BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 11, 2018
7:05 p.m.
in
Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts   02139

Constantine Alexander, Chair
Janet Green, Member
Andrea A. Hickey, Member
Patrick Tedesco, Member
George S. Best, Associate Member

Sisia Daglian, Assistant Commissioner

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P R O C E E D I N G S
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(7:05 p.m.)

(Sitting Members: Constantine Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call this

meeting to order. Welcome to all of you who are here. I

think I know why most of you are here. In any event, let me

open by making a statement. After notifying the Chair, any

person may make a video or audio recording of our open

sessions or may transmit the meeting through any medium

subject to reasonable requirements that the Chair may impose

as to the number, placement, and operation of equipment used

so as to not to interfere with the conduct of the meeting.

At the beginning of the meeting the Chair will inform other

attendees at that meeting that a recording is being made.

And I wish to advise one and all of you that at

least two recordings are being made. A citizen of the city

has left a tape recorder right there. Our stenographer

tapes the meeting to assist her when she prepares the

transcript. I think there's a third citizen who wanted

to -- if you can leave your -- wherever you want to leave

it, maybe --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Wherever

you recommend.

CONSTANTINE ALEXANDER: I think this works.

Because I know this guy always does it and it seems to work.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: It's

working, thank you.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Any

problem with a fourth?

CONSTANTINE ALEXANDER: No. As many as you like.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Thank you.

CONSTANTINE ALEXANDER: Okay.

All right, everyone has now been advised that you

will be on tape.

So we'll turn to the formal business of the

meeting. And the first business is something that doesn't

concern any of you out in the audience. It's the election of a Chair and Vice Chair for the coming year. Only regular members can vote on this. So Mr. Best, who is an associate member and sitting in place of Mr. Sullivan, will not vote on this, just the four of us.

So I'll open the floor to nominations for Chair. And we'll start with Chair. Who wishes to nominate someone to be Chair?

PATRICK TEDESCO: I'll nominate Gus Alexander.

JANET GREEN: I second that.

CONSTANTINE ALEXANDER: Okay, I'll make my usual speech. If there is anybody else on this Board who wants the position, I will gladly withdraw my name.

ANDREA HICKEY: No, I can't.

CONSTANTINE ALEXANDER: No?

Okay, I will close nominations.

All those in favor of me say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Three in favor.

(Green, Hickey, Tedesco.)

CONSTANTINE ALEXANDER: And we need to elect a

Vice Chair.

Now I've talked to Brendan Sullivan who has been a

Vice Chair for number of years, and he made the same

statement to me that I just made; namely, that he would be

willing to serve, but if anyone else would like to be Vice

Chair he'd be happy to step aside.

Any volunteers?

ANDREA HICKEY: I would like to nominate him.

JANET GREEN: I second him.

CONSTANTINE ALEXANDER: Nominations are closed.

All those in favor of electing Brendan Sullivan as

Vice Chair, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

Okay, now that that's over with I'm going to first

call a continued -- I know most of you are here for the

Mass. Ave. and Frost Terrace case. I want to take the other

two cases, one of which will be very short, quick first

because then in the case of the other one, the petitioner

has a family situation and has requested that we take his

case first. And rather than having him sit here for hours,

I think that's a fair request.

* * * * *

(7:10 p.m.)

(Sitting Members Case BZA-014009-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: Let me call 140-142

Prospect Street.

Is there anyone here wishing to be heard on this

matter?

(No Response.)

CONSTANTINE ALEXANDER: No one is wishing to be

heard. We're not going to hear the case anyway. The

petitioner failed to update the sign for proper notice, and,

therefore, we cannot hear the case. This will be the second

continuance. And for the record, and Sisia, make sure that

this is communicated to the petitioner, no more

continuances. Our rule is two continuances unless there's

extreme circumstances to justify more continuances. And we

did expect the petitioner to be here tonight or a

representative, and the petitioner is not.

Anyway, I don't know what date they have in mind.

PATRICK TEDESCO: There's a letter.

CONSTANTINE ALEXANDER: I couldn't find it. I thought there was a letter. In fact March, a date in March.

SISIA DAGLIAN: Do you want the second date in March just to be safe?

CONSTANTINE ALEXANDER: I want to see what date he -- did I miss it? March 22nd a date?

SISIA DAGLIAN: Yes.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued until seven p.m. on March 22nd subject to the following conditions:

First, that the petitioner sign a waiver of time for a decision. And the petitioner has done that already.

Second, that -- and this is important because the petitioner didn't do it this time, the petitioner has to post a sign, can take the current sign and update and modify

it with a magic marker or get a new sign, that new sign must

be posted for the 14 days prior to March 22nd.

And lastly and very importantly, if the petitioner

wishes to present plans or dimensional forms different from

what is in our file now, they must be in our possession or

in the files of the zoning office no later than five p.m. on

the Monday before March 22nd. And if that is not done, we

will not consider those new or revised plans.

All those in favor of continuing the case please

say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case

continued.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(7:10 p.m.)

(Sitting Members Case BZA-014967-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

      CONSTANTINE ALEXANDER: The Chair will next call

case No. 014967, 18 Bates Street.

      Is there anyone here wishing to be heard on this

matter?

      DAVID O'CONNOR: Yes.

      CONSTANTINE ALEXANDER: Please give your name and

address to the stenographer. You can sit down first.

      DAVID O'CONNOR: David O'Connor, 18 Bates Street.

LILLIAN JEN: I'm Lillian Jen, J-E-N also 18 Bates Street.

BRITTANY MILAS: I'm Brittany Milas, M-I-L-A-S from Maryann Thompson Architects.

JANET GREEN: You're going to need speak pretty loudly. We have a lot of people in here.

CONSTANTINE ALEXANDER: Tap on it to make sure it's working.

BRITTANY MILAS: The name is Brittany Milas from Maryann Thompson Architects.

CONSTANTINE ALEXANDER: Okay. You're here seeking a Variance.

