 JIM MONTEVERDE: There you go. Nope.

11 JANET GREEN: Yeah. Janet Green yes to the
12 continuance.

13 CONSTANTINE ALEXANDER: Okay. And the Chair votes
14 yes as well.

15 [All vote YES]

16 This case is continued until 6:00 p.m. on July 29.
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(7:04 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now
actually call two cases, because they basically have
identical facts, and I think we can consider them and take
whatever action we decide to take at one time. So the Chair
--

LAURA WERNICK: Excuse me, Gus, do we have six
members now?

CONSTANTINE ALEXANDER: I'm sorry?

LAURA WERNICK: Do we now have six members here?

BRENDAN SULLIVAN: Laura is not sitting on this.

CONSTANTINE ALEXANDER: No, Laura's not sitting on
this, Janet is.

LAURA WERNICK: Oh, I didn't know that.

CONSTANTINE ALEXANDER: I'm sorry. This case --
we'll have to go back to January or something.

LAURA WERNICK: Okay, okay.

CONSTANTINE ALEXANDER: Before your time, Laura.

1 LAURA WERNICK: Right.

2 SISIA DAGLIAN: It's a case heard, Laura.

3 LAURA WERNICK: Okay, thank you.

4 CONSTANTINE ALEXANDER: Okay. So we have Janet
5 plus Jim and Andrea, Brendan and myself. Okay, the Chair
6 will now call Case Number 017247 -- 16-18 Forest Street and
7 Case Number 017248 -- 17-19 Forest Street. There we are.
8 So, anyone here wishing to speak on this matter?

9 NICK ZOZULA: Good evening Mr. Chair, can you hear
10 me okay tonight?

11 CONSTANTINE ALEXANDER: I'm sorry, you're a little
12 bit faint. Could you repeat that, please?

13 NICK ZOZULA: Yes, Mr. Chair, Attorney Nick
14 Zozula, McDermott, Quilty & Miller here on behalf of
15 Akelius, who is the Appellant.

16 CONSTANTINE ALEXANDER: Okay.

17 NICK ZOZULA: Mr. Chair, I apologize my voice is a
18 little faint. Too many virtual Zoom meetings --

19 CONSTANTINE ALEXANDER: [Laughter]

20 NICK ZOZULA: -- but we'll soldier on. So I
21 apologize. With me tonight from Akelius is Noam Kleinman,
22 Kayla Pepdjonovic and Bridget Hearn -- I don't know if

1 they're on the Attendee List or not, if they could be moved
2 over to panelists to be able to speak on behalf of the
3 appellant -- and Rich Rankin from CI Design.

4 Mr. Chair, as you recall, this is a case heard.
5 We've been in front of the Board a few times. We know the
6 issues and -- you know, what your thoughts have been to
7 date. So I don't need to belabor any of the points that
8 we've gone over in the past, unless you'd like to ask
9 questions.

10 CONSTANTINE ALEXANDER: I have one question. At
11 the last hearing we held on this case there were some ideas
12 thrown out about maybe favorably resolving this case. I've
13 seen nothing in the file since then.

14 Do I take it that there is no proposal you want to
15 make on behalf of your client, and you're proceeding with
16 the case as it's been advertised?

17 NICK ZOZULA: Yes, sir, that is correct. Yeah, so
18 we -- you know, we were last in front of you back in
19 January. That was the third hearing; I believe this will be
20 fourth.

21 And what we've done with -- you know, what Akelius
22 has done, we've looked at the this many different ways,

1 we've penciled it, we've reviewed it, we've spun it around.
2 We've reviewed the plan and the project, and they believe
3 what they are showing, you know, now is a willingness to
4 exceed the required accessible units, of course. These are
5 voluntary income restricted units, which will be one in each
6 building.

7 Frankly, Mr. Chair, they reviewed the economic
8 feasibility of the discussion at the least hearing, and, you
9 know, upon reviewing those details, they cannot offer any
10 more increase in the number of voluntary income-restricted
11 units from our last hearing.

12 So respectfully, that is what we are proposing
13 here tonight, which would be -- you know, again, we're not
14 in the Basement Housing Overlay, but -- you know, we are in
15 it, we don't technically trigger it -- all of that, you
16 know, discussion we've had before.

17 But, you know, we worked with them to try and
18 follow those guidelines as much as possible and, you know,
19 we had that discussion last time about trying to provide
20 some additional affordability, and based on construction
21 costs and, you know, feasibility they're not able to do
22 that.

1 So what we had last time is what we have tonight.

2 CONSTANTINE ALEXANDER: Okay, thank you. And I
3 think you hit the key word, "economic" --

4 NICK ZOZULA: Yeah.

5 CONSTANTINE ALEXANDER: -- because this is what
6 this is all about; not zoning, it's about economics. That's
7 one person's opinion.

8 NICK ZOZULA: Well yeah, I mean, fair enough.

9 CONSTANTINE ALEXANDER: I'm sorry.

10 NICK ZOZULA: But, no, it's -- you're right. I
11 mean, feasibility -- you know, economic feasibility is in
12 the variance standards as a substantial hardship, financial
13 or otherwise.

14 So, you know, whether or not the Board wants to
15 see this being a substantial hardship of financial nature,
16 we would -- you know, we've tried to pencil it and make it
17 come -- you know, work, in terms of what we discussed last
18 time, and that pushes the hardship over the line and we're
19 not able to do it.

20 So, you know, that's where we stand as of tonight.

21 CONSTANTINE ALEXANDER: Okay. Why don't we -- as
22 you pointed out, correctly so, this case has been kicking

1 around for a while. Why don't you hopefully briefly
2 summarize why you feel you meet the standards -- your client
3 meets the standards for a variance?

4 And as you know, there's three requirements -- the
5 first being a substantial hardship. And that hardship is
6 not -- it's a hardship that runs with the land, or the
7 structure and it is not a hardship that is peculiar to your
8 client.

9 NICK ZOZULA: Yep.

10 CONSTANTINE ALEXANDER: And so --

11 NICK ZOZULA: Yeah.

12 CONSTANTINE ALEXANDER: The hardship being is that
13 you -- I mean, it's just a matter of money. You could do
14 what you'd want to do without a variance, if you -- well,
15 you can modernize your structure, which is what this is all
16 about, to bring it and prove it, it's a matter of money.

17 And the way your client is planning to finance
18 this is through adding additional units, which triggers
19 zoning issues, which is why we're here tonight.

20 So, you know, it's not a matter of -- that's the
21 hardship, is that it's going to cost a lot of money to do
22 what you have to do to bring this building up to comply with

1 architectural standards and the like, and there we are. I'm
2 sorry to steal your thunder, but I think I -- if you want to
3 add to that, feel free.

4 NICK ZOZULA: Yeah, no, you're not stealing any
5 thunder, Mr. Chair. Again, you know, we've discussed this
6 and we know your stance and what we discussed. And so I
7 mean, you know, you don't want to beat a dead horse, but you
8 know, the hardship here is financial.

9 You know, we want to -- the property owner wants
10 to provide accessible units in order to make all the
11 renovations to the building. The buildings were built in
12 the 1900s and they need to be renovated.

13 And in order to do that as quickly as possible,
14 and as units become available, they need to provide
15 accessible units, of which there are none, because the
16 building was built in the 1900s.

17 And in order to do that, they are looking to
18 provide -- you know, to put some -- the accessible units on
19 one side of the two buildings, which allows for the easier
20 and more economical and feasible access through a LULA lift,
21 the lower level.

22 And then in order to finance all of that work and

1 balance it out, they're looking to put -- you know, normal
2 units on the other side of the street in the other building.

3 So the hardship here is, you know, doing all this
4 work in any upper level or in the existing building doesn't
5 allow them to then balance that hardship out with the
6 additional units on the other building on the other side.

7 So that's number 1. Again, you know, it's a
8 hardship of financial. It's not obviously a hardship of --
9 you know, but then again, there is some hardship because
10 it's a building that was built in the 1900s before there
11 were any accessible codes, and in order to -- you know, kind
12 of retrofit this building to make it work, it's just -- it
13 costs a ton of money.

14 And, you know, adding that extra affordable unit
15 as we discussed last time just makes it easier for them to
16 say, "You know what, let's just put a pin in it and not do
17 it, and we'll take our time with the renovations, and we'll
18 go back and we'll go from there."

19 So that's the financial hardship, the first prong.
20 The second prong -- you know, as we discussed, there's
21 really no hardship to the circumstances with the soil, shape
22 or topography. But the zoning variance standard does talk

1 about the key word that I -- you know, again we discussed
2 and you've disagreed, but it says, "or structures" and this
3 is -- these structures are inaccessible.

4 They were built in the 1900s. They are not, you
5 know, generally they aren't large buildings of this type as
6 far as I know -- and again this Board sees a lot more than I
7 do in this general zoning district. So we would suggest --

8 CONSTANTINE ALEXANDER: You haven't dealt with
9 this -- you're right, obviously, you're dealing with
10 structures, not land.

11 NICK ZOZULA: Correct.

12 CONSTANTINE ALEXANDER: But the structure is --
13 you've got to -- the relief you want for the structure has
14 to involve soil conditions, shapes or topography. As I
15 looked, it's a very flat lot, so I don't think there's any
16 topography involved.

17 NICK ZOZULA: No.

18 CONSTANTINE ALEXANDER: I don't know if soil makes
19 a difference. So anyway --

20 NICK ZOZULA: Yeah.

21 CONSTANTINE ALEXANDER: -- do you want to
22 elaborate on that?

1 NICK ZOZULA: Yeah. I mean, you know, I think to
2 a certain point asking for variances within a building that
3 were not righted to an existing building, Mr. Chair, and
4 we're not touching the building in terms of its -- you know,
5 it -- we're not making it taller, we're not making it wider.

6 The only thing we're changing from the naked eye
7 above ground or, you know, of any impact is by adding this
8 LULA lift.

9 So, you know, there isn't necessarily a hardship
10 that's due to the land, because we're really not touching
11 the land, so to speak. So it's a little bit of round peg,
12 square hole or square peg round hole. It doesn't
13 necessarily generally fit in the second prong.

14 But, you know, I think there is a hardship due to
15 the structure, and it may not be because of those other
16 things that are in the second prong, but it certainly is
17 affecting the building and, you know, obviously if this was
18 a brand new building that was being built, then this
19 wouldn't be an issue.

20 So in this case it is impacting it, and it is a
21 hardship. This building was, you know, a ground up
22 construction, new construction then we wouldn't be having

1 this issue.

2 So does it meet the exact letter of that prong?
3 No, it doesn't, but it certainly to us meets the in the
4 intent and spirit of it, especially considering the fact
5 that we're not -- you know, the building -- again, this is
6 being accomplished within the -- for the most part within
7 the existing envelope of the building.

8 CONSTANTINE ALEXANDER: Okay. And the last
9 requirement for a variance, is the relief going to be
10 granted without substantial detriment to the public good, or
11 nullifying or substantially derogating from the intent or
12 purpose of this ordinance?

13 NICK ZOZULA: Yeah, I mean, I -- you know, as
14 we've discussed, that's probably the easiest one for any
15 project to try and knock off, Mr. Chair.

16 You know, respectfully, we think this is a project
17 that's consistent with the spirit and intent of the Basement
18 Housing Overlay District, even though we don't trigger it.
19 You know, we meet a lot of the requirements there.

20 We're now adding the two basement -- the two
21 affordable units, one in each building. We've added the
22 bike parking. You know, out of the 18 new units we're

1 proposing down there -- yeah, the new and renovated, excuse
2 me -- 16 of them are studios and one-beds. Only two of them
3 are proposed as two-beds. So those -- and those two beds
4 happen to be accessible units. So that meets the Basement
5 Housing Overlay.

6 You know, I think it's hard to say that this
7 doesn't meet the third prong of -- you know, of not
8 substantial -- without substantial detriment to the public
9 good. We're adding, you know, accessible units where there
10 are none in a building that's over 120 years old, and we're
11 adding two affordable units.

12 So, you know, I think the Board's decision is did
13 that outweigh some of the other questions that the Board has
14 had? We'd like to say that it does, but that's up to you
15 folks, and that's why you're in your position by decisions
16 like this.

17 And, you know, I mean Noam and his team have
18 looked at the what they can and can't do and, you know, at a
19 certain point you just can only push the envelope so far.

20 So we would suggest that it does meet that third
21 prong. I think it would be the easiest one for us to comply
22 with. And again, you know, this is being done -- 90 percent

1 of this is being done within the existing building envelope.
2 So we're able to add these units without really doing -- you
3 know, much to the outside of the building or expanding the
4 scope.

5 You know, we're taking basement space that's being
6 used for nothing and we're hoping to turn it into something
7 that can -- you know, provide some obviously economic
8 benefit to the developer and the property owner, but also
9 some hopeful benefit to the community and the neighborhood
10 by adding these accessible and you know, again, two
11 affordable units.

12 So that would be our argument, and, you know --

13 CONSTANTINE ALEXANDER: Thank you.

14 NICK ZOZULA: -- we appreciate your time.

15 CONSTANTINE ALEXANDER: I will -- the way I want
16 to proceed with this case is we will go -- the usual rule is
17 if any other Board members have questions or comments they
18 wish to make, then questions or comments they wish to make,
19 and then we'll open the matter up to public testimony.

