

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 2, 2021

5:45 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Slater Anderson

Andrea A. Hickey

Wendy Leiserson

Jim Monteverde

Laura Wernick

Matina Williams

City Employees

Sisia Daglian, Assistant Commissioner



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

2 \* \* \* \* \*

3 (5:47 p.m.)

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

8 CONSTANTINE ALEXANDER: Welcome to the September  
9 2, 2021 meeting of the Cambridge Board of Zoning Appeals.  
10 My name is Gus Alexander and I am the Chair.

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

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

1 of the proceedings in due course.

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

5 Members of the public will be kept on mute until  
6 it is time for public comment. I will give instructions for  
7 public comment at that time, and you can also find  
8 instructions on the city's webpage for remote BZA meetings.  
9 You will have no more than three minutes to speak.

10 I'll start by asking Staff to take Board member  
11 attendance and verify that all members are audible.

12 SISIA DAGLIAN: Wendy Leiserson?

13 WENDY LEISERSON: Wendy Leiserson here.

14 SISIA DAGLIAN: Jim Monteverde?

15 JIM MONTEVERDE: Jim Monteverde is here, present.

16 SISIA DAGLIAN: Andrea?

17 ANDREA HICKEY: Andrea Hickey present.

18 CONSTANTINE ALEXANDER: Okay.

19 SISIA DAGLIAN: Wait. Slater Anderson?

20 SLATER ANDERSON: Slater Anderson here.

21 SISIA DAGLIAN: And Brendan?

22 BRENDAN SULLIVAN: Brendan Sullivan present and

1 audible.

2 SISIA DAGLIAN: And Gus.

3 LAURA WERNICK: No, you forgot me, Laura.

4 SISIA DAGLIAN: I'm sorry, Laura. Laura Wernick?

5 LAURA WERNICK: Laura Wernick is here.

6 CONSTANTINE ALEXANDER: Okay, before we get to our  
7 regular cases, the Board -- I'm sorry, the Chair recommends  
8 that this Board go into Executive Session to discuss  
9 strategy with regard to pending litigation involving 54  
10 Washburn Avenue, BZA Case Number 008072 -- 2015.

11 Since discussing this case in an open meeting, in  
12 an open session may have a detrimental effect on the  
13 litigating position of the city, such an Executive Session  
14 for this purpose is permitted by General Laws Chapter 30A  
15 Section 21 (a) (3).

16 Upon adjournment of this Executive Session, this  
17 Board will reconvene in an open session, and we'll then  
18 proceed with our regular agenda, including continued cases.

19 First, I need to take a roll call as to whether to  
20 go into Executive Session. Brendan?

21 BRENDAN SULLIVAN: Brendan Sullivan yes to go into  
22 an Executive Session.

1           CONSTANTINE ALEXANDER:  Jim?

2           JIM MONTEVERDE:  Jim Monteverde yes to going into  
3 Executive Session.

4           CONSTANTINE ALEXANDER:  Andrea?

5           ANDREA HICKEY:  Andrea Hickey yes to entering  
6 Executive Session.

7           CONSTANTINE ALEXANDER:  Slater?

8           SLATER ANDERSON:  Slater Anderson yes to entering  
9 Executive Session.

10          CONSTANTINE ALEXANDER:  And the Chair votes yes as  
11 well.

12                   [All vote YES]

13          So we will now go into Executive Session.

14          LAURA WERNICK:  You still forgot a couple of us.

15          SISIA DAGLIAN:  Laura's here.

16          CONSTANTINE ALEXANDER:  Who?

17          SISIA DAGLIAN:  Laura.

18          CONSTANTINE ALEXANDER:  Oh, I'm sorry.  I thought  
19 I -- why do we have six people?

20          LAURA WERNICK:  And Wendy.

21          SISIA DAGLIAN:  They cannot go into Executive  
22 Session.

1                   CONSTANTINE ALEXANDER: Okay. I'm sorry, Laura.  
2 My apologies.

3                   LAURA WERNICK: Yeah.

4                   CONSTANTINE ALEXANDER: Well, so --

5                   LAURA WERNICK: Yes.

6                   CONSTANTINE ALEXANDER: We're now ready to go into  
7 Executive Session.

8                   [PAUSE]

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2 (6:31 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay. We're now out of  
7 our Executive Session, so we're going to just start with our  
8 regular presentation.

9 Okay. As I said, we're now going to go back to  
10 our regular session for tonight, starting with the continued  
11 cases. But I think it would be a good idea, Sisia, just to  
12 take attendance one more thing from the Board as to who's on  
13 the call.

14 SISIA DAGLIAN: Andrea Hickey?

15 CONSTANTINE ALEXANDER: Andrea?

16 SISIA DAGLIAN: Andrea, can we hear you?

17 ANDREA HICKEY: Yes. Present. Sorry.

18 SISIA DAGLIAN: Wendy Leiserson?

19 WENDY LEISERSON: Wendy Leiserson present.

20 SISIA DAGLIAN: Jim Monteverde?

21 [Pause]

22 SISIA DAGLIAN: Jim, can we hear you?

1           JIM MONTEVERDE: Jim Monteverde is here. Not  
2 paying attention, but here.

3           SISIA DAGLIAN: And Brendan?

4           BRENDAN SULLIVAN: Yep.

5           SISIA DAGLIAN: Brendan's here. Gus is here.

6           CONSTANTINE ALEXANDER: And I'm here. Okay. So  
7 we've got all five.

8           SISIA DAGLIAN: Go ahead. Yes.

9           CONSTANTINE ALEXANDER: Okay. The Chair will now  
10 -- as I said, we're going to start with continued cases.  
11 The first case I'm going to call is Case Number -- if I can  
12 find it -- Case Number 109394 -- 118 Spring Street. Anyone  
13 here wishing to be heard on this matter?

14           MEGAN KEMP: Good evening, Mr. Chair and Board  
15 members. My name is Megan Kemp. I'm here from Adam Dash &  
16 Associates in Davis Square, representing the property owner  
17 at 118 Spring Street, LLC.

18           With me tonight are the manager for the LLC,  
19 Siddharth Gehlot and our architect, Morris Schopf, who I  
20 know is on the call. Sisia, if you could -- I don't know  
21 if you can grab him. But --

22           SISIA DAGLIAN: Yeah, I think I have.

1 MEGAN KEMP: There he is. All right. So --

2 CONSTANTINE ALEXANDER: The case involves two  
3 forms of relief your client is seeking?

4 MEGAN KEMP: So the first order of business is  
5 what we'd like to do is withdraw the request for the  
6 variance. We are no longer going to move forward with the  
7 decks. And that is reflected in the updated plans that we  
8 filed in July.

9 But as a result of a signage issue, where the sign  
10 had fallen, we hadn't been able to get heard in July, but we  
11 got that resolved. The sign got double taped up so it could  
12 not fall off the window.

13 Yeah. So we'd like to withdraw the variance  
14 request and just move forward on the special permit  
15 regarding finishing -- so the background: This building was  
16 in a pretty dilapidated state when we took ownership towards  
17 the end of 2020.

18 As part of trying to get the building rehabbed, it  
19 turned out that the basement had it -- turns out the  
20 basement had several different ceiling heights. It was a  
21 bit of a hodgepodge; it was 8' in some places, 8'6" in  
22 others; 7'2" and 6'8."

1           But we needed to excavate in order to shore up the  
2 foundation and kind of rebuild that, just to get the  
3 building back on an even keel. What that resulted in is  
4 basically doing an excavation down to 8'6" all along the  
5 way.

6           So what we're asking to do is rather than refill  
7 the basement to that hodgepodge of basement heights, just  
8 have an even 8'6" across the board and be able to make this  
9 useable space for the future owners, and finish this  
10 basement, which would then be exempt from the GFA with the  
11 grant of the special permit.

12           MORRIS SCHOPF: The scope of that is shown on the  
13 next slide?

14           MEGAN KEMP: Correct, yes.

15           MORRIS SCHOPF: Yes.

16           MEGAN KEMP: And so on the left-hand side, you'll  
17 see the section view of where the proposed footing are in  
18 order -- as part of the shoring up process -- it's the slap-  
19 down --

20           CONSTANTINE ALEXANDER: Do I understand that the  
21 excavation -- excuse me -- the purpose of the excavation is  
22 not to create an additional dwelling unit?

1           MEGAN KEMP: Correct. It is not to create an  
2 additional dwelling unit. These would be parts of the units  
3 above them. You can see it's --

4           CONSTANTINE ALEXANDER: I'm sorry. It's a bad --  
5 at least for me a bad connection. Could you repeat what you  
6 just said?

7           MEGAN KEMP: Yes. Correct. These would not be  
8 additional dwelling units; it would be the same four-family  
9 structure that is there. So these would just be added to  
10 those two units, to Unit 1 and 4, which is indicated on that  
11 slide.

12           So they were already parts of those units, just as  
13 only storage space. And this would make them useable space  
14 to whoever occupies those units in the future.

15           CONSTANTINE ALEXANDER: Okay. As you know,  
16 there's a certain criteria that you have to satisfy?

17           MEGAN KEMP: Yes.

18           CONSTANTINE ALEXANDER: Your client has to satisfy  
19 to obtain the special permit you're seeking. Could you run  
20 --

21           MEGAN KEMP: Yep.

22           CONSTANTINE ALEXANDER: -- down those criteria and

1 tell us why you meet them; your client meets them?

2 MEGAN KEMP: Not a problem. So as far as meeting  
3 the requirements of the ordinance, they can be met because  
4 we are not attempting to change the structure. We are  
5 trying to fit within the parameters of the existing four-  
6 family structure.

7 We're not adding to the units or establishing  
8 anything trying to -- we're not attempting to derogate from  
9 the intent or purpose of the ordinance. We're just trying  
10 to make a residential building more useable to residents in  
11 a residential neighborhood.

12 This will not generate any additional traffic or  
13 congestion. It is the same four-family structure that is  
14 there. So it would be the same number of units; the same  
15 amount of traffic. These are not additional residents.

16 The continued operation does not negatively affect  
17 any of the adjacent properties, as this is a way of  
18 restoring this building and bringing it back up so it not a  
19 hazard to neighborhood properties; it is instead going to be  
20 a benefit to the neighborhood.

21 Again, the interior construction being done to  
22 finish the basements and allow them to be usable space to

1 the residents is all interior and actually will make it  
2 safer access.

3 There will be, you know, full ceiling height in  
4 the mechanical room for service members, so they're not  
5 trying to duck while trying to work in the mechanical room.

6 And so rather than creating a nuisance or hazard,  
7 this would actually make those spaces safer.

8 Again, this would not impair the integrity of the  
9 district or derogate from the intent or the purpose, as it  
10 is a renovation of a residential building, making it more  
11 usable for current and future residents in a residential  
12 neighborhood..

13 So allowing this to enhance feasibility and  
14 maintain that in this East Cambridge neighborhood, where  
15 it's quite dense, so there's no way of going up or out  
16 really to get more space for residents. The only real space  
17 is to go down into the basement.

18 CONSTANTINE ALEXANDER: Okay. And members of the  
19 Board have any questions? Brendan?

20 BRENDAN SULLIVAN: Yeah, [Brendan Sullivan] I have  
21 no questions at this point.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde no questions.

2 CONSTANTINE ALEXANDER: Andrea?

3 ANDREA HICKEY: No questions.

4 CONSTANTINE ALEXANDER: And the fifth one is --  
5 who's the fifth one?

6 LAURA WERNICK: I believe from last meeting it was  
7 Matina?

8 JIM MONTEVERDE: Matina.

9 SISIA DAGLIAN: Matina?

10 MATINA WILLIAMS: Matina Williams no questions.

11 CONSTANTINE ALEXANDER: The Chair has no questions  
12 at this point as well. So I think we're ready for a vote.  
13 Oh, we've got to go to public comment. Yeah.

14 Okay. I am going to open the matter up to public  
15 comment. So we have mentioned that there is no  
16 communications in our files from citizens with regard to the  
17 relief being sought.

18 So any members of the public who wish to speak  
19 should now click the icon at the bottom of your Zoom screen  
20 that says, "Raise hand."

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

1 We'll take a few moments to see if anyone wants to speak.

2 SISIA DAGLIAN: Luke Smith?

3 [Pause]

4 CONSTANTINE ALEXANDER: Hello?

5 SISIA DAGLIAN: No, he took his hand down. He  
6 took his hand down, so.

7 CONSTANTINE ALEXANDER: Okay. I guess not.  
8 Should I make a motion, or do we need a discussion? Any  
9 member wish to discuss this case further?

10 JIM MONTEVERDE: Ready for a motion.

11 CONSTANTINE ALEXANDER: Okay. All right. The  
12 Chair moves that we make the following findings [let me get  
13 my notes out for a second]: That the requirements of the  
14 ordinance cannot be met unless we grant the relief being  
15 sought:

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

20 As indicated, what we're talking about here is  
21 excavation of the basement and the addition of a door.

22 There is no neighborhood impact that I can see at least.

1           That the continued operation of or development of  
2 adjacent uses, as permitted in the zoning ordinance, will  
3 not be adversely affected by the nature of the proposed use.

4           And again, I think the facts speak for themselves  
5 with regard to the nature of the relief -- the nature of  
6 this work to be done and is subject to the special permit  
7 basement work.

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

11           And generally, what is being proposed will not  
12 impair the integrity of the district or adjoining district,  
13 or otherwise derogate from the intent and purpose of this  
14 ordinance. So on the basis of all these findings, the Chair  
15 moves that we grant the special permit being requested by  
16 the petitioner.

17           Brendan?

18           BRENDAN SULLIVAN: Yes to granting the special  
19 permit.

20           CONSTANTINE ALEXANDER: Jim?

21           JIM MONTEVERDE: Jim Monteverde yes to the special  
22 permit.

1                   CONSTANTINE ALEXANDER: Andrea?

2                   ANDREA HICKEY: Andrea Hickey yes in favor of the  
3 special permit.

4                   CONSTANTINE ALEXANDER: Matina?

5                   MATINA WILLIAMS: Matina Williams yes in favor of  
6 the special permit.

7                   CONSTANTINE ALEXANDER: And the Chair votes to  
8 grant the special permit as well.

9                   [All vote YES]

10                  CONSTANTINE ALEXANDER: It's unanimous. The  
11 special permit has been granted.

12                  MEGAN KEMP: Thank you.

13                  MORRIS SCHOPF: Thank you.

14                  COLLECTIVE: Thank you, gentlemen.

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2 (6:42 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: Moving on, The Chair will  
7 now call Case Number 122612, 58 Granville Road. Anyone here  
8 wishing to be heard on this matter?

9 [Pause]

10 CONSTANTINE ALEXANDER: Hello? Still waiting for  
11 the petitioner or his representative to speak.

12 LAUREN MARETT: Hi. Sorry, we're here. Can you  
13 see us and hear us?

14 STEPHEN HISERODT: Hello?

15 CONSTANTINE ALEXANDER: Hello.

16 LAUREN MARETT: Hi. Good evening, Chairman, and  
17 members of the Board. Thank you for taking the time to hear  
18 us and hear our request again. Again, my name is Lauren  
19 Marett. This is Adam Munnelly. We were with you back in  
20 July discussing a dormer issue.

21 And just a quick recap, we -- Adam has two kids,  
22 and we hope to have another one on the way very soon, so

1 we're just looking to maximize the space we have to try and  
2 accommodate our family.

3 And we're here with our architect, Stephen, so  
4 I'll let you take it from here.

5 STEPHEN HISERODT: Can everybody hear me?

6 CONSTANTINE ALEXANDER: Yes.

7 STEPHEN HISERODT: We left off with a discussion  
8 of dormers, and the Board asked us to revisit because we  
9 felt that the overall length of the dormer was excessive.

10 Do you want me to go over any of the background in  
11 more detail, or are we all up to speed or familiar with the  
12 project? I think I'd like to just -- Sisia, if you could go  
13 to sheet A 22?

14 [Pause]

15 STEPHEN HISERODT: It's a little bit further up.  
16 That's A 22(c).

17 [Pause]

18 STEPHEN HISERODT: That -- okay. This is our --  
19 the scheme that we would like to move forward with. What  
20 was done on the original dormer was essentially these two  
21 dormers with a connecting shed dormer in between them.

22 The total dormer length was just about 30 feet.

1 So we've reduced it to two -- the dormers that are 11 feet  
2 each.

3 We tried a few other options, and before I go to  
4 show the other options, what I'd like to do is in reviewing  
5 the dormer guidelines, there is a section on Site Context,  
6 which essentially says that where the changes made are more  
7 visible from the public way, the guidelines will be given  
8 more scrutiny. And it says for interior lots, they will get  
9 less scrutiny.

10 So in analyzing the impact of these dormers on the  
11 view from the street, if you look at sheets -- Sisia, if you  
12 could change over to sheets A 91, A 92 and A 93 I created  
13 some renderings showing the house from the street.

14 That one first.

15 So this is -- oops -- this is current home  
16 configuration from the adjacent street. The dormer in  
17 question, the one that was most disliked at the last hearing  
18 is the one at the far end.

19 If you move down to the next sheet, Sisia?

20 This is showing the same bedroom dormer in the  
21 center above the bay. But then a reduced sized room gone  
22 from 11' to 6'4" the dormer towards the back end. If you

1 compare the two, you can hardly see the dormer at all  
2 anyway. But the reduction in size is almost invisible.

3 So, I mean, the thinking is that because this --  
4 the additions we're proposing are so negligibly visible from  
5 the street that we think it's relatively -- we'll say  
6 innocuous addition, with respect to the dormer guidelines,  
7 because it's just not a prominent façade.

8 We felt that the preservation of the porches on  
9 the front façade was a much more prominent and meaningful  
10 gesture, which rather than enclosing those, we've decided to  
11 keep those intact.

12 And in this neighborhood with houses relatively  
13 close together, the prominent architectural detailing and  
14 visibility throughout on the street is basically the front  
15 façades. I think that sums up.

16 If we could go back to A 22(c)?

17 This is the view with the reduced size dormer  
18 there, and we are closer to the 15-foot requirement, but we  
19 are still at 17-foot for total width. Though it is closer  
20 the 15-foot guide, we felt that this -- there are two  
21 reasons we don't like to this solution:

22 One, it cramps the stairway at the upper end. The

1 feeling of the stairway is just unpleasant. And the stair  
2 has to be squished down to the absolute minimum allowed by  
3 code.

4 And given the visibility of it from the street, we  
5 didn't think it was -- quite honestly -- worth reducing the  
6 size there. I think that's the extent of the dormer  
7 discussion.

8 We also had three other points of relief that were  
9 not discussed at the last hearing. Should I move through  
10 those, or do we want to talk about the dormers?

11 CONSTANTINE ALEXANDER: I'm speaking for myself,  
12 certainly. But I -- it seems to me the alternate with the  
13 reduced dormer with the two dormers not being same  
14 dimensions is far less appealing to me, and even what you're  
15 -- what is preferred has more total dormer length than the  
16 alternate. I think it's a better solution.

17 And I for one would be willing to support that, or  
18 the one that you put on the screen first, with the equal  
19 dormers. Welcome comments from other Board members.

20 Brendan, do you have anything to add or say?

21 BRENDAN SULLIVAN: No, I'm -- [Brendan Sullivan] -  
22 - I would be interested as to what the other Board members

1 were thinking.

2 CONSTANTINE ALEXANDER: Okay. Jim? Jim  
3 Monteverde? Jim, you have your mic? Maybe you're --

4 JIM MONTEVERDE: No, I'm unmuted, sorry.

5 CONSTANTINE ALEXANDER: Okay.

6 JIM MONTEVERDE: Sisia, can you confirm that I'm  
7 on this case as well?

8 SISIA DAGLIAN: Um--

9 JIM MONTEVERDE: When I looked at the original  
10 hearing, I don't think I saw -- I didn't see my name.

11 ANDREA HICKEY: Yeah, Jim, you're not on the list  
12 that I received.

13 JIM MONTEVERDE: Yeah.

14 CONSTANTINE ALEXANDER: Okay.

15 JIM MONTEVERDE: So I'd be happy to comment, but I  
16 don't think I attended the initial.

17 CONSTANTINE ALEXANDER: You can comment as an  
18 interested citizen.

19 JIM MONTEVERDE: As the citizen advisory. I think  
20 the photo -- unofficially, the photo that's on the screen  
21 right now would -- I think would be preferred, unofficially.

22 CONSTANTINE ALEXANDER: Any other members of the

1 Board wish to express an opinion?

2           ANDREA HICKEY: Gus, it's Andrea Hickey here. Did  
3 I understand your comment, Mr. Chair, that the preferred  
4 rendition, not the alternate?

5           CONSTANTINE ALEXANDER: I'm sorry, I didn't catch  
6 what you just said. Could you repeat that, please?

7           ANDREA HICKEY: Yes. Did I understand from your  
8 comments that you preferred the prior rendition, not the  
9 alternate? Not the one that's on the screen at present?