DAVID O'CONNOR: Yes. Variance and actually Special Permits as well.

CONSTANTINE ALEXANDER: That's right, Special Permit.

DAVID O'CONNOR: So I thought I'd just give a quick overview of what we're trying to accomplish here and

then see if there's questions to your concerns.

CONSTANTINE ALEXANDER: Go right ahead.

DAVID O'CONNOR: Okay. So we bought the house in
1984. It was a two-family house in a small neighborhood
that's primarily single family. And as we -- our family
started to grow, in 1994 ten years later, we converted our
two-family into a single-family.

CONSTANTINE ALEXANDER: When did you do it in
1994?

DAVID O'CONNOR: In 1994. That did not require
any kind of permits or Special Permits or anything at that
time.

CONSTANTINE ALEXANDER: No.

DAVID O'CONNOR: And so it's now 23, 24 years
later, we're empty nesters, proud empty nesters. And, you
know, looking forward to staying in this house as long as we
possibly can. And somebody in Inspectional Services, you
know, last summer brought it to our attention the change to

the Zoning Ordinance around accessory apartments. And that

started getting us thinking about how we would pay for

staying in this house, in this neighborhood we've been in

for 30-plus years. We couldn't make an accessory apartment

work, and so we looked -- at we're proposing instead to

convert back to a two-family house.

I think as you see from the file, that we did go

to the Avon Hill Conservation Commission. They were not

only supportive of the particular design, but were

supportive of us converting to a back to a two-family house.

As are our immediate abutters as well.

I think that like much of this part of Cambridge,

there's a lot of large houses, single-family houses with

relatively low density of population, people like us. In

this particular neighborhood there's -- there haven't been

any small children in the neighborhood for a while because

it's a very expensive place for families to go. So we're

being one block away from a very desirable elementary

school, the Graham and Parks School, we thought that this

also would also be a way to attract some young families,

renters into the neighborhood.

CONSTANTINE ALEXANDER: How big will the second

unit be?

DAVID O'CONNOR: Second unit -- both units will be

approximately the same size, about 1600 square feet.

CONSTANTINE ALEXANDER: Okay, so --

DAVID O'CONNOR: Of living space.

And the configuration is a little bit different

than the original configuration, but pretty much follows

that. When we bought the house, we lived in the second

floor and the third floor attic had been used years and, you

know, decades before as living space but was pretty minimal.

It was, you know, less than seven-foot ceilings and very

long, narrow space. So we used it as storage. When -- what

we're proposing to do here is to make that more liveable but

putting it -- by dorming it out, shed dormer east and west.

And so the units will be basically first floor, plus. Part

of the second floor will be where we will be living. And

then the renters would be the rest of the second floor and

the -- what is now currently the attic space.

CONSTANTINE ALEXANDER: Will there be a separate

entrance?

DAVID O'CONNOR: Separate entrance.

So we're making a new -- basically cut a path

through our front garden so they can enter on the side of

the house. It's actually, you know, part of what we're

looking for is very close to the neighbor's house at that

point so we, you know, pull a permit on that, on that issue.

This is a space where the neighbor, it's actually a second

door for their house as well, rarely used, and so they don't

have any problem with us putting an entrance there.

We're taking a lot of care to make sure that the

entrance is appealing and follows basically the current

design of the entrance. And we worked with Charlie Sullivan

on that particular aspect of the design.

So that's, that's sort of the basic, the basic

plan. There's a request for a permit for a spiral staircase

down the back of the house as a way for both a second egress

as well as a way for the renters to get to the backyard

where there's a very nice play structure.

CONSTANTINE ALEXANDER: And the spiral s

staircase is not visible from the street?

DAVID O'CONNOR: That would not be visible from

the street, no.

CONSTANTINE ALEXANDER: That's why you didn't have

any issues with the Avon Hill Conservation Commission,

because if it's not visible from the street --

DAVID O'CONNOR: Yeah, no.

CONSTANTINE ALEXANDER: -- otherwise you might

have had a problem I think, I suspect.

DAVID O'CONNOR: Right.

I think the probably the one issue that we spent

sometime on with the Commission that is worth mentioning is

that -- and they put this in the write-up of the Commission

is that they want us to consider putting windows or glazing

on the street facing side of the dormers. So that's not a

requirement, but that is something that we're looking at.

So it's not on the drawings that you have, and we're still

working on some of the --

CONSTANTINE ALEXANDER: It wouldn't modify the

dimensions of the windows, would it?

DAVID O'CONNOR: No. It just, it just, they want

to sort of potentially lighten up the look of --

CONSTANTINE ALEXANDER: That's not a zoning issue.

DAVID O'CONNOR: Exactly. But I wanted to call

that to your attention because it was mentioned in their

decision.

CONSTANTINE ALEXANDER: Okay.

DAVID O'CONNOR: So, you want anything to add?

BRITTANY MILAS: You covered all the bases it

seems like.

CONSTANTINE ALEXANDER: Okay, we're going to get

back to the dormer in a second.

DAVID O'CONNOR: Sure.

CONSTANTINE ALEXANDER: And the dormer guidelines.

Are you familiar with those?

DAVID O'CONNOR: Yes, we are. We talked to the

Commissioner.

CONSTANTINE ALEXANDER: Before we get there, you

are seeking a Variance and a Special Permit. But the

Variance is what this case is all about.

DAVID O'CONNOR: Right.

CONSTANTINE ALEXANDER: And first of all, let me

say personally I'm in very much support of what you want to

do. I think it's very good for the neighborhood, for the

city, but we have to apply the law that's given to us, a

Variance. And to get a Variance you need to satisfy three

conditions:

One, that you're suffering a substantial hardship.

And the hardship is not to you personally or supposedly, it

runs with the land.

And that two, that the hardship is owing to

circumstances relating to the soil conditions, shape or

topography of such land or structures, and especially

affecting such land or structure but not affecting generally

the zoning district in which it's located.