20 And I would -- you know, I assume you're aware,
21 but if you're not, you should be aware that there's almost
22 unanimous neighborhood opposition to what you want, to

1 granting the zoning relief that's being sought. That
2 doesn't mean the case is over, but it is a burden you have
3 to overcome, it seems to me.

4 So anyway -- and then we'll take a vote on the
5 variance. And then we'll turn to the special permit, which
6 relates to the reduction in parking.

7 Anyway. Brendan?

8 BRENDAN SULLIVAN: No, I have no further questions
9 or comments. I would just reincorporate the comments that I
10 made at the last meeting, and feel unfortunate -- well maybe
11 the only comment would be I feel it's unfortunate that the
12 proponent could not have upped their offer from before.

13 CONSTANTINE ALEXANDER: Thank you. Jim?

14 JIM MONTEVERDE: Yeah, [Jim Monteverde], I have
15 one question. I'm looking at the application that's dated -
16 - what's it dated? Sorry, it's February 2020. And it
17 mentions that you have a variance from the Massachusetts
18 Architectural Access Board for the unit -- for having all of
19 the accessible units in the basement. And that was granted,
20 you had that as of April 4, 2019.

21 Is that still valid? Do you still have that?

22 NICK ZOZULA: Yes, Mr. Monteverde, we do. Yep.

1 JIM MONTEVERDE: And you don't have to act on it
2 within a certain amount of time, so it's still valid,
3 correct?

4 NICK ZOZULA: Yes, sir, that's my understanding.
5 We've -- you know, our request from our Architectural Access
6 Board was to remain in contact with them and keep them
7 apprised of where we are on things, and that's what we've
8 done. We've heard nothing --

9 JIM MONTEVERDE: Okay.

10 NICK ZOZULA: -- okay.

11 JIM MONTEVERDE: -- of any nature otherwise.

12 JIM MONTEVERDE: Okay. Thank you.

13 NICK ZOZULA: Yep.

14 CONSTANTINE ALEXANDER: Andrea?

15 ANDREA HICKEY: I have no questions, Mr. Chair.

16 CONSTANTINE ALEXANDER: Okay. And Janet?

17 BRENDAN SULLIVAN: She's on mute?

18 CONSTANTINE ALEXANDER: Janet, are you maybe on
19 mute?

20 JANET GREEN: I have no further questions.

21 CONSTANTINE ALEXANDER: Okay. I will now open the
22 matter up to public testimony. As I mentioned earlier,

1 there are substantial correspondence in our file -- mostly,
2 not entirely -- in opposition the relief being sought. I
3 don't propose to read them; they're long and well thought-
4 out, but we want to move this case along.

5 So I think for now, I can just summarize or advise
6 the Board and the petitioner of the fact that there is
7 neighborhood opposition.

8 Okay, now I'll open the matter up to public
9 testimony. Any members of the public who wish to speak
10 should now click the icon at the bottom of your Zoom screen
11 that says, "Raise hand."

12 If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6. So
14 we'll wait a second to see if we do have people who wish to
15 speak.

16 SISIA DAGLIAN: Yes. Tom Morris? You can go ahead
17 and speak.

18 TOM MORRIS: Hi. I just wanted to correct
19 something that was said earlier about the basement space
20 being unused; that's not true at all. The basement houses
21 storage for the apartments. It houses bike parking, it
22 houses trash, it houses laundry. The laundry I believe

1 we'll be moving it to units, but there's -- yeah, the bulk
2 of the space is currently being used.

3 CONSTANTINE ALEXANDER: Thank you. Anything
4 further you wish to say?

5 TOM MORRIS: No, that's it.

6 CONSTANTINE ALEXANDER: I'm sorry?

7 TOM MORRIS: Nothing further, thank you.

8 CONSTANTINE ALEXANDER: Okay, thank you. Sisia?
9 Anybody else?

10 SISIA DAGLIAN: Yep. Maureen Albano?

11 MAUREEN ALBANO: Yes, can you hear me?

12 SISIA DAGLIAN: Yes.

13 CONSTANTINE ALEXANDER: Yes.

14 MAUREEN ALBANO: A group of 38 neighbors from
15 Forest, Oxford, Prentiss and Cross Street signed a letter in
16 opposition to the excavation and slab work in this petition.

17 We've already endured four years of profit-driven
18 construction in these apartment buildings, which has caused
19 significant hardship to all of us. Now that many of us work
20 from home, the magnitude of the proposed construction would
21 make that almost impossible.

22 Many of our properties are directly next to these

1 large apartment buildings. We would like to know how
2 Akelius will rectify any potential damage to our properties,
3 especially the foundations.

4 Thank you.

5 CONSTANTINE ALEXANDER: Thank you. Sisia?
6 Anybody else?

7 SISIA DAGLIAN: Yes. Jan Wall?

8 NEIL KLIEN: Hi. This is Neil Klein, her husband.
9 And I'm speaking to you all this evening. We have two
10 questions related to storm and sewer water. Has Akelius met
11 compliance with the Department of Public Works? And how
12 does this impact our neighborhood beyond the displacement of
13 even more rats?

14 CONSTANTINE ALEXANDER: Well, let me try -- maybe
15 I should keep my mouth shut. But if -- we're not aware of
16 anything from the Department -- I'm not aware of anything
17 from the Department of Public Works.

18 But if there is approval or concerns about -- from
19 that Department, well if you need permission, or even if we
20 grant the relief, the work will not go forward, until the
21 DPW is satisfied.

22 But we have nothing -- to answer your question

1 specifically, I saw nothing in our files from the DPW.

2 NEIL KLIEN: Thank you.

3 CONSTANTINE ALEXANDER: Sisia?

4 SISIA DAGLIAN: Susan White?

5 SUSAN WHITE: Can you hear me?

6 CONSTANTINE ALEXANDER: Yes.

7 SUSAN WHITE: Okay. Thank you very much for the
8 opportunity. I would like to highlight the letter that Dan
9 Cnossen sent in, and he has the --

10 [Pause]

11 Oops.

12 CONSTANTINE ALEXANDER: Hello?

13 SISIA DAGLIAN: Oh, oh, oh.

14 CONSTANTINE ALEXANDER: We lost you.

15 SUSAN WHITE: Hello?

16 CONSTANTINE ALEXANDER: Okay, we're back in.

17 SISIA DAGLIAN: Sorry, Susan, can you start
18 again?

19 SUSAN WHITE: Yep, thank you.

20 CONSTANTINE ALEXANDER: Go ahead.

21 SUSAN WHITE: My name is Susan White. I live on
22 Cross Street. I would like to highlight the comments that

1 Dan Crossen sent it and he does have hardship. He is the
2 person that views the world from a disabled perspective. He
3 is a double amputee above the knees. He used to be a Navy
4 Seal. He fought with valor in Afghanistan in very dangerous
5 territory supporting our government. And as a result of
6 that, he now is a double amputee.

7 His comments are, "Do not put disabled people
8 undergrounds. It's really not -- not ethical. It's an
9 afterthought, and essentially -- " [my words are it's a
10 disgrace.] But he would like to see them aboveground with
11 everybody else in the existing units. That means ramps,
12 elevators. He also recommends parking per disabled unit.

13 So a couple more things about him: His injury
14 occurred in 2009. He after 40 surgeries and a lot of
15 rehabilitation he entered civilian life as an athlete,
16 competed in Sochi Winter Paralympics. He lived in Cambridge
17 2015 through 2018 on the GI Bill earned two Master's -- one
18 in Leadership, one in Ethics out of the Kennedy and the
19 Divinity Schools.

20 He competed, Paralympics, 2018, and in six races.
21 He medaled in all six, including a gold, and that included a
22 tweet from President Barack Obama.

1 So I want to say that's what hardship is about. I
2 hear the word, "hardship" here, but I really want to
3 highlight that is true hardship. And his team came back --
4 Team U.S.A., and they all threw the first pitch for the Red
5 Sox, and it was Dan Cossen who stepped out onto the field
6 last to 10,000 people standing up and cheering him.

7 Again, he says, "Do not put disabled people
8 underground. Give them dignity and give them parking."
9 Thank you very much.

10 CONSTANTINE ALEXANDER: Thank you. Sisia, anyone?

11 SISIA DAGLIAN: No.

12 CONSTANTINE ALEXANDER: That's it?

13 SISIA DAGLIAN: That's it.

14 CONSTANTINE ALEXANDER: Okay. I will close public
15 testimony. Discussion, or I can make a vote and we can --
16 make a motion, I'm sorry. And we can just take a vote.
17 Brendan?

18 BRENDAN SULLIVAN: I would be ready for a vote.

19 CONSTANTINE ALEXANDER: Ready for a vote? Jim?

20 JIM MONTEVERDE: Ready for a vote.

21 CONSTANTINE ALEXANDER: Andrea?

22 ANDREA HICKEY: Yes, I'm ready.

1 CONSTANTINE ALEXANDER: Janet?

2 [Pause]

3 JIM MONTEVERDE: You have to unmute --

4 CONSTANTINE ALEXANDER: [Laughter]

5 JIM MONTEVERDE: -- please.

6 CONSTANTINE ALEXANDER: Janet? You're back.

7 JIM MONTEVERDE: You're still muted.

8 ANDREA HICKEY: Janet?

9 JANET GREEN: Yeah, I know. Sorry. We have -- I
10 have family in the house that have just arrived from far
11 away and I can't -- I'm having trouble shutting them up.
12 [Laughter] Yeah, I get it.

13 ANDREA HICKEY: Janet, the question is are you
14 ready for --

15 JIM MONTEVERDE: Ready for a vote?

16 CONSTANTINE ALEXANDER: Right.

17 JANET GREEN: I am ready for a vote.

18 CONSTANTINE ALEXANDER: And the Chair is ready for
19 a vote as well. So I will make a motion and we will take
20 the vote and see what happens.

21 The Chair moves that we make the following
22 findings:

1 That a literal enforcement of the provisions of
2 the ordinance would involve a substantial hardship --
3 financial or otherwise to the petitioner, because of the
4 cost involved in modifying -- otherwise modifying the two
5 structures.

6 That the hardship is owing to circumstances
7 relating to the soil condition, shape, or topography of such
8 land or structures.

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

12 So on the basis of these findings, the Chair
13 moves that we grant the variance with regard to the creation
14 of -- between the two structures of the 15 additional units.
15 on the condition that the work proceed in accordance with
16 plans submitted by the petitioner and which are in our file.

17 Brendan, how do you vote?

18 BRENDAN SULLIVAN: One question for the Chair, are
19 we taking 16-18 Forest Street first and then 17-18?

20 CONSTANTINE ALEXANDER: I think we can -- I am
21 doing the first, I call 16-18.

22 BRENDAN SULLIVAN: Okay, so this is the first one.

1 I would not support granting the variance.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: Hi, Jim Monteverde. I would vote
4 in favor of the variance.

5 CONSTANTINE ALEXANDER: Okay. Andrea?

6 ANDREA HICKEY: [Andrea Hickey.] I would vote in
7 favor of the variance.

8 CONSTANTINE ALEXANDER: Janet?

9 JANET GREEN: [Janet Green], I do not vote in
10 favor of the variance.

11 CONSTANTINE ALEXANDER: And the Chair would not
12 vote in favor of the variance either.

13 [TWO VOTES YES, THREE VOTES NO]

14 So only two in favor, need four. The variance for
15 16-18 Forest Street has been denied. We need to take --
16 those of us who voted to deny the variance -- need to take a
17 further vote to explain our decision. I'll try my hand at
18 it, and then I welcome comments, as suggested to my other
19 two members, who also are naysayers like myself.

20 Besides, the petitioner simply doesn't satisfy the
21 legal requirements for a variance. The hardship is peculiar
22 to the petitioner. The petitioner needs money to build --

1 to upgrade the building and/or wants money to upgrade the
2 building. And by the way, as part of this they will create
3 additional units, which will help the economic -- their
4 economics, but that's not what's required or necessary for a
5 variance.

6 That the hardship is not owing to soil conditions,
7 shape or topography? It simply isn't. The facts are --
8 they speak for themselves.

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

12 In this regard, I think you'll have to look to the
13 neighborhood's active involvement in this case and active
14 opposition. They are the people who live with the structure
15 and the construction that would go forward should we grant
16 the variance, and they are in strong opposition.

17 That's my -- any addition, subtraction, Brendan?

18 BRENDAN SULLIVAN: [Brendan Sullivan] I would only
19 add that to me, that the petitioner has not demonstrated
20 that there is a viable alternative, other than stating the
21 cost of elevators and ramps, in order to meet the various
22 Board requirement for the extent of the renovation to the

1 building, and then triggering the requirement to provide
2 accessible units.

3 So I don't feel that the proposal before us is
4 satisfactory to me, and that there was not an alternative
5 that they could have done as-of-right. So that is why I'm
6 voting against it.

7 CONSTANTINE ALEXANDER: Okay, thank you. Good
8 decision. Janet, do you want to add anything, or are you
9 satisfied with what Brendan and I have so far proposed?

10 JANET GREEN: I am satisfied with that. I don't
11 feel that the petitioner has offered enough argument for
12 being able to override this. So I think I agree with the
13 Chair and with Brendan?