10           CONSTANTINE ALEXANDER: That's right. With the  
11 two dormers would appear to be of equal dimension and  
12 appearance --

13           ANDREA HICKEY: Correct.

14           CONSTANTINE ALEXANDER: -- would be my preference.

15           ANDREA HICKEY: Sisia, could I ask you to bring  
16 that up again? Yeah.

17           CONSTANTINE ALEXANDER: There it is, yep.

18           ANDREA HICKEY: Yeah. I prefer that as well. But  
19 I could live with either. So if I could ask the  
20 representative for the petitioners, the proposed  
21 configuration that's on the screen now is your preferred  
22 configuration?

1           STEPHEN HISERODT: Yes, yeah.

2           LAUREN MARETT: Yes.

3           ANDREA HICKEY: Great. Thank you. That's all I  
4 have.

5           STEPHEN HISERODT: Thank you.

6           CONSTANTINE ALEXANDER: Matina, do you have  
7 anything you wish to add?

8           MATINA WILLIAMS: I like the one that's on the  
9 screen, other than the other one, the smaller dormer that  
10 would have been on the back. This one is a better choice, a  
11 better selection. It looks more even.

12          CONSTANTINE ALEXANDER: Okay.

13          SISIA DAGLIAN: Matina?

14          CONSTANTINE ALEXANDER: I just -- now it's just  
15 Matina's full (sic).

16          WENDY LEISERSON: It's Wendy Leiserson is the  
17 fifth member.

18          CONSTANTINE ALEXANDER: Oh, Wendy. I'm sorry.

19          WENDY LEISERSON: That's okay. I have no comments  
20 on the dormer.

21          CONSTANTINE ALEXANDER: Okay. With that, I think  
22 we'll open the matter up to public testimony. Let me see if

1 there are any letters in the file. I don't believe so.

2 Yes, there was one letter from someone who  
3 preferred a different approach to the dormers. He thought  
4 it was architecturally superior. I don't have the letter --  
5 I'm trying to pull up the letter; I'm not succeeding right  
6 now.

7 But that was the only letter of -- that's the only  
8 comment we received. So with that, I'm going to close  
9 public testimony.

10 SISIA DAGLIAN: We have --

11 STEPHEN HISERODT: We do have to move through the  
12 --

13 LAUREN MARETT: Yes.

14 STEPHEN HISERODT: -- the other points of the  
15 special permit. There are three other issues.

16 JANET RANDALL: Hello? I've been invited --

17 SISIA DAGLIAN: Janet?

18 JANET RANDALL: -- to speak. Yeah, hi.

19 CONSTANTINE ALEXANDER: Ms. Randall's the one who  
20 wrote the letter a few moments ago.

21 JANET RANDALL: Do you want to hear from me now,  
22 or?

1           CONSTANTINE ALEXANDER: Yes. By all means.

2           JANET RANDALL: Great. Thank you. Yes, I wrote  
3 the letter. And I wanted to say that I appreciate the new  
4 version, but I want -- the approach that I was mentioning in  
5 my letter is different in the sense that the architect has  
6 tried to stay at the ridgeline and not raise the roof.  
7 Because in order to raise a roof, you need a variance.

8           And when I did a very similar project on my third  
9 floor and wanted dormers, I proposed a shed dormer, and the  
10 two shed dormers.

11           And when I went to the Zoning Board, somebody  
12 said, "You know, the new dormers don't match the roofline,  
13 and it looks a little awkward to have these shed dormers  
14 shooting out at a different angle. If you want to maintain  
15 the architectural integrity of this house and have it look  
16 good, you need to maintain the roof angles."

17           And I said, "But I would not get any space up  
18 there if I did that, unless we raised the roof." And they  
19 said, "Well, ask us for a variance. We'll give you a  
20 variance for that."

21           And so I did, and I got it. And my addition is  
22 quite beautiful, and it has more space than what the shed

1 dormers would have provided.

2           So I wrote a letter explaining the situation; my  
3 house is right next to this house, and I look on the side  
4 that we're viewing now. I look at these two dormers.

5           These in themselves are really fine. I think  
6 they're lovely. But the issue is that when you look at this  
7 house from the front, what you see is a shed dormer on the  
8 other side, from what I gather. Because I have A 21 in  
9 front of me, and I got copies of these drawings.

10           And in copy -- in Drawing A 21, you have a shed  
11 dormer on the opposite side of the house, you see here? On  
12 the left and on the right.

13           And that's the issue here, is that you have this  
14 shed dormer which doesn't match the original roofline that  
15 you can see, you know, popping in front of it in both of  
16 these drawings.

17           So I asked the Zoning Board if they might consider  
18 allowing the petitioner to consider a raised roof with a,  
19 you know, a different not a shed dormer but a parallel line  
20 so that -- you know, set back of course.

21           But, you know, and I have models that I brought to  
22 the Zoning Board which I have actually sent pictures of, I

1 believe. And if not, I could do that. And I would be happy  
2 to share them with the architect.

3 So I believe that that approach would be lovely  
4 for the neighborhood, and it would give the petitioners more  
5 space. And, you know, it would match my house, which was  
6 built by the same person in the same year. So it's a twin.  
7 It's an architectural twin.

8 And, you know, I appreciate that we need more  
9 space. You know, of course Lauren and Adam are having  
10 babies and have kids and, you know, need the space. I  
11 needed the space as well, and I have no objection at all to  
12 that. But those are my thoughts.

13 And you have my letter, and if you would like a  
14 picture of my two dormer versions, the one with the shed,  
15 the one with the raised roof, I'm happy to share those.

16 CONSTANTINE ALEXANDER: Thank you for taking the  
17 time to comment and to send the letter to the files -- to  
18 our files. But we have before us a proposed dormer  
19 configuration which is not what you're suggesting.

20 And I guess the petitioner would prefer to go with  
21 what they have now than what you're suggesting. And I think  
22 that's up to us to decide yes or no with regard to that.

1           As I said before, I'm thinking maybe out of turn,  
2 I'm for one as satisfied with the dormer recommendations  
3 that have been made with the two identical dormers on one  
4 side. That's my vote. That's my view. I don't know if  
5 other members of the Board feel differently.

6           Brendan?

7           BRENDAN SULLIVAN: Are we still --

8           CONSTANTINE ALEXANDER: No, before we go to public  
9 comments.

10          BRENDAN SULLIVAN: Yeah. I would be leaning  
11 toward the proposal.

12          CONSTANTINE ALEXANDER: Okay. Other members of  
13 the Board, you want to express your view now, or after  
14 public testimony?

15          ANDREA HICKEY: Mr. Chair, it's Andrea Hickey. I  
16 didn't hear what Mr. Sullivan said?

17          CONSTANTINE ALEXANDER: He's in favor of the  
18 proposal the petitioner has put before us. The two --

19          ANDREA HICKEY: Thank you.

20          CONSTANTINE ALEXANDER: -- equal dormers.

21          ANDREA HICKEY: Thank you.

22          CONSTANTINE ALEXANDER: That right, Brendan?

1           BRENDAN SULLIVAN: Yeah.

2           CONSTANTINE ALEXANDER: All right. I will open  
3 the matter. Not having heard anything further, I will open  
4 the matter up to public testimony.

5           As indicated, we've only had one letter in our  
6 files. And that's from Ms. Randall, who was our first to  
7 have spoken just a few moments ago.

8           Any members of the public who wish to speak should  
9 now click the icon at the bottom of your Zoom screen that  
10 says, "Raise hand."

11           If you're calling in by phone, you can raise your  
12 hand by pressing \*9 and unmute or mute by pressing \*6. With  
13 that, I'll give it a few moments to see if anyone wishes to  
14 call in.

15           [Pause]

16           SISIA DAGLIAN: I don't see anyone.

17           CONSTANTINE ALEXANDER: Apparently not. There's  
18 no -- no one wishes to speak. So I will now close public  
19 testimony. And discussion? Members -- you have some  
20 discussion already? Anybody wish to weigh in? Let's talk  
21 to the other -- Andrea, do you have anything you wish to say  
22 at this point?

1           ANDREA HICKEY: No. I have nothing further, thank  
2 you.

3           CONSTANTINE ALEXANDER: Okay. Matina?

4           WENDY LEISERSON: I think -- well, this is Wendy  
5 Leiserson. I don't know if Matina's ready to talk. But I  
6 -- are we only talking about the dormer issue right now?

7           CONSTANTINE ALEXANDER: No. Talking about the  
8 entire relief, but we totally discussed the dormer. Does  
9 any -- do you want to discuss other aspects of the relief  
10 they're seeking, feel free. If you look at their public  
11 announcement, they identified a number of things.

12          WENDY LEISERSON: It doesn't tell me which --

13          CONSTANTINE ALEXANDER: The location and the  
14 addition of openings on a nonconforming façade, facing the  
15 right yard or right side-yard, three-foot high areaway,  
16 guardrail and the rear yard setback. All those are open for  
17 discussion.

18          ANDREA HICKEY: Mr. Chair, it's Andrea Hickey. If  
19 I could ask the petitioner's representative, the architect,  
20 to just briefly go through the other forms of relief that  
21 he's --

22          CONSTANTINE ALEXANDER: Sure.

1           ANDREA HICKEY:  -- requesting in his --

2           CONSTANTINE ALEXANDER:  That's a good suggestion.

3           ANDREA HICKEY:  -- in his presentation?

4           STEPHEN HISERODT:  Yeah.  I would love to.  The  
5 other three points are relief -- are relocation and  
6 enlargement, changing the windows on the right-hand  
7 elevation.

8           If we can go to sheet A 23, I believe.

9           You can see in red dashed lines the location of  
10 the existing windows, in comparison with the location of the  
11 new windows.  The existing house was, you know, a typical  
12 mishmash of windows with very small openings and very small  
13 rooms, very dimly little areas.

14           We sort of spread out the window pattern, making  
15 it slightly larger.  In the end, we have one less window  
16 total on this façade, though they're slightly larger -- the  
17 impact on the neighbors will be negligible.

18           And then the neighbor -- would be most impacted  
19 has I believe sent a letter of support for the project.

20           The third segment is extensions on this same  
21 façade.  You can see the exit stair coming from the second  
22 floor down to grade.  That's a further encroachment on the

1 setback, which is already nonconforming.

2           And then on the first floor about the middle of  
3 the plan you can see a deck adjacent to the kitchen door.  
4 The deck itself is allowed to project, but because it's a  
5 nonconforming façade, it would require relief. Those are  
6 the two items in the third category of relief.

7           The fourth, which is the guardrail around the open  
8 courtyard, the basement level courtyard, we've actually come  
9 to an as-of-right arrangement for that guardrail. So we no  
10 longer need relief for that section. Is there any other --  
11 do those clarify those segments of relief, or do we need  
12 more description?

13           CONSTANTINE ALEXANDER: Andrea, any further  
14 questions?

15           ANDREA HICKEY: No, thank you. That was an  
16 excellent recap. Thank you.

17           CONSTANTINE ALEXANDER: I think it's good we got  
18 it into the public record, so --

19           ANDREA HICKEY: Yes.

20           CONSTANTINE ALEXANDER: -- I appreciate the  
21 question you raised. Anyone else wishes to speak on this  
22 matter before we move to a vote?

1           WENDY LEISERSON: I just have a question. Which  
2 parts of this relief, if any, affect the opposition  
3 regarding the Baldwin tree? Do any of these proposals  
4 affect that one?

5           ADAM MUNNELLY: The Baldwin tree's on the other  
6 side of the property.

7           WENDY LEISERSON: So it's not going to be affected  
8 by your development?

9           ADAM MUNNELLY: Not at all. Not at all. No,  
10 nothing is.

11          WENDY LEISERSON: So it will stay there?

12          ADAM MUNNELLY: Saving the tree.

13          WENDY LEISERSON: Thanks. They make the best  
14 apple pies.

15          ADAM MUNNELLY: We've heard.

16          CONSTANTINE ALEXANDER: Okay. I'm going to make a  
17 motion at this point. Mr. Sullivan will give me back the  
18 plans. The Chair moves that we make the following findings  
19 with regard to the special permit that's being sought:

20                 That the requirements of the ordinance cannot be  
21 met unless we grant the special permit -- and this is in  
22 regard to the relief, the modifications to the structure

1 that the petitioner is proposing:

2 That traffic generated or patterns of access or  
3 egress resulting from what is proposed will not cause  
4 congestion, hazard, or substantial change in established  
5 neighborhood character.

6 This is a modification to the structure. There's  
7 really little street impact beyond that setting. It  
8 certainly doesn't impact access or egress, or make a  
9 substantial change. "Substantial" is the key word in  
10 established neighborhood character.

11 That the continued operation of or development of  
12 adjacent uses, as permitted in the zoning ordinance, will  
13 not be adversely affected by the nature of the proposed use.  
14 Again, this is a modification of the structure before us,  
15 and not impact beyond that, except for aesthetics.

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

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

1           What is going on here is to basically create  
2 additional living space for the occupants of the structure  
3 mainly by a number of changes -- namely, though, with regard  
4 to the addition of dormers, which create additional living  
5 space.

6           So on the basis of all these findings, the Chair  
7 moves that we grant the special permit requested on the  
8 condition that the work proceed in accordance with plans  
9 prepared by D.H. Architects dated August 30, 2021.

10           Brendan?

11           BRENDAN SULLIVAN: [Brendan Sullivan] Just for a  
12 point of clarification, Sheet A 22 of the dormers that we  
13 are approving, if you could pull that up? That one there,  
14 is that correct?

15           STEPHEN HISERODT: Yes.

16           BRENDAN SULLIVAN: Yeah, okay.

17           CONSTANTINE ALEXANDER: That's the one that they  
18 had indicated during the presentation. That's their  
19 preference.

20           BRENDAN SULLIVAN: Okay. So that's the sheet they  
21 got initialed. Okay. Yes to granting the special permit.

22           CONSTANTINE ALEXANDER: Okay. Matina?

1 [Pause]

2 CONSTANTINE ALEXANDER: Matina?

3 MATINA WILLIAMS: Sorry. Trying to unmute. I  
4 agree.

5 CONSTANTINE ALEXANDER: Okay. Wendy?

6 WENDY LEISERSON: [Wendy Leiserson.] I agree.

7 ANDREA HICKEY: Andrea?

8 ANDREA HICKEY: Yes, I vote in favor.

9 CONSTANTINE ALEXANDER: And the Chair votes in  
10 favor as well. It's unanimous.

11 [All vote YES]

12 CONSTANTINE ALEXANDER: Special permit granted.  
13 Good luck.

14 LAUREN MARETT: Thank you.

15 STEPHEN HISERODT: Thank you all.

16 CONSTANTINE ALEXANDER: Okay. Need some time?  
17 Okay. Just let me know when you're ready. We'll be with  
18 you in a moment. We're just getting our mechanics in order  
19 here with regard to Zoom.

20

21

22

1 \* \* \* \* \*

2 (7:10 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: All right. The Chair will  
7 now call Case Number 122191 -- 1043-1059 Cambridge Street.  
8 Anyone here wishing to be heard on this matter?

9 JAMES HEFFERNAN: Good evening, Mr. Chair and the  
10 Board. Attorney Jim Heffernan of Rich May here on behalf of  
11 the applicant, 1043 Cambridge Street, LLC here to speak.  
12 I'm here with others, if I may proceed.

13 CONSTANTINE ALEXANDER: Go ahead.

14 JAMES HEFFERNAN: Thank you. Again, I'm -- again,  
15 Attorney Jim Heffernan. I'm here and I'm just checking my  
16 Brady Bunch windows to see who has joined me.

17 I have Jas Bhogal and Tom Calus, the owners of the  
18 project. Michael LeBlanc and Brendan Willis -- I believe  
19 Brendan Willis is here; I know Michael LeBlanc is here of  
20 Utile Design.

21 And we have Sean Griffen here as well. He's the  
22 Project Manager of the owner. He's also done significant

1 neighborhood outreach and is able to answer any questions  
2 regarding that project. I do see Brendan popping up as  
3 well. So we are all here.

4 We were here before you in July.

5 CONSTANTINE ALEXANDER: You were.

6 JAMES HEFFERNAN: You asked us to go before the  
7 Planning Board first, which we were there Tuesday night, and  
8 --

9 CONSTANTINE ALEXANDER: We continued the case the  
10 last time simply because we wanted to hear from the Planning  
11 Board first before we made our decision.

12 And we do have -- we have heard -- you went to the  
13 Planning Board, as you pointed out. We have heard -- there  
14 was a memo from the Planning Board, which I'll read into the  
15 record in due course.

16 And the relief you're seeking -- basically a side  
17 yard setback. Am I correct?

18 JAMES HEFFERNAN: Not just side yard setbacks;  
19 that was previously approved by this Board. We're asking  
20 for an extension on that.

21 The first request is -- and with the Planning  
22 Board, what you wanted the Planning Board to opine on was

1 the addition of the elevator shaft to the roof deck.

2 CONSTANTINE ALEXANDER: Right. That's correct. I  
3 should have mentioned that as well. That's correct.

4 JAMES HEFFERNAN: Would you like me to introduce  
5 the applicant or the project and give the project summary,  
6 or go right into the request?

7 CONSTANTINE ALEXANDER: Well, it's up to you what  
8 we -- you should present to us what you think we need to  
9 hear or know before reaching a decision. So.

10 JAMES HEFFERNAN: You got it. So I would like to  
11 introduce the applicant, because they are new owners. You  
12 have not met them before tonight. They are new owners of  
13 the project as of this summer.

14 They are experienced real estate developers in the  
15 Boston area. They -- including their award-winning Tim  
16 Farnsworth in the Fort Point area. They're excited to be in  
17 the Cambridge community, excited for this project.

18 And this project, again, was approved prior by  
19 this Board and the Planning Board. It was a new -- it's to  
20 be a new, four-story building: 18 dwelling units on top of  
21 commercial retail in the first floor, 13 off-street parking  
22 spaces, 18 long-term bicycle spaces, eight short-term

1 bicycle spaces and landscaping throughout.

2 That was all approved. We're not changing any of  
3 that. There were roof decks. In fact, we've improved this  
4 site over time because of the new ordinance on green  
5 roofing, that we've added more green roofing to the project.

6 But what we're really here for before you tonight  
7 is adding that elevator. And on that elevator, the Planning  
8 Board did review it. They had overwhelming support by the  
9 Planning Board Tuesday night on that elevator, and I would  
10 like to go into that first.

11 The elevator was an effort to accommodate  
12 accessibility to all residents. The approved plans were  
13 taken to Cambridge ISD. They noticed that under the  
14 requirements of the American Disabilities Act and  
15 Regulations promulgated by the Massachusetts Architectural  
16 Access Board that it was determined the elevator needed to  
17 go up one more floor up to the roof.

18 So there was already an elevator; we're going up  
19 to one more roof; up to the roof, one more floor.

20 This variance is necessary to meet those  
21 requirements. This hardship by enforcing the ordinance  
22 would not only harm us, but also members of the community,

1 and we're here to improve upon and add access to all users  
2 of the space. There's no substantial detriment to the  
3 public good for the addition of the elevator.

4 As you will see in the PowerPoint presentation  
5 that I believe Brendan will also go through, the perspective  
6 of this street is minimal. In fact, the words from the  
7 Planning Board Tuesday night, "It's de minimis" and, "a no-  
8 brainer."

9 This substantial improvement to the public good  
10 provides access to all. And this is really highlighted also  
11 in a letter of support that you should have from the City of  
12 Cambridge Commission for Persons with Disabilities.

13 In their letter of support they stated, "Granting  
14 this relief will enable occupants with and without  
15 disabilities to access all features and amenities of the  
16 building equitably." That's the key word here, and what  
17 we're seeking -- "equitably."

18 "The elevator access --" they go on, "-- to roof  
19 deck is essential to include such use of the facility.

20 So here we're really not asking for anything that  
21 substantially harms the neighborhood; in fact, we think this  
22 is an improvement. And we can go through the planning in

1 showing you the perspectives in the presentation, if you  
2 desire to go to that now.

3 I can also go into the other requests, and I'll  
4 take your lead on that. But if you would like to stay with  
5 the elevator, I could turn this over to Mr. Willis to show  
6 you these plans.

7 CONSTANTINE ALEXANDER: If you would like, I would  
8 just ask that the continued presentation be brief, if  
9 possible. We do have the Planning Board letter of support.

10 We also have in our files a number of letters of  
11 support. They're not unanimous, but letters of support,  
12 including a letter from the City of Cambridge Commission of  
13 Persons with Disabilities who are in favor of the tower for  
14 the elevator, because it gives the access to Persons with  
15 Disabilities to the roof deck.

16 And obviously, it makes the use of the structure  
17 more desirable from the first -- for a person with  
18 disabilities.

19 But anyway, if you want to make/further the  
20 presentation, feel free. The floor is yours.

21 BRENDAN WILLIS: Hello. [Brendan.]

22 JAMES HEFFERNAN: Yep, Brendan. Yep. I'll turn I

1 to Brendan. Please.

2 BRENDAN WILLIS: I'm going to jump in here.

3 Brendan Willis with Utile Design. On the screen right now  
4 is a rendering of the project, as proposed from Cambridge  
5 Street and Webster Avenue.