And the third is a more general one, that we can

grant relief without substantial detriment to the public

good or nullifying or substantially derogating from the

intent or purpose of the Ordinance.

So as best you can, address this substantial

hardship argument for me. Again, not a hardship to you

personally, but a hardship that would run with anybody who

owns this property.

DAVID O'CONNOR: Well, I think similar to other

property, older properties in Cambridge, this property, when

we purchased it was non-conforming in many dimensions.

It's, you know, too large for the property. It's too

close --

        CONSTANTINE ALEXANDER: Right.

        DAVID O'CONNOR: -- at least two sides. And it

is, it's not too tall. That's one of the few things it

actually, it's conforming with. So, you know, any -- it

really, the -- and of course also over the period of time

that we've owned the property, we've gone from a -- the

neighborhood being zoned B to zoned A2. I'm not sure

exactly when that happened, but sometime in the last 30

years. And so I think that the hardship relates to the fact

that the property itself is non-conforming with -- since the

Zoning Ordinance has been put into place after the house was

built.

        CONSTANTINE ALEXANDER: That doesn't get to why

it's a hardship that you need a second dwelling unit in the

structure, though.

DAVID O'CONNOR: I think that gets to the sort of the financial hardship, which is that the -- I mean I sort of hesitate to say it's obvious. But maybe I should state the obvious for the record. That keeping property in Cambridge is very expensive and as we move from income -- making income to retiring, it becomes impossible.

CONSTANTINE ALEXANDER: I understand that. No need to go any further with that. I just had to get it on the record, that's all.

DAVID O'CONNOR: Sure. I totally understand.

PATRICK TEDESCO: Can I ask a question? You may have said this, I apologize. You did not convert it to a single-family, you bought it as a single family.

DAVID O'CONNOR: No, we did. We did the conversion -- we bought it in '84 and we converted in '94.

CONSTANTINE ALEXANDER: But never anticipating the situation you're facing otherwise you would have kept it.

DAVID O'CONNOR: No, in fact we had Fred

Meyer -- some of you probably been around long enough to know Fred, recommended we do this because he thought it would increase the value of the property, but I don't think even Fred probably anticipated what's happened to Cambridge real estate in the last 30 years.

CONSTANTINE ALEXANDER: Andrea, do you have a question at this point? We'll get to the dormer. Go ahead.

ANDREA HICKEY: No, I just would just ask that you speak a little more to the hardship and not again as the personal aspects of the hardship. I understand. But unfortunately those aren't relevant to us. So hardship relative to the property itself.

CONSTANTINE ALEXANDER: Could it be that the structure, given the way it was originally, is more conducive to be used as a two-family residence rather than a single-family. And then the hardship is it's difficult to maintain this structure in its current configuration as a single-family? Might that be a reason?

LILLIAN JEN: Thank you very much.

ANDREA HICKEY: Thank you. No, I think it's

important to have it in the record sort of you're addressing

that specific requirement of the Ordinance with respect to

what you're asking. And, again, respectfully the personal

part of it, although I understand completely, is really

something that we can't consider.

So, thank you.

LILLIAN JEN: Thank you.

CONSTANTINE ALEXANDER: Thank you, Andrea.

Let's turn to the dormer, your proposed dormer and

the dormer guidelines.

BRITTANY MILAS: Yes.

CONSTANTINE ALEXANDER: You're well aware it's too

big.

BRITTANY MILAS: We're aware it's too big.

CONSTANTINE ALEXANDER: I'm sorry?

BRITTANY MILAS: We're aware it's too big, part of

the reason why we're here.

CONSTANTINE ALEXANDER: Well, why is it too big?
Why can't you do a 15-foot wide dormer? Which is what the
dormer guidelines require.

DAVID O'CONNOR: So, if we misunderstand this we
apologize, but we saw them as guidelines not as firm
requirements.

CONSTANTINE ALEXANDER: Fair enough. But I have
to tell you, you don't sit here every other Thursday.

DAVID O'CONNOR: Sure.

CONSTANTINE ALEXANDER: We don't, we impose them
generally. We treat them almost as a part of the law
because the City wants us to do that. It's aesthetically
pleasing at least in the eyes of the community services
department. And so we don't, we have for good reason, but
we generally do not deviate from them particularly as to the
length of the dormer. In this case that's the issue.

In other respects which are more or less -- you

comply. Setting down from the ridge line, from the sides.

DAVID O'CONNOR: Right.

CONSTANTINE ALEXANDER: Okay. But you've got a 17-feet five and three quarter inch dormer.

DAVID O'CONNOR: Right. It happens to be exactly the distance between the hips. So we've got a hip roof and where the hips come to the ridge, we sort of basically span that space. I mean, so it has an aesthetic purpose as well as utility purpose. Utility purpose obviously is to get some -- is to maximize the amount of living space we can get from the attic itself. The roof is very short, it's very low rather, and so we're going to be at just a seven feet interior height at the ridge and then it's looking down from there. So we were looking to maximize living space with that seven-foot ceiling. But aesthetically it is about coming in at where the ridge is.

LILLIAN JEN: Yeah, it would be really awkward. I mean we could, but it -- you know, you could sort of say if

you had the ridge going like this, the natural thing to do

is to dorm right at the ends of the ridge.

CONSTANTINE ALEXANDER: I understand the reasons,

but generally on the times we do deviate from the dormer

guidelines is because of stairs going to the third floor and

you need the necessary headroom, you don't have it, and

we've got to reconfigure it. This is, what I'm hearing, and

I'll defer to Patrick, our architect, I'm hearing this would

be nicer aesthetically. That doesn't cut it, to me anyway,

generally with regard to the dormer guidelines.

BRITTANY MILAS: This is in fact the part of the

reason why we have extended it at least on one side, on one

end. And then in order to make it equal on either end, in

order to maintain the aesthetics of the exterior, we did

extend it. So on the interior we have the stairwell from

the second floor unit.

CONSTANTINE ALEXANDER: Second floor.