14 CONSTANTINE ALEXANDER: Thank you, Janet. We have
15 -- that's the motion that I propose with Brendan's
16 modification. All in favor, Brendan?

17 BRENDAN SULLIVAN: Yes to the motion.

18 CONSTANTINE ALEXANDER: Janet?

19 [Pause]

20 Janet's just -- you need to take the vote to
21 approve what we just discussed.

22 JANET GREEN: Who did you call, Gus?

1 CONSTANTINE ALEXANDER: You.

2 JIM MONTEVERDE: You.

3 JANET GREEN: Oh, sorry, I didn't hear it.

4 CONSTANTINE ALEXANDER: No. Are you in favor of
5 the reasons why we have denied the variance, as proposed by
6 Brendan and myself?

7 JANET GREEN: I agree with the reasons why it was
8 denied.

9 CONSTANTINE ALEXANDER: All right. And I do as
10 well. The vote has been taken in support of why the
11 variance has been -- the variance for the 15 additional
12 units, 16-18 Forest Street has been denied.

13 We have a second aspect of this case regarding
14 bike reduction of parking. I think it's -- I'll defer to
15 the petitioner, but I think this is now moot, because
16 without the additional units, there's no need for additional
17 parking -- unless I'm mistaken.

18 Do you want to put us through the drill of going
19 through the denial, which I think has to happen, or the
20 variance, or not?

21 NICK ZOZULA: Mr. Chair, if you're asking the
22 petitioner, we don't need to inflict any more pain on anyone

1 else.

2 CONSTANTINE ALEXANDER: [Laughter] Thank you.

3 NICK ZOZULA: Whatever is as easy for you folks to
4 move through your note as quickly as possible, thank you.

5 CONSTANTINE ALEXANDER: Okay. So the records can
6 show that the petitioner in view of the vote we took
7 regarding the additional units have withdrawn the request
8 for a variance for parking.

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2 (7:33 p.m.)

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

6 CONSTANTINE ALEXANDER: Moving on now to 17-19
7 Forest Street, the facts are mostly, if not all, the same.
8 Is there a need to go -- I ask my fellow Board members and
9 the petitioner -- is there a need to go through the whole
10 drill, or can we just basically accept what we did for the
11 16-18 Forest Street? Brendan?

12 BRENDAN SULLIVAN: [Brendan Sullivan], I would
13 incorporate your previous motion --

14 CONSTANTINE ALEXANDER: I'm sorry?

15 BRENDAN SULLIVAN: I would incorporate your
16 previous motion by reference for 17-19 Forest Street.

17 CONSTANTINE ALEXANDER: Thank you. Jim?

18 JIM MONTEVERDE: Yeah. I would -- are you calling
19 for a vote for 17 and 18, sorry?

20 CONSTANTINE ALEXANDER: Not yet. Well, I -- I
21 guess I am calling for a vote to see if we could just deny
22 the relief for 16, for 17-19 Forest, with regard to the

1 additional units -- that portion of the 15, without having
2 to go through the whole drill over --

3 JIM MONTEVERDE: Right.

4 CONSTANTINE ALEXANDER: -- again. So --

5 JIM MONTEVERDE: Yeah.

6 CONSTANTINE ALEXANDER: So you're in favor of
7 that?

8 JIM MONTEVERDE: Yes, absolutely.

9 CONSTANTINE ALEXANDER: Thank you. Andrea?

10 ANDREA HICKEY: I'm still a little confused too.
11 Are we just talking about the parking?

12 CONSTANTINE ALEXANDER: Well, we never got to --
13 no.

14 JIM MONTEVERDE: No.

15 CONSTANTINE ALEXANDER: Parking for 16-18 Forest
16 Street, the request for a variance for parking has been
17 withdrawn by the petitioner --

18 ANDREA HICKEY: All right.

19 CONSTANTINE ALEXANDER: -- in light of the
20 decision not to allow the additional units in that building.

21 ANDREA HICKEY: That's what I thought. So now
22 what is before us?

1 CONSTANTINE ALEXANDER: Now before us is -- again
2 -- the same case we had before: Additional units of 17-19
3 Forest Street, and if they are approved, or whether they
4 will also grant a variance for parking?

5 ANDREA HICKEY: Yes. I understand now. So yes,
6 I'm in favor of adopting the vote on the previous address.
7 Is that a valid explanation?

8 CONSTANTINE ALEXANDER: That's fine --

9 JANET GREEN: Yes.

10 CONSTANTINE ALEXANDER: -- by me.

11 ANDREA HICKEY: Okay.

12 CONSTANTINE ALEXANDER: If you're happy with it,
13 I'm happy.

14 ANDREA HICKEY: I am.

15 CONSTANTINE ALEXANDER: I think it's -- you made
16 your point. Janet?

17 JANET GREEN: Yes, I agree with what Ms. Hickey
18 just said. I agree with that.

19 CONSTANTINE ALEXANDER: Okay. And I vote in favor
20 as well. I don't think -- I think we'll be just beating a
21 dead horse.

22 [All vote YES]

1 So I -- the Chair moves that we deny the variance

2 --

3 BRENDAN SULLIVAN: [Brendan Sullivan] the only
4 thing I would caution is that they actually are two distinct
5 proposals. 16-18 is for the accessible units. 17-19
6 they're proposing 18 new units. So it is almost different
7 than the 16 and 18 because they're not asking for accessible
8 units.

9 My reasoning for voting against the granting of
10 the variance in 16-18 is because I felt that they did not
11 prove in their application that they did not have an
12 alternative method of providing accessible units in order to
13 meet the barrier Board requirements.

14 This is a little bit different, because they're
15 not proposing any accessible units. The way I read this is
16 that they are just requesting eight new standard units and
17 two renovated standard dwelling units in the lower part of
18 this building. It's almost like a separate case.

19 CONSTANTINE ALEXANDER: Right.

20 BRENDAN SULLIVAN: -- because they're separate.

21 CONSTANTINE ALEXANDER: This is a separate case.

22 BRENDAN SULLIVAN: Yeah, but there is to me

1 separate circumstances also.

2 So I think a demotion -- my reason for denying the
3 16-18 is different than my potential vote for 17-19. So I
4 think that it would require a separate motion, unfortunately
5 to --

6 CONSTANTINE ALEXANDER: Oh no, we have to get to a
7 separate motion.

8 BRENDAN SULLIVAN: Motion, right.

9 CONSTANTINE ALEXANDER: The question is do you
10 want to open the whole case of 17-19?

11 BRENDAN SULLIVAN: No, no, no, no. I think
12 they're -- it's part of the mix, it's part of the stew. But
13 I think it really requires a separate motion.

14 CONSTANTINE ALEXANDER: Okay. I will make that
15 motion.

16 BRENDAN SULLIVAN: Because my reasons are
17 different from one to the other.

18 CONSTANTINE ALEXANDER: I think I've made -- I
19 thought I made the motion -- separate motion, if I wasn't
20 clear.

21 BRENDAN SULLIVAN: Well, I understood that you
22 were going to incorporate, but maybe I was reading it wrong.

1 The motion that you make for 16-18 Forest Street to the same
2 motion that you were making in 17-19 Forest Street. But
3 it's going to require a separate vote, anyhow. So anyway --

4 So what's on the floor is the wording of you
5 original motion for 16-18 to apply for your motion for 17-
6 19? Okay.

7 CONSTANTINE ALEXANDER: And I would -- when we get
8 to, I'll make the motion -- the motion for 17-19 would be
9 even though the facts are not identical, the reasons that we
10 turned down 16-18 apply to the 17-19. That doesn't do it
11 for you? And if it doesn't, fine.

12 BRENDAN SULLIVAN: Well, there's different reasons
13 to me on 17-19 then there were on 16-18.

14 CONSTANTINE ALEXANDER: Well, how --

15 BRENDAN SULLIVAN: But in my vote I can highlight
16 that. So anyhow --

17 CONSTANTINE ALEXANDER: Sorry?

18 BRENDAN SULLIVAN: In my vote, I will highlight my
19 reasons for this.

20 CONSTANTINE ALEXANDER: Well, I think we're taking
21 the vote now.

22 BRENDAN SULLIVAN: Yeah, okay. So you want me to

1 vote? Okay. [Brendan Sullivan] I would --

2 JIM MONTEVERDE: Before you vote, Mr. Chair --

3 BRENDAN SULLIVAN: Yeah.

4 JIM MONTEVERDE: Can I ask one question --

5 CONSTANTINE ALEXANDER: Go ahead.

6 JIM MONTEVERDE: -- before we vote, and it's
7 really for Mr. Zozula? Because when you separate the -- the
8 question is, you separate the two lots, I'm assuming the way
9 that they get into the issue of having to provide the number
10 of accessible units -- and they described before why they've
11 chosen to put them where they are is because of when they
12 renovate -- either the money that they've spent on the
13 building forces them to do the trips threshold and requires
14 them to provide the accessible units, and/or when they add
15 units, that number also requires them to provide accessible
16 units.

17 So I guess I'm asking Mr. Zozula, do I understand
18 this correctly, that if 17-19 were to pass, we're basically
19 giving you the right to do -- if in fact that happens -- we
20 would basically have granted the zoning relief to provide
21 these new units, but in reality without 16 and 18, and
22 having those accessible units, you couldn't legally do it?

1 Is that correct?

2 NICK ZOZULA: Yeah.

3 JIM MONTEVERDE: It feels like a Catch-22.

4 NICK ZOZULA: Yes, yeah. It's the chicken and the
5 egg, yes.

6 JIM MONTEVERDE: Right.

7 NICK ZOZULA: I would agree with you. Yep.

8 JIM MONTEVERDE: Okay, thank you. That's all I
9 needed. Thank you.

10 CONSTANTINE ALEXANDER: Thank you for the very
11 good question, Jim. And Mr. Zozula, can I ask you why don't
12 you just withdraw 17-19? And there's no need for us to take
13 a vote?

14 NICK ZOZULA: No, we'd like you to take a vote,
15 Mr. Chair.

16 CONSTANTINE ALEXANDER: Okay. All right, fine.

17 So --

18 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
19 here.

20 CONSTANTINE ALEXANDER: Yep.

21 ANDREA HICKEY: Respectfully, I'm not sure we can
22 take a vote without sort of the accessible units were part

1 and parcel of a sort of two-building development.

2 Respectfully, as Mr. Monteverde said, I'm not sure how we
3 can hear this now on 17-19 without there being any
4 accessible units in that one building? I don't think we can
5 split this in half and actually hear it.

6 CONSTANTINE ALEXANDER: Well, I think -- I may be
7 wrong. I think we can still vote if that's the wish of the
8 Board -- vote to deny the variance for 17-19, and then when
9 we recite our reasons for doing that, we do say -- in
10 addition to what we had before, in view of the fact that 16-
11 18 is not going to go forward and that the relief has been
12 denied, I should say, that there's another reason why we
13 would deny relief for 17-19.

14 JIM MONTEVERDE: Right. That's the only scenario
15 -- this is Jim Monteverde -- that seems logical,
16 reasonable, consistent? If in fact 17-19 we assume that the
17 vote will turn it down.

18 My question was more if you were to accept it, I
19 think it's you just, you tie it up in all sorts of
20 questions, quandaries. So I think I get it.

21 BRENDAN SULLIVAN: [Brendan Sullivan. I think
22 what was in the back of my head is that they went to the

1 Barriers Board, and this was a complete package of two
2 buildings.

3 JIM MONTEVERDE: Right.

4 BRENDAN SULLIVAN: And there was a "moving
5 accordingly" incorporating those two buildings in one
6 proposal before the Barriers Board. They came back to us,
7 and then they gave us two separate proposals --

8 JIM MONTEVERDE: Right.

9 BRENDAN SULLIVAN: -- when in fact it probably
10 should have been 16-18, 17-19 Forest Street, even though
11 there were two separate buildings.

12 And I can understand that they would probably want
13 to leave the document to follow each building, but it was
14 part and parcel of one application, and now it's a separate
15 -- it was sort of divided in order to come to us.

16 But they are -- obviously both of them are tied
17 together.

18 JIM MONTEVERDE: Yeah.

19 CONSTANTINE ALEXANDER: They did -- okay, they did
20 not tie them together. They're separate petitions, and I
21 think the reason that applies to 16-18 in my opinion apply
22 to 17-19 plus.

1 The other factor is without the accessible units
2 in 16-18, 17-19 becomes basically not feasible.

3 BRENDAN SULLIVAN: Well, they could, if they
4 stretch it out over many years.

5 CONSTANTINE ALEXANDER: Yeah.

6 BRENDAN SULLIVAN: Anyhow, that's what I was
7 thinking. So anyhow, the proposal was on the -- to what, to
8 grant the variance?

9 JIM MONTEVERDE: Okay.

10 BRENDAN SULLIVAN: Is that correct?

11 CONSTANTINE ALEXANDER: Right.

12 BRENDAN SULLIVAN: Okay.

13 CONSTANTINE ALEXANDER: Whether we should grant
14 the variance.

15 BRENDAN SULLIVAN: All right. I would vote to not
16 grant the variance. I would not support the granting of the
17 variance.