6 And again, the building is ground-floor retail and  
7 parking with 18 units on Floors 2 through 4. Floors 3 and 4  
8 include 9 duplex units that are fully visitable on the first  
9 floor and have internal circulation through the unit up to  
10 the roof decks.

11 If you go to the roof plan on Slide 5, I believe?  
12 Sorry, Slide 6.

13 This was the roof plan as previously approved with  
14 our Planning Board special permit. It had no elevator  
15 access to the roof. The access to the roof decks was  
16 entirely internal to the units, as shown here.

17 Our proposal, if you go to the next slide?

18 And (sic) the variance we are requesting is to  
19 extend the elevator overrun above the building height of 45  
20 feet by approximately 13 feet 9 inches. And this is solely  
21 to provide accessible access to these roof decks. We are  
22 also providing common access to the private roof decks.

1           We've reconfigured some of our GFA from the  
2 previously approved roof decks to provide that common  
3 access.

4           And then you'll also note that the areas in green  
5 show proposed green roof, which complies with the new Green  
6 Roof Ordinance.

7           If you go to the next slide?

8           We generated a few perspectives showing the  
9 elevator overrun looking east on Cambridge Street. It's not  
10 visible. It is visible looking southwest from approximately  
11 Webster and Columbia, as noted in the lower left corner.

12          And then If you go to the next slide?

13          The elevator overrun is also visible looking  
14 further west on Cambridge Street, but as you get closer to  
15 the project, it's screened entirely by the building mass.  
16 And then there is just an axon aerial view showing the  
17 elevator overrun and where it sits within the project. It's  
18 rather internal to the building mass.

19          And then the final slide?

20          Is just a rendering at night.

21          JAMES HEFFERNAN: Thanks, Brendan. If I may also  
22 address the other requests, which are shown in the

1 presentation? We can address those as well.

2 As the Chair mentioned, there's the setbacks that  
3 were approved. The original variance approval allowed for  
4 the construction of the residential portion of the  
5 development within the side yard setbacks.

6 There is some question whether the pandemic has  
7 extended that approval, but we're asking for clarity to  
8 extend this further, just as we asked the Planning Board  
9 Tuesday night a similar request on their special permit.  
10 We're asking for an extension on that as well.

11 We're happy to go through those plans again. But  
12 I'll just state the hardship as it was before still is now;  
13 it's related to the two-lock combination of these parcels,  
14 the unique and irregularly shaped parcel that is created out  
15 of this, it creates five side yards abutting three streets.

16 So it's quite a unique corner lot. It's not  
17 substantially detrimental. There's no detriment to the  
18 public good by our use of this setback area, and we do not  
19 believe this nullifies or substantially derogates the intent  
20 or purpose of the zoning ordinance.

21 So we wanted to get all that in the public record,  
22 and anything you need us to restate, I'm happy with Brendan

1 here to go over those setbacks and any kind of site plan.

2 Brendan, do you want to show on those slides?

3 BRENDAN WILLIS: Yes. If you go to Slide 12, 12  
4 and 13 are just showing our calculations for the side yard  
5 setbacks due to the irregular shape of the lot.

6 Our setback formula is calculated to the center  
7 line of each building face, and these are our previously  
8 submitted diagrams with our previous variance, and none of  
9 the dimensions have changed.

10 CONSTANTINE ALEXANDER: Thank you, Brendan. I do  
11 not have anything more unless you like to hear from  
12 ownership or have any other questions for us.

13 Any questions from members of the Board?

14 BRENDAN SULLIVAN: Brendan Sullivan, no, I don't.  
15 If you can refresh my memory, is this rental or condos?

16 CONSTANTINE ALEXANDER: Did you hear my question?

17 JAMES HEFFERNAN: Private.

18 BRENDAN SULLIVAN: I'm sorry?

19 BRENDAN WILLIS: These are condos.

20 BRENDAN SULLIVAN: Condos, okay.

21 BRENDAN WILLIS: Yes.

22 BRENDAN SULLIVAN: No further questions.

1           CONSTANTINE ALEXANDER: Any other members of the  
2 Board have questions at this point? Hearing none, as  
3 indicated the petitioner at our request went to the Planning  
4 Board after we continued the case the last time around.

5           And I'm going to read the memo we got from the  
6 Planning Board in response, or as its consequence of the  
7 meeting that they held with the petitioner.

8           The Planning Board reviewed this BZA application  
9 during the meeting on August 31, 2021, and decided to  
10 forward a positive recommendation to the BZA of granting the  
11 variances for side yard setbacks and building height.

12           The Planning Board also voted to grant the  
13 requested amendments to a previously granted Project Review  
14 special permit, the special permit to reduce the required  
15 parking.

16           The Board continues to support the proposed side  
17 yard setbacks, and commented that the additional height for  
18 the elevator roof access is de minimis, given its small  
19 footprint, and given that it is necessary to provide access  
20 for usable rooftop spaces, which the Board supports.

21           And there are a number of other letters we have in  
22 our files from -- almost all in support. And a number are

1 from the various bodies, or East Cambridge Planning Team --  
2 Business Association, the Disability Commission of the City  
3 of Cambridge, all in support of the relief being sought.

4 Other members of the Board have any questions at  
5 this point, before I open the matter up to public testimony?

6 [Pause]

7 CONSTANTINE ALEXANDER: Okay. Hearing none, I  
8 will open the matter up to public testimony. Any members of  
9 the public who wish to speak should now click the icon at  
10 the bottom of your Zoom screen that says, "Raise hand."

11 If you're calling in by phone, you can raise your  
12 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
13 take a moment to see if anyone wishes to call in.

14 [Pause]

15 SISIA DAGLIAN: I'm not seeing anyone.

16 CONSTANTINE ALEXANDER: Okay. Apparently, no one  
17 wishes to call in. So I will close public testimony.  
18 Discussion? Or are we ready for a vote?

19 BRENDAN SULLIVAN: Brendan Sullivan, ready.

20 CONSTANTINE ALEXANDER: Okay. Other members of  
21 the Board ready for a vote?

22 ANDREA HICKEY: Ready.

1           CONSTANTINE ALEXANDER: Okay. All right. The  
2 Chair moves that we -- let me just get my notes out for a  
3 second. That we make the following findings with regard to  
4 the variance being sought:

5           That a literal enforcement of the provisions of  
6 the ordinance would involve a substantial hardship, such  
7 hardship being that the building will be very difficult to  
8 construct, given the various side yard setbacks that are  
9 given -- resulting from this irregular shaped lot, and it  
10 would make use of the structure by persons with disabilities  
11 -- the roof deck I should say -- by persons with  
12 disabilities without the elevator and the necessary elevator  
13 and the necessary tower above the elevator.

14           And that the condition -- the hardship is owing to  
15 the circumstances relating to the soil shape of the lot,  
16 with many, many setbacks as the lot lines zigzag across the  
17 boundaries.

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

21           In this regard, with the relief we would be  
22 granting if we grant it, the project could go forward, and

1 it would be a welcome addition to this portion of Cambridge  
2 Street and East Cambridge.

3 So on the basis of all these findings, the Chair  
4 moves that we grant the variances being sought on the  
5 condition that the work proceed in accordance with plans  
6 prepared by Utile, U-t-i-l-e, the first page of which has  
7 been initialed by the Chair.

8 Brendan?

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

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes in favor of  
13 granting the variance.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: Wendy Leiserson yes in favor of  
16 granting the variance.

17 CONSTANTINE ALEXANDER: Matina?

18 [Pause]

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: Matina Williams yes in favor of  
21 granting the variance.

22 CONSTANTINE ALEXANDER: The Chair votes yes as

1 well.

2 [All vote YES]

3 Variance granted.

4 JAMES HEFFERNAN: Thank you very much.

5 BRENDAN WILLIS: Thank you.

6 CONSTANTINE ALEXANDER: You're welcome.

7 JAMES HEFFERNAN: Thank you. Thank you very much.

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2 (7:28 p.m.)

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

6 CONSTANTINE ALEXANDER: We'll now go to our  
7 regular agenda, once we get our papers organized on this  
8 side. Here it is. I got it.

9 The Chair will now call Case Number 129154 -- 155  
10 Charles Street. Anyone here wishing to be heard on this  
11 matter?

12 BRYAN MCLAUGHLIN: Good evening. Can you hear me?

13 CONSTANTINE ALEXANDER: Yes, I can.

14 BRYAN MCLAUGHLIN: Perfect. Hello, members and  
15 Chairman of the Board. My name is Bryan McLaughlin. I am  
16 the property owner and petitioner of the special permit for  
17 155 Charles.

18 I lived in East Cambridge about 12 years now.  
19 Since then, had three children; now 11, 9 and 3 years old,  
20 all Cambridge public school kids.

21 We recently purchased 155 Charles with a view to  
22 move our family into the back house property, which is the

1 subject of tonight's discussion. It's a single-family  
2 dwelling unit on the back of the C-1 Zone property.

3 In brief, we started out with Eric Hill in the  
4 East Cambridge Historical Group. You know, we noticed that  
5 the house is an anterior lot.

6 And with Eric, you know, we were kind of  
7 discussing whether to add a third floor or a mansard, and  
8 with some iterations with Historical, we'll look at the  
9 plans tonight where they very much preferred the plans that  
10 you have in front of you.

11 Eric noted, and I do as well: This house is  
12 almost no visibility from the street. We'll look at that.  
13 But I think when we reach that point -- this went before  
14 East Cambridge Historical -- there was strong enthusiasm for  
15 the plans.

16 I think they politely said that the property had  
17 lost its architectural integrity over the decades, and that  
18 our plans would significantly -- you know, were a great  
19 improvement. So there was a unanimous vote for the plans  
20 there.

21 The Historical Appropriateness Certificate was  
22 granted, and then I believe a few days ago Eric had sent a

1 letter over to --

2 CONSTANTINE ALEXANDER: Part of the relief you're  
3 seeking involves a construction of a dormer?

4 BRYAN MCLAUGHLIN: Yeah, so I was --

5 CONSTANTINE ALEXANDER: How long would that dormer  
6 be? How big would it be?

7 BRYAN MCLAUGHLIN: Yeah. So we'll have it up  
8 there in just a second. Hold on now. My notes are -- so  
9 we're adding to that third floor on the back house, and  
10 changing the slope. And there's a small change in FAR of  
11 0.06 with that change of living space upstairs. So we're  
12 going from 1.16 to 1.22.

13 And so the -- you know, again, that third floor,  
14 the goal was to create regular shaped children's bedrooms  
15 with some limitation of the property with egress --

16 CONSTANTINE ALEXANDER: Am I not correct that the  
17 length of that dormer will be 20,21 feet -- 20 or 21 feet  
18 long?

19 BRYAN MCLAUGHLIN: Yes. So it's -- it's the  
20 length of the roof there. Yes. So the roof edge to edge is  
21 33, and the dormer, I believe is 21 or 22.

22 CONSTANTINE ALEXANDER: And, you know, I trust you

1 are aware of our dormer guidelines and does that limit the  
2 length of the dormer to 15 feet?

3 Yes, so aware of those -- you know, trying to  
4 balance the guidelines and, you know, I think when we  
5 started working with Eric, I think a lot of the discussions  
6 centered around whether to add -- to try to propose a third  
7 floor or a Mansard.

8 This was the dormer that created a regular-shaped  
9 kind of living -- livable bedroom spaces was East  
10 Cambridge's preferred path, I think particularly because --  
11 I'll show it in a second -- this house is almost 100 feet  
12 back from the road, and has virtually no visibility. We'll  
13 go to that photo in a second.

14 So we couldn't find really any detriment to the  
15 character of the neighborhood or, frankly we can't see it --  
16 any detriment at all to the neighbor or anything like that.  
17 And that allows for basically two quite small bedrooms, but,  
18 you know, enough for a couple of kids upstairs with the  
19 proposals as we've shown it.

20 So on A003, if we could go there, it's a picture.  
21 Let's go up one more instead. A little higher. Higher,  
22 higher, higher. I think it's one of the first few. Sorry.

1 It should be one of the -- yeah, right -- that first one  
2 there. Yeah. That page. Yep. Page 3.

3 Yeah. So you can see down the driveway in the top  
4 right here, that this is the only visibility of the house  
5 from the public way.

6 You can only see a tenth of -- at least on that,  
7 and the constraints of needing to get two bedrooms large  
8 enough for the children on the upstairs floor. That is  
9 where we ended, and that's what got the overwhelming support  
10 from Historical.

11 CONSTANTINE ALEXANDER: Let me ask my fellow Board  
12 members. Are any of you concerned about the length of this  
13 dormer, given the -- it is much more than -- we've heard the  
14 reasons why the petitioner wants the dormer, needs the  
15 dormer?

16 Historical -- Cambridge Historical supports the  
17 project, but they don't focus on the dormer guidelines.  
18 They're more being true to preserving the historical nature  
19 of the structure.

20 So, and we don't usually grant dormer relief for  
21 dormers of this length. But we've heard from the  
22 petitioner. I'd like to hear from other Board members if

1 they have any views about the length of the dormer.

2 BRENDAN SULLIVAN: [Brendan Sullivan,] could I have  
3 Olivia or Sisia pull up the floor plan of the third-floor  
4 proposed floor plan? Mr. McLaughlin, you occupy the entire  
5 house, is that correct?

6 BRYAN MCLAUGHLIN: Yep.

7 BRENDAN SULLIVAN: And the -- well, right up on --  
8 what is the width of the house, side to side?

9 BRYAN MCLAUGHLIN: Roof edge to roof edge I  
10 believe is 33, but the actual structure --

11 BRENDAN SULLIVAN: No, I'm sorry. Facing the  
12 house, top right.

13 STEPHEN HISERODT: It's 28'4".

14 BRENDAN SULLIVAN: I'm sorry?

15 STEPHEN HISERODT: 28 foot 4 inches.

16 BRENDAN SULLIVAN: 28 foot 4. Okay. If we could  
17 drop down to the second-floor floor plan? So basically,  
18 what you're proposing is going to be four bedrooms? Four  
19 bedrooms, a couple of baths, and then you'll have a -- a  
20 powder room in the first floor, is that correct?

21 BRYAN MCLAUGHLIN: Yep. Not planning to have any  
22 more children at this point, but right now my little boy

1 sleeps in the hall; he has no bedroom.

2 BRENDAN SULLIVAN: And the basement area is --

3 BRYAN MCLAUGHLIN: Yeah, so that will have -- my  
4 wife, she works from home and has for many years, and then  
5 there's a play area for the children.

6 BRENDAN SULLIVAN: So it's mechanical and also  
7 office space?

8 BRYAN MCLAUGHLIN: Yep.

9 BRENDAN SULLIVAN: Well, it is a tight house. And  
10 --

11 BRYAN MCLAUGHLIN: It is a tight house.

12 BRENDAN SULLIVAN: As is typical of that area.  
13 It's --

14 CONSTANTINE ALEXANDER: That's usually why people  
15 seek -- want to build beyond the dormer guidelines in terms  
16 of when they want the additional space, in the past. And  
17 I'm not suggesting one way or another.

18 STEPHEN HISERODT: Can I add comments on the  
19 dormers and the Historical Commission review? [This is  
20 Steve Hiserodt, the architect.]

21 CONSTANTINE ALEXANDER: Right.

22 STEPHEN HISERODT: We did discuss at length the

1 options for that roof area, and the dormer guidelines were  
2 brought in to the discussion.

3 And because there was such a lack of visibility  
4 from the street, the Commission was not concerned or -- the  
5 representative that we were working with was not concerned  
6 that this would be an issue.

7 So, I mean it wasn't a primary point of their  
8 review, but it was a consideration, the dormer guidelines  
9 themselves.

10 BRENDAN SULLIVAN: Well, could we scroll, Olivia  
11 or Sisia pull 10 of the -- which is the third floor again.  
12 Okay. So they've got an adequate staircase in there to get  
13 a bath in there, and two adequate bedrooms going forward.

14 It's a challenge. I -- to say yes or no, I would  
15 have to come down on a possible yes.

16 CONSTANTINE ALEXANDER: Okay. Andrea, or Matina,  
17 or Wendy, any -- you have any comments about the dormer, and  
18 the impact of the dormer guideline?

19 ANDREA HICKEY: Yes, Mr. Chair. It's Andrea  
20 Hickey here. I'd like to ask the architect did he consider  
21 sort of proposing a dormer that does comply? I share the  
22 concerns that the Chair does in that what's proposed does

1 not meet the guidelines.

2 BRYAN MCLAUGHLIN: Well, I would like to mention  
3 that they are guidelines, and --

4 ANDREA HICKEY: I'm aware of that.

5 BRYAN MCLAUGHLIN: Site context is also an  
6 important aspect of those guidelines; it's the first  
7 paragraph in the guidelines.

8 The problem that we came up against was that it  
9 was initially a very low-sloped roof. We've tried to raise  
10 it up as little as possible in order to get space in there.

11 We tried two dormers on this front façade, which  
12 just didn't give enough space for the bedrooms. They became  
13 sort of odd-shaped with primarily sloped ceilings in the  
14 bedrooms.

15 You know, in order to establish the code  
16 requested, we have had 50 percent of the bedroom has to be  
17 at least seven feet tall. In order to get there, we needed  
18 this extra length for the dormers.

19 ANDREA HICKEY: Thank you. If I could ask Sisia  
20 to show the elevation where the dormer is shown again?

21 Thank you.

22 STEPHEN HISERODT: We did try to keep it off the

1 edge of the roof --

2           ANDREA HICKEY: Right.

3           STEPHEN HISERODT: -- as much as possible.

4           ANDREA HICKEY: Mm-hm. I have nothing further at  
5 this time. Thank you.

6           CONSTANTINE ALEXANDER: Thank you, Andrea. Wendy  
7 or Matina, do you want to add some observations or not? Up  
8 to you.

9           WENDY LEISERSON: [Wendy Leiserson.] I did have a  
10 question. If you go back to the [Sheet A003, is it?] Or --  
11 no, sorry, A002.

12           If you look at the lower right view and enlarge  
13 that if you can, it does seem to me that the neighboring  
14 houses from that picture, like, it looks like the one --  
15 it's like a twin house there, has the two dormers, right?

16           And then the others in front, the two are more  
17 proximate to the street also seem to have two dormers? Is  
18 that correct? Yes, those two where the cursor is. So it is  
19 --

20           BRYAN MCLAUGHLIN: The one on the left -- well,  
21 actually, I interrupted. I'm sorry.

22           WENDY LEISERSON: No. Please go ahead.

1           BRYAN MCLAUGHLIN: I was going to say I think the  
2 top left one, that is correct. The one sort of bottom left  
3 is actually just a three-floor, sorry three-floor box.

4           WENDY LEISERSON: Okay.

5           BRYAN MCLAUGHLIN: And then those two closest to  
6 the streets, they do have very short roof heights, and  
7 noncomplying ceilings I believe at this point. But they do  
8 have dormers.

9           WENDY LEISERSON: Okay. So I was just looking  
10 compared to the other pics. I mean, I'm actually very  
11 sympathetic to the struggle you have here.

12           But I'm just trying to look at the big picture of  
13 the context here. Because I don't -- there's nothing like  
14 what you're proposing nearby in this picture. And then --

15           BRYAN MCLAUGHLIN: Yeah, there's a lot -- there's  
16 more square boxes nearby. If you look all down the street:  
17 everything square mansards -- and that's partly where the  
18 discussion with Eric Hill started was actually, you know,  
19 should we do a full third-floor with a mansard that sort of,  
20 you know, provides some of that -- you know, if you look  
21 around, everything that you can see.

22           And, you know, I think a more modern approach was

1 what Eric preferred, although he said that that, you know,  
2 with the dormer guidelines, et cetera. That the addition of  
3 the third floor, you know, would still be in line with that.

4 So we kind of ended up with a more modern face,  
5 you know, then some of those alternatives in these plans.

6 WENDY LEISERSON: Okay. And then I just had a  
7 clarifying question. So I see on some of the diagrams it  
8 says, "Proposed third-floor alternate." Is that a different  
9 view, such as on A102, or is that the same thing? Do you  
10 have two different?

11 BRYAN MCLAUGHLIN: We had presented a double  
12 dormer and a single dormer to Historic in -- you know,  
13 initial discussions. And the double dormer -- or the single  
14 dormer -- was approved.

15 WENDY LEISERSON: Um--

16 BRYAN MCLAUGHLIN: That's text left over from the  
17 roof reduction of multiple sets of drawings and iterations  
18 that --

19 WENDY LEISERSON: So if my colleagues on the  
20 Council have more opinions about the dormers, but that's  
21 fine, I'd welcome to hear that. So you're saying that there  
22 is in fact an alternative proposal that involves two dormers

1 included in the filing that you have here?