BRITTANY MILAS: And it just, it barely --

CONSTANTINE ALEXANDER: You can take it off the stand.

BRITTANY MILAS: It barely reaches the peak of the ridge. Yeah. So it does involve a stair. I don't know if you have that in your drawing set, available. It's the proposed floor plan.

CONSTANTINE ALEXANDER: We better. Because the drawings --

PATRICK TEDESCO: It's right here.

BRITTANY MILAS: And you can see the edge or the peak of that ridge at the end of that stairwell in order to maintain the proper height at the stair landing to access the space beyond.

PATRICK TEDESCO: How much beneath the allowable height is the roof ridge?

BRITTANY MILAS: It's seven feet.

DAVID O'CONNOR: No, no, he means in terms of the --

PATRICK TEDESCO: In terms of the zoning, not the

ceiling.

DAVID O'CONNOR: Four or five feet.

PATRICK TEDESCO: Okay. I guess, I mean I share

Gus's concern about the length of the dormer, although I

will say on the broad side, you know, broad hip roof like

this, which is quite long and wide, it's a little less

objectionable than if somebody throws one on the gable end

of the federal or Greek revival building. I'm also troubled

by the fact that the roof is flat. And I understand why. I

know you're trying to get seven feet. But that doesn't help

the perception of the dormers from the street side. And I

know that's not part of the dormer guidelines.

CONSTANTINE ALEXANDER: But what you're suggesting

it's an appropriate tradeoff if you want 17-plus foot

dormer.

PATRICK TEDESCO: Well -- sorry, go ahead.

BRITTANY MILAS: If I might interject. We did

some 3-D modelings from views from the street. The house is

tall. And in fact if you look at the general proportions of

the proposed dormer to the existing building, you might find

that it's in fact about 20 feet setback from the front

facade, which means that you're barely seeing the peaks, the

cat ears if you might -- of the dormers. So it's not in

fact quite as harsh of a view as you might see, as you see

on these extra elevations that are orthographic projections.

LILLIAN JEN: And this.

BRITTANY MILAS: Oh, yes. And this is in fact

what we had discussed at length really at the Historic

Commission because this was a concern of theirs as well.

And once they realized in fact -- it's the red markings.

Once they realized in fact that the extent of the dormers

not as drastic as they had perceived from these extra

elevations, they were completely on board.

PATRICK TEDESCO: So what's the height of the

ceiling underneath the existing dormer?

DAVID O'CONNOR: In the center.

PATRICK TEDESCO: The stair?

DAVID O'CONNOR: Well, on the existing

dormer -- so the center of the attic is seven feet, but the

front dormer where the stair's coming up, because the

dormer's actually below the ridge line of the house, it's a

couple inches below that.

PATRICK TEDESCO: Yeah, but it's not ahead of the

issue because of the stair. You're coming up from the

stair.

DAVID O'CONNOR: Yeah.

PATRICK TEDESCO: I would ask the architect if you

looked at, you know, a pair of shallow gabled dormers that

were broken up slightly. And I realize that would bring the

height, say, in your closets, at the end walls and cheek

walls down below center.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Could

you -- I'm sorry, but could you use the microphone, please.

PATRICK TEDESCO: Sorry.

I just was asking the architect if they looked at a pair of dormers that were separated slightly but with gabled -- shallow gabled roofs which would reduce your habitable space and would reduce the amount of square footage at seven square feet I realize. But, you know, it's, it just might, you know, it might be a better solution architecturally. I just wondered if that was something you considered.

BRITTANY MILAS: Sure. Do you mean a steeper angle?

PATRICK TEDESCO: No. I mean a dormer just like the one in front. Maybe not a gabled roof but a hip roof, but one that, you know, a pair of smaller dormers side by side instead of the 17-foot single shed dormer?

LILLIAN JEN: I think because -- it's really because of the headroom.

PATRICK TEDESCO: No, I realize that.

LILLIAN JEN: We're actually pretty small people.
Even for us, you know, seven feet is low, and to have it
even lower than that it becomes really --

DAVID O'CONNOR: Money no object, the thing would
be to raise the roof, but that's very expensive.

CONSTANTINE ALEXANDER: While Patrick is
pondering, any other comments?

ANDREA HICKEY: I'm troubled by the length of the
dormers --

CONSTANTINE ALEXANDER: Yeah, so am I.

ANDREA HICKEY: -- as well, and if there are
options that put you at least closer to our guidelines,
perhaps not in exact compliance, I'd be more inclined to
consider something like that favorably. Frankly, if the
goal is to have a unit that two people can remain in, I'm
not certain that 1600 square feet of space for two people is
sort of required. And if it's the length of these dormers
that sort of give you that area, is there any place where

you could sort of scale back a little bit?

DAVID O'CONNOR: This is the tenant space.

ANDREA HICKEY: Okay.

DAVID O'CONNOR: So this is really meant for a

family.

LILLIAN JEN: It's really meant for a family, you

know, with two kids is what we were assuming.

ANDREA HICKEY: So that wouldn't be your unit?

LILLIAN JEN: No. Because we're planning to be

old and on the first floor.

ANDREA HICKEY: Right.

CONSTANTINE ALEXANDER: You could be assured of

that by the way.

LILLIAN JEN: That said, you know -- so if we

brought it to 15 feet, would that be something that you

would feel comfortable with?

CONSTANTINE ALEXANDER: Yes. That's the

guideline.

DAVID O'CONNOR: How about 16?

CONSTANTINE ALEXANDER: It's not Let's Make a Deal
here.

ANDREA HICKEY: Right. I mean, the closer you can
get to the guidelines, the easier it is for me to sort of be
on board.

LILLIAN JEN: Sure.

CONSTANTINE ALEXANDER: Can I suggest -- and this
is probably -- you're probably not going to want to hear
this, but maybe continuing this case and giving you some
time with your architect. You've heard the comments. Sit
down and come up with something that's, as Andrea said, if
not complying with the dormer guidelines in terms of length,
at least much closer than what you have here, and come back
before us again.