18 CONSTANTINE ALEXANDER: Jim?

19 JIM MONTEVERDE: And [Jim Monteverde], I would
20 vote no.

21 CONSTANTINE ALEXANDER: I'm sorry, no? Vote no?

22 JIM MONTEVERDE: I would vote no.

1 CONSTANTINE ALEXANDER: Okay, thank you. Andrea?

2 ANDREA HICKEY: I would vote no as well.

3 CONSTANTINE ALEXANDER: And Janet?

4 JANET GREEN: I vote no as well.

5 CONSTANTINE ALEXANDER: And the Chair votes no as
6 well.

7 [All vote NO]

8 That makes it unanimous. And now we need a
9 second vote. So the variance has been denied for 17-19.
10 And the second motion would be why we've denied it.

11 And I would suggest that the reasons we cited and
12 approved those of us who voted, to turn down the variance of
13 16-18 apply equally as to 17-19 and be basically in a lay
14 sense incorporated by reference.

15 But in addition, given the fact that this is
16 really, really one project, the fact that 16-18 is not going
17 forward, at least as of tonight, means that there's no way
18 we could approve 17-19. Because it's just different
19 factors.

20 BRENDAN SULLIVAN: [Brendan Sullivan], I would
21 agree with that language.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: [And Jim Monteverde, I would
2 agree with the language as well.]

3 CONSTANTINE ALEXANDER: Andrea?

4 ANDREA HICKEY: Right. I have nothing to add. I
5 don't see how we could approve it, so.

6 BRENDAN SULLIVAN: Right.

7 CONSTANTINE ALEXANDER: Janet?

8 JANET GREEN: I agree with the language as well.

9 CONSTANTINE ALEXANDER: And the Chair votes the
10 same as my other four members.

11 [All vote NO to the variance]

12 This variance has been denied as well.

13 I think at this point this case -- cases plural
14 are over. Thank you very much, petitioner. It's been a
15 long, hard slog and here we are.

16 SISIA DAGLIAN: Special permit withdrawn?

17 NICK ZOZULA: Thank you for your time, Mr. Chair.
18 We appreciate it. Thank you very much, all.

19 JIM MONTEVERDE: Special permit?

20 CONSTANTINE ALEXANDER: I don't think we need to.
21 Because without the additional units --

22 JIM MONTEVERDE: We're done?

1 CONSTANTINE ALEXANDER: -- there's no need for
2 more parking. And matter of fact the petitioners' Council
3 withdrew the special permit at 16-18. I guess we can take
4 one more vote to just -- well --

5 BRENDAN SULLIVAN: Just for the record.

6 CONSTANTINE ALEXANDER: -- Counsel, will you
7 withdraw the petition for zoning relief on parking for 17-
8 19?

9 NICK ZOZULA: Yes. We can end this mercifully,
10 please.

11 CONSTANTINE ALEXANDER: Thank you, sir.

12 NICK ZOZULA: Thank you all.

13 CONSTANTINE ALEXANDER: Okay.

14 NICK ZOZULA: We appreciate your time.

15 CONSTANTINE ALEXANDER: The case is over.

16 ANDREA HICKEY: Mr. Chair, do we have to vote to
17 accept the withdrawal of the parking?

18 CONSTANTINE ALEXANDER: No, I don't think we have
19 to vote to -- I don't -- I'm not aware of that. I mean,
20 it's the petitioner's decision.

21 ANDREA HICKEY: Okay.

22 CONSTANTINE ALEXANDER: I don't think they're

1 forced to proceed once they've filed an application -- you
2 know, a petition for relief. I think they can change their
3 mind at any time.

4 ANDREA HICKEY: Thank you.

5 CONSTANTINE ALEXANDER: Okay.

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(7:46 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde and Laura
Wernick

CONSTANTINE ALEXANDER: All right. Now back to
our regular agenda. And the Chair will now call Case Number
--

JANET GREEN: Gus --

CONSTANTINE ALEXANDER: I'm sorry?

JANET GREEN: Gus, I'm off now.

CONSTANTINE ALEXANDER: Okay, you're leaving and
--

JANET GREEN: Yeah, this is Janet Green and I'm
leaving, and I think it's --

CONSTANTINE ALEXANDER: And Laura's joining,
right?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Laura, are you on?

LAURA WERNICK: Yes.

CONSTANTINE ALEXANDER: Go ahead. Thank you,
Janet for participating.

1 LAURA WERNICK: I'm on, I'm here.

2 CONSTANTINE ALEXANDER: Okay, good. Okay. The
3 Chair will now call Case Number 109647 -- 12 Hawthorn
4 Street. Anyone here wishing to be heard on this matter?

5 [Pause]

6 Do we have anybody?

7 SISIA DAGLIAN: Yes.

8 CONSTANTINE ALEXANDER: Okay.

9 SISIA DAGLIAN: Yeah.

10 CONSTANTINE ALEXANDER: Petitioner?

11 SISIA DAGLIAN: No.

12 JIM MONTEVERDE: All right, thanks.

13 NATHAN WONG: Sisia?

14 SISIA DAGLIAN: Yep. Tom Cottern (phonetic)?

15 BRENDAN SULLIVAN: I think that's Mr. Wong.

16 NATHAN WONG: Can you hear me?

17 CONSTANTINE ALEXANDER: Oh, I can.

18 SISIA DAGLIAN: Yeah, yeah Nathan.

19 CONSTANTINE ALEXANDER: I see a face.

20 SISIA DAGLIAN: Yeah, Nathan's there. Okay.

21 CONSTANTINE ALEXANDER: Okay?

22 SISIA DAGLIAN: Yep. All right --

1 JIM MONTEVERDE: Oh.

2 CONSTANTINE ALEXANDER: Petitioner, the floor is
3 yours.

4 NATHAN WONG: Thank you, Mr. Chair. I am Nathan
5 Wong, representing Hardington, the owner for the attached
6 single-family residence at 12 Hawthorn. Just for the
7 record, our business address -- my business address is NCP
8 Management, in Newton Center, P.O. Box 590179.

9 CONSTANTINE ALEXANDER: Thank you. It wasn't
10 necessary, but --

11 NATHAN WONG: okay. Just wanted to be clear. I'm
12 exhausted. Just a little bit of background, Mr. Chair,
13 before I turn this over to our Design Team to walk through
14 this.

15 Hardington has owned this residence since the
16 summer of 2014. We updated kitchen and baths when it was
17 first occupied by the owner, and since then it has been used
18 by immediate members of the family.

19 We are in front of you and the Board today as
20 we're looking to make some modest modifications to that
21 house to make it even more suited for the immediate family,
22 who are a young couple with school-age children. They don't

1 currently reside in Cambridge, although they have extensive
2 family and ties to the area, and are looking to bring their
3 children here to establish roots.

4 As for our Design Team, I wanted to introduce the
5 Board to Stephen Hiserodt with Boyes-Watson. They were
6 involved on this house when we first acquired it many years
7 ago, and so we thought it just natural to bring them back on
8 board. So without further ado, let me turn this over to
9 Steve to walk you through the details.

10 STEPHEN HISERODT: Good evening, everyone. I'll
11 try and make this relatively brief. We have what appears to
12 be a long list of relief requested. They are, in our
13 opinion, fairly minor in degree.

14 We can start with -- Sisia, if you could switch
15 over to page A102...

16 The first addition requiring relief is if you see
17 in the top plan on the right-hand corner there is a 50-some-
18 odd square feet addition on the first floor only, which sort
19 of fills in a corner on the existing house. It will further
20 increase the rear yard setback, which is currently
21 nonconforming by 1.2 feet.

22 So that line doesn't get any worse, but it will be

1 continuing further to the north of the property to align
2 with the side yard setback line. A very small addition just
3 on the first floor.

4 The -- oh, I'll add that it's also a GFA or FAR
5 further increasing already nonconforming FAR. We'll stay on
6 this plan. We're adding an areaway that allows egress from
7 the basement space. It's a relatively large areaway.

8 The areaway itself will not require relief, but
9 because the guardrail that keeps people from falling into
10 the areaway is considered a structure in the setback, the
11 guardrail itself will require relief. But it will be a
12 relatively transparent three-foot-high guardrail that will
13 not be seen by the abutting properties in any way.

14 That -- moving onto the next bit of relief
15 required is the mean grade -- because of the areaway in the
16 rear and the window well on the side yard -- the mean grade
17 reduces, thereby actually increasing the calculations for
18 building height.

19 So we're slightly increasing the building height
20 based on this mean grade reduction. There's no change to
21 the roof structure itself; the building is not being
22 increased in height. So it's sort of an incidental

1 requirement.

2 The next bit of relief -- oh, back to the rear
3 yard, there are a few openings on that rear façade that
4 require special permits just because they are currently in a
5 nonconforming portion of the building. So we're making
6 adjustments to some window openings there. The -- they're
7 all on the first floor, and have relatively little
8 visibility from any adjacent properties.

9 The final bit of relief we're asking for is a
10 small dormer on the third level. It's the only bit of the
11 work we're doing that actually can be seen from the street.

12 Sisia, if you can move to A104?

13 And you can see on the upper drawings the left-
14 hand side there is a small, hatched area for a new dormer on
15 that third floor area. It will slightly increase --

16 CONSTANTINE ALEXANDER: I'm sorry, Mr. Hiserodt,
17 can I interrupt you for a second?

18 STEPHEN HISERODT: Yes.

19 CONSTANTINE ALEXANDER: This new dormer?

20 STEPHEN HISERODT: Yep.

21 CONSTANTINE ALEXANDER: What is it's length? And
22 it's on the same side -- two questions, really -- and it's

1 on the same side of the structure as an existing dormer?

2 STEPHEN HISERODT: Yes.

3 CONSTANTINE ALEXANDER: What's the total length of
4 the two dormers? And you know we're experienced with the --
5 I'm getting at the dormer guidelines. Because you can't
6 have more than 15 in length -- 15 feet of dormers on any
7 side of the structure.

8 STEPHEN HISERODT: My understanding was this is
9 actually -- with regard to the setbacks, this is compliant.
10 It adds GFA, but the dormer itself is not -- does not need
11 any other relief, other than GFA.

12 CONSTANTINE ALEXANDER: No, I understand that in
13 all respects your new dormer does not comply with the dormer
14 guidelines. But we put different emphasis -- more emphasis
15 on the size, or the length I should say, of the dormers?

16 STEPHEN HISERODT: Yes.

17 CONSTANTINE ALEXANDER: -- than some of the other
18 requirements. And that's what I'm trying to get at. How --
19 what is the length of the dormers? Is it compliant?

20 STEPHEN HISERODT: 8 feet 4 inches plus 5 feet.

21 CONSTANTINE ALEXANDER: Good, so you're under --

22 STEPHEN HISERODT: 13-foot, 4 inches.

1 CONSTANTINE ALEXANDER: Thank you. I'm sorry to
2 interrupt you.

3 STEPHEN HISERODT: That actually is the end of the
4 list of relief requested. I mean, it seems like a long
5 list, but they're all actually very modest additions to the
6 existing house -- largely due to the fact that it's already
7 nonconforming, and just about any adjustments would require
8 some bit of relief.

9 CONSTANTINE ALEXANDER: And the reason this case
10 is coming before -- not the reason, but it -- for a special
11 permit rather than a variance -- is to take advantage of the
12 Bellalta case --

13 STEPHEN HISERODT: Yes.

14 CONSTANTINE ALEXANDER: -- the recent case in the
15 Massachusetts courts, which has been now in the process of
16 being made part -- the holding of that case made part of our
17 zoning ordinance -- zoning relief?

18 STEPHEN HISERODT: Yes.

19 CONSTANTINE ALEXANDER: Is that right?

20 STEPHEN HISERODT: Yes, that is true.

21 CONSTANTINE ALEXANDER: Okay. All right. Under
22 the Mass -- the Cambridge version of the response to

1 Bellalta, we grant the special permit in addition to the
2 usual requirements of special permits, we have to find the
3 work you're proposing to do in seeking our approval is not
4 more detrimental than the existing structure of the
5 neighbor?

6 STEPHEN HISERODT: Yeah.

7 CONSTANTINE ALEXANDER: Speak a little bit to
8 that, if you would, please.

9 STEPHEN HISERODT: The -- well, I don't feel that
10 any of the adjustments are detrimental in any way to any of
11 the abutters. But the guardrail -- for instance, the
12 guardrail is going to have no impact on any of the abutting
13 properties. It will not be seen or experienced or create
14 any sort of detriment to their existence.

15 The addition in the back corner is relatively
16 modest in nature. It is not visible from the street; only
17 slightly visible from the adjacent property.

18 The dormer itself -- in reviewing its location,
19 any thought of privacy of the adjacent house -- there is
20 very little visibility between the two, thanks to a very
21 large or one significant-sized tree, which almost sits
22 exactly opposite this dormer. So there's very little

1 privacy issue -- a very small window.

2 I -- there really is -- I mean, we've worked at
3 keeping most of the adjustments back to the more private
4 rear yard, and we don't believe it'll have any negative
5 impacts on abutting properties at all.

6 Nathan, do you have anything to add to that?

7 NATHAN WONG: Nope. I think that the only thing
8 is that of course we had taken on board the same
9 considerations and we've been in close discussions with our
10 neighbors, to walk them through these same plans as well, to
11 talk about these additions that we're proposing in front of
12 the Board.