2 BRYAN MCLAUGHLIN: No, not included in the filing.

3 WENDY LEISERSON: Oh. No?

4 BRYAN MCLAUGHLIN: But discussed earlier with --

5 WENDY LEISERSON: Okay.

6 BRYAN MCLAUGHLIN: -- the Historic Commission.

7 WENDY LEISERSON: Okay. Because I just see the  
8 word, "alternate" on some of them.

9 BRYAN MCLAUGHLIN: Yeah.

10 WENDY LEISERSON: Okay.

11 BRYAN MCLAUGHLIN: That's minor.

12 STEPHEN HISERODT: And there was mansard drawings  
13 and --

14 BRYAN MCLAUGHLIN: Yes.

15 STEPHEN HISERODT: Box drawings.

16 WENDY LEISERSON: Thank you for clarifying. Thank  
17 you.

18 STEPHEN HISERODT: Thank you, Wendy.

19 CONSTANTINE ALEXANDER: Matina, do you have any  
20 questions or comments you want to make?

21 MATINA WILLIAMS: I believe I'm not on this case.

22 JIM MONTEVERDE: Yeah, I was --

1           MATINA WILLIAMS: I'm on at MIT.

2           JIM MONTEVERDE: I was going to ask Sisia to just  
3 clarify --

4           SISIA DAGLIAN: Yes, that's correct.

5           JIM MONTEVERDE: -- who is on. Because I believe  
6 just to clarify --

7           SISIA DAGLIAN: Yeah. It's Jim --

8           JIM MONTEVERDE: Yep.

9           SISIA DAGLIAN: -- Wendy, Andrea, Gus and Brendan.

10          JIM MONTEVERDE: Right. Okay. It's Jim  
11 Monteverde. If you go back to the roof plan, please? Is  
12 there a dormer front and back?

13          STEPHEN HISERODT: Yes, there is.

14          JIM MONTEVERDE: So it's not just one dormer  
15 that's 22-some-odd feet, it's two dormers that are that  
16 length?

17          STEPHEN HISERODT: That is correct. The one on  
18 the rear side --

19          JIM MONTEVERDE: Yep.

20          STEPHEN HISERODT: -- has almost no view. It's  
21 almost directly on the property line.

22          JIM MONTEVERDE: Mm-hm.

1           STEPHEN HISERODT: It has no view from really  
2 anywhere, given the proximity and the closeness of all the  
3 houses.

4           JIM MONTEVERDE: And I'm assuming that Section or  
5 otherwise, there was no way to reduce that overall length to  
6 get closer to the dormer guideline from the rear?

7           STEPHEN HISERODT: It's -- in order to get the  
8 stair up --

9           JIM MONTEVERDE: Mm-hm.

10          STEPHEN HISERODT: -- which is at, you know, we're  
11 very far out to the edge, and then you have to run at least  
12 the length of the stair, we've added also some space for the  
13 bathroom, which is -- there's really no other space in that  
14 third floor to get two bedrooms, a bathroom and a stairway  
15 up to it. I mean, it's really cramped 20 feet by 28 feet.  
16 It's not --

17          JIM MONTEVERDE: Yep.

18          STEPHEN HISERODT: -- not a lot of room to play  
19 with.

20          JIM MONTEVERDE: And then again, and then if I  
21 understood your statement about the bedrooms, in order to  
22 get the legal headroom, the code-required headroom over the

1 percentage of the room that you need to be compliant as a  
2 bedroom, you really need that length of dormer for each  
3 bedroom. Did I hear that correctly?

4 STEPHEN HISERODT: Yes.

5 JIM MONTEVERDE: Okay. Thank you. That's all the  
6 questions I have.

7 CONSTANTINE ALEXANDER: Okay. If there's no  
8 further questions from members of the Board, I'll open the  
9 matter up to public testimony. Okay. I don't think there  
10 are any letters in the file.

11 I'm just going to just check besides the letter  
12 from Cambridge Historical in support of the structure of the  
13 proposal of this Board, but that's it.

14 Anyway, any members of the public who wish to  
15 speak should now click the icon at the bottom of your Zoom  
16 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. Take  
19 a few moments to see if anyone wishes to call in.

20 [Pause]

21 Apparently not.

22 So we'll close public testimony. Am I right,

1 Sisia?

2 SISIA DAGLIAN: Somebody raised their hand and  
3 then lowered it.

4 CONSTANTINE ALEXANDER: Okay. Discussion? We've  
5 had a bit of discussion already regarding the dormer and the  
6 dormer guidelines. This is a case where the relief being  
7 sought is pursuant to Section 8.22.2.D. This is a change in  
8 our -- a recent change in our zoning law.

9 And that requires us -- if we were to grant  
10 relief, we have to find that what is being proposed, the  
11 alteration or enlargement -- shall not be substantially more  
12 detrimental than the existing nonconforming structure to the  
13 neighborhood.

14 And then we also have to make the usual findings  
15 with regard to all special permits pursuant to Section  
16 10.40.3. I think we can make the finding about -- well, I  
17 would propose -- well, I'll make the motion.

18 I move that we find that what is being proposed,  
19 the change to the structure, shall not be substantially more  
20 detrimental than the existing nonconforming structure to the  
21 neighborhood.

22 And further, continuing on the requirements of our

1 ordinance -- let me get the section out -- that the  
2 requirements of the ordinance cannot be met unless we grant  
3 the special permit that's being sought:

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

8 As the petitioner has pointed out, the structure  
9 is -- given its location is not visible, very visible from  
10 the street, and is mostly an interior change to the  
11 neighborhood.

12 That the continued operation of or development of  
13 adjacent uses, as permitted in the zoning ordinance, will  
14 not be adversely affected by the nature of the proposed use.  
15 In this case, it's just a matter of expanding the size of a  
16 dwelling unit in the neighborhood.

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

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

1 ordinance.

2 So on the basis of all of these findings, the  
3 Chair moves that we grant the special permit sought by the  
4 petitioner on the condition that the work proceed in  
5 accordance with plans prepared by D.H. Architects dated  
6 August 30, 2021.

7 Brendan, how do you vote?

8 BRENDAN SULLIVAN: Brendan Sullivan yes to granting  
9 the special permit.

10 CONSTANTINE ALEXANDER: Andrea?

11 ANDREA HICKEY: Andrea Hickey yes in favor of  
12 granting the special permit.

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: Jim Monteverde yes in favor of  
15 the special permit.

16 CONSTANTINE ALEXANDER: Wendy?

17 WENDY LEISERSON: Wendy Leiserson yes in favor of  
18 the special permit.

19 CONSTANTINE ALEXANDER: I'm sorry? Okay. I got  
20 it.

21 WENDY LEISERSON: Yes. Sorry.

22 CONSTANTINE ALEXANDER: Okay. I got it. And the

1 Chair votes yes as well.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: So special permit granted.

4 STEPHEN HISERODT: Thank you all.

5 BRYAN MCLAUGHLIN: Yeah. I very much appreciate  
6 everybody's time and consideration, Chairman and members of  
7 the Board. Very much appreciate it.

8 CONSTANTINE ALEXANDER: You're welcome.

9 BRYAN MCLAUGHLIN: We'll have a couple happy  
10 children. So thank you. They're already talking about what  
11 color they want to paint their bedrooms, and I'm like, "Not  
12 too fast." So thank you.

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2 (7:52 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 133276 -- 20 Larchwood Drive. Anyone here wish  
8 to be heard on this matter?

9 JAMES RAFFERTY: Good evening, Mr. Chair.

10 CONSTANTINE ALEXANDER: Good evening, sir.

11 JAMES RAFFERTY: Members of the Board, for the  
12 record, my name is James Rafferty. I'm an attorney with  
13 offices located at 907 Massachusetts Avenue. I'm appearing  
14 this evening on behalf of the applicants, Emily Ma and John  
15 Mistovich. Emily and John are present in their screen.  
16 Also, the Project Architect is present as well, if there are  
17 any questions.

18 This case is similar to the prior case. It's a  
19 special permit case seeking a special permit under the  
20 provisions of 8.22.2.D, that would allow additions to a  
21 single-family house, that would otherwise have required  
22 relief because it represents more than 25 percent of an

1 increase to the house since it first became nonconforming.

2 This is a single-family house on Larchwood Road,  
3 located on a significantly large lot, approximately 15,000  
4 square feet.

5 The house -- existing house is nonconforming in  
6 terms of setback. Both the portion of the front setback and  
7 the right-side setback do not comply with the setback  
8 requirements in the Residence A-1 District.

9 The proposed additions are occurring in a couple  
10 of locations, and they're best depicted -- and I would  
11 suggest understood -- by an examination of the plot plan,  
12 perhaps if Ms. Daglian might be able to put the plot plan  
13 up. Thank you very much.

14 The architect, you'll see, has conveniently  
15 inserted the proposed additions onto the site plan, so they  
16 consist primarily of additions on the first floor that will  
17 allow for the creation, removal of a screen porch and the  
18 creation of a den.

19 And also, in the rear an expanded kitchen. In the  
20 second floor of the house, the additional GFA will allow for  
21 a third bedroom.

22 Ms. Ma and Mr. Mistovich are the parents of three

1 children, apparently all under the age of 5. I grew up in  
2 Cambridge. This is a wonderful home, and a very nice

3 [Pause]

4 SISIA DAGLIAN: Oops, what happened?

5 CONSTANTINE ALEXANDER: Hello? We lost you.

6 JIM MONTEVERDE: They lost the audio.

7 CONSTANTINE ALEXANDER: You lost audio, Mr.  
8 Rafferty.

9 SISIA DAGLIAN: No, I think it --

10 JAMES RAFFERTY: -- to accommodate their findings.

11 SISIA DAGLIAN: -- Jim, we lost you for a minute  
12 there. I think it froze up.

13 JAMES RAFFERTY: Oh. I'm sorry, can you hear me  
14 now?

15 SISIA DAGLIAN: Yes. I think your connection  
16 froze out.

17 JAMES RAFFERTY: I always dread that. I  
18 apologize.

19 CONSTANTINE ALEXANDER: Okay. You can go back to  
20 where you were talking about three children.

21 JAMES RAFFERTY: Yeah. They have three children  
22 under the age of 5. This is their family home. They've

1 lived here for years, and they're looking to expand it.

2 As the Board is well aware, the ordinance for this  
3 special permit finding requires the finding that what's  
4 proposed is not substantially more detrimental to the  
5 neighborhood than the existing structure, and in addition  
6 that the work complies with the criteria for a special  
7 permit under Section 10.40.3.

8 We have set forth a response to those criteria in  
9 the application, but suffice it to say that the requirements  
10 of the ordinance can be met, because under 8.22.2.D this is  
11 a single-family home that is currently nonconforming.

12 Traffic patterns will not change as a result of  
13 these additions. The adjacent uses are all well-sized,  
14 single-family homes. So this is in keeping with that.

15 There will be no hazards created to the detriment  
16 of Cambridge citizens, and there will not be a change in the  
17 intensity of the use here.

18 The lot far exceeds the open space requirements,  
19 and this addition still leaves the house well below the  
20 allowed FAR for this residence A-1 Zoning District.

21 As I noted, the architect, Adina Fuller, is on the  
22 call. She's happy to answer any questions about the design

1 or any other aspect of the work. Thank you.

2 CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty.

3 Questions from members of the Board, either of Mr. Rafferty  
4 or the architect? Jim?

5 JIM MONTEVERDE: [Jim Monteverde] I have one  
6 question. With the survey that's on the screen, there  
7 appear to be two existing buildings. Were they as one  
8 building connected? What's the building in the lower  
9 portion of the screen?

10 JAMES RAFFERTY: Yeah. The answer is yes, they  
11 are connected. It was -- well, the history of it, the prior  
12 owner had that as a guest house. But they were connected --  
13 I'm looking at my records -- they appear to have been  
14 connected back in 1994.

15 JIM MONTEVERDE: Okay. And it still continues to  
16 function as either a guest house or as part of the main  
17 house?

18 JAMES RAFFERTY: Yeah. Ms. Ma might -- or Mr.  
19 Mistovich, but my understanding is yes, it's part of the  
20 main house.

21 JIM MONTEVERDE: Okay.

22 JAMES RAFFERTY: I believe it's currently used as

1 a children's playroom is the information Ms. MA has told me.

2           CONSTANTINE ALEXANDER: What's the total floor  
3 area of the two houses -- the one house -- with the  
4 connection that we see on the plan? How many feet of --  
5 square feet of occupancy is there?

6           JAMES RAFFERTY: Well, the current house is at  
7 5600 square feet. This addition is approximately 1300  
8 square feet that brings the total size to 6500 square feet,  
9 approximately.

10           CONSTANTINE ALEXANDER: So it's a 65-square --  
11 roughly 6500 square foot house, am I correct?

12           JAMES RAFFERTY: It would be -- it will be with  
13 these additions, correct.

14           CONSTANTINE ALEXANDER: Yeah. No, that's right.  
15 I'm assuming with the addition. Right. Okay. Jim, any  
16 further questions?

17 JIM MONTEVERDE: No, thank you.

18           CONSTANTINE ALEXANDER: Andrea?

19           ANDREA HICKEY: I have no questions, Mr. Chair.  
20 Thank you.

21           CONSTANTINE ALEXANDER: Wendy?

22           WENDY LEISERSON: [Wendy Leiserson,] I do have a

1 question, but it's a technical question interpreting Section  
2 8.22.2.D. I know that we have to find that the proposal is  
3 not substantially more detriment to the neighborhood.

4 But in the sentence preceding that, it says --  
5 [well, my read, and I invite feedback on this] is that you  
6 cannot increase or create a new dimensional nonconformity.  
7 And based on the numbers that I see, the left setback is  
8 conforming as is, but will be nonconforming as proposed. Is  
9 that correct?

10 JAMES RAFFERTY: I believe that might be correct.  
11 But I -- the way that section is interpreted is the property  
12 now has nonconforming setbacks.

13 So we are taking a nonconforming setback, and in  
14 this case, we have nonconforming setbacks both front and  
15 side. So this represent a further nonconforming side  
16 setback.

17 The way that has been interpreted and explained to  
18 me is if there was an attempt here to put let's say a third  
19 floor on this house that would require -- which would  
20 constituent a violation of the 35-foot height limitation --  
21 since the current house does not have a nonconforming  
22 height, it would not be possible to create additional height

1 onto the house.

2 The house currently has setback issues in terms of  
3 front, side and this -- those setback nonconformities are  
4 present and allow for this provision. I reviewed this with  
5 Mr. Singanayagam prior to the filing.

6 WENDY LEISERSON: So your position is that -- and  
7 based on feedback you got from Inspectional Services --  
8 Department that a setback is a setback no matter which side,  
9 as long as there's a nonconforming setback?

10 JAMES RAFFERTY: That's correct.

11 WENDY LEISERSON: As the revision applies?

12 JAMES RAFFERTY: Yes, that's correct.

13 WENDY LEISERSON: I'd be curious to hear whether  
14 my fellow Board members have feedback on that. Thank you.

15 CONSTANTINE ALEXANDER: I'm -- this is the Chair,  
16 I'm speaking for myself, obviously. I think I'm -- and I  
17 accept Mr. Rafferty's conclusion and new notice.

18 I think he's pointed out that Mr. Singanayagam is  
19 also -- has reached the same conclusion. So therefore I  
20 think Section 8.22.2.D does apply to this case before us.

21 JAMES RAFFERTY: Yes. Candidly, I reviewed this  
22 application while the proposed recent amendment was under

1 consideration because of that very issue.

2           And it was a strategic determination to wait for  
3 the adoption of the special permit, based on my conversation  
4 with Mr. Singanayagam, so that this matter could proceed in  
5 this fashion. And it was specifically based on that very  
6 question.

7           CONSTANTINE ALEXANDER: Okay. Thank you. Wendy,  
8 does that -- do you want to ask any further questions? Have  
9 any further comments?

10           WENDY LEISERSON: No, that's my main question.  
11 Thank you.

12           CONSTANTINE ALEXANDER: Who did I miss? Well, if  
13 there's anybody I haven't on the Board asked their opinion,  
14 now you speak or forever hold your peace.

15           [Pause]

16           CONSTANTINE ALEXANDER: I guess they'll hold their  
17 peace. I'll open it with -- we have no letters in the file,  
18 I don't believe -- let me just check -- one way or another.  
19 No, I don't think we do.

20           So I will open the matter up now to public  
21 testimony. Let me give the instructions. Here we go. Any  
22 members of the public who wish to speak should now click the

1 icon at the bottom of your Zoom screen that says, "Raise  
2 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.  
5 We'll wait a moment to see if anyone wishes to take  
6 advantage of that.

7 [Pause]

8 CONSTANTINE ALEXANDER: No one does. I will close  
9 public testimony. I can make a motion, or do we need  
10 further discussion?

11 BRENDAN SULLIVAN: Ready for a vote.

12 CONSTANTINE ALEXANDER: Okay. Let's -- let me get  
13 my notes out. One second, please.

14 The Chair moves that we make the following  
15 findings with regard to the relief being sought:

16 That the alteration or the modifications to the  
17 structure as proposed by the petitioner shall not be  
18 substantially more detrimental than the existing  
19 nonconforming structure to the neighborhood.

20 That the requirements of this ordinance cannot be  
21 met unless we grant the -- with regard to the modifications  
22 desired by the petitioner, unless we grant the special

1 permit.

2 The traffic generated or patterns of access or  
3 egress resulting from what the petitioner is proposing will  
4 not cause congestion, hazard, or substantial change in  
5 established neighborhood character.

6 This is a neighborhood that has got substantial  
7 open space and the modifications of the structure before us  
8 tonight does not have an -- to my mind have an effect on the  
9 neighborhood on the established neighborhood character.

10 That the continued operation of or development of  
11 adjacent uses, as permitted in the zoning ordinance, will  
12 not be adversely affected by the nature of the proposed use.  
13 Testimony to that is the fact that we've received no  
14 comments from neighbors.

15 And that the relief being sought is what I would  
16 describe inward in nature. It modifies the structure on the  
17 lot itself without any corresponding impact to neighboring  
18 structures.

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

22 And generally, what is being proposed will not

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

4             So on the basis of all these findings, the Chair  
5     moves that we grant the special permit sought by the  
6     petitioner on the condition that the work proceed in  
7     accordance with plans prepared by -- hard to read here --  
8     Bechtel (sic) -- I think I've got it right, the print's very  
9     small -- B-e-c-h-t-e-l Frank Erickson Architects, dated May  
10    5, 2021.

11            Brendan, how do you vote?

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

14            CONSTANTINE ALEXANDER:   Jim?

15            JIM MONTEVERDE:   Jim Monteverde yes to granting  
16     the special permit.

17            CONSTANTINE ALEXANDER:   Wendy?

18            WENDY LEISERSON:   Wendy Leiserson yes to granting  
19     the special permit, on that understanding as well.

20            CONSTANTINE ALEXANDER:   Andrea?

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

1                   CONSTANTINE ALEXANDER:  And the Chair votes yes as  
2 well.

3                   [All vote YES]

4                   CONSTANTINE ALEXANDER:  Special permit granted.

5                   JAMES RAFFERTY:  Thank you very much.  Have a good  
6 evening.

7                   CONSTANTINE ALEXANDER:  Thank you.

8                   EMILY MA:  Thank you very much.

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(8:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, and Jim  
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 130355 -- 45 Regent Street. Anyone here wish to  
be heard on this matter?

DANIEL SMITH: Hello. This is Daniel Smith.  
Hello?

CONSTANTINE ALEXANDER: Hello?

DANIEL SMITH: Hi. You can hear me?

CONSTANTINE ALEXANDER: Yes. I can hear you.

DANIEL SMITH: Thank you.

CONSTANTINE ALEXANDER: I can hear you. Can you  
hear us?

DANIEL SMITH: I can hear you. Would you like me  
to begin?

CONSTANTINE ALEXANDER: Okay. Well, the floor is  
yours.

DANIEL SMITH: Okay. Thank you very much. Can  
you go to the slides, please? Thank you. That's perfect.

1 I'm Daniel Smith.

2 I'm the owner of 43 and 45 Regent Street. We live  
3 up on the second-floor unit. On this slide, you can see  
4 Regent Street on the left. The back yard is on the right.  
5 The existing second-floor deck is shaded in light grey, and  
6 the proposed deck addition is shaded in dark grey.

7 Can you please go to the next slide?

8 So you can see here the 8 x 3-foot addition that  
9 we're proposing. This will give us room for a table and  
10 chairs up at our living level.

11 Can you go to Slide 10, please?

12 CONSTANTINE ALEXANDER: Excuse me, sir, can you  
13 just -- what's the approximate dimensions, I mean area of  
14 the deck, if you should get the relief?

15 DANIEL SMITH: The --

16 CONSTANTINE ALEXANDER: How big will the deck be?

17 DANIEL SMITH: Yes. The deck when it's completed  
18 will be 72 square feet total.

19 CONSTANTINE ALEXANDER: How much? I'm sorry, I  
20 missed that. Again?

21 DANIEL SMITH: It will be 72 total square feet  
22 once completed.

1           CONSTANTINE ALEXANDER: Okay.

2           DANIEL SMITH: We're adding 24 feet.

3           CONSTANTINE ALEXANDER: And this -- and what you  
4 would have on this deck, should we grant relief, is  
5 basically a table and chairs?

6           DANIEL SMITH: That is correct.

7           CONSTANTINE ALEXANDER: It's not an area that  
8 would be susceptible to a large party gathering, putting  
9 aside COVID?