LILLIAN JEN: I think if you guys can see your way
clear to 15 feet, I would say we'll just deal with it. I
mean, it's not going to be as nice.

ANDREA HICKEY: Please go ahead.

JANET GREEN: I was going to say -- I didn't feel

as concerned when I looked at the size of the house and the

relationship of the dormer to the size of the house. I

mean, I recognize the dormer guideline, but the guideline is

meant to fit the dormer to the house. And this seemed to me

to be with, as I looked at it, and particularly now looking

at what the Historic Commission I think it was saw, it seems

more reasonable to me. So anyway, that's my opinion.

CONSTANTINE ALEXANDER: Andrea, were you going to

say something?

ANDREA HICKEY: No, I appreciate Ms. Green's

comments. It doesn't really sort of change my own reaction.

CONSTANTINE ALEXANDER: Either mine.

ANDREA HICKEY: I still think the guidelines are

there for a reason, and I for one like to see people as

close to them as possible when possible.

CONSTANTINE ALEXANDER: We can do one of two

things at this point: We can proceed with this, with your

current plans with the proviso that that dormer is going to

be shrunk to no more than 15 feet. Or alternatively we can

continue the case and you can think about this and maybe

come up with some solutions that will give you a

15-and-a-half-foot dormer or a 16 or something else. That's

your call. I don't think you're going to get approval for

the dormer that's on these plans tonight.

LILLIAN JEN: Right. So 15 feet is okay? I mean,

so there are ways of making it.

DAVID O'CONNOR: We'll take the approval

contingent upon shrinking it to fit with the guidelines.

CONSTANTINE ALEXANDER: Is that okay with

everybody else? Okay, Patrick?

PATRICK TEDESCO: Yeah.

CONSTANTINE ALEXANDER: The reason we're going to

this, is that when we approve -- this is your first time

you're before us, when we approve a Variance case, we do it

on the condition that the work proceed in accordance with

the plans you've given us. So we we're going to do that

this time, but we're going to have a proviso that the dormer

that you show on here will be no more than 15 feet long --

BRITTANY MILAS: Absolutely.

CONSTANTINE ALEXANDER: -- and otherwise comply

with the dormer guidelines. Follow?

BRITTANY MILAS: Yes.

CONSTANTINE ALEXANDER: Any other comments?

PATRICK TEDESCO: The only thing I would say is 15

feet is still a very big dormer, and I think it's

actually -- it would be in keeping with the scale of the

house, which even on smaller houses it's often not even

though it is technically part of the guidelines. So I

actually think it will be an improvement from the outside.

LILLIAN JEN: Thank you.

BRITTANY MILAS: Thank you.

CONSTANTINE ALEXANDER: I'll open the matter up to

public testimony.

DAVID O'CONNOR: Is that it?

CONSTANTINE ALEXANDER: No, no, no. Got a way to

go yet.

PATRICK TEDESCO: All these people are here.

CONSTANTINE ALEXANDER: They're all here.

DAVID O'CONNOR: I hope not for your sake.

CONSTANTINE ALEXANDER: I'll open the matter up to

public testimony.

Is there anyone here who does wish to speak on

this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of letters mas you've indicated,

all of which are in support. And let me just

briefly -- people take the time to write, I think we should

try to take the time to make sure that what they've written

gets into the public record.

We have a letter from learn Levin, L-E-V-I-N

Campbell. (Reading) I am the neighbor that lives at 17

Bates Street, directly across from 18 Bates Street, and

besides the abutters, and perhaps the most affected in terms

of view and impact of the proposed alterations. In short, I

have no objection to the proposed conversion of the house

back to a two-family house and the addition of a small

amount of liveable area on what is otherwise a very small

third floor. It seems to make great sense to have been done

with care. He then goes on to talk about his history of

living in the neighborhood. I want to move it along because

we have a lot of other people here for other cases. Anyway,

I won't read the rest of the letter, but it's a letter in

support obviously.

There's also a letter from David O'Connor. Very

short. (Reading) I write to request -- oh, no. This is

yours. Sorry, I apologize.

A letter from Laurel, L-A-U-R-E-L Lhowe,

L-H-O-W-E. (Reading) My husband David and I are next-door

neighbors of Gish?

      LILLIAN JEN: Yeah, that's my nickname.

      CONSTANTINE ALEXANDER: (Reading) Gish Jen and

David O'Connor. We live at renovation plans for their house

(sic). Renovation consists of creating an apartment with

dormer. I hope that permission to renovate is granted to

them.

      And then also a letter from Jane Wolfson,

W-O-L-F-S-O-N, who resides at 10 Bates Street. (Reading) I

am writing to you regarding the renovation being requested

by Gish Jen and David O'Connor next-door at 10 Bates Street

and fully support this renovation project. David and Gish

have been -- something was cut off -- have "something," and

I am confident that this project will be a positive

enhancement for our street.

      And that's it. So only letters of support.

      Further comments?

JANET GREEN: No.

CONSTANTINE ALEXANDER: Ready for a vote?

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: We have two votes

obviously. Let me see if I get it right the first time.

The Chair moves that we make the following

findings with regard to the Variance requested:

That a literal enforcement of the provisions of

the Ordinance would involve a substantial hardship. Such

hardship being this building is a building that was

constructed to be a two-family house, and under the

circumstances appropriate to going back to being a

two-family house.

The hardship is owing to the fact that this is a

non-conforming structure in many respects, and therefore any

modification to the structure requires zoning relief.

And that desirable relief may be granted without

either substantial detriment to the public good or

nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard the Chair would note that this project has apparently unanimous neighborhood support.

Has the approval of the Avon Hill Conservation Commission.

It will allow the petitioners to remain in their home, which I think is a desirable thing from a Cambridge point of view, not forcing people to move out as soon as they get a little older.