13 CONSTANTINE ALEXANDER: Okay. Is that the end of
14 the presentation? Can I open the matter up to questions from
15 members of the Board, if any?

16 BRENDAN SULLIVAN: [Brendan Sullivan], I have no
17 questions at this time.

18 JIM MONTEVERDE: And [Jim Monteverde] I have no
19 questions.

20 ANDREA HICKEY: [Andrea Hickey], I have no
21 questions.

22 LAURA WERNICK: [Laura Wernick] I have no

1 questions.

2 CONSTANTINE ALEXANDER: And I have asked my
3 questions. So I'm -- none as well. I'll open the matter up
4 to public testimony, if I can find the instructions here.
5 Any members of the public who wish to speak should now click
6 the icon at the bottom of your Zoom screen that says, "Raise
7 hand."

8 If you're calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6.
10 We'll wait a moment to see if anyone wishes to speak.

11 [Pause]

12 SISIA DAGLIAN: I don't see any, no.

13 CONSTANTINE ALEXANDER: Okay. Apparently no one
14 wishes to make any comments from the audience. The Chair
15 would report that there is a letter in our files in strong
16 support of the relief being sought. I won't propose to read
17 it, but I take my word for it. It's a good letter, and it's
18 a strong letter.

19 So with that, I will close public testimony.
20 Discussion, or ready for a vote? Ready for discussion?
21 Ready for a vote, I'm sorry.

22 JIM MONTEVERDE: Ready for a vote.

1 BRENDAN SULLIVAN: Ready for a vote.

2 CONSTANTINE ALEXANDER: Okay. I'll get it right
3 one of these times. Okay. The Chair moves that we make the
4 following findings with regard to the special permit that's
5 being sought:

6 That the requirements of the ordinance cannot be
7 met unless -- with regard to the work that's proposed to be
8 done -- without the special permit.

9 That traffic generated or patterns of access or
10 egress resulting from what is being proposed will not cause
11 congestion, hazard, or substantial change in established
12 neighborhood character.

13 In fact, as Mr. Hiserodt has said, it's a bundle
14 of small changes -- not insignificant in terms of the
15 improvement of the structure, but small changes to the
16 structure, and the neighbor or the -- I guess it's the
17 neighbor who wrote in support and supports the notion that
18 no congestion, hazard or substantial change in established
19 neighborhood character would result.

20 That the continued operation of or development of
21 adjacent uses, as permitted in the ordinance, will not be
22 adversely affected by what is being proposed. And again, if

1 the nature of the changes are just an improvement to the
2 structure without any neighborhood impact -- any adverse
3 neighborhood impact.

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

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

11 And there's one more finding we have to make in
12 terms of the Bellalta case. The Chair would move further
13 that what is being proposed, the modifications, are not
14 more detrimental than the existing structure to the
15 neighborhood.

16 BRENDAN SULLIVAN: Brendan Sullivan yes to
17 granting the special permit.

18 CONSTANTINE ALEXANDER: Jim?

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

21 CONSTANTINE ALEXANDER: Andrea?

22 ANDREA HICKEY: Andrea Hickey, yes in favor of

1 granting the special permit.

2 CONSTANTINE ALEXANDER: Laura?

3 LAURA WERNICK: Laura Wernick, yes in favor of
4 granting the special permit.

5 CONSTANTINE ALEXANDER: And the Chairman votes yes
6 as well.

7 [All vote YES]

8 You know, I don't know if I made the motion --
9 wait a minute, I've got to make the proposal with the plans.
10 Let me just go back.

11 The special permit is being granted on the
12 condition that the work proceed in accordance with plans
13 prepared by Boyes-Watson Architects. They're dated --
14 there's no date on that. What I have in front of me --

15 NATHAN WONG: The date is on the left-hand margin.

16 CONSTANTINE ALEXANDER: I'm looking at the right-
17 hand margins, where it should be. But anyway, it's -- I
18 don't need to have the date. It's prepared by Boyes-Watson
19 Architects, the first page of which has been initialed by
20 the Chair. That should be added to the motion.

21 Special permit granted.

22 COLLECTIVE: Thank you very much.

1 * * * * *

2 (8:04 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 112029 -- 13-15 Hazel Street. Anyone here
8 wishing to be heard on this matter?

9 [Pause]

10 Petitioner?

11 SISIA DAGLIAN: He's there.

12 [Pause]

13 CONSTANTINE ALEXANDER: Hello?

14 SHAUN MORRIS: Hi.

15 CONSTANTINE ALEXANDER: Hi.

16 SHAUN MORRIS: Sorry. My screen cut out there for
17 a little while.

18 CONSTANTINE ALEXANDER: No problem, no problem.

19 SHAUN MORRIS: Hi. I am an Architect. My name is
20 Shaun Morris and I work for Payette, and that's my day job.
21 And today I'm here before you representing my friends and
22 from -- our children attend the same public school in

1 Cambridge, Mirko and Natasha Ristivojevic. They have a
2 proposal to modify an existing, nonconforming wall on a
3 house that they bought in January this year. They've been
4 living in Cambridge since 2008, and they are a family of
5 five. Their mother lives with them and their two children.

6 This is a nonconforming wall because it -- when
7 you add up the side setback, this is the side elevation and
8 when you add up the side setback of the two sides, they are
9 -- they do not -- they do not exceed the 20-foot minimum.

10 So they -- it is eight foot -- I believe eight and
11 a half feet on this side. And this is then therefore --
12 because they're doing work on the other side already, under
13 a separate permit, this work here to this elevation requires
14 a special permit.

15 What's being proposed is modification to existing
16 windows, which are -- by the way they are single pane
17 windows. They are, you know, over 50 years old. And, you
18 know, the idea is to also remove a door and some steps. So
19 in some ways, the setback conditions is somewhat improved by
20 the removal of the stair and porch on this side.

21 The other door will remain, and you can see the
22 red dashed lines here on this diagram of the proposed

1 changes on the left-hand side shows the windows to be
2 removed or modified. The green is a new window. That's at
3 a stair on the inside is sort of a stairway there, on that
4 side of the plan.

5 And so really just the improvement of the windows,
6 modification to the size of the windows on the right-hand
7 side, and the removal of a door and a stair and porch.

8 So that's really it. There's some -- you know,
9 images of that side setback on the next page, where you can
10 see the current condition on the left, and the proposed
11 condition on the right.

12 They're adding two and a half inches of insulation
13 to the wall, and then a clapboard siding. And the current
14 siding is asbestos, and that's under -- from my
15 understanding, it's under -- part of the separate permit for
16 the whole house, renovations to the house.

17 So this is a presentation. This is our
18 application. And thank you for hearing it, and thank you
19 for reviewing it. There is also a later incorporated into
20 this from the abutting neighbor, the neighbor that's
21 directly across from this elevation, and I believe they have
22 a separate letter from neighbors across the street as well.

1 CONSTANTINE ALEXANDER: I only saw one later --
2 not that it's significant -- I only saw one later in the
3 files.

4 SHAUN MORRIS: Yeah, and then I think there's a --

5 CONSTANTINE ALEXANDER: No, wait a minute. I'm
6 sorry. There's a second one. I missed it. You're right.
7 There are two letters, both in support.

8 SHAUN MORRIS: I don't believe that that was
9 incorporated originally, but that was -- I think came a
10 little bit after this was stapled.

11 CONSTANTINE ALEXANDER: Okay. Questions?
12 Brendan?

13 BRENDAN SULLIVAN: Brendan Sullivan no questions.

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: Jim Monteverde no questions.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: I have no questions.

18 CONSTANTINE ALEXANDER: Laura?

19 LAURA WERNICK: No questions.

20 CONSTANTINE ALEXANDER: The Chair has no questions
21 as well. So now I'll open the matter up to public
22 testimony. Any members of the public who wish to speak

1 should now click the icon at the bottom of your Zoom screen
2 that says, "Raise hand."

3 If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6. Take
5 a moment or two to see if anyone wishes to call in.

6 SISIA DAGLIAN: I'm not seeing anyone.

7 CONSTANTINE ALEXANDER: Okay. Apparently no one
8 wishes to speak. And as the petitioner's representative
9 pointed out, there are two letters in their files, one of
10 which is from the person most affected by what is being
11 proposed, and they are both supportive of the relief that's
12 being sought.

13 So the Chair will make a motion. The Chair moves
14 that -- let me get my files together -- that we make the
15 following findings with regard to the special permit that's
16 being sought:

17 That the requirements of the ordinance cannot be
18 met with the relief that was being proposed, without OB/GYN
19 the special permit that's been applied for.

20 That traffic generated or patterns of access or
21 egress resulting from the work that is being proposed will
22 not cause congestion, hazard, or substantial change in

1 established neighborhood character.

2 In this regard, I think the facts speak for
3 themselves, or the plans speak for themselves. It's not a
4 matter that's going to cause hazard, congestion or
5 substantial change in established neighborhood character.
6 The relief is actually very modest in nature.

7 The continued operation of or development of
8 adjacent uses, as permitted in the zoning ordinance, will
9 not be adversely affected by what is being proposed. In
10 this regard, the Chair would cite the letter of support from
11 the neighbor most affected by what is -- by the relief being
12 sought.

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

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

20 So on the basis of all of these findings, the
21 Chair moves that we grant the special permit requested on
22 the condition that the work proceed in accordance with

1 plans, the first page of which is entitled, "special permit
2 application drawings and illustrations" and the first page
3 of which has been initialed by the Chairs. Brendan, how do
4 you vote?

5 BRENDAN SULLIVAN: Yes to granting the special
6 permit.

7 JIM MONTEVERDE: And Jim Monteverde yes to
8 granting the special permit.

9 ANDREA HICKEY: Andrea Hickey yes to granting the
10 special permit.

11 LAURA WERNICK: Laura Wernick yes to granting.

12 CONSTANTINE ALEXANDER: And the Chair votes yes as
13 well, making it unanimous.

14 [All vote YES]

15 Special permit granted.

16 COLLECTIVE: Thank you. Thank you, Mr. Chair.
17 Thank you ladies and gentlemen of the Board.

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2 (8:12 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 112132 -- 9 Poplar Road. Anyone here wishing to
8 be heard on this matter?

9 DAN ANDERSON: Mr. Chair, this is Dan Anderson,
10 Partner at Anderson Design. I believe it's Number 8 Poplar
11 Road, just to make sure we're on the right case?

12 CONSTANTINE ALEXANDER: Okay. And as you know,
13 we've determined that we needed to get a variance, not just
14 a special permit and that's why we're going to have to
15 continue the case?

16 DAN ANDERSON: I understand. And so the request
17 was if you wouldn't mind, that there's I believe some aspect
18 to this that would be grantable under special permit and
19 others that would be a variance.

20 And I'm just curious if it's possible to hear
21 those portions on special permit, and we need to readvertise
22 for the variance. This project ran afoul of I think the

1 interpretation that it fell under Bellalta versus Brookline,
2 but in fact is not.

3 CONSTANTINE ALEXANDER: You're correct.

4 DAN ANDERSON: My understanding is that we'd be
5 seeking a special permit for the creation of two window
6 wells and changes to modifications of windows and side yard
7 setbacks, but would need a variance for guardrails on said
8 window wells and a variance for a new areaway stairway
9 accessing a mechanical room.

10 So the question would be we really don't want to
11 fall afoul of a repetitive petition, but happy to have your
12 ruling on whether you could hear the special permit aspects
13 of this case this evening.

14 CONSTANTINE ALEXANDER: That's a fair question.
15 We generally do not like to bifurcate cases. It's going to
16 be more than one form -- as you've seen tonight in our
17 agenda -- one form of relief. We want to do them all at the
18 same time.

19 So -- and I don't see any reason, I think we can
20 hear this case, maybe take a month or so because of our
21 crowded agenda, but I'd rather hear all -- have the case
22 readvertised with both forms of relief in the advertisement,

1 obviously, and hear the case at that point.

2 We mentioned before, when would we continue the
3 case to, Sisia?

4 SISIA DAGLIAN: Well, we could do May 27.

5 CONSTANTINE ALEXANDER: I'm sorry?

6 SISIA DAGLIAN: May 27?

7 CONSTANTINE ALEXANDER: May twenty-third?

8 SISIA DAGLIAN: Twenty-seventh.

9 CONSTANTINE ALEXANDER: Twenty-seventh.

10 SISIA DAGLIAN: We are -- we already have three
11 cases on that date, but yeah.

12 CONSTANTINE ALEXANDER: All right. So I think
13 what we're going to do is we're going to continue this case
14 until May 27. So I'm going to make a motion to that effect.
15 The Chair moves that we continue this case until 8:00 p.m.
16 on April 23. Brendan?

17 BRENDAN SULLIVAN: Brendan Sullivan, yes.

18 CONSTANTINE ALEXANDER: Andrea?

19 ANDREA HICKEY: Andrea Hickey, yes.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Yes.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 This case is continued until 6:00 p.m. on May 27,
4 subject to the following conditions:

5 One, that the petitioner sign a waiver of time for
6 decision. That's a standard form that -- simple form that
7 we use. That must be signed, and they have to get the form
8 itself from Maria Pacheco at the Building Department. If
9 that form is not signed and returned to Maria by 5:00 p.m. a
10 week from Monday, this case will be dismissed.