10          DANIEL SMITH: No. No. I'm jumping ahead of  
11 myself, but I'll go ahead since you're asking.

12          CONSTANTINE ALEXANDER: Oh, I'm sorry. I've  
13 pulled you ahead.

14          DANIEL SMITH: Okay. So I was going to save this  
15 for later, but just as background, we built this deck before  
16 our daughter was born to provide a second means of egress.  
17 This was phase 1 of our plan.

18                 We always planned to enlarge the deck, and in fact  
19 the BZA had given us approval and we had a building permit,  
20 which I'll show you later. But as it turned out, there were  
21 complications with the original design.

22                 We discovered that refrigerators and other large

1 items do not fit up our interior stairs, and we need to lift  
2 those items onto the deck to get them into our second-floor  
3 unit.

4 The original design for the deck addition  
5 prevented that, so we never went ahead with that. And the  
6 new deck plan is the same square footage as the original, as  
7 it had been approved.

8 But it's a simplified design, and it will  
9 accommodate delivery of large appliances and provide some as  
10 outdate space for -- at our living level, and we're not  
11 planning any wild parties.

12 If you'd like me to proceed, I can show you a few  
13 more drawings.

14 CONSTANTINE ALEXANDER: Go ahead. We'll have a  
15 time to ask questions of you.

16 DANIEL SMITH: Okay.

17 CONSTANTINE ALEXANDER: So go ahead and make your  
18 presentation first.

19 DANIEL SMITH: Okay.

20 CONSTANTINE ALEXANDER: And then we'll ask  
21 questions.

22 DANIEL SMITH: Thank you. Can you go to Slide 10,

1 please? Whoops. That is the old drawing. These are not in  
2 order that I submitted.

3 Let's see. Can you go -- okay, what's now 6,  
4 Slide 6.

5 Okay. So this is the rear elevation. And you can  
6 see the existing spiral staircase. And from there over to  
7 the right is the existing deck. And to the left of the  
8 spiral staircase -- there again on the second floor, the  
9 guardrail there is the new deck.

10 I'd also like to point out that at the bottom of  
11 the elevation there is an existing bulkhead that goes to the  
12 basement, and there's an existing roof area that adjoins the  
13 bulkhead. And I'm proposing elevating that existing roof to  
14 the position up above to create a small storage area.

15 If you go back one slide, please? Thank you.

16 This is the side elevation. And from this  
17 elevation the deck will appear the same as it does now,  
18 because we're simply moving that area forward, and you can  
19 see the storage area in this photo.

20 If you can scroll down, please, I don't know what  
21 the numbers are because, again, they don't correspond.

22 There's an exterior view of the front of the

1 house, 12.

2 And you can move on to the view of the rear of the  
3 house, please. It's the next photo.

4 So this is the rear from behind. And you can see  
5 the existing deck, the existing stairs, the bulkhead and the  
6 roof that we'd like to elevate to create storage. And I've  
7 already explained the part about the history behind it.

8 And that's all I have to say, except my daughter's  
9 now much older, and that original permit expired a long time  
10 ago. Thank you.

11 CONSTANTINE ALEXANDER: Thank you. Questions from  
12 members of the Board? Jim?

13 JIM MONTEVERDE: Jim Monteverde no questions.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: Wendy Leiserson no questions.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: Andrea Hickey no questions at this  
18 time.

19 CONSTANTINE ALEXANDER: Okay. The Chair has no  
20 questions as well, and there were no letters in the file.  
21 So I think I'll now open the matter up to public testimony.  
22 I'll look at my notes for one second.

1           Okay. Any members of the public who wish to speak  
2 should now click the icon at the bottom of your Zoom screen  
3 that says, "Raise hand."

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

6 We'll I'll take a moment to see if anyone wishes to call in.

7           [Pause]

8           CONSTANTINE ALEXANDER: Nope?

9           SISIA DAGLIAN: I don't see anyone.

10          CONSTANTINE ALEXANDER: No one wishes to call in.  
11 So I will close public testimony. We can have discussion,  
12 or I'll just should I make a motion?

13          BRENDAN SULLIVAN: Ready for a vote.

14          CONSTANTINE ALEXANDER: I think we should be ready  
15 for a vote. Okay. The Chair moves -- let me get my notes  
16 out for a second -- the Chair moves that we make the  
17 following findings with regard to the special permit that's  
18 being sought:

19                 That what is being proposed, the modifications  
20 shall not be substantially more detrimental than the  
21 existing nonconforming structure, i.e., the structure of the  
22 deck to the neighborhood.

1           That the requirements of the ordinance cannot be  
2 met unless we grant the special permit that's being sought.

3           That traffic generated or patterns of access or  
4 egress resulting from what is being proposed will not cause  
5 congestion, hazard, or substantial change in established  
6 neighborhood character.

7           As indicated by the presentation, we're talking  
8 about the extension of -- a small extension to a deck to the  
9 rear of the house that's serviced by a spiral staircase, and  
10 except for the neighbor who abuts that staircase, there's no  
11 impact to the neighborhood whatsoever that at least I can  
12 see.

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

16           Again, if there's to be any effect, it would be  
17 on the neighbor, the abutter on the side of where the deck  
18 will be, and we have received no comment and no letter of  
19 support or opposition. I should put that the other way  
20 around; no letter of opposition or support from that  
21 neighborhood.

22           And no nuisance or hazard created to the detriment

1 of the health, safety and/or welfare of the occupant of the  
2 proposed use, or the citizens of the city.

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

7 What is being proposed is not an unusual feature  
8 of houses in Cambridge; mainly a small deck off a kitchen  
9 area for the occupants of the structure to be used at  
10 mealtimes or otherwise, but mostly at mealtimes, I would  
11 suppose.

12 So on the basis of all of these findings, the  
13 Chair moves that we grant the special permit requested on  
14 the condition that the work proceed in accordance with  
15 various plans prepared by the petitioner, each page of which  
16 has been initialed by the Chair.

17 Brendan, how do you vote?

18 BRENDAN SULLIVAN: Yes to granting the special  
19 permit.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Jim Monteverde yes to the special  
22 permit.

1           CONSTANTINE ALEXANDER:  Andrea?

2           ANDREA HICKEY:  Andrea Hickey yes in favor of the  
3 special permit.

4           CONSTANTINE ALEXANDER:  Wendy?

5           WENDY LEISERSON:  Wendy Leiserson yes in favor.

6           CONSTANTINE ALEXANDER:  And the Chair votes yes in  
7 favor as well.  That makes it unanimous.

8           [All vote YES]

9           CONSTANTINE ALEXANDER:  Relief granted.  Thank  
10 you.

11          DANIEL SMITH:  Thank you very much for your hard  
12 work.

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(8:18 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, and Jim  
Monteverde

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 132561 -- 14 Leonard Avenue. Does anyone hear  
wish to be heard on this matter? Hello?

[Pause]

CARL OLDENBURG: Hello?

[Pause]

CONSTANTINE ALEXANDER: You're on the screen. Can  
you hear us?

CARL OLDENBURG: Yes. I can't see myself. I was  
muted, I apologize. I'm Carl Oldenburg. I'm the architect  
for the project. And with me should be Brian Lavelle, and  
--

BRIAN LAVELLE: Hi there.

CARL OLDENBURG: And you can hear him? Can't see  
him just yet. He's the developer of the project.

BRIAN LAVELLE: Here you go.

CARL OLDENBURG: Yeah. Brian?

1 BRIAN LAVELLE: Yeah. Hi.

2 CONSTANTINE ALEXANDER: Hello.

3 CARL OLDENBURG: 14 Leonard Avenue is a two-family  
4 house which is undergoing renovation. And it's -- what do  
5 we have here? That doesn't look like it.

6 CONSTANTINE ALEXANDER: That's the wrong one.  
7 That's the last case. Okay. I think we're back to you,  
8 sir. We're looking for the plans that you want us to see.

9 BRIAN LAVELLE: Sisia?

10 SISIA DAGLIAN: Yes, just a minute.

11 CARL OLDENBURG: There we are.

12 BRIAN LAVELLE: Sorry. There we go.

13 CONSTANTINE ALEXANDER: No.

14 CARL OLDENBURG: That's part of it. There we go.

15 BRIAN LAVELLE: There.

16 CARL OLDENBURG: Okay. Yes, so it's a two-family  
17 structure that's undergoing renovation. It'll have one unit  
18 that will occupy the first floor and the basement, and the  
19 second unit, which will occupy the second floor and the  
20 third floor.

21 The buyers of the upper unit, the second floor and  
22 the third floor, request the additional feature, which is a

1 small deck off the back of the house connected to the  
2 kitchen.

3 CONSTANTINE ALEXANDER: How big is that deck?

4 CARL OLDENBURG: Excuse me?

5 CONSTANTINE ALEXANDER: How --

6 CARL OLDENBURG: The deck is 104 square feet. The  
7 house is presently nonconforming with respect to gross floor  
8 area as well as front yard setback and setback on the right  
9 side.

10 The proposed deck will be in compliance with  
11 setbacks on the left side and the rear. But apparently the  
12 area -- it's an open deck, but the area underneath it will  
13 be considered as part of the gross floor area.

14 So the overall house gross floor area is being  
15 increased by 104 square feet.

16 CONSTANTINE ALEXANDER: So the deck is going to be  
17 -- is going to have 104 square feet of area?

18 CARL OLDENBURG: Yes.

19 CONSTANTINE ALEXANDER: What I'm getting at is  
20 when we get decks above the first floor -- open decks --  
21 it's always a concern -- at least on my part -- of the  
22 impact of the privacy of the neighbors, and also noise or

1 disruption, should this deck or a deck become a party deck,  
2 and that's putting aside COVID -- also outdoors. So that's  
3 what I'm trying to get at. What -- how will people access  
4 this deck?

5 CARL OLDENBURG: So --

6 CONSTANTINE ALEXANDER: Are there doorways, or  
7 climb through a window? What is it?

8 CARL OLDENBURG: No. There will be a door from  
9 the kitchen to the deck, and no other access to the deck.  
10 And I should point out that although it's 104 square feet,  
11 as you may be able to see on the plan, it's an irregular  
12 shape.

13 And there's really kind of a square area in the  
14 middle, which is 68 square feet, about nine feet by 7.5  
15 feet. And then kind of a connector on the other two corners  
16 for, you know, storage of chairs or plants or something like  
17 that. But it's not really big enough to use for much.

18 So we see it as a place for, you know, about two  
19 chairs. And, you know, maybe a little planter box or  
20 something to grow herbs. It's certainly not a party deck.

21 The impetus is larger because access to the back  
22 yard from the second floor is a little inconvenient. You've

1 got to go down an existing stairway with winders and so  
2 forth and so for a -- you know, a drink outside on a nice  
3 day or something like that it would be much more pleasant to  
4 just sort of step out the kitchen onto that small deck.

5 BRENDAN SULLIVAN: Now, does the second-floor unit  
6 have access to the back yard? Do they have gated space  
7 there?

8 CARL OLDENBURG: It does have access to the back  
9 yard via a back stairway which is existing. It goes down  
10 one level, turns with some winders, and then proceeds up.  
11 The floor plan should show it.

12 BRENDAN SULLIVAN: Do we have a site plan? So how  
13 much of that back area does the second floor, or is deeded  
14 to the second floor, if any?

15 CARL OLDENBURG: I believe --

16 BRENDAN SULLIVAN: I believe it's condos, is that  
17 correct?

18 CARL OLDENBURG: It will be condos. So they would  
19 --

20 BRENDAN SULLIVAN: So my question is, does the  
21 second floor have access to the gated area in the back yard?

22 BRIAN LAVELLE: If I could perhaps answer part of

1 that question? So the -- it's a small lot with a large  
2 footprint of a building.

3 But all of the areas outside of the building will  
4 be common use, and there is no parking. So there is going  
5 to be a shared patio in this area to the rear of the  
6 building, because there's not really enough room to have a  
7 patio for each unit. It's quite small.

8 BRENDAN SULLIVAN: So it's common area?

9 BRIAN LAVELLE: It'll all be common area, yes.

10 BRENDAN SULLIVAN: Okay.

11 BRIAN LAVELLE: So no exclusive use area outside  
12 of the building itself.

13 CONSTANTINE ALEXANDER: Thank you.

14 BRIAN LAVELLE: Thank you.

15 BRENDAN SULLIVAN: No further questions.

16 CONSTANTINE ALEXANDER: Wendy, do you have any  
17 questions that you want to ask?

18 WENDY LEISERSON: No, thank you.

19 CONSTANTINE ALEXANDER: Andrea?

20 ANDREA HICKEY: I have no questions. I'm just not  
21 a fan of decks above grade, especially where there is  
22 exterior common area to use for fresh air and sunlight and

1 all. But I'll withhold my final decision. Just wanted to  
2 make that comment.

3 CONSTANTINE ALEXANDER: For what it's worth, I  
4 share that comment. And as I've -- comments I've made in  
5 prior -- with respect to this deck, however, is not that  
6 big. It's tucked away in the rear, and there's no  
7 opposition in the neighbors who would be affected if people  
8 use that deck for raucous activities or what have you.

9 But I think the basic point you make is one I  
10 certainly support.

11 ANDREA HICKEY: Right. I think the size of the  
12 deck is such that you really couldn't get a table out there.  
13 So the concept of having a gathering of any sort with lots  
14 of people is not possible from what I can --

15 CONSTANTINE ALEXANDER: That was my conclusion.  
16 That is my conclusion as well.

17 ANDREA HICKEY: Right. Then we're on the same  
18 wavelength. That's all I have for now. Thank you.

19 CONSTANTINE ALEXANDER: Okay. Jim?

20 JIM MONTEVERDE: [Jim Monteverde.] I have no  
21 questions. Thank you.

22 CONSTANTINE ALEXANDER: Okay. The Chair has no

1 questions beyond what I've asked already. So we don't have  
2 any letters -- oh yes, we do.

3 I take it back. In our file is a memorandum from  
4 a group of neighbors who live on Leonard Avenue. And all  
5 are in support. They signed a petition in support of the  
6 relief being sought, the last sentence of which is, "We are  
7 happy that our neighbors plan to remain in our community,  
8 and support the proposed petition of an uncovered deck."

9 So -- and that's it in terms of written comments  
10 that this Board has received.

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

15 If you're calling in by phone, you can raise your  
16 hand by pressing \*9 and unmute or mute by pressing \*6. Take  
17 a moment to see if there's anyone calling in.

18 [Pause]

19 SISIA DAGLIAN: No. I don't see anyone.

20 CONSTANTINE ALEXANDER: None? Okay. Oh no, oh  
21 no.

22 CARL OLDENBURG: Mr. Chair, Mr. Chair?

1           CONSTANTINE ALEXANDER: Yes.

2           CARL OLDENBURG: Excuse me. So the buyers of the  
3 unit, Kalpa Shah and Erroll Rueckert, they had wanted to  
4 come in to the Zoom tonight to read that letter of support.  
5 They presently live on the street and have a young daughter  
6 and have lived there for many years.

7           I don't know exactly how long, but I think -- I  
8 don't know why we're not seeing them here, I do know that  
9 they just texted me that they were having difficulty being  
10 part of the Zoom meeting.

11          SISIA DAGLIAN: Well --

12          ERROLL RUECKERT: We're here. Can you hear us  
13 now?

14          CARL OLDENBURG: Oh, there you go.

15          ERROLL RUECKERT: Thank you for unmuting us.

16          Yeah, so we did get a letter in support from our  
17 neighbors, including the two abutters, who are happy to see  
18 us looking to stay on the block. And they're happy to  
19 support this request for, like I said --

20          CONSTANTINE ALEXANDER: Thank you for taking the  
21 time.

22          ERROLL RUECKERT: Thanks.

1           CARL OLDENBURG: Thanks, Erroll.

2           CONSTANTINE ALEXANDER: I will now close public  
3 testimony. Should I make a motion? I'm ready to make a  
4 motion, unless people want to have further discussion --  
5 members of the Board, I should say. Want further  
6 discussion?

7           BRENDAN SULLIVAN: [Brendan Sullivan] Just a  
8 comment is that -- and being in the construction business,  
9 and with the people dealing with COVID, and societal habits  
10 have changed, people have changed their whole living modus  
11 operandi.

12           And one of the things is that I notice people are  
13 eating out more -- whether it be in the back yard or  
14 whatever.

15           And also, we have building decks, paved areas, and  
16 so on and so forth where people will go out, put down a  
17 chaise lounge or whatever it may be, a table, and, you know,  
18 one or two people just sit there and, you know, partake in  
19 food or drink and just conversation, or just reading a book.

20           And I keep going back to my own house, where we  
21 have a very large deck off the back of our house, and we  
22 constantly use it, and just enjoy number 1 the outdoors, but

1 also the solitude of, you know, a little private space that  
2 you can go and adjust to all the stuff that's going on  
3 around us.

4 So I understand that decks can be intrusive to  
5 people. You know, that's just sort of bad behavior on some  
6 of the people who have given decks a bad name.

7 But I also feel that a deck like this in this  
8 location tucked in that corner has a very useful purpose,  
9 and an amenity that people really enjoy.

10 And it adds to their living space, which is being  
11 pushed outdoors, but has a very real purpose and a soothing  
12 purpose too.

13 So that's sort of my feeling on this particular  
14 situation, and also, some of the other ones that have come  
15 down before us. So that's my thought on that.

16 CONSTANTINE ALEXANDER: Thank you, Brendan. As we  
17 can see, different people see decks in different ways. And  
18 at the end of the day, I think everybody's right, provided  
19 this to the outdooriness that the deck provides is not abused  
20 by the people who live in the structure and utilize the  
21 deck.

22 You'd think, you know, in Cambridge you worry

1 about large decks and property that's leased to students or  
2 young people who'd like to party outdoors that are in the  
3 COVID point of view, and that it does impact neighbors.

4 We've had -- as you know, we've had a number of  
5 cases where neighbors have been opposed to decks because of  
6 the risks that I've just cited. But I don't think this is  
7 one of those cases, as you've indicated already.

8 So anyway, I will make a motion, unless people --  
9 other members of the Board want to have further discussion.

10 [Pause]

11 CONSTANTINE ALEXANDER: Hearing none? Okay. The  
12 Chair moves that we make the following findings:

13 That this proposed deck will not be substantially  
14 more detrimental than the existing nonconforming structure  
15 to the neighborhood.

16 That -- let me get my notes out -- oh, here, that  
17 the requirements of the ordinance cannot be met unless we  
18 grant the special permit that's being sought.

19 That traffic generated or patterns of access or  
20 egress resulting from what is being proposed, i.e., the  
21 deck, will not cause congestion, hazard, or substantial  
22 change in established neighborhood character. And the

1 various comments of Board members, myself included, deal  
2 with this.

3 That the continued operation of or development of  
4 adjacent uses, as permitted in the zoning ordinance, will  
5 not be adversely affected by what is the nature of the  
6 proposed use. And again, we've addressed that in our  
7 comments with the hearing of this case.

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

11 And one might add that what happened to them  
12 before is that not only it will not create detriment of the  
13 health, that it will actually improve the -- have the  
14 potential of improving the health by creating additional  
15 useable outdoor space that's not subject to this COVID.

16 And that what is being proposed will not impair  
17 the integrity of the district or adjoining district, or  
18 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 being requested  
22 on the condition that the work proceed in accordance with

1 the plan prepared by Carl, C-a-r-l C. Oldenburg, O-l-d-e-n-  
2 b-u-r-g, dated July 6, 2021.

3 BRENDAN SULLIVAN: Brendan Sullivan yes to  
4 granting the special permit.

5 CONSTANTINE ALEXANDER: Jim?

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

8 CONSTANTINE ALEXANDER: Andrea?

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

11 CONSTANTINE ALEXANDER: Wendy?

12 WENDY LEISERSON: Wendy Leiserson yes in favor of  
13 granting the special permit.

14 CONSTANTINE ALEXANDER: The Chair is also in favor  
15 of granting the special permit as well. That makes it  
16 unanimous.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Relief granted. Thank  
19 you.

20 COLLECTIVE: Thank you very much, Mr. Chairman and  
21 members of the Board. Goodnight.

22 CONSTANTINE ALEXANDER: Give me a few moments to

1 get the files back in order and we can move on to the next  
2 case.

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(8:35 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, and Jim  
Monteverde

CONSTANTINE ALEXANDER: All right. The  
Chair will now call Case Number 106926, 4 Aberdeen Court.  
Anyone here wishing to be heard on this matter?

MARC RICHARDS: Yes, hello.

CONSTANTINE ALEXANDER: Go ahead.

MARC RICHARDS: All right. Hi. Good evening to  
the Chair and the Board. Thank you for taking the time to  
hear the petition.

My name is Marc Richards. My wife Jen and I live  
at 4 Aberdeen Court with our three sons. They're 10, 10 and  
12.

And I'm here seeking retroactive relief for a  
nonconforming shed that was built in 2015 that was a  
replacement for a larger structure, and we recently moved it  
over several feet as an accommodation to a neighbor's  
request.

There's kind of some history to, like, where the

1 shed is where it is right now. So I'll try to keep it  
2 brief, but here's kind of where we're at.