So on the basis of all of these reasons the Chair moves that we grant the Variance on the condition that the work proceed in accordance with plans submitted by the petitioner and initialled by the Chair except that the dormers, dormers plural, that are shown on the plans may not be any longer than 15 feet. And that in all other respects the dormer will continue to comply with our dormer guidelines.

All those in favor of granting the Variance on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The Variance granted.

(Alexander, Green, Hickey, Tedesco, Best.)

CONSTANTINE ALEXANDER: And now we go to the Special Permit. And this is to install windows in the setbacks. Just briefly can you show us on the plans where those are?

BRITTANY MILAS: Sure.

On the east elevation primarily you'll see the additional windows. It's the top, right drawing. Sorry. East elevation, the top, right drawing has a number of windows that are identified as being new or increased in height matching the existing details of the house.

CONSTANTINE ALEXANDER: Okay.

Any questions from members of the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: This is a Special Permit case so we have to make a separate vote.

The Chair moves we make the following findings with regard to the Special Permit being sought:

That the requirements of the Ordinance cannot be met without the Special Permit.

That traffic generated or patterns of access or egress resulting from what is proposed regarding relocation of windows, will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what is proposed.

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

And that generally what is proposed will not

impair the integrity of the district or adjoining district

or otherwise derogate from the intent and purpose of this

Ordinance.

So on the basis of these findings the Chair moves

that we grant the Special Permit on the condition that the

work proceed in accordance with the plans identified with

regard to the Variance we just granted.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(7:40 p.m.)

(Sitting Members Case BZA-014892-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: Okay, the Chair will now

call case No. 014892, 1791 Mass. Ave. and 1 & 2 Frost

Terrace.

Is there anyone here wishing to be heard on this

matter?

Before you make a presentation, I want to make

some comments for the benefit of the audience really, and

some of these are comments I made earlier the last time when

we continued the case, but most of the people are here

tonight were not here then.

This is a Comprehensive Permit case under Chapter

40B of the General Laws. 40B was enacted by the state

legislature some 40 or so years ago. And it was enacted

because there was a concern about the lack of affordable

housing in the Commonwealth of Massachusetts. And many

people ascribe the lack of affordable housing to the

difficulty in navigating the local permitting process.

Where so many permits that have to be obtained, it dragged

the process on, and housing didn't get built. So the idea

was to streamline the process and to make it easier.

Frankly, there's a bias in favor of approving Comprehensive

Permits for affordable housing. It's not an automatic by

any means. I don't want to leave anybody with that

impression, but there clearly is a bias. And the way it

works is rather than someone like this petitioner who wants

to build affordable housing having to go to each Board in

getting -- dealing with each Board and getting whatever

permits or approvals are necessary, just one permit and that

permit comes from us. It's a Comprehensive Permit. And

what we do is we contact the various boards, and we have,

and get any comments they may have if they wish to give us

comments. And then we have the hearing. The idea is to

grant a Special Permit. The person who can get a Special

Permit or Comprehensive Permit, not a special, a

Comprehensive Permit has got to be a developer who meets

certain requirements and we'll get into that when we get

into the presentation. It's got to be a person who has been

an eligible developer.

Anyway, so with that, that's how it works. One

hearing or one proceeding, which is ours tonight, and maybe

it continues later, but it will be tonight. And the vote,

too, is different. To get a Variance or a Special Permit as

the petitioners in the prior case, you need four votes,

supermajority, four out of five. In a Comprehensive Permit

case, the requirement is only three. So it's a simple

majority. And with regard to our decision, we have -- as I

said, it's not a rubber stamp, we can take into account

safety issues, environmental issues, but not all of the

usual issues; the design issues that are tenured to Variance

cases. That's part and parcel on how the Comprehensive

Permit process works.

So I hope that helps people understand -- one

second Mr. -- James. Understand how this is going to work

or how we're going to try to make it work.

James, you have a question?

JAMES WILLIAMSON: Clarifying question. Thank you

for that helpful explanation.

Does 40B apply in exactly the same way in all

municipalities regardless of whether they have been

determined to meet affordable housing threshold?

CONSTANTINE ALEXANDER: Yes. The short answer to

that is yes. There is a -- if a community has less than ten

percent of its housing stock affordable, I think it's the

appeals procedures are different. You can -- if we were to

turn something down or make -- impose conditions that the

developer finds onerous, they can take an appeal to the

Housing Committee, a state body, rather than the courts.

It's a simpler process. And, again, illustrative on the

notion that there is a bias, frankly, in terms of granting

relief for affordable housing on Comprehensive Permit that

we're going to consider tonight. But again, I don't want to

overstate that. It doesn't mean it's a rubber stamp. And

hopefully that will become clear as we go through this

hearing and questions are asked and raised.

　　　　　With that, Sean, the floor is yours.

　　　　　ATTORNEY SEAN HOPE: Yes. Good evening,

Mr. Chairman, members of the Board. On behalf of the

petitioner, CCHRE Mass. Ave. Tenant, LLC, I am Sean Hope,

and along with my business partner and codeveloper, Jason

Korb, we are here tonight requesting a Comprehensive

Permit -- approval of a Comprehensive Permit pursuant to

Chapter 40B to construct a 40-unit affordable housing

apartment community called Frost Terrace. In support of the

application we have assembled a development team which I'd

like to briefly introduce.

　　　　　We have project architect, Bruner/Cott and

Associates, we have principal Jason Forney. For our

landscape architect we have Jennifer Brooke from Lemon

Brooke. For our civil engineer we have David Biancavilla

from BSC Group. From our parking consultant we have Giles

Ham from Vanasse Associates. And our land use and

comprehensive permit counsel we have Ruth Silman from Nixon

Peabody.

As I mentioned, Frost Terrace is a proposed 100

percent affordable housing apartment community sited on

three parcels which are now under common ownership. We have

1791 Mass. Ave, which is the front parcel. We also have 1 &

2 Frost Terrace which are in the rear, and we'll walk

through the site plan, located in the heart of Porter Square

and also in the Agassiz neighborhood. As a combining lot,

the site is approximately 22,000 square feet located in the

Res B District which abuts the Business C district to the

north and also adjacent to the BA-2 District to the south

towards Harvard Square.