11 Second, that a new posting sign or a modification
12 -- I think you'll need a new posting sign, given the fact
13 that it's going to be a variance as well -- the posting
14 signs must be obtained from the Building Department and
15 maintained for the 14 days prior to May 27, just as you've
16 done with regard to tonight's hearing.

17 And lastly, any changes, modifications, additions
18 to the plans, drawing specs or the like, if they ought to be
19 proposed, they must be in our file no later than 5:00 p.m.
20 on the Monday before May 27.

21 Brendan, how do you vote?

22 BRENDAN SULLIVAN: Yes to the continuance. Just

1 one question.

2 CONSTANTINE ALEXANDER: Go ahead.

3 BRENDAN SULLIVAN: Sisia, this case is going to be
4 heard on May 27. The new case, the variance, is going to be
5 heard on the same night?

6 SISIA DAGLIAN: I think so, right. Yes, it is.

7 BRENDAN SULLIVAN: Okay. So they're going to
8 apply for the variance, incorporate the special permit into
9 this new petition, and it'll be heard on the same night?

10 SISIA DAGLIAN: Yep.

11 BRENDAN SULLIVAN: Yeah, okay. Yes to the
12 continuance.

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: And Jim Monteverde, yes to the
15 continuance.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: Andrea Hickey yes to the
18 continuance.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: I just want to make clear this
21 will be a case not heard, because I know I'm not going to be
22 here on the --

1 SISIA DAGLIAN: Right.

2 LAURA WERNICK: -- twenty-seventh, is that
3 correct?

4 BRENDAN SULLIVAN: Correct.

5 JIM MONTEVERDE: Correct.

6 LAURA WERNICK: Okay, yes. Yes to the
7 continuance.

8 CONSTANTINE ALEXANDER: And the Chair votes yes as
9 well.

10 [All vote YES]

11 So we'll see you on the twenty-seventh.

12 DAN ANDERSON: Mr. Chair, Board, thank you very
13 much.

14 CONSTANTINE ALEXANDER: Thank you.

15 SISIA DAGLIAN: Okay.

16 CONSTANTINE ALEXANDER: I'm going to take a brief
17 recess while I get my files in order. Don't go away.

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(8:19 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde and Laura
Wernick

CONSTANTINE ALEXANDER: Okay, the Chair will now
call Case Number 110945 -- 330 Mount Auburn Street. Anyone
here wishing to be heard on this matter?

[Pause]

Hello?

SISIA DAGLIAN: She's there.

JIM MONTEVERDE: Yes.

SISIA DAGLIAN: Kristina?

CONSTANTINE ALEXANDER: Hello?

JIM MONTEVERDE: She has her hand raised.

SISIA DAGLIAN: She has her hand raised, yeah.

JIM MONTEVERDE: Step one.

SISIA DAGLIAN: She's probably -- she might be
having technical issues.

JIM MONTEVERDE: Yeah, it says she's connected to
audio.

1 SISIA DAGLIAN: Kristina, can you dial in or log
2 out log back in?

3 CONSTANTINE ALEXANDER: Going once.

4 [Pause]

5 Going twice.

6 SISIA DAGLIAN: Should we come back to this one
7 later?

8 CONSTANTINE ALEXANDER: We can come back, yeah.

9 BRENDAN SULLIVAN: She has another case to be
10 heard, anyhow.

11 CONSTANTINE ALEXANDER: We've got two other cases.

12 BRENDAN SULLIVAN: She's on the last case.

13 SISIA DAGLIAN: Yeah, she's on the last case.

14 KRISTINA COTTONE: Hi. This is Kristina.

15 SISIA DAGLIAN: Hi.

16 KRISTINA COTTONE: Can you hear me now?

17 SISIA DAGLIAN: Yes.

18 CONSTANTINE ALEXANDER: Yes.

19 KRISTINA COTTONE: Perfect. Hi, sorry about that.

20 Sorry about that. Yes. So this is Kristina Cottone from
21 Smartlink on behalf of AT&T for 330 Mount Auburn Street, the
22 telecommunications modifications that we have planned.

1 CONSTANTINE ALEXANDER: Okay.

2 KRISTINA COTTONE: So I just want to go over a
3 brief overview of the project. So I submitted some plans,
4 and just like I said an overview, we will be -- yep, thank
5 you -- we will be replacing three of the existing antennas
6 that are currently installed, and we will also be removing
7 some ancillary equipment, also called RRUs. We'll be
8 removing nine of those and installing six.

9 So there's going to be a net loss of three of the
10 ancillary equipment, RRUs, but for antenna count, we will be
11 staying at 12. So there's 12 currently listed on the
12 project. We're going to be swapping out three for a total
13 net of 12 antennas.

14 So if you want to look at the photo sims on page
15 9, those will show you just as a quick overview of what the
16 new project versus the existing project will look like. So
17 you see the existing view down at the bottom? So we are
18 replacing the far left antenna.

19 So this is our alpha sector, as we call it. We're
20 going to be removing that far left antenna and replacing it
21 with a smaller, wider antenna. And this whole project is
22 tied to 5G for our upgrade, so that technology and frequency

1 with that antenna will boost the frequency, the call
2 reception, the -- you know, fastest technology on all parts
3 of where AT&T is installed.

4 So on this page, like I said, this can -- you
5 know, it does appear to be a little bit smaller, yet wider.
6 However, it's still in plane with the other antennas. If
7 you want to jump to page 10, the next page, these are our
8 other two sectors. We call them "beta" and "gamma."

9 Again, the existing view is down below in the
10 lower right corner. Again, here the far left antenna on this
11 -- you know, front-facing sector, that's the one we're going
12 to be replacing. And same on the beta sector, which is on
13 that side in the sun. This page can't really see it.

14 There's another page we can get to that will show
15 that replacement antenna. But again, a minor replacement.
16 You know, it is shorter, yet a little bit wider on all three
17 sectors.

18 And if you want to jump to page 12, that will show
19 -- yep, that will show the beta sector that -- the
20 difference. So again, the existing view is down below in
21 the corner. In the sum, you can see that we are replacing
22 that position for or the far left antenna with a, you know,

1 smaller yet wider antenna.

2 I do just want to point out that the floodlight
3 with the one stand-alone antenna, that is not belonging to
4 AT&T; that is a T-Mobile antenna, so that does not pertain
5 to this project. So I just wanted to point that out.

6 So also with this upgrade that we will -- for at
7 least these two sectors on this brick and the other sectors
8 -- excuse me -- we will also be painting to match. So we do
9 intend to kind of camouflage the new antenna, along with the
10 other antennas.

11 The color will relatively be the same. It is up
12 to the landlord, Mount Auburn Hospital, to choose the paint
13 color that they wish. I can imagine it will follow suit
14 with the -- you know, the rest of the colors that they have
15 picked out.

16 But I just wanted to -- you know, let you know
17 that this will be camouflaged as best as possible. The
18 mounting that will be done here for all sectors, for all 12
19 antennas: The brackets will be as close to the brick and
20 the other wall for alpha sector as possible.

21 And if you want to go to a couple pages down on
22 the -- let's see, so if you want to go to 14 first, so

1 currently if you look smack dab in the middle, there's a
2 blue dot and a red dot right in the middle of this picture.
3 So that is Mount Auburn Hospital. So that currently is a
4 snapshot of current 5G for the area. So yep, so we're right
5 in the middle. As you can see, there's really nothing.
6 Really no 5G for the area.

7 So if you want to go to page 15, you'll see in
8 green how well that this coverage will help. You know, the
9 5G, it's faster, it's better technology, and you can see
10 visually right here how -- and how many people benefit from
11 this; not only the hospital that it is attached to, but
12 everywhere else in this radius that it will help with this
13 5G technology.

14 I do want to reiterate that we did do an EME
15 report, which will measure the RF readings of the antennas,
16 and I just wanted to let everyone know that no one on ground
17 level will be affected by this upgrade; only people that are
18 up on the roof, whether it be maintenance or any AT&T or
19 other carrier personnel -- should be and, you know, only can
20 be up on the roof. And when they are up on the roof, they
21 can power the antennas down so they are safe up there.

22 So I just want to throw that out there, that this

1 project will be safe. It is compliant with all FCC and FAA
2 Regulations. We have discussed this at length with the
3 landlord as to what their wishes are for this project and
4 design, and this is what we came up with.

5 Again, we are staying at 12 antennas, replacing
6 three and actually removing some equipment in our shelter.
7 And I hope the photo simulations show just how very similar
8 it does look to what is currently installed.

9 And I hope the photo simulations show just how
10 very similar it does look to what is currently installed.
11 And again, this will be -- all the -- any kind of new
12 equipment that will be façade mounted will be painted to
13 match upon landlords' request of the paint.

14 CONSTANTINE ALEXANDER: I take it by that you're
15 responding to the recommendations from the Planning Board?
16 It sounds like you would agree to make the changes or design
17 appearance changes that were suggested by the Planning
18 Board, is that right?

19 KRISTINA COTTONE: Correct, yep.

20 CONSTANTINE ALEXANDER: Thank you. Questions from
21 members of the Board?

22 BRENDAN SULLIVAN: Brendan Sullivan no questions.

1 CONSTANTINE ALEXANDER: No questions. Jim?

2 JIM MONTEVERDE: And Jim Monteverde, no questions.

3 ANDREA HICKEY: Andrea, no questions.

4 LAURA WERNICK: Laura, no questions.

5 CONSTANTINE ALEXANDER: And the Chair has no
6 questions at this point. I think it's time for a motion.

7 That motion is for telecommunications equipment to go on for
8 a while. So they have to make a multitude of findings.

9 BRENDAN SULLIVAN: Do you want public comment?

10 CONSTANTINE ALEXANDER: Hm?

11 BRENDAN SULLIVAN: Public comment?

12 CONSTANTINE ALEXANDER: Oh, yeah. I can't -- oh,
13 I'm sorry. Brendan reminded me we have to open the matter
14 up to public comment. So, any members of the public who
15 wish to speak should now click the icon at the bottom of
16 your Zoom screen that says, "Raise hand."

17 If you're calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6.

19 We'll wait a few moments to see if anyone wishes to speak?

20 SISIA DAGLIAN: I'm not seeing anyone.

21 CONSTANTINE ALEXANDER: Okay. I'll then close
22 public comment. We have no letters of the like in the file,

1 other than the memo from the Planning Boards that I just
2 referred to.

3 So the Chair will make a motion. And it goes on
4 for a while. The Chair -- as the Board members know, but
5 this is what we do for telecom. First of all, the Chair
6 moves that we make the following findings:

7 That the requirements of the ordinance cannot be
8 met without the special permit that's been applied for.

9 That traffic generated or patterns of access or
10 egress resulting from what is being proposed will not cause
11 congestion, hazard, or substantial change in established
12 neighborhood character.

13 That as the petitioner's representative pointed
14 out, the relief being sought is rather modest in nature and
15 has really no impact on the area.

16 That the continued operation of or development of
17 adjacent uses, as permitted in the zoning ordinance, will
18 not be adversely affected by what is being proposed. That
19 no nuisance or hazard will be created to the detriment of
20 the health, safety and/or welfare of the occupant of the
21 proposed use, or the citizens of the city.

22 And that generally, what is being proposed will

1 not impair the integrity of the district or adjoining
2 district, or otherwise derogate from the intent and purpose
3 of this ordinance.

4 Further, the Board also finds that the
5 modification of it's existing telecommunications facility at
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(a) the Middle Class Tax Relief and Job Creation
10 Act of 2012, also known as the Spectrum Act.

11 And then we have to make one more finding before
12 we get to the qualifications. And that is this property is
13 located in a residentially zoned district.

14 Our ordinance requires that this Board make a
15 finding that non-residential uses predominate in the
16 vicinity of the proposed facility's location, and that the
17 telecommunication facility is not inconsistent with the
18 character that does prevail in the surrounding neighborhood.

19 In this regard, the neighborhood includes a lot of
20 land and structures relating to the hospital itself, which
21 obviously is nonresidential. So I would suggest that we can
22 make this finding as required by our ordinance to grant the

1 relief being sought.

2 Continuing, based on the findings, the Chair moves
3 that the petitioner be granted the findings I just
4 identified the special permit it is seeking subject to the
5 following conditions:

6 One, that the work proceed in accordance with the
7 plans submitted by the petitioner and initialed by the
8 Chair.

9 Two, that upon completion of the work, the
10 physical appearance and visual impact of the proposed work
11 will be consistent with the photo simulations submitted by
12 the petitioner, and initialed by the Chair, and with the
13 recommendations made by the Planning Board dated April 20,
14 2021, identified by the Chair, and also, acknowledged by the
15 petitioner -- the petitioner's representative.

16 Three, that the petitioner shall at all times
17 maintain the proposed work so that its physical appearance
18 and visual impact would remain consistent with the photo
19 simulations previously referred to.

20 Next, that should the petitioner cease to utilize
21 the equipment approved tonight for a continuous period of
22 six months or more, it shall promptly thereafter remove such

1 equipment and restore the building in which it is located to
2 its prior location and appearance to the extent reasonably
3 practical.