3 CONSTANTINE ALEXANDER: Please do that, but answer  
4 -- I'm completely confused by the case, because you want to  
5 move the -- relocate the shed that was built over the  
6 property line back into your property, but then there's the  
7 neighbor, as you are well aware, who's opposed to this  
8 because it's going to block the use of the right of way.

9 It seems to me that you are inconsistent.

10 MARC RICHARDS: Yes. I agree that that feels a  
11 little inconsistent. I can speak to her letter of  
12 opposition shortly, but the general idea here is --

13 CONSTANTINE ALEXANDER: Take it where you want.  
14 But I just want you to --

15 MARC RICHARDS: Okay.

16 CONSTANTINE ALEXANDER: -- address it at some  
17 point.

18 MARC RICHARDS: Yeah, I absolutely will. I'll  
19 probably address it in more detail than you're interested in  
20 hearing. But yeah, I'll do my best.

21 All right. So we moved in in 2006. At the time,  
22 there was a 20 foot by 10' carport structure that included a

1 she had at the back of the structure.

2 We confirmed with the previous owner of Number 3  
3 Aberdeen Court -- so we're Number 4, so -- that that  
4 structure had existed since at least the early 1960s, and  
5 possibly back into the '40s, when the four houses on our  
6 street were built.

7 I can't see our -- any of the materials from our  
8 petition. I don't know if they're up? Okay, great. Thank  
9 you. So -- oh, perfect. Okay. So you've got the recent  
10 photos.

11 Can we go up to the previous ones, from the  
12 original? I think she's bringing them up now. Excellent.  
13 Perfect. Okay.

14 So these are pictures of the original. You can  
15 see it was kind of like a steel and sheet metal kind of  
16 structure. So it's the far -- the Aberdeen Court's a dead-  
17 end street, so that's the far end of Aberdeen Court, the  
18 east end there that you're looking at.

19 And so the carport was within the right of way  
20 that's shared by all four houses. So we all have a right of  
21 way over the street.

22 And around 2010, we had a property survey

1 completed, and we learned that about half of that structure  
2 was actually located over the property line and into the  
3 Number 3 Aberdeen Court slot, which is at the left side. So  
4 that's our house is the yellow one on the right. Number 3  
5 is to the left on these photos.

6 We didn't take any action at the time we learned  
7 it. None of the neighbors expressed any issue with the  
8 location. We shared that information with them; nobody was  
9 concerned about it.

10 In 2015, we decided to replace the carport. It  
11 was rusting. The shed part in the back there was kind of  
12 falling apart. It, as you can see, was a bit of an eyesore  
13 and was probably becoming a danger.

14 So if we can go to the next picture?

15 So this is the new shed that was built on the top  
16 in its original location in 2016, so the shed was -- the  
17 carport and shed were demolished at the end of 2015, and  
18 then you show this construction in early 2016.

19 It's a 10 x 10 cedar shed. It was put within --  
20 roughly within the original footprint of the carport and  
21 where the old shed was. I believe it's a -- you know,  
22 significant aesthetic upgrade.

1           So both the original carport and the new shed,  
2 they're both nonconforming obviously, because they're over  
3 the property line as far as the front setback goes, which  
4 the front setback here is -- the front property line would  
5 be the red line that's superimposed there.

6           I also believe that it was closer than five feet  
7 to the left side of the property, which is back in these  
8 images.

9           And the original carport was also too close to the  
10 house. It's supposed to be 10 feet from the primary  
11 structure. It was only about five feet from the corner of  
12 the house there.

13           So the original carport and shed were  
14 nonconforming; the new shed continued the nonconformance.  
15 I'll admit I was ignorant to the setback requirements at the  
16 time the shed was built in 2016.

17           We didn't seek zoning relief at the time. I  
18 wasn't aware it was necessary to do this from all sides of  
19 the shed in the fact that it was, you know, completely  
20 contained within the footprint of the previous larger  
21 structure.

22           But as far as neighborhood feedback went, at the

1 time, we discussed the replacement extensively with all the  
2 neighbors on Aberdeen Court prior to it being constructed,  
3 including the current resident of 3 Aberdeen Court.

4 Nobody raised any concerns about it being within  
5 the right of way, within the setback or straddling the  
6 property line at that time, and everybody seemed happy with  
7 it. It was an aesthetic improvement to our little street  
8 here.

9 So fast forward to August of last year, 2020. Our  
10 neighbor at 3 Aberdeen Court requested we move the shed off  
11 of her land at that point.

12 There was a lot of discussion and back and forth  
13 about how we should interpret this right of way, and if we  
14 had a right to keep the shed where it was, or if we had to  
15 move it on her request or not.

16 In consultation with our lawyer, we decided to do  
17 the easy thing as far as, you know, avoiding a court battle  
18 or something like that, and so we agreed to move the shed to  
19 the new location in December. And our neighbor was very  
20 impatient to have it moved immediately.

21 So again, after further consulting with our  
22 lawyer, we decided to move it as quickly as possible and

1 file for the variance retroactively.

2 At that point, I had already been in communication  
3 with the city about, you know, its location, and that we  
4 were going to be planning on filing a variance for it once  
5 it was moved.

6 The shed ended up being moved at the end of  
7 January because of weather in December. But it's been  
8 sitting in the new location that you can see in the bottom  
9 photo there since the end of January or the first day of  
10 February.

11 Okay. So I started filing for the variance around  
12 that time, and I missed some of the paperwork, which is why  
13 we're here now in August, rather than a few months ago. But  
14 that's kind of the history of why it's where it is.

15 I can talk about the nonconformity and the  
16 hardship before going into maybe some of the easement  
17 details. But are there any questions about kind of how it  
18 ended up where it is right now?

19 [Pause]

20 MARC RICHARDS: All right.

21 JIM MONTEVERDE: Just one. Sorry, this is --

22 MARC RICHARDS: Yep.

1           JIM MONTEVERDE:  -- Jim Monteverde.  Can -- Sisia,  
2 can you go to the survey?

3           SISIA DAGLIAN:  Yes.

4           JIM MONTEVERDE:  There you go.  Can you explain --  
5 I see the Aberdeen -- the drawing [2:47:41 audio unclear --  
6 the lot] before both left and right it curves.

7           MARC RICHARDS:  Yeah.

8           JIM MONTEVERDE:  And the dashed line, which I'm  
9 assuming is the limit of some common right of way kind of  
10 slices through your --

11          MARC RICHARDS:  It sure does, yeah.

12          JIM MONTEVERDE:  -- the balance of your property.  
13 What is that dashed line?

14          MARC RICHARDS:  That is the right of way.  It  
15 inexplicably takes a hard right and left turn there at the  
16 end of Aberdeen Court, and slices through the back of the  
17 Number 3 and 4 properties, and the house was built right  
18 over it.

19                 We did an extensive Title exam.  We don't know why  
20 it was drawn that way.  It does not seem to continue into  
21 the 585 Mount Auburn property.  So this is the driveway  
22 that's shared by the four properties on Aberdeen Court.

1 JIM MONTEVERDE: Which?

2 MARC RICHARDS: Just the extent of the piece  
3 that's kind of vertically through the drawing here. It's  
4 not a [connection interference] feet wide, and maybe --

5 JIM MONTEVERDE: So for instance to the back of  
6 your property line?

7 MARC RICHARDS: Correct. Yeah. And I guess we're  
8 going to end up talking about this quite a bit, it sounds  
9 like. This is kind of where the point of contention is.  
10 There's a lot of confusion.

11 The way the right of way is deeded to all four of  
12 us is written in a very ambiguous way. And so there's a lot  
13 of uncertainty about why it exists and why it was written  
14 the way it does (sic) and what sort of rights and  
15 limitations --

16 JIM MONTEVERDE: Okay.

17 MARC RICHARDS: -- we're all sort of subject to.  
18 So I can go into that in more detail --

19 JIM MONTEVERDE: Okay, that's fine. You've  
20 answered my question. Thank you.

21 MARC RICHARDS: Okay, great. Anything else before  
22 I proceed talking about the nonconformity of the current

1 location?

2           ANDREA HICKEY: Yes. Hi, this is Andrea Hickey  
3 speaking. I just have one question. How old is the primary  
4 sort of structure?

5           MARC RICHARDS: 1941. All four of the houses were  
6 built. It was originally all one plot of land that these  
7 four lots are. It was subdivided I think in the late '30s,  
8 and then the houses were all built in 1941.

9           ANDREA HICKEY: And when was the right of way or  
10 the easement created?

11           MARC RICHARDS: Sometime during that same time.  
12 So it was -- I believe it was at the time the subdivision  
13 was completed, which I think was 1938, but I don't know  
14 exactly.

15           ANDREA HICKEY: So the subdivision was of four  
16 lots that all share the right to this easement/right of way?

17           MARC RICHARDS: That's -- yes, yes. But the --  
18 there is -- the purpose of the easement is not specified in  
19 the deed or in any documentation that anybody's been able to  
20 uncover. It just says that we're all subject to the rights  
21 and liabilities therein or something like that.

22           ANDREA HICKEY: Right. And the 585 Mount Auburn

1 lot does not have the benefit of that easement?

2 MARC RICHARDS: So I had a complete Title exam  
3 done last October, and my Title examiner was not able to  
4 uncover any evidence that they have benefitted with that  
5 easement.

6 ANDREA HICKEY: Okay. Thank you. That's all I  
7 have.

8 CONSTANTINE ALEXANDER: Okay. Continue with your  
9 presentation?

10 MARC RICHARDS: Great. Thank you. So if we can  
11 move to, I guess, Slide 3 here? So this will be a little  
12 easier I think to see what's going on. So from the previous  
13 slide, you can see our lot is sort of trapezoidal shape.

14 I was here three years ago I think for a kitchen  
15 addition variance, and we discussed sort of at length about  
16 the trapezoidal shape of the lot, the way the house is sort  
17 of situated irregularly on it. And that makes dealing with  
18 the setbacks a real challenge for our property.

19 So -- but looking here just at the kind of  
20 previous shed location and the new shed location as best as  
21 I could superimpose it. We didn't have a new survey done  
22 just for this meeting.

1           But the bottom one shows the current situation.

2           The shed itself is about 16" off the front  
3 property line, which is on the left side here, and about  
4 four and a half feet from the left side, which is up here,  
5 unfortunately.

6           But I do want to point out those are the corners.  
7 It really averages along the front more like three or four  
8 feet from the property line, and seven or eight feet on the  
9 left side there.

10           So it is within the setback partially, but the  
11 entirety of the shed is not located at the setback.

12           Also, that bottom corner of the shed is only about  
13 eight feet four inches from the house to the bottom right.  
14 So it's, you know, kind of a -- it's less nonconforming than  
15 the original carport structure. But it's still, obviously,  
16 nonconforming.

17           Also, the numbers that I just quoted you are a  
18 little bit different than what was in my original petition.  
19 I filed an addendum earlier this week when I went out and  
20 actually measured it.

21           The shed didn't end up exactly where it was  
22 supposed to because of some grading issues, and it just

1 wasn't an exact science dropping it there.

2           So as far as the hardship, I'll just outline  
3 briefly what I put in the petition. There's the bulkhead  
4 there. The primary structure and its position on our  
5 irregular lot.

6           There really isn't an option to put the shed in  
7 any conforming space here, and except possibly in the middle  
8 of our front yard -- I think we could find a conforming  
9 location very specifically there, but that I don't think is  
10 what anybody wants, either.

11           So we would have to get a variance no matter what  
12 to have the shed relocated anywhere on the property.

13           As for why we didn't just get rid of it  
14 altogether, so it's a family of five. We have five  
15 bicycles, one car. We use our bikes a lot. Our kids use  
16 them to get back and forth to school. When I return to the  
17 office, I'll go back to using mine to commute into Kendall  
18 Square.

19           And so the only other place on our property that  
20 we could really store them would be in our basement, which  
21 we have a 1941-era bulkhead that's really not appropriate  
22 for a 10-year-old kid to be bringing a bicycle up and down

1 every day.

2           So this was kind of our only option. A smaller  
3 shed I think has the same issue; about 80 percent of the  
4 square footage of the shed is currently taken up by the  
5 bicycles, and so a smaller shed is still going to have the  
6 variance issue, I believe.

7           So that's kind of where we're at with why it's  
8 ended up where it is and, you know, how I see the hardship.

9           So I know that this Board since 2015 I did some  
10 research. It seems like you all have approved about six  
11 variances at least for accessory structures that are within  
12 setbacks; that's irrelevant to this case. Most of them were  
13 replacing prior nonconforming structures for a similar use.  
14 And then I found one example of, like, a bike shed storage  
15 only shed.

16           So I could read those case numbers into the record  
17 -- I don't know if that's useful or not, or I could just  
18 forward them along if you think that would be helpful?

19           BRENDAN SULLIVAN: This is Brendan Sullivan. I  
20 don't think any of those cases involved a structure that was  
21 in a right of way?

22           MARC RICHARDS: Um--

1           BRENDAN SULLIVAN: That's what differentiates. I  
2 can't believe in looking at this plan that that shed cannot  
3 go to the right.

4           MARC RICHARDS: Well, so the challenge when we get  
5 further to the right would -- if your concern is right of  
6 way, I guess still in the right of way although, you know,  
7 my lawyer has an interpretation about what could be allowed  
8 in the right of way, based on historical precedence.

9           But the bulkhead is there, and that sort of  
10 presents a special challenge.

11           BRENDAN SULLIVAN: Is that dotted line the right  
12 of way?

13           MARC RICHARDS: Correct, yes. There's also a  
14 couple trees that abut the property line along there too  
15 that we'd have to consider taking out as well.

16           BRENDAN SULLIVAN: And whoever -- who to your  
17 knowledge even traverses that right of way?

18           MARC RICHARDS: Just my family and I. That's it.

19           BRENDAN SULLIVAN: So you're the only ones?

20           MARC RICHARDS: Correct, yeah. Yeah. And we  
21 never access the one off to the left into the Number 3  
22 property?

1           CONSTANTINE ALEXANDER: Then why is your neighbor  
2 opposing it?

3           MARC RICHARDS: I mean --

4           CONSTANTINE ALEXANDER: Complains that -- that her  
5 right of way with what you're proposing will interfere with  
6 her use of the right of way?

7           MARC RICHARDS: I can speculate, but maybe if -- I  
8 don't know if she's present or not?

9           CONSTANTINE ALEXANDER: We'll find out.

10          MARC RICHARDS: So maybe we can wait until after  
11 the public comment?

12          BRENDAN SULLIVAN: I mean, your house --

13          MARC RICHARDS: I'm sorry?

14          BRENDAN SULLIVAN: A corner of your house is in  
15 the right of way, according to --

16          CONSTANTINE ALEXANDER: Yeah.

17          MARC RICHARDS: I know. It's -- I wish I had  
18 something, you know, concrete to tell you about it that was  
19 more satisfying. I don't. The right of way -- it doesn't  
20 make any sense.

21                 I've discussed -- it's -- the problem is it's  
22 registered land with the state of Massachusetts. So getting

1 the easement lifted is a very complex process.

2 It's outlived its usefulness according to my  
3 lawyer. That was the phrase he used. But the -- it would  
4 present a significant financial burden for us to go and take  
5 it to Massachusetts Land Court to try and get it lifted,  
6 because it's registered land.

7 JIM MONTEVERDE: Along that same line of  
8 discussion, just about location of the shed, if I go back to  
9 your certified plot plan, is there no other location for  
10 this shed?

11 Out of this straight-line drive that's labeled,  
12 "Aberdeen Court" somewhere either out your back door, you  
13 know, you get three other sides that I'm not sure would be  
14 as contentious to your neighbors as, or as sensitive as this  
15 particular one.

16 MARC RICHARDS: So neighbor is singular -- my  
17 other two neighbors did not -- they actually wrote letters  
18 of support.

19 JIM MONTEVERDE: That's nice.

20 MARC RICHARDS: So if we could look at -- we could  
21 look at Slide 2, I guess and I can talk you through it a  
22 little bit. So again, it's kind of the diagonal location of

1 the house. There is a kitchen addition that was added back  
2 a few years ago off the back of the house.

3 So trying to get it within -- you know, further  
4 than the 10 feet from the house, but 10 yards from the back  
5 of the property line and five feet or -- sorry 10 feet from  
6 the back of the property line, 10 feet from the primary  
7 structure, and five feet from the front, rear and back.

8 It's -- there really is not a feasible place to  
9 put it, in my opinion, that doesn't just present another set  
10 of problems.

11 JIM MONTEVERDE: So in that back zone where the  
12 labeling is Lot C3 or 3C-3.

13 MARC RICHARDS: Sure, yeah.

14 JIM MONTEVERDE: -- there's no --

15 MARC RICHARDS: Yes, it's --

16 JIM MONTEVERDE: -- configuration back there for  
17 the shed or go down to the plan, the lower left-hand side in  
18 that corner of the lot adjacent to the porch or below the  
19 porch? There's no other location on the lot that you think  
20 you could put a shed?

21 MARC RICHARDS: I mean, we played around with it,  
22 and it's within the setbacks on those other sides. There's

1 also a grading issue on the -- that top right side, and all  
2 along the back property line there's a rather steep grade of  
3 maybe three or four feet that's -- you know, doesn't have  
4 much opportunity to remove the land there.

5           CONSTANTINE ALEXANDER: Why can't you locate the  
6 structure, the shed near the property line with 2 Aberdeen  
7 Court? There seems to be a bit of room back there.

8           MARC RICHARDS: I mean, with the porch where it  
9 is, it's a screened in porch with a roof over it. As far as  
10 I'm aware, it would still be subject to the 10 feet.

11           And again, like part of the reason why we put it  
12 here was I was trying to keep it as consistent as possible  
13 with the location of the carport that had been there for 60  
14 years.

15           So that was part of the decision. But as best we  
16 could -- you know, I went out there with a tape measure and  
17 I -- from the best I could figure anywhere we put it, it was  
18 going to be subject to requiring a variance.

19           BRENDAN SULLIVAN: Yeah. And [Brendan Sullivan] I  
20 get the sense that even though there was a carport there,  
21 that looking at an automobile, looking at a carport is one  
22 thing; looking at a shed tends to be somewhat unsightly and

1 probably is disturbing, not -- you know, to the neighbors.  
2 That's all. I think if it was -- I suspect it's a visual  
3 thing. You know, well --

4 JIM MONTEVERDE: Yeah.

5 MARC RICHARDS: I -- there's no aesthetic --

6 BRENDAN SULLIVAN: I think it's a nice little  
7 area. I think I would prefer that it not be there either if  
8 I lived in any one of those houses.

9 MARC RICHARDS: Well, there was no aesthetic  
10 concern raised in the letter of opposition.

11 BRENDAN SULLIVAN: I mean, how you deal with  
12 something on the right of way is another issue, but I think  
13 in --

14 MARC RICHARDS: Sure.

15 BRENDAN SULLIVAN: -- the interim, the former or  
16 the present location to me is a little bit unsightly. But --

17 JIM MONTEVERDE: Yeah, and I think just to follow  
18 up I think --

19 BRENDAN SULLIVAN: I would not be in favor of  
20 granting relief in its present location -- the present  
21 proposed location.

22 JIM MONTEVERDE: Yeah. [Jim Monteverde]. I would

1 -- again, looking -- referring to the site plan again, if  
2 this is an accurate site plan, I think you revert to the  
3 fact that there have been additions to the building which I  
4 don't see here.

5 But based on what you've submitted what is in  
6 front of us, I don't feel terribly sympathetic to the case  
7 you're presenting, and would certainly ask that you look at  
8 and be able to present some alternatives that locate the  
9 shed elsewhere, or show us where they really don't work,  
10 even if they require a variance or other relief.

11 So I'm not really supportive from what you're  
12 asking for at the moment.

13 MARC RICHARDS: Okay. I mean, I could put  
14 together some additional materials that maybe demonstrate  
15 more about where the current location is, or where I'd like  
16 other locations for options, and why they would be  
17 nonconforming.

18 I think it's also important to recognize that I  
19 spoke with my neighbors about this, including Ms. Donnelly  
20 at 3 Aberdeen Court well before it was moved. I showed her  
21 a drawing very similar to the one that's there on Slide 3,  
22 on where I wanted to put it, and we talked about the setback

1 specifically.

2 We talked about her, you know, the easement. And  
3 I asked her if she was -- would object to a variance  
4 petition. And she indicated that she would not. We had  
5 that conversation on two separate occasions.

6 And so then it was, you know, I spent over \$10,000  
7 to regrade that side of my property to have the shed moved  
8 to pave over part of my front yard all to accommodate her  
9 requests, based on her statement to me that she would not be  
10 contesting the variance petition.

11 And then on the last day of public comment she  
12 submitted the opposition letter. So that was -- I find that  
13 really unfortunate, because if she had said that she was  
14 going to oppose it, I would have come here to you all first  
15 and said, you know, I'm not going to move it until we have  
16 it settled, so that this is a -- I'm not really sure what  
17 further to say about that, but that's part of the situation  
18 that I feel is relevant.