Just an overview of the building program. The 40

units are located in four separate buildings. There are

three accessible parking spaces at grade. There's a total

of 46 bicycle parking on the site.

CONSTANTINE ALEXANDER: With the three parking

spaces, are all for handicapped? None for people who are

not handicapped?

ATTORNEY SEAN HOPE: Exactly right.

There are 46 bicycle parking spaces on the site.

We have both exterior and interior bike parking spaces as

well as a bike storage room in the lower level.

We also have a play space for children in the

lower level. And we've allocated room in the budget to have

a part-time service coordinator to do some programming to

really activate the space for families.

The unit mix is specifically designed to maximize

the number of two and three-bedrooms, those are considered

family units. Two and three bedrooms are some of the least

available in the existing affordable housing stock and also

some of the least produced in the City's inclusionary

housing program.

The resulting residential community will be
affordable to individuals and families earning 30 to 60
percent of the area median income.

Prior to the design proposal, I'd like to walk
through a few of the procedural requirements to establish
for the record. I'd like to refer the Board to the site
approval letter, eligibility letter from the Department of
Housing and Community Development. These are one of the
requirements in order to even come before the Board. So
when we did receive a site eligibility approval letter which
is in the file, the letter also states, and I think this is
important to establish, that the project's eligible for
funding in the form of low income housing tax credits.

That there was an on-site inspection.

Also the fact that the housing and the housing
design and location were appropriate.

That the petitioner is a limited dividend

organization.

And also that the petitioner has the required site control to proceed with this application.

CONSTANTINE ALEXANDER: I want to return to those issues when you finish your presentation.

ATTORNEY SEAN HOPE: Sure.

CONSTANTINE ALEXANDER: A number of questions about that.

ATTORNEY SEAN HOPE: Sure.

And finally as you will hear in greater detail, this proposal includes elements of historic rehabilitation, preservation of open space, affordability, LEED Certification, and also sustainability all within the context of a transit-oriented development a black from the Porter Square transit hub and the Porter Square shopping mall. Once complete, Frost Terrace will provide its residents with access to numerous family-oriented services, including a grocery store, pharmacy, hardware store, schools

and parks all within walking distance. This is a unique and

exciting opportunity that is consistent with local needs and

also furthers the City's goals of housing equity,

resiliency, and also encouraging sustainable modes of

transportation.

I'd now like to turn it over to Jason Forney to

walk through the design proposal.

JASON FORNEY: Thank you, Sean.

Again, my name is Jason Forney, F-O-R-N-E-Y and

I'm a principal with Bruner/Cott Architects in Cambridge.

Members of the Board, thank you. I will be

presenting the design of Frost Terrace through tonight. In

summary, it's 40 units of affordable housing, 48,000 square

feet, a mixture of three and five-story buildings with an

FAR of 2.18. And just like the rest of Cambridge our design

is a mixture of old and new that responds to the layers and

grain of the city along this part of Massachusetts Avenue.

It's the result of a year long process that included

discussions and listening sessions with the immediate

abutters, a series of public transportations, working

closely with the city staff and Community Development and

Historic, all of which we think has made this a better

project.

A Planning Board reviewed happened in early

December and we've been working with the CDD staff to

address a series of concerns and suggestions about the

facade articulation, entrances and treatments of additions

to this historic properties. The design we present to you

tonight reflects those improvements.

It all begins with what we find on the site, and

I'm looking at slide No. 6 in your packet. And the first,

the first thing is the William Frost house a/k/a 1791 Mass.

Avenue. As it stands now, it's been vacant for several

years. Prior to that it was the home and office of Wallace

Gardner who was a dentist. But before that, and we have

peeked underneath the pink aluminum siding, it was a pretty

beautiful second empire style house built in 1865 with a

twin next to it and then the North Prospect Church next to

that.

Less visible and a little further back on the site

are 1 & 2 Frost Terrace, better preserved, better

maintained, and the shingle style built around 1895.

CONSTANTINE ALEXANDER: Are they being occupied

right now the 1 & 2 Frost Terrace?

ATTORNEY SEAN HOPE: 2 Frost Terrace is being

occupied temporarily.

CONSTANTINE ALEXANDER: Temporarily?

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: What do you mean by

temporarily?

ATTORNEY SEAN HOPE: So the previous owner who

sold the property is remaining there as an occupant.

CONSTANTINE ALEXANDER: And the other -- what

about the other property?

ATTORNEY SEAN HOPE: It's vacant.

CONSTANTINE ALEXANDER: Vacant.

JASON FORNEY: Continuing on with the context, to

the north is the North Prospect Church which was relocated

several years ago, moved closer to the avenue from

approximately this location. To the south a Newport Road

condominium building, which is a four-story brick building.

And then transitioning on into the neighborhood mostly two

to four-story single and multi-family residences.

So our concept begins with the notion of reusing

those three houses, and now I'm looking at Board No. 7 shown

in grey. And we intend to move the William Frost house,

1791, forward to reestablish its location next to the church

building. This is something we've discussed with the

Historic Commission.

And on Board No. 8 is an image of a mansard house

next to this historic church around 1910, and you can

understand the relationship they had together but on a

different street wall where the avenue was narrower and the

sidewalks wider. So since the North Prospect Church was

moved forward several years ago, we're also moving the

William Frost house to join it.

We're also moving it to the north to concentrate

the open space on -- to the south where the abutter's

property is closest to the property line and just give

ourselves more room over there.

You know, I think that bracketed by those three

houses will be a new, new architecture and designed to

respond to the grain of the neighborhood in a way that

mirrors the property line. So to the north our building is

seven feet. From the property line the North Prospect

Church is now an art library with stained glass windows, and

it's also close to the property line. By locating our

building there that leaves more room along the south,

roughly 15 feet here which mirrors the 15 to 17 feet here,

leaving an open space of about 30 to 32 feet.