4 And last, that the petitioner is in compliance
5 with and will continue to comply with, in all respects, the
6 conditions imposed by this Board with regard to previous
7 special permits granted to the petitioner with regard to the
8 site in question.

9 Continuing, in as much as the health effects of
10 the transmission of electromagnetic energy waves are a
11 matter of ongoing societal concern in scientific studies,
12 the special permit is also subject to the following
13 conditions:

14 a) That the petitioner shall file with the
15 Inspectional Services Department each report it files with
16 the fed authorities regarding the electromagnetic energy
17 waves emissions emanating from all of the petitioners'
18 equipment on the site.

19 Each such report shall be filed with the
20 Inspectional Services Department no later than 10 business
21 days after the report has been filed with the fed
22 authorities. Failure to timely file any such report with

1 the Inspectional Services Department shall ipso facto
2 terminate the special permit granted tonight.

3 Failure to timely file any such report 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 regulation, whether with regard to the
11 emissions of electromagnetic energy waves or otherwise, the
12 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 tonight shall ipso
18 factor terminate if the petitioner's federal license or
19 licenses are suspended, revoked or terminated.

20 c) That to the extent a special permit is
21 terminated, pursuant to the foregoing paragraph, a), the
22 petitioner may apply to this Board for a new special permit,

1 provided that the public notice concerning such application
2 discloses in reasonable detail that the application has been
3 filed because of a termination of special permit.

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

8 And lastly, that within 10 business days after
9 receipt of a building permit for the installation of the
10 equipment, subject to this petition, the petitioner shall
11 file with the Inspectional Service Department a sworn
12 affidavit of the person in charge of the installation of the
13 equipment by the petitioner with a geographical area that
14 includes Cambridge, stating that a) he or she has such
15 responsibility, and b) that the equipment being installed
16 pursuant to the special permit we are granting tonight will
17 comply with all federal safety rules and be situated and
18 maintained in locations with appropriate barricades and
19 other protections, such that individuals including nearby
20 residents and occupants of nearby structures will be
21 sufficiently protected from excavate radiofrequency
22 radiation under federal law.

1 Brendan, how do you vote?

2 BRENDAN SULLIVAN: Yes to granting the special
3 permit.

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: And Jim Monteverde yes to
6 granting the special permit.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey yes in favor of
9 granting the special permit.

10 CONSTANTINE ALEXANDER: Laura?

11 LAURA WERNICK: Yes to grant the special permit.

12 CONSTANTINE ALEXANDER: And the Chair votes yes as
13 well.

14 [All vote YES]

15 Special permit is granted. Thank you.

16 KRISTINA COTTONE: Thank you all.

17 CONSTANTINE ALEXANDER: Okay.

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2 (8:37 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 110664 -- 545 Concord Avenue. Anyone here
8 wishing to be heard on this matter?

9 [Pause]

10 Anyone there?

11 SISIA DAGLIAN: Yes.

12 DANIEL KLASNICK: Mr. Chairman?

13 CONSTANTINE ALEXANDER: Yes, sir.

14 DANIEL KLASNICK: Let me put on my video as well,
15 I guess. Let's see if I can do this.

16 Yes, Good evening Mr. Chairman and members of the
17 Board. My name is Daniel Klasnick. I'm the attorney
18 representing Verizon Wireless in regard to its proposal to
19 modify the existing wireless facility installed at 545
20 Concord Avenue.

21 Just by way of a little background, the
22 installation was originally approved by special permit in

1 1997 and we feel by proposing to modify an existing facility
2 what Verizon Wireless is doing and adopting a strategy of
3 one way to address the service requirements for this
4 qualified 6409 eligible facility modification.

5 We submitted your application forms, a detailed
6 project narrative, a set of stamped plans, photo
7 simulations, FCC licenses prior to the decision, and we
8 included in the narrative a description of compliance with
9 both the ordinance standards as well as Section 6409.

10 If I may, if want to move to Plan Sheet A1
11 initially, please?

12 Thank you. This rooftop view of the facility
13 shows the positioning of the antennas located on three sides
14 of the building to provide the necessary coverage. Although
15 it's difficult to read on this particular view, we're going
16 to be retaining one antenna per array. We will be removing
17 the other nine and in their place installing 12 antennas.

18 So at the end there will be a total of 15 antennas
19 tucked behind the existing parapet. There are currently
20 nine remote radio heads. We will be removing nine and
21 installing six.

22 If it would be possible to move to the elevation

1 view in the next slide, please? This shows -- once again,
2 from an elevation view -- all the different perspectives of
3 the three separate arrays.

4 So as I had indicated, the existing facility
5 includes the 12 antennas installed on the height mounts.
6 We'll be reutilizing those existing pipe mouths, keeping the
7 antennas as they currently are below or flush with the
8 existing parapet.

9 As I noted, one antenna per array will remain.
10 The two antennas will be installed next to that, and then
11 there will be two antennas stacked one on top of the other.

12 If we can could please move to the faux
13 simulations, please?

14 We included four separate photo simulations, if
15 it's possible to move to the photo location map just one
16 slide down, please?

17 And I'm sorry, the photo simulations are just a
18 little further down, please? Yeah, we've just got to get to
19 the -- I think it's number 8.

20 Yes, this provides the photo location map that we
21 utilized depicting the different locations that we took the
22 photographs from.

1 And then if we move to the next slide, please?

2 This shows existing conditions for the particular
3 array.

4 And then the next slide, please?

5 And we see once again the replacement of the
6 antennas. We will continue to maintain the coloring of the
7 existing antennas, so they will continue to the extent
8 possible blend in with the existing structure.

9 And then the next slide, please?

10 This is just the -- another perspective of the
11 other array. Once again, this is the actual view.

12 And then the next one, please?

13 And then once again we call out the replacements
14 of the antennas -- once again maintaining the camouflage
15 coloring that has been existing since the facility was
16 installed.

17 And then I believe there's one more perspective.

18 Once again, showing the existing conditions and
19 then the proposed condition. Once again, calling out the
20 locations of the antennas to be retained. The four antennas
21 to be installed, noting the stacked antenna utilizing the
22 existing pipeline. Once again, maintaining the same height

1 flush or below the parapet height.

2 So just to provide the Board, the modification
3 will operate really as an integral part of Verizon
4 Wireless's network. It's designed really to improve
5 reliability of voice and data service of Cambridge
6 residents.

7 We think the use of an existing facility is just
8 highly advantageous to both the community and Verizon
9 Wireless, so it allows us to enhance service by utilizing an
10 existing structure that has been utilized for that purpose
11 for a good period of time.

12 As I've indicated, we respectfully submit that
13 this modification does satisfy the standard Section 6409, as
14 outlined in our narrative. And we would just respectfully
15 request approval for the proposed modification, and then the
16 ability to proceed forward to file for the necessary
17 building permit.

18 Thank you very much, Mr. Chairman and members of
19 the Board.

20 CONSTANTINE ALEXANDER: Sir, the only
21 communication we've received from the community is a
22 memorandum from the Planning Board proposing three design

1 improvements. Is there any reason why you cannot -- why we
2 can't require you to do those? Do you have any objection?

3 DANIEL KLASNICK: No. As I noted, the existing
4 facility -- I believe one of those conditions was that is
5 the should be no higher than the height of the parapet, and
6 that is the current design.

7 CONSTANTINE ALEXANDER: No, no. Yes, you're
8 right. I'm sorry, understood. Okay. So that's -- we can
9 incorporate these suggestions in our decision.

10 DANIEL KLASNICK: Yes.

11 CONSTANTINE ALEXANDER: Is that correct?

12 DANIEL KLASNICK: Exactly.

13 CONSTANTINE ALEXANDER: Okay. Questions from
14 members of the Board?

15 BRENDAN SULLIVAN: I have no questions.

16 CONSTANTINE ALEXANDER: No questions from Brendan.
17 Jim?

18 JIM MONTEVERDE: Jim Monteverde no questions.

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: No questions.

21 CONSTANTINE ALEXANDER: Laura?

22 LAURA WERNICK: No questions.

1 CONSTANTINE ALEXANDER: The Chair has no
2 questions, other than the one I just posed. So I will now
3 open the matter up to public testimony. Any members of the
4 public who wish to speak should now click the icon at the
5 bottom of your Zoom screen that says, "Raise hand."

6 If you're calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6.
8 We'll take a moment to see if anyone wishes to speak.

9 [Pause]

10 CONSTANTINE ALEXANDER: Nope?

11 SISIA DAGLIAN: No.

12 CONSTANTINE ALEXANDER: Okay. So I'll close
13 public testimony. I think we're ready for a vote. Not
14 hearing any objections, we'll --

15 JIM MONTEVERDE: Ready.

16 CONSTANTINE ALEXANDER: Okay. The Chair moves
17 that we grant the special permit being sought, subject to
18 the following conditions: No, let me try again. The Chair
19 moves that we make the following findings with regard to the
20 special permit being sought: That a -- let me get to the
21 right page --

22 That the requirements of the ordinance cannot be

1 met without the special permit that's been applied for.

2 That traffic generated or patterns of access or
3 egress resulting from what is being proposed will not cause
4 congestion, hazard, or substantial change in established
5 neighborhood character. The relief is modest in nature and
6 has no impact on the surrounding community.

7 That the continued operation of or development of
8 adjacent uses, as permitted in the ordinance, will not be
9 adversely affected by what is proposed. In this regard, we
10 have seen no communications from neighboring property owners
11 complaining that this might have the effect.

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

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

19 Two other findings that we need to make: One is
20 because this property is located in a residentially zoned
21 district, we must make these findings that the
22 nonresidential uses predominate in the vicinity of the

1 proposed facility's location, and that the telecommunication
2 facility is not inconsistent with the character that does
3 prevail in the surrounding neighborhood.

4 And again, I think the facts speak for themselves,
5 where the property is located near a shopping center and
6 other commercial uses. And so residential uses --
7 nonresidential uses do predominate in the area.

8 And lastly that we also find that the
9 modifications of its existing telecommunication facility at
10 the site proposed by the petitioner does not substantially
11 change the physical dimensions of the existing wireless
12 tower or base station at such facility, within the meaning
13 of Section 6409(a) of the Middle Class Tax Relief and Job
14 Creation Act of 2012, also known as the Spectrum Act.

15 So on the basis of these findings, the Chair moves
16 that the petitioner be granted the special permit it is
17 seeking, subject to the following conditions:

18 One, that the work proceed in accordance with the
19 plans submitted by the petitioner and initialed by the
20 Chair.

21 Two, that upon completion of the work, the
22 physical appearance and visual impact of the proposed work

1 will be consistent with the photo simulations submitted by
2 the petitioner, initialed by the Chair.

3 Three, that the petitioner shall at all times
4 maintain the proposed work, so that its physical appearance
5 and visual impact will remain consistent with the photo
6 simulations previously referred to.

7 Four, that should the petitioner cease to utilize
8 the equipment approved tonight for a continuous period of
9 six months or more, it shall promptly thereafter remove such
10 equipment and restore the building on which it is located to
11 its prior condition and appearance, to the extent reasonably
12 practicable.

13 And lastly, that the petitioner is in compliance
14 with, and will continue to be in compliance with, in all
15 respects, the conditions imposed by this Board with regard
16 to previous special permits granted to the petitioner with
17 regard to the site in question.

18 Continuing, in as much as the health effects of
19 the transmission of electromagnetic energy waves is a matter
20 of ongoing societal concern and scientific study, the
21 special permit is also subject to the following conditions:

22 a) That the petitioner shall file with the

1 Inspectional Services Department each report it files with
2 the federal authorities regarding electromagnetic energy
3 waves emissions emanating from all of the petitioner's
4 equipment on the site.

5 Each such report shall be filed with the
6 Inspectional Services Department no later than 10 business
7 days after the report has been filed with federal
8 authorities.

9 Failure to timely file any such report with the
10 Inspectional Services Department shall ipso facto terminate
11 the special permit granted tonight.

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

1 The special permit granted tonight shall ipso
2 facto terminate if any of the petitioner's federal licenses
3 is or are suspended, revoked or terminated.

4 c) That in the event that a special permit has
5 terminated, pursuant to the foregoing paragraphs, the
6 petitioner may apply through this Board for a new special
7 permit, provided that the public notice concerning such
8 application discloses in reasonable detail that the
9 application has been filed because of a termination of the
10 special permit as described above.

11 Any such new application shall not be deemed a
12 repetitive petition, and therefore will not be subject to
13 the two-year period during which repetitive petitions may
14 not be filed.

15 And lastly, that within 10 business days after
16 receipt of a building permit for the installation of the
17 equipment subject to this petition, the petitioner shall
18 file with the Inspectional Services Department a sworn
19 affidavit of the person in charge of the installation of
20 equipment by the petitioner of the geographical area that
21 includes Cambridge stating that:

22 a) he or she has such responsibility, and

1 b) that the equipment being installed pursuant to
2 the special permit we are granting tonight will comply with
3 all federal safety rules, and will be situated and
4 maintained in locations with appropriate barricades and
5 other protections, such that individuals, including nearby
6 residents and occupants of nearby structures, will be
7 sufficiently protected from excessive radiofrequency
8 radiation under federal law.