19 CONSTANTINE ALEXANDER: What you've heard, you're  
20 hearing, is at least two members of the Board have problems  
21 with what you're proposing -- the location, actually, of  
22 where you're going to move the shed to. That's enough to

1 cause your -- you need to get four votes in favor. You're  
2 only going to get at best -- and I don't think you'll even  
3 get that -- three.

4 So I think what you have to do is what has been  
5 suggested by my fellow Board members: Continue this case,  
6 sit down with your neighbors and look at all the  
7 alternatives. And it's a small group of neighbors; it's not  
8 like you've got to convene a big hall.

9 Sit down and see if you can come up with something  
10 that puts the shed entirely on your property, but in a  
11 fashion or a location that doesn't annoy or upset your  
12 neighbors. I don't see what else.

13 MARC RICHARDS: Okay. I absolutely can and will  
14 do that. If I may just address the issue of the easement,  
15 because I'll probably be back here, and I'd like to get this  
16 into the record now, if I may.

17 The substantive portion of -- like I said, her  
18 opposition letter does not mention any specifics about the  
19 zoning ordinance. It doesn't mention any specifics about  
20 the aesthetics; the current use or the character of the  
21 neighborhood. It really focuses on the easement  
22 obstruction.

1           And if you could bring up that other set of two  
2 photos that came in a bit later, I'd appreciate it. So in  
3 her letter, she specifically writes, you know, the owners  
4 have the obligation to keep the right of way unobstructed.  
5 This is the letter from the owner of Number 3, Aberdeen  
6 Court.

7           If you can see, like, this is the current  
8 situation here on Aberdeen Court. She -- while we were away  
9 in July, she put three heavy planters and extended her  
10 garden out right up to the property line, all within the  
11 bounds of the way.

12           The perspective here maybe isn't great, but that  
13 -- her garden is now extended all the way to the back, to  
14 the back side of the property in the image here.

15           And yet she -- you know, she sends you a letter  
16 saying that we're, you know, as owners, we're responsible  
17 for keeping the way unobstructed. But this is what it looks  
18 like on her side, compared to my side.

19           So I'm -- like I said, I'm disappointed. I will  
20 absolutely go and see where else we can put the shed. But I  
21 feel like it's important to maybe share that I feel like  
22 she's kind of misrepresenting the situation on the court as

1 it is currently. I just wanted to make sure that you all  
2 understood that.

3 CONSTANTINE ALEXANDER: Do other members of the  
4 Board agree with me that this case needs to be continued, or  
5 not?

6 ANDREA HICKEY: This is the -- yes. This is  
7 Andrea Hickey. Yes, I think that the case should be  
8 continued. I'd like to see the shed somewhere on the lot  
9 other than this location.

10 I understand there are some grading issues on that  
11 sort of right rear part of the lot, but that seems to me to  
12 be a more sensible place to put it.

13 And to me, it's not enough for the petitioner just  
14 to show why it doesn't work in other places. That would not  
15 convince me that it's okay where it's being proposed.

16 I think there needs to be a better solution and  
17 another location altogether.

18 CONSTANTINE ALEXANDER: Okay.

19 MARC RICHARDS: I'm sorry, Ms. Hickey. I didn't  
20 quite understand. You said that it wouldn't be sufficient  
21 for me to show what exactly?

22 ANDREA HICKEY: If you were to show why the other

1 potential locations don't work, that would not be enough to  
2 -- for me to change my mind. I think it needs to go  
3 somewhere else.

4 MARC RICHARDS: Okay. So -- all right. Okay. I  
5 was under the impression that the fact that the previous  
6 structure was there would be relevant. But it sounds to me  
7 like that's not the case.

8 ANDREA HICKEY: Well, the previous structures it  
9 looks like it's sort of straddled the property line. You  
10 know, is the -- what you're proposing -- your shed now, is  
11 it the same size as the prior carport? Help me understand  
12 the size.

13 MARC RICHARDS: It's half the size of the prior  
14 carport.

15 ANDREA HICKEY: Okay.

16 MARC RICHARDS: The carport was 200 square feet,  
17 and the shed is 100 square feet.

18 ANDREA HICKEY: Mm-hm. All right. Well, I, at  
19 this point, I'm still not in a position to vote in favor of  
20 what you're presenting today. I would encourage you to come  
21 up with some alternate locations, continue the case and come  
22 back to us.

1           MARC RICHARDS: Okay.

2           CONSTANTINE ALEXANDER: How much time would you  
3 like to do what we're all suggesting?

4           MARC RICHARDS: I'm not sure. I hadn't really  
5 looked much beyond this hearing. So I don't know how much  
6 time that would take. What's --

7           CONSTANTINE ALEXANDER: 60 days?

8           MARC RICHARDS: 60 days sounds good, thank you.

9           CONSTANTINE ALEXANDER: So that would put us in  
10 what, early December, really. The first meeting in  
11 December.

12          SISIA DAGLIAN: November. November 4?

13          CONSTANTINE ALEXANDER: This case, we have  
14 September, October -- you're right. Skipped October.

15          SISIA DAGLIAN: November 4 we have a date. We  
16 have November 4.

17          CONSTANTINE ALEXANDER: How does November 4 sound  
18 to you, sir?

19          MARC RICHARDS: That sounds great. I can be back  
20 here for that.

21          CONSTANTINE ALEXANDER: Okay. All right.

22          MARC RICHARDS: All right. I appreciate

1 everybody's time. Thank you.

2 CONSTANTINE ALEXANDER: The Chair moves that --

3 BRENDAN SULLIVAN: Don't hang up yet.

4 MARC RICHARDS: I'm still here.

5 CONSTANTINE ALEXANDER: Yeah. Don't hang up yet.

6 The Chair moves that we continue this case as a case heard  
7 until 6:00 p.m. on November 4, subject to the following  
8 conditions:

9 First, you have to sign a waiver of time for  
10 decision. Otherwise, we'll have a problem from a legal  
11 point of view. This waiver is something the Building  
12 Department has. It's a very, very simple document. It just  
13 consents to continuing this case until November 4.

14 Now, you need to sign that, and you need to sign  
15 it by 5:00 p.m. a week from Monday. Otherwise, the case  
16 will be dismissed. Because we do need to have that in our  
17 hands.

18 MARC RICHARDS: Okay.

19 CONSTANTINE ALEXANDER: Otherwise, we'll get  
20 relief automatically and that's not the purpose what we're  
21 trying to accomplish. So that's first. Get to the Building  
22 Department, or contact it next week and get, or even do it,

1 you know, next week and get it signed by 5:00 p.m. a week  
2 from Monday.

3 Second, that posting sign that you have there now,  
4 you need a new one with a new date and time, or you can  
5 modify what's there now with a magic marker or what have you  
6 and cross out the old date, put the new date in, cross out  
7 the old time, put the new time in, 6:00 p.m.

8 But do that, because otherwise your case won't get  
9 heard until later in the day on November 4, and that's not  
10 in your interest or our interest.

11 That modified sign or new sign must be maintained  
12 for the 14 days prior to November 4, just as you maintained  
13 the sign for tonight's hearing.

14 And lastly, to the extent -- and there will be --  
15 to the extent there are modified plans with regard to how  
16 you're going to locate the new shed, those must be in our  
17 files, or the Building Department's files, no later than  
18 5:00 p.m. on the Monday before November 4.

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: Wendy?

6 WENDY LEISERSON: Wendy Leiserson yes to the  
7 continuance.

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

10 [All vote YES]

11 So this case is continued. But remember the  
12 conditions we just imposed. If you have any questions,  
13 contact the Building Department. But otherwise, we shall  
14 see you on November 4.

15 MARC RICHARDS: Okay. Thank you. And thank you  
16 for the feedback and additional advice.

17 CONSTANTINE ALEXANDER: Thank you.

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(9:01 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy  
Leiserson, Jim Monteverde and Matina  
Williams

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 131990 -- 301 Vassar Street. Mr. Sullivan, Vice  
Chair, will chair this hearing. I'm not sitting on this  
case. So Brendan, the case is yours.

BRENDAN SULLIVAN: So we have Wendy, Jim, Andrea,  
Matina and myself, is that correct, the lineup? Yes,  
Matina, you're here?

CONSTANTINE ALEXANDER: Got to make sure she's  
here.

BRENDAN SULLIVAN: Matina?

MATINA WILLIAMS: I'm here.

CONSTANTINE ALEXANDER: Matina, are you there?

MATINA WILLIAMS: I'm here.

BRENDAN SULLIVAN: Yep. Yeah. Okay. Good.  
Welcome back. Okay. Tim, you're presenting?

TIM PETERS: Actually, Kelley Brown from MIT will  
be presenting. Thank you.

1           BRENDAN SULLIVAN: Okay. Yep. Okay. The Board  
2 is familiar with your case, so you can probably present the  
3 case and go right through it. Go ahead, Kelley.

4           KELLEY BROWN: Okay, great. Thank you, Mr. Chair,  
5 and good evening to members of the Board. My name is Kelley  
6 Brown, and I'm a Senior Planner in MIT's Office of Campus  
7 Planning.

8           I will try to keep it kind of brief here, as I  
9 know you are familiar. But I did want to kind of give you  
10 the context and rationale for the setback variances that  
11 we're looking for here at the proposed West Campus graduate  
12 student dormitory on the MIT campus.

13           We're going to look at a couple of telephone  
14 issues near the end, and then I may call on Tim Peters.  
15 He's from Kieran Timberlake, our design firm for the  
16 dormitory, who is here with us.

17           And we'll conclude with the reasons that we  
18 believe the variance meets the criteria for being granted.

19           The next slide, please?

20           Yeah. So the project is a key part of fulfilling  
21 commitments that MIT made in rezoning the federal Volpe land  
22 in Kendall Square. We made a commitment to provide a total

1 of 950 new beds -- new and converted beds, I should say.

2 And with the delivery of the West Campus graduate  
3 dormitory in the fall of 2024 that -- as planned, that's the  
4 anticipated delivery -- we will have provided more than 1000  
5 beds.

6 And so we have had multiple community reviews.  
7 We've obtained all the necessary special permits from the  
8 Planning Board, and we got a certificate of appropriateness  
9 from the Cambridge Historical Commission for the portion of  
10 our site that is in the Fort Washington Historic District.

11 We hope to begin construction right after the  
12 beginning of next year.

13 Next, please?

14 So just to locate this thing, it's on the West  
15 Campus. This is kind of a constellation of open spaces in  
16 our neighborhood and in Cambridgeport and on the West  
17 Campus.

18 And the project site there you can see we have a  
19 big arrow indicating that this will be an important crossing  
20 of the Fort Wa-- the, pardon me, the grand Junction railroad  
21 track that will be a superior connection I think for the  
22 neighbors to MIT campus and down to the river from what we

1 have now.

2 Next, please?

3 Yeah. So what you see here in the upper left is  
4 the walkway through this parking lot directly adjacent to  
5 the vehicle entry and exit gates. You can see the flag in  
6 the background there; that's Fort Washington Park. We're  
7 surrounded by the railroad line and in the lower right-hand  
8 corner you can see a portion of the Eversource electric  
9 substation.

10 And then we also have the police station, which is  
11 in the upper right-hand corner, and it will be demolished  
12 and made a part of this site. That's the 301 Vassar  
13 location.

14 Just to say that it's something that was ranked of  
15 low historic significance in our joint study of MIT historic  
16 property with the Cambridge Historic Commission. So we're  
17 expecting to be able to get a demolition permit for that  
18 building.

19 Next, please?

20 So this is just to show the project site. And  
21 this is the two districts. It's Special District 11 on the  
22 left, and it's Special District 6 on the right on I guess

1 it's about 80 percent of the site. But 20 percent of the  
2 site is in Special District 11.

3 Next?

4 Thank you. So you have to look a little closely  
5 here, but you can see that the -- we've got the East  
6 Building to the right, the West Building to the left, and  
7 then the Central Plaza that connects us back to Fort  
8 Washington.

9 So what we have is the building is kind of split  
10 in two right near the entry. You'll see it in a minute.  
11 And that's the -- our problem. As Special District 6 has  
12 zero setbacks required, SD 11 has the kind of formula-based  
13 setbacks. And you'll see the kind of hardship that that  
14 imposes on us in a minute.

15 Next, please?

16 This is the context that you're looking from at  
17 the top from the campus towards the neighborhood, and then  
18 on the bottom from the neighborhood from the Fort Washington  
19 side to the rest of the campus you get a sense of some of  
20 the scale and background there.

21 Next, please?

22 So this gives you perhaps a better sense of the

1 scale that we're dealing with here. We're trying to match  
2 up with that Simmons Hall on the right there, with this new  
3 building. But at the same time, we're trying to break down  
4 the mass of the building. It is 328,000 square feet. It is  
5 about 670 I guess right now beds.

6 So we're trying to break that down and make it  
7 attractive along the street. And you can get a sense here  
8 of kind of the rhythm and context that we're looking at, the  
9 kind of street wall that's presented there.

10 Next, please?

11 So this is the East Building that has this nice  
12 loggia to your right. the opening into the Central Plaza,  
13 and then on the far side in the East Building some of that  
14 transparency is a lounge.

15 And this is kind of how we're connecting the whole  
16 site together.

17 Next, please?

18 So this is that entry location in the East  
19 Building that splits between SD-6 and SD-11. It's primarily  
20 the buff-colored building on the left that's in SD-11.

21

22 Next, please?

1           So what you have here is in the upper left is the  
2 existing police building, and then the red mass is a  
3 conforming building that would also be like the police  
4 building 27 feet tall, which is about a quarter of what's  
5 allowed with a special permit in the district.

6           Next, please?

7           So when you actually use the height that's allowed  
8 and the Planning Board has granted us, the formula setback  
9 basically takes away your opportunity to build a building.  
10 You just can't build a building that uses the allowed -- the  
11 allowed height here.

12           And so naturally we really want to connect it to  
13 the rest of the structure there, and really for the whole --  
14 for the whole project.

15           Next, please?

16           So, you know, the literal enforcement we think is  
17 a hardship because the two districts for the single  
18 building, I mentioned that we're trying to get this  
19 consistent and matching scale.

20           And really the project would be infeasible. We  
21 wouldn't be able to provide the beds that we'd like, and we  
22 think this would deny a reasonable and desirable use for the

1 land.

2 Next, please?

3 This is sort of a classic hardship with the lot  
4 dimensions. We also have the Historic District that comes  
5 in, and we didn't build anything in that district, and as  
6 part of -- to accommodate -- I don't know if you're familiar  
7 with Fort Washington, but sort of the idea of it is you have  
8 these cannons in the fort that are pointed towards the  
9 historic river area. And the idea is to have this site  
10 lines through.

11 So you really don't want to build anything in  
12 that. And we ended up building much -- about 125-foot- wide  
13 plaza in order to accommodate that; much wider than the  
14 Historic District.

15 And, you know, as a result, the allowed height  
16 that you see here on the right, that just is not feasible  
17 with the setbacks that we have.

18 Next, please?

19 We think it does no substantial detriment to the  
20 public good. It does fulfill the city requirement I  
21 mentioned. It does respect the neighboring Historic  
22 District, but it's also, you know, a railroad and an

1 electric substation that we're having insufficient yard for.  
2 So we think that that's not something that's going to impact  
3 the public good.

4 We think we have a very good design, very  
5 appropriate for the site that it locates its height and  
6 massing in a good way that creates light and air.

7 And it is in this MIT residential ring here. You  
8 know, the undergraduate dormitory is to the right, and then  
9 there's graduates across the street.

10 Next, please?

11 And we think that it does support the purpose and  
12 intent of the ordinance; that it will reduce congestion.  
13 It'll -- it removes a big parking lot and will put students  
14 on campus instead of having, you know, several hundred  
15 students traveling to campus as they do today.

16 It also protects the residential neighbors. It's  
17 particularly important for reducing the pressure on pricing  
18 for our nearby neighbors in Cambridgeport, but throughout  
19 the city.

20 And we think that the kind of strengthened  
21 connection that I mentioned between the park getting through  
22 a -- we think is going to be a fabulous open space, and

1 moving towards the river and other open spaces on the MIT  
2 campus will be a substantial benefit to the city and the  
3 neighborhood.

4 So that's pretty much it.

5 Next?

6 You can get a prettier picture. And we're happy  
7 to answer any questions that you might have. And --

8 BRENDAN SULLIVAN: Any questions by members of the  
9 Board at all? Wendy, any questions?

10 WENDY LEISERSON: Wendy Leiserson no questions.

11 BRENDAN SULLIVAN: Jim?

12 JIM MONTEVERDE: Jim Monteverde no questions.

13 BRENDAN SULLIVAN: Matina?

14 MATINA WILLIAMS: Matina Williams no questions.

15 BRENDAN SULLIVAN: And Andrea, any questions at  
16 this point?

17 ANDREA HICKEY: I have no questions. It was a  
18 very clear and thoughtful presentation. Thank you.

19 BRENDAN SULLIVAN: Great. With that, I will open  
20 up to public comment. Any member of the public who wishes  
21 to speak should now click the button that says,  
22 "Participants," and then click the button that says, "Raise

1 hand."

2 If you are calling in by phone, you can raise your  
3 hand by pressing \*9 and unmute or mute by pressing \*6. You  
4 will be given up to three minutes for your comments.

5 SISIA DAGLIAN: I don't see anyone.

6 BRENDAN SULLIVAN: It appears that nobody is  
7 calling in. There is no correspondence in the file. We  
8 will make note that the project has received special permits  
9 for Article 19 Project Review: Minor additions to height in  
10 Special District 6 and Special District 11, a reduction in  
11 parking amounts and to allow compensation payments. They're  
12 having less than 80 percent green roof.

13 Also note in the application that the petitioner  
14 has reserved rights under the Dover Amendment. And the  
15 Dover Amendment says that no zoning ordinance or bylaw shall  
16 regulate or restrict the interior area of a -- it says  
17 residential building -- nor shall any such ordinance or  
18 bylaw prohibit, regulate or restrict the use of land or  
19 structures for religious purposes, or for educational  
20 purposes.

21 With that, any other questions. Mr. Brown, any  
22 further comments?

1           KELLEY BROWN: No. No, we're all set, I think.

2           BRENDAN SULLIVAN: No? Okay. And no questions  
3 from members of the Board? Ready for a motion?

4           JIM MONTEVERDE: Ready for a motion.

5           ANDREA HICKEY: Ready.

6           BRENDAN SULLIVAN: Let me make a motion, then, to  
7 grant the relief requested as per the application and the  
8 dimensional form by reference.

9           The Board finds that a literal enforcement of the  
10 provisions of the Ordinance would involve a substantial  
11 hardship to the petitioner, because it would preclude the  
12 petitioner the ability to adequately redevelop and  
13 underutilized site; primarily a surface parking lot into a  
14 much-needed, two-dormitory building, consistent in scale  
15 with the neighboring building.

16           The Board further finds that the petitioner, the  
17 Massachusetts Institute of Technology, has designed the  
18 project to meet as many of the applicant ordinance  
19 requirements as possible, while also providing an  
20 appropriate number of dormitory beds to serve the MIT  
21 graduate students, and fulfill MIT's obligation set forth in  
22 the Letter of Commitment referred to in Section 13.810.4 of

1 the Ordinance.

2 Without the requested relief, the petitioner would  
3 be deprived of reasonable and desirable use of the site, and  
4 it would be unable to provide additional dormitory beds to  
5 serve the MIT graduate student population.

6 The hardship is owing to the shape of the lot, the  
7 atypical long and narrow lot. The Board finds that the site  
8 is also additionally encumbered being in a split zone,  
9 Special District 6 and Special District 11.

10 And the fact that the Fort Washington Historic  
11 District extends into a portion of the site, which prevents  
12 the petitioner from constructing a single, larger building  
13 that is more centered on the lot.

14 The Board finds that desirable relief may be  
15 granted without substantial detriment to the public good,  
16 nullifying or substantially derogating from the intent and  
17 purposes of the ordinance.

18 As noted above, the project is proposed in  
19 response to a requirement of the Letter of Commitment  
20 referred to in Section 13.810.4 of the Ordinance, which  
21 letter was approved by the City of Cambridge City Council as  
22 providing for mitigation measures that benefit the city.

1           The project is not a substantial detriment to the  
2 public good, but rather benefits the public good by  
3 providing needed dormitory housing for MIT graduate students  
4 and affiliates on a centrally located site within MIT's West  
5 Campus.

6           The project is well-located for its purpose as it  
7 is directly adjacent to existing graduate student housing.

8           The project will promote the purpose and intent of  
9 the Ordinance, which among other things encourages the most  
10 rationale use of land throughout the city, including the  
11 encouragement of appropriate economic development.

12           And the Board further finds that the stated goals  
13 of the city to encourage the university to provide more  
14 housing for its students, which lessens the burden on the  
15 existing housing stocks, will be furthered.

16           On that motion, and the fact that the work be done  
17 in compliance with the plans, specifications, dimensional  
18 form as submitted and initialed by the Chair, all those in  
19 favor of granting the special permit?

20           Matina?

21           MATINA WILLIAMS: Matina Williams --

22           BRENDAN SULLIVAN: I'm sorry, in favor of granting

1 the variance, not the special permit.

2 JIM MONTEVERDE: Yep.

3 BRENDAN SULLIVAN: Matina?

4 MATINA WILLIAMS: Ready?

5 JIM MONTEVERDE: Yep.

6 BRENDAN SULLIVAN: Your vote.

7 MATINA WILLIAMS: Matina Williams in favor of  
8 granting the variance.

9 BRENDAN SULLIVAN: Thank you. Andrea?

10 ANDREA HICKEY: Andrea Hickey yes in favor of  
11 granting the request.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde in favor of  
14 granting the variance request.

15 BRENDAN SULLIVAN: And Wendy?

16 WENDY LEISERSON: Wendy Leiserson in favor of  
17 granting the variance.

18 BRENDAN SULLIVAN: The Chair votes in favor.

19 [All vote YES]

20 BRENDAN SULLIVAN: The variance is granted. And  
21 thank you for a very good presentation.

22 KELLEY BROWN: Thanks to the Board. Thank you,

1 Mr. Chair.

2 COLLECTIVE: Goodnight.

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(9:25 p.m.)

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

CONSTANTINE ALEXANDER: Okay. Moving on with the  
rest of our agenda, The Chair will now call Case Number  
127832 -- 2 Mercer Circle. Anyone wishing to be heard on  
this matter? Maggie, are you on mute, maybe?

MAGGIE BOOZ: Hi. Yep. Hi.

CONSTANTINE ALEXANDER: Hi.

MAGGIE BOOZ: Sorry. Good evening, members of the  
Board. I'm Maggie Booz. I'm the architect for Allison Cook  
and David Hirsh at 2 Mercer Circle in Cambridge.

And I'm here to present the project that they are  
seeking relief for. And if the -- if the Staff could put on  
the drawings, that would be great.

CONSTANTINE ALEXANDER: Give us a second.

MAGGIE BOOZ: Okay.

CONSTANTINE ALEXANDER: Okay. There we go.

MAGGIE BOOZ: Thank you. Allison and David have a  
house at 2 Mercer Circle that is nonconforming to its rear

1 property line, which is on this site plan it's the right-  
2 hand property line. They have a long, rectangular site, but  
3 the house is oriented in the other direction. Its long  
4 rectangle is parallel to the short side of the site.

5 Their house is conforming on the front, left side  
6 and right side, but not on the rear, where we have -- we  
7 have an 11.1-foot rear yard setback.

8 And on that façade, there is an existing one-story  
9 addition that I suspect may have been a porch or a -- you  
10 know, some sort of stoop or old mudroom entrance that became  
11 incorporated as part of the first-floor kitchen. And it  
12 isn't insulated or really properly constructed.

13 It has sheds underneath it -- storage sheds  
14 underneath it that are also uninsulated. I mean, they're  
15 just outdoor sheds at the ground level, basement level,  
16 because the first floor of the house sits up pretty high.

17 So what we're proposing is an addition on one side  
18 of that shed that's very, very small. That's at that  
19 northeast corner of the house that you can see. So the shed  
20 doesn't -- excuse me, the addition doesn't quite come to  
21 that corner right now, so just short of it.

22 And -- can I control this cursor, or are you

1 controlling it? Can I have control of the cursor, or --  
2 this corner is -- this corner is what I'm talking about,  
3 this northeast corner of the house.

4 And -- that's the northwest. Yep. Right over  
5 there. It's that small addition that takes the addition all  
6 the way to the corner of the building. And then on the  
7 other side south of that, we're also proposing an addition.

8 And all that will continue the same set -- that  
9 same 11.1-foot setback.

10 We then have an existing deck that we're -- that  
11 is a little bit tucked behind the house. We're trying to  
12 pull it around into the yard a little more. It's a small  
13 deck. It's -- you know, 8 x 8 and just enough for a table  
14 and four chairs, maybe.

15 And that deck is accessed -- is also access (sic)  
16 to the yard. As you can see the set of stairs on the site  
17 plan.

18 So we're -- this is the relief we're requesting.  
19 We're also doing some other work on the house, which you can  
20 see in red on the plot plan, on the site plan. But that  
21 work doesn't require relief.

22 And the reason that we're making the request is

1 because we're just trying to find -- well, two things.  
2 We're trying to enclose, we're trying to rebuild that  
3 existing bump-out in the back so that it's just -- its walls  
4 are insulated, and its roof is insulated, instead of being  
5 uninsulated. It literally freezes their food.

6 There is a pantry -- all their pantry, you know,  
7 shelving is in there. There's no door on it or anything in  
8 the kitchen. It's open to the kitchen. And it is literally  
9 freezing in the wintertime.

10 And then we're trying to make a space for a powder  
11 room on the first floor. The powder room is -- if you go to  
12 the existing floor plan, first floor plan -- that's the site  
13 plan, yes.

14 One more? A-3.0; there we go.

15 You can see that there is a powder room sort of in  
16 the breakfast room of the house, so the kitchen is on the  
17 left in the rear.

18 That bump-out addition that I'm talking about is  
19 at the top of the screen, and the breakfast room is over to  
20 the right, and the powder room is in the breakfast room,  
21 which is a fairly uncomfortable position for the powder room  
22 to be in, not to mention somewhat unhygienic. And David's a

1 doctor, so he's particularly conscious of these things.

2 So that area where you see the deck in the back and the  
3 stairs going down at the top of your screen is where we're  
4 proposing to put the powder room.

5 It's also on the back side of the chimney, which  
6 is convenient because there's plumbing coming down in that  
7 part of the house, the bathroom on the third floor and  
8 second floor. There are plumbing pipes coming down in that  
9 part of the house. And naturally, the basement there and go  
10 across the basement to the front of the house at that point.

11 So if you go to A-4. -- it should be 4. -- just  
12 go to the next screen, if that works. One more, sorry;  
13 A-3.1.

14 You can see that we've incorporated that bump-out  
15 on the back of the top of the screen into the kitchen,  
16 renovating the kitchen. And the space that we're proposing  
17 to add on is that powder room and utility closet.

18 And then the deck that we're proposing is over to  
19 the right.

20 And that is the project. This part of the house  
21 is hidden, really. It's -- you know, it's really the back  
22 end of the building, and we think that it's a minimal ask

1 from the Board. It's a .02 increase in floor area, but  
2 we're not near, you know, violating floor area ratio, and  
3 it's an existing nonconformity that we're asking to  
4 continue.

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

7 BRENDAN SULLIVAN: Brendan Sullivan no questions.

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: [Jim Monteverde.] Just one  
10 question.

11 MAGGIE BOOZ: Mm-hm.

12 JIM MONTEVERDE: And it's not about the what  
13 you're doing by the kitchen and the breakfast room. On the  
14 diagonally opposite side of the house where the existing it  
15 looks like entry deck is removed, and then you excavate it  
16 and build a garage belowground, put in a new drive that kind  
17 of descends to the lower-level garage.

18 MAGGIE BOOZ: Yeah.

19 JIM MONTEVERDE: Is there any zoning relief? And  
20 I'm looking at your sheet A-1.0.

21 MAGGIE BOOZ: Mm-hm.

22 JIM MONTEVERDE: Is there zoning relief associated

1 with that?

2 MAGGIE BOOZ: No, there isn't.

3 JIM MONTEVERDE: So all of that is as of right?

4 MAGGIE BOOZ: That's all as of right.

5 JIM MONTEVERDE: Okay.

6 MAGGIE BOOZ: Even the steps, if we do end up  
7 doing the corner steps, so sort of fan steps --

8 JIM MONTEVERDE: Yep.

9 MAGGIE BOOZ: -- they also conform to the setbacks  
10 and --

11 JIM MONTEVERDE: Okay, thank you.

12 MAGGIE BOOZ: Thank you.

13 JIM MONTEVERDE: And then one further question.  
14 Is there any historic or neighborhood or Conservation  
15 Commission or any other group review that this is subject  
16 to?

17 MAGGIE BOOZ: There is no -- the building is not  
18 in a historic district. It's off of the Brattle Street  
19 Historic District.

20 JIM MONTEVERDE: Oh, okay, yep.

21 MAGGIE BOOZ: And --

22 JIM MONTEVERDE: And it's not within any other

1 conservation or whatever agency that might review it?

2 MAGGIE BOOZ: No, because we're not demolishing  
3 enough to trigger a Historic Commission review.

4 JIM MONTEVERDE: Gotcha. Okay. Thank you.

5 CONSTANTINE ALEXANDER: Andrea, any questions?

6 ANDREA HICKEY: I have no questions. And thank  
7 you, Ms. Booz, for a clear presentation.

8 CONSTANTINE ALEXANDER: Matina?

9 MAGGIE BOOZ: Thank you.

10 BRENDAN SULLIVAN: Wendy?

11 CONSTANTINE ALEXANDER: Hm?

12 BRENDAN SULLIVAN: Is it Wendy?

13 CONSTANTINE ALEXANDER: Wendy or Matina?

14 WENDY LEISERSON: It's Wendy.

15 CONSTANTINE ALEXANDER: Wendy. I'm sorry.

16 WENDY LEISERSON: That's okay.

17 CONSTANTINE ALEXANDER: I got you back and forth.  
18 I can't keep up.

19 WENDY LEISERSON: Exactly. Yeah. Wendy Leiserson  
20 no questions. Thank you.

21 CONSTANTINE ALEXANDER: Okay. The Chair has no  
22 questions either.

1           So I think we'll open the matter up to public  
2 testimony. There is one letter of support from a neighbor.  
3 Other than that, there is nothing else, no other  
4 communications in our files. So -- yes? Oh.

5           Any members of the public who wish to speak should  
6 now click the icon at the bottom of your Zoom screen that  
7 says, "Raise 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 take a moment to see if anyone wishes to speak.

11           [Pause]

12           CONSTANTINE ALEXANDER: Apparently, there is no  
13 one who wishes to speak, so I will now close public  
14 testimony. We've got a good, thorough presentation from Ms.  
15 Booz. Do we need further discussion or not? Brendan?

16           BRENDAN SULLIVAN: Ready for a vote.

17           CONSTANTINE ALEXANDER: Ready for a vote. I'm  
18 ready for a vote. Okay.

19           The Chair moves that we make the following  
20 findings with regard to the variance that's being sought:

21           That a literal enforcement of the provisions of  
22 the Ordinance would involve a substantial hardship, such

1 hardship being this is an older structure that in some  
2 respects is poorly laid out internally, and there is a need  
3 to improve the structure, particularly given its location in  
4 the Brattle Street area.

5 That the hardship is owing to circumstances  
6 relating to the shape of the lot.

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

10 What is proposed is a modest modification of a  
11 structure which is necessary, given its age and given the --  
12 how modern society lives these days.

13 So on the basis of all of that, the Chair moves  
14 that we grant the variance requested on the condition that  
15 the work proceed in accordance with plans prepared by Smart  
16 Architecture, dated June 17, 2021.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan yes to  
19 granting the relief requested.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Jim Monteverde voting in favor of  
22 the request.

1           CONSTANTINE ALEXANDER: Wendy?

2           WENDY LEISERSON: Wendy Leiserson voting in favor.

3           CONSTANTINE ALEXANDER: Andrea?

4           ANDREA HICKEY: Andrea Hickey yes in favor.

5           CONSTANTINE ALEXANDER: The Chair votes yes in  
6 favor as well.

7           [All vote YES]

8           CONSTANTINE ALEXANDER: It's unanimous. Variance  
9 granted.

10          MAGGIE BOOZ: Thank you so much.

11          ALLISON COOK: Thank you very much.

12          DAVID HIRSH: Thank you very much.

13          ALLISON COOK: Thank you.

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(9:38 p.m.)

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

CONSTANTINE ALEXANDER: Now for our final case of  
the night, the Chair will -- we hope that the Chair will  
call Case Number 130250 -- 1775 Massachusetts Avenue.

Anyone here wishing to be heard on this matter?

I don't think you're on, your mic is on.

MARC MAXWELL: How about now?

CONSTANTINE ALEXANDER: Okay. The floor is yours.

MARC MAXWELL: Thank you. Always good to be the  
last case of the evening. I'm Marc Maxwell, representing  
the Newport Road Condominium Trust. As their architect, I'm  
a licensed architect with offices at 20 Windom Street in  
Somerville.

We seek a special permit to alter two existing  
window openings, at 1775 Massachusetts Avenue, part of the  
Newport Road Condominium, which is two buildings.

This is an existing basement unit with two  
bedrooms, and it is -- this is 1775 Massachusetts Avenue.

1 And the building to the left is 1783, part of the same  
2 association with Newport Road in between.

3 Right there where the cursor is located is the  
4 unit. It is a basement unit that has been existing for many  
5 years. When a tenant turned over recently, and we did a  
6 renovation of this unit, it was discovered that there are no  
7 rescue egress windows from the two bedrooms that are down in  
8 the bottom of this bay window and just behind it, the  
9 bowfront.

10 And so what we're asking for is relief to alter  
11 two openings.

12 We go to the next image, please? Thank you.

13 So one is behind the bush to the left of the gate,  
14 and right behind that tree. And that is the front bedroom.  
15 And this window we will be leaving in both cases the  
16 existing heads of the window will remain.

17 We're cutting down to lower the window closer to  
18 the floor, so that we get to the code required 44 inches  
19 above the bedroom floor for this window.

20 This front one on Mass Ave will require a window  
21 well. The one on the other bedroom, which is down the  
22 alley, is -- we will be able to step out onto the existing

1 walkway.

2 So if you go to the next slide, please?

3 This is the front left corner of this building,  
4 along the walkway. And right in there -- very good -- so  
5 that's the front bedroom. And then if you slide slightly to  
6 the right, that second bedroom is right in that next bump-  
7 out. A little further back -- right, yes, right there.

8 Okay.

9 If we go to the next image?

10 This is the site plan, and we've circled down in  
11 the lower left, where these two windows are. The one on the  
12 left on the corner is the one with the window well. The one  
13 on the right doesn't require that.

14 Next image, please?

15 This is the window where we will be lowering,  
16 where we're cutting the foundation to -- this is a now 24-  
17 inch-high window, and it will become a 54-inch-high window.  
18 So it requires a shallow window well. We'll leave the gate  
19 and the fence just as it is.

20 If you move down, this shows you simply the window  
21 well is on the lower left, where that window well will be  
22 tucked in. It's actually the front setback requirement is

1 15 feet. Today we are at about 7'7", and we've kept this  
2 window well behind the existing nonconformity of the  
3 bowfront. So we're going to tuck this in as small as we  
4 can, and access this window.

5 If you move down to the next image? If you pass  
6 through the gate in that empty, air-conditioning sleeve is  
7 the second bedroom, if you'll go down one more.

8 And on the -- this is the window that we'll be  
9 changing, and we can lower this one to be the same size as  
10 the other one, at 54 inches, and that will keep it above the  
11 sidewalk level, but you'll be able to use this as an egress  
12 window.

13 If you go back up one image from where you are,  
14 what I want to talk about is simply the right-hand side is  
15 the abutting property.

16 And the windows do not align. All of the existing  
17 windows are up six feet above where this window is. So  
18 we're not creating any new connection between these two  
19 adjoining properties.

20 If we move down two images, this is just showing  
21 that this second window will be above the sidewalk, and both  
22 of these will be windows that are somewhat -- that are

1 compatible with the existing windows of the structure above.  
2 So it's a nonconforming structure.

3 On this side, we will be 7'4" away from the  
4 property line where this window, the closest edge of this  
5 window [is], and currently the building is about 6'5". And  
6 this requires a 7'6" minimum side yard on this side of the  
7 building, on either side of the building.

8 So the relief that we're asking for is simply that  
9 we're going to alter two existing openings in -- that are  
10 nonconforming, the building being nonconforming, so we do  
11 not have the required setback on either the front or this  
12 side.

13 And the building was constructed in 1920, and we  
14 are -- we're, this unit is existing, and has been rented for  
15 many years. And once we get these life safety egress  
16 windows, assuming the Board approves it, the special permit  
17 request we will finish the renovation and put them back in  
18 the rental pool, as they have been.

19 We have spoken to Historic, and Sarah Burke has  
20 indicated that despite the fact that the building is 50 --  
21 older than 50 years, we're not doing any demolition. So no  
22 review is required.

1           This is -- the property is in a Zoning B District,  
2 and there's a Basement Residence Overlay District that it  
3 exists in as well.

4           And I believe we have four letters of support from  
5 abutters.

6           CONSTANTINE ALEXANDER: Okay. Thank you for a  
7 thorough -- actually a very thorough presentation on a  
8 rather dry subject.

9           MARC MAXWELL: Yeah.

10          CONSTANTINE ALEXANDER: Questions from members of  
11 the Board? Brendan?

12          BRENDAN SULLIVAN: No questions.

13          CONSTANTINE ALEXANDER: Jim?

14          JIM MONTEVERDE: Jim no questions.

15          CONSTANTINE ALEXANDER: Andrea?

16          ANDREA HICKEY: So I did just want to ask, this is  
17 a rental unit that's owned by the Condominium Association  
18 versus being owned by an individual?

19          MARC MAXWELL: Correct.

20          ANDREA HICKEY: Okay. That's all I have for now.

21          MARC MAXWELL: Thank you.

22          CONSTANTINE ALEXANDER: Wendy?

1           WENDY LEISERSON: Wendy Leiserson no questions.

2           CONSTANTINE ALEXANDER: I have no questions either  
3 of either, although I would observe the safety features that  
4 will result from what is being proposed is also obviously to  
5 the benefit of the city. These windows will be more usable  
6 to -- used for evacuation purposes, should the unfortunate  
7 need for that arise.

8           Okay. With that, we're going to open the matter  
9 up to public testimony. I don't recall there are any  
10 letters of support, although maybe I'm wrong. No. No,  
11 there are -- I apologize. There are a number of people who  
12 live in the building or in the condominium area, and they  
13 are inspect of the relief being sought. There are no  
14 letters of opposition.

15           So with that, I'm going to open the matter up to  
16 public comment and any members of the public who wish to  
17 speak should now click the icon at the bottom of your Zoom  
18 screen that says, "Raise hand."

19           If you're calling in by phone, you can raise your  
20 hand by pressing \*9 and unmute or mute by pressing \*6.  
21 We'll wait a second to see if anybody wishes to speak. No?  
22 So no one wishes to speak? We'll now close public

1 testimony. I think we're ready for a vote. That's a very  
2 controversial matter.

3 So we're talking about a special permit, am I  
4 right?

5 MARC MAXWELL: Yep.

6 CONSTANTINE ALEXANDER: The Chair moves that we  
7 make the following findings with regard to the special  
8 permit that's being sought:

9 That the requirements of the Ordinance cannot be  
10 met unless we grant the special permit.

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

15 And again, as the petitioner has pointed out, the  
16 apartments involved, or apartment maybe, is at ground level  
17 or below ground level, and behind some bushes. So there's  
18 no impact on traffic near the building.

19 That the continued operation of or development of  
20 adjacent uses, as permitted in the Zoning Ordinance, will  
21 not be adversely affected by what is proposed. Again, the  
22 relief being sought is really special or peculiar to the

1 building itself, and has no neighborhood impact.

2 That no nuisance or hazard will be created to the  
3 detriment of the health, safety, and/or welfare of the  
4 occupant of the proposed use or the citizens of the City.

5 In fairness, it's just the opposite. The safety  
6 will be promoted for the occupant, should we grant the  
7 relief being sought.

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

12 So on the basis of all these findings, the Chair  
13 moves that we grant the special permit being requested on  
14 the condition that the work proceed in accordance with plans  
15 prepared by Maxwell Architects, LLC, dated June 21, 2021.

16 Brendan?

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

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Jim Monteverde in favor of the  
21 special permit.

22 CONSTANTINE ALEXANDER: Andrea?

1           ANDREA HICKEY: Andrea Hickey yes in favor of  
2 granting the special permit.

3           CONSTANTINE ALEXANDER: Wendy?

4           WENDY LEISERSON: Wendy Leiserson yes in favor of  
5 granting the special permit.

6           CONSTANTINE ALEXANDER: And the Chair will make it  
7 unanimous; I vote in favor as well. Relief granted. Case  
8 over.

9           MARC MAXWELL: Thank you to the Board.

10          CONSTANTINE ALEXANDER: And that's all she wrote.

11          JIM MONTEVERDE: All right. Thank you all.

12          CONSTANTINE ALEXANDER: Thank you.

13          JIM MONTEVERDE: Have a good evening. Have a good  
14 long weekend, too.

15          ANDREA HICKEY: Goodnight, everyone.

16          JIM MONTEVERDE: Take care.

17          ANDREA HICKEY: Goodnight.

18          MARC MAXWELL: Thank you.

19 [09:40 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.

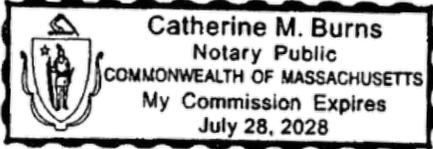
I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 22nd day of September, 2021.



Notary Public

My commission expires:  
July 28, 2028



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