9 Brendan, how do you vote?

10 BRENDAN SULLIVAN: Yes to granting the special
11 permit.

12 CONSTANTINE ALEXANDER: Jim?

13 JIM MONTEVERDE: And Jim Monteverde yes to
14 granting the special permit.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Andrea Hickey yes to granting the
17 special permit.

18 CONSTANTINE ALEXANDER: Laura?

19 LAURA WERNICK: Yes to granting the special
20 permit.

21 CONSTANTINE ALEXANDER: And the Chair votes yes as
22 well.

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[All vote YES]

Special permit granted.

DANIEL KLASNICK: Thank you very much, Mr.
Chairman.

CONSTANTINE ALEXANDER: Thank you.

DANIEL KLASNICK: Have a great evening.

CONSTANTINE ALEXANDER: Trying. We have one more
case.

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(8:53 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde and Laura
Wernick

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 112556 -- 102 Sherman Street. Anyone here
wishing to be heard on this matter?

KRISTINA COTTONE: Hi, this is Kristina Cottone
again from Smartlink on behalf of AT&T.

CONSTANTINE ALEXANDER: Okay. Since we --

KRISTINA COTTONE: So --

CONSTANTINE ALEXANDER: Hello? Since we --

KRISTINA COTTONE: Hi.

CONSTANTINE ALEXANDER: -- you just appeared
before us, before you begin, I may want to short circuit our
decision to incorporate the stuff that we put in your other
case, since you've heard it before, and I don't believe have
any objections. With that preamble, the floor is yours.

KRISTINA COTTONE: Okay, perfect. Yes. This is
very similar to the other one we talked about. So just to
quickly recap, this site at Sherman Street also does have 12

1 panel antennas currently installed. We would be swapping
2 out three of them -- one on each sector, alpha, beta, gamma
3 -- for a total of 12.

4 So antenna count is staying at 12. We will be
5 removing 12 ancillary equipment called, "RRUs" and
6 installing six. So we are reducing our count of RRUs for the
7 project at this site.

8 So very similar to the other one, like I said,
9 this is tied to 5G technology. I did submit some photo
10 simulations as well to show what the proposed projects will
11 look like, and I did see some comments from the Planning
12 Board that I can now address. Yes, like the other one, we
13 will use the smallest brackets possible.

14 I did see that there is a comment about the
15 standoff mounts. So for each of our sectors, we do
16 unfortunately have to use a standoff mount. That will be to
17 make all the antennas at each sector on the same plane.

18 So currently what's installed, the antennas are
19 not performing at their best capacity -- you know, at
20 optimal efficiency currently, because the antennas are not
21 in the same plane.

22 So the standoff mount will -- yes, it will push

1 out an antenna; however, it will get all the AT&T antennas
2 on the same plane at each sector, and it will provide the
3 best, most optimal, most efficient technology and
4 frequencies, especially with the 5G. It will be a really,
5 really good signal and strength.

6 So the standoff mount, that's our only design we
7 can do. Yep, so thank you.

8 So if you take a look at this slide, it will be
9 the furthest one on your left. It does look like it is
10 standing off, but like I just said, it is for AT&T's
11 antennas to all be on the same plane for optimal frequency
12 and technology it should be used, which is 5 to 5G. So I
13 just wanted to make that clear, that it is required for this
14 design.

15 I did see another comment that the -- it appears
16 that all the antennas are at different tip heights. I just
17 want to make it clear that actually the antenna to the
18 farthest left on this view and the one to the right of it --
19 so those two antennas -- are actually the same size.

20 So it does appear to be much larger, and it does
21 appear to go above the height of that building wall.

22 However, those two antennas that are currently next to each

1 other are the same height. It's just an illusion that it
2 appears bigger. I can assure you that the specs of those
3 antennas are very, very the same.

4 So I also want to address that -- not only on that
5 sector but the other sectors, it does appear that they are
6 above that roofline. However, it's just the -- they're not.
7 It's just the view of what this photo simulations is at. So
8 I also wanted to make that clear as well.

9 And just like the other project we had discussed,
10 these antennas will also be painted or camouflaged to match
11 what's currently up there. Again, that's with landlord's
12 discretion of what material that he would or she would like
13 us to use for the antenna. I'm sure it will be camouflaged
14 relatively the same as what is currently installed.

15 So if we want to continue to go through the photo
16 simulations, so this one is our gamma sector, this one is
17 labeled our alpha sector. Again, that antenna is pushed off
18 on that standout mount.

19 And again, that is to get all the antennas on the
20 same plane, and it's not above that -- the top of that
21 penthouse are our AT&T shelter, if you will. It's just an
22 illusion that it appears to be smaller.

1 So that's our alpha sector, and if you want to go
2 further -- yep, so that's our beta sector. So yeah, so that
3 one -- yep, yep. So that one will show the standoff amount
4 over to the right of the photo simulation, and then the new
5 antenna is all the way on the left.

6 Again, just to reiterate, these do not go above
7 that roofline. This does -- the project does have to go
8 through FAA and FCC regulations. And we don't want to be
9 the tallest part of the building. So therefore, they're not
10 above that roof line.

11 So all those boxes are checked, you know, with
12 compliant standards. So I just wanted to reiterate that
13 fact as well, and even the comments about -- from the
14 Planning Board so it's not very visible regardless. So I
15 just wanted to bring that up.

16 But as an overview, again: There was an RF
17 exposure report that was done with minimal findings. Again,
18 it's only -- the most exposure is if you're directly in
19 front of those antennas, which only should be AT&T personnel
20 or their maintenance. And even at that point, those
21 antennas are shut down.

22 So anyone in the building nearby, they're not at

1 risk. It's only, you know, when you're at antenna level.
2 At ground level, you're not affected there's no health risk.
3 I understand that this is a 5G upgrade.

4 What this report does show, which is in this
5 submission, if you want to go back and look at it, it does
6 show and say that there's no one on ground level or in this
7 building that is at risk. So these antennas can be powered
8 down if someone wants to access the roofs, and can be
9 powered back up when they are done.

10 So just to reiterate, recap the whole project, the
11 only visual thing -- slightly visual thing that would be
12 different are these standoff mounts. That's just for AT&T
13 to get our optimal signals and frequencies out there. It's
14 for everyone in the vicinity in the radius of Sherman Street
15 to receive the better call signal and strength and Internet;
16 everything under the sun. So it benefits everyone in the
17 area.

18 We're staying at 12 antennas, which we currently
19 have installed, and these will be painted to match. And
20 like I said, the RF report does show that no one at ground
21 level or in the building should be at risk.

22 BRENDAN SULLIVAN: Kristina, this is Brendan

1 Sullivan. That is all your equipment; there's no other
2 carriers on the building?

3 KRISTINA COTTONE: Correct, to the best of my
4 knowledge, yep.

5 BRENDAN SULLIVAN: Okay. I guess my one comment
6 would be that it's starting to look a little cluttered. I'm
7 not sure how it can be any neater? It's the wires, I guess,
8 probably, that sort of draws your attention. Okay. Just a
9 comment.

10 CONSTANTINE ALEXANDER: Any other members of the
11 Board have any questions they wish to ask?

12 JIM MONTEVERDE: Jim Monteverde no questions.

13 ANDREA HICKEY: Andrea Hickey no questions.

14 CONSTANTINE ALEXANDER: Laura?

15 LAURA WERNICK: No questions.

16 CONSTANTINE ALEXANDER: The Chair has no questions
17 as well. I will close public testimony. No, I will open
18 the matter to public testimony. I'd like to close it too.
19 Any members of the public who wish to speak should now click
20 the icon at the bottom of your Zoom screen that says, "Raise
21 hand."

22 If you're calling in by phone, you can raise your

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

2 We'll I'll wait a few minutes to see if anyone wishes to
3 speak?

4 SISIA DAGLIAN: I don't see anyone.

5 CONSTANTINE ALEXANDER: No. No one wishes to
6 speak. We're not in receipt of any written communications
7 as well. So I will close public testimony, and ready for a
8 vote?

9 BRENDAN SULLIVAN: Yes.

10 CONSTANTINE ALEXANDER: I think everybody's ready
11 for a vote. Certainly I am.

12 BRENDAN SULLIVAN: Ready.

13 ANDREA HICKEY: Ready.

14 CONSTANTINE ALEXANDER: The Chair moves that we
15 make the following findings: That the requirements of the
16 ordinance cannot be met without the special permit that's
17 been applied for.

18 That traffic generated or patterns of access or
19 egress resulting from what is being proposed will not cause
20 congestion, hazard, or substantial change in established
21 neighborhood character. I think the facts speak for
22 themselves in terms of an antenna is not going to cause

1 congestion, and hopefully no hazard, and no substantial
2 change in established neighborhood character.

3 That the continued operation of or development of
4 adjacent uses, as permitted in the ordinance, will not be
5 adversely affected by what is proposed. In this regard,
6 there's no evidence of any adverse effects; no one has
7 appeared before us or written communications to us
8 complaining that that will be the case.

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

12 And generally, what is being proposed will not
13 impair the integrity of the district or adjoining district,
14 or otherwise derogate from the intent and purpose of this
15 ordinance.

16 To further findings we have to make: This
17 property is in a residentially zoned district. So our
18 ordinance requires that we make a finding that
19 nonresidential uses predominate in the vicinity of the
20 proposed facility's location.

21 And that the telecommunication facility is not
22 inconsistent with the character that does prevail in the

1 surrounding neighborhood. In this regard, the example of it
2 is other nonresidential uses in the immediate vicinity,
3 including the restaurant and other offices, and that there
4 already are telecommunications equipment on the roof of the
5 building, so that this is not inconsistent with what is
6 being proposed. It is not inconsistent with the character
7 that prevails in the surrounding neighborhood.

8 And lastly, the Board also finds that the
9 modification of its existing telecommunication facility at
10 the site proposed by the petitioner does not substantially
11 change the physical dimension of the existing wireless tower
12 or base station at such a facility within the meaning of
13 Section 6409a of the Middle Class Tax Relief and Job
14 Creation Act of 2012, also known as the Spectrum Act.

15 So based on all these findings, the Chair moves
16 that the petitioner be granted the special permit it is
17 seeking, subject to the following conditions:

18 One, that the work proceed in accordance with the
19 plans submitted by the petitioner and initialed by the
20 Chair.

21 Two that upon completion of the work, the physical
22 appearance and visual impact of the proposed work will be

1 consistent with the photo simulations submitted by the
2 petitioner and initialed by the Chair.

3 Three, that the petitioner shall at all times
4 maintain the proposed work, so that its physical appearance
5 and visual impact will remain consistent with the photo
6 simulation previously referred to.

7 Four, that should the petitioner cease to utilize
8 the equipment approved tonight for a continuous period of
9 six months or more, it shall promptly thereafter remove such
10 equipment and restore the building on which it is located to
11 its prior condition and appearance, to the extent reasonably
12 practicable.

13 And lastly, that the petitioner is in compliance
14 with, and will continue to be in compliance with in all
15 respects, the conditions imposed by this Board with regard
16 to previous special permits granted to the petitioner with
17 regard to the site in question.

18 And now, the petitioner's representative as heard
19 this before. We have a whole long spiel about the health
20 effects of transmission of electromagnetic energy waves, and
21 with the permission of this petitioner's representative, I
22 ask that we can incorporate by reference these very, very

1 same words for the Mount Auburn Street Hospital case here.
2 This will allow us all to go home a little bit earlier and
3 save my voice a little bit. Is that okay with you,
4 Counselor?

5 [Pause]

6 I'm sorry?

7 JIM MONTEVERDE: She's there.

8 CONSTANTINE ALEXANDER: She still there?

9 JIM MONTEVERDE: She's there.

10 KRISTINA COTTONE: Hi.

11 CONSTANTINE ALEXANDER: Is it okay if I just
12 incorporate the words we used the other case, the Mount
13 Auburn Hospital case?

14 KRISTINA COTTONE: Yes. That is fine with me.

15 CONSTANTINE ALEXANDER: Okay. Thank you. All
16 right. Now take a vote?

17 BRENDAN SULLIVAN: Yes. Brendan Sullivan yes to
18 granting the special permit.

19 JIM MONTEVERDE: And Jim Monteverde yes for the
20 special permit.

21 ANDREA HICKEY: Andrea Hickey yes in favor of
22 granting the special permit.

1 LAURA WERNICK: Laura Wernick yes in favor of the
2 special permit.

3 CONSTANTINE ALEXANDER: The Chair thankfully and
4 mercifully votes yes as well.

5 [All vote YES]

6 CONSTANTINE ALEXANDER: Special permit granted.
7 The case is over. The hearing for tonight is over. Thank
8 you all.

9 COLLECTIVE: Goodnight.

10 KRISTINA COTTONE: Thank you, all.

11 COLLECTIVE: [Laughter]

12 JIM MONTEVERDE: All right, goodnight all.

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14 [9:08 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.

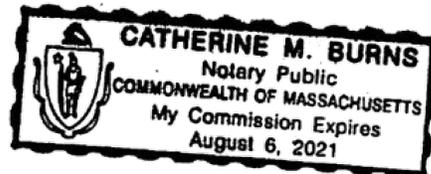
In witness whereof, I have hereunto set my hand this 28th day of April, 2021.



Notary Public

My commission expires:

August 6, 2021



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