CONSTANTINE ALEXANDER: What will be the distance between the Frost houses at the closest and the new, I'll call the larger house in front?

JASON FORNEY: Sure. Those remain the same. Those are not being relocated.

CONSTANTINE ALEXANDER: Because one of the zoning deviations, I'll use that word, is we're supposed to be 15 feet separation between structures on a property and that's done for safety reasons I believe. And how -- what's going to be here if we approve the project as you propose?

ATTORNEY SEAN HOPE: You mean the distance between these two buildings.

JASON FORNEY: Yeah, it's about ten and a half feet. And we have --

CONSTANTINE ALEXANDER: Okay, so one third less than what -- the minimum required by our Zoning Ordinance. And again, I'm talking about safety.

JASON KORB: Can you mention the code report.

JASON FORNEY: We've done an exhaustive code

report.

CONSTANTINE ALEXANDER: Code what, I'm sorry?

JASON FORNEY: Code report.

CONSTANTINE ALEXANDER: What's that? I don't know

what that means.

JASON FORNEY: Building Code.

JASON KORB: So we hired an outside form called

Costantini. All they do is review building codes, that's

their work, and they've drafted a multi-page, probably a

ten-plus page memo reviewing every aspect of the development

and they've approved this, the setback between these

buildings based on I think the number of openings that

exist; is that correct?

JASON FORNEY: In our view this meets --

CONSTANTINE ALEXANDER: Has that been submitted as

part of your file, that code report?

PATRICK TEDESCO: It's going to have to be

submitted as part of the Building Permit.

ATTORNEY SEAN HOPE: Right.

CONSTANTINE ALEXANDER: Okay, but it's also

relevant -- I think it's relevant to us in terms whether we

grant the Comprehensive Permit at all. Because I think one

of the issues we can take into account is safety. If we

think the project is unsafe, that's too strong a word, we

may not allow it. So you never get to the Building Permit

stage. It would have been useful I think if you shared that

with us before.

JASON FORNEY: The Building Code allows buildings

to be as close together as zero feet. It just depends on

what kind of a wall is next to it, how it's rated, and what

the percentage of openings are.

PATRICK TEDESCO: Can I just interrupt with a

question related to that? Because I think you'll get to

this in a minute, but you've changed the facade material to

be wood, partially wood, whereas before it was masonry. Has

Constantini reviewed the setback requirements relative to

the change in material?

JASON FORNEY: Yes, yes.

PATRICK TEDESCO: Okay.

JASON FORNEY: Okay, any more questions? Okay,

thank you.

And so, you know, that -- I was talking about one

of our major moves here is to concentrate the open space

along this southern part connecting the front and the rear

yards and making usable space for the occupants of the

building.

When we moved to the third dimension, you know,

the restored mansard house is -- occupies the foreground.

And now I'm looking at boards 2 and 3. Even though this

isn't a listed historic building, it's important to us in

this development to keep it. We've walked the site several

times with Historic Commission staff and had preliminary

consultations about restoring detail and choosing and

selecting colors.

Behind the mansard, the building's design is a layer of brick and clapboard reflecting the materials found in context. So it steps from three stories to four and up to a partial fifth story. The five-story masonry component is designed to be a quiet backdrop in the limestone colored brick. The lowered clapboard part slides behind the mansard house but continues around to the south responding more directly to the residential scale. It's floating above a brick base in a proportion that has this clapboard volume sort of relating strongly to the three stories of the mansard.

A closer look at the south facade, which is the one facing the Newport Road building, shows the attention that we paid to designing elevation with a high level of detail and articulation that take its cues from this building. So in essence that begins with this exterior wall that's folding back and forth, a modern interpretation of

bay windows that we find throughout the neighborhood and directly across the property line.

The windows are grouped together horizontally and connected with a natural wood siding that introduces a level of warmth. And the window groups are bound by projecting horizontal trim that's dark grey, further emphasizes that motion and responds, corresponds to some of the horizontal banding on that building.

At the corner there's a relaxed but pretty clear prevalent entrance, a glass door with a group of residentially scaled windows, and wood panelling next to it.

So, you know, in the way that the building has been masked it's also sort of that concept of mirroring applies here. It's 55 feet on the partial fifth story, which is adjacent to Lesley University's institutional building, 45 feet to the south which mirrors the condition at Newport Road. And then the 36 feet, you know, by maintaining 1 & 2 Frost Terrace, that has a transitional

effect as we move on into the neighborhood.

So looking at -- a little closer at the site plan,
you know, I talked about the sort of distances between the
property lines here that varies, but our goal here is to
create, you know, a beautiful, usable landscape. And I'd
like to invite Jennifer Brooke to talk about the details of
it.

JENNIFER BROOKE: Good evening.

CONSTANTINE ALEXANDER: Good evening.

JENNIFER BROOK: Thank you. My name is Jennifer
Brooke, B-R-O-O-K-E and I'm from Lemon Brooke Landscape
Architecture. Jason, if you wouldn't mind being my laser
pointer down there.

JASON FORNEY: Sure.

JENNIFER BROOKE: Thank you.

With almost 45 percent of open space on this site,
landscape plays a fairly important role which is why I'm
here to talk to you tonight. I'm going to outline three of

our main goals for the landscape.

The first being the quality of life. The

day-to-day experience of people who live here.

The second is the functionality of the landscape.

The job that the landscape has to do here.

And then the third is the -- how the landscape

works to make this project a good neighbor.

With regards to quality of life and day-to-day

experience, there's really two -- there's quite a few more,

but the two things I'm gonna focus on are the materials and

scale as well as the tree canopy cover. So one of the

things that we've done is this place, we want it to feel as

much like a garden as we can. People who live here, this is

their front yard, this is their backyard, this is the place

they walk through every single day, this is their home. We

wanted the materials to reflect that level of intimacy, so

we've proposed on the ground plain material like a concrete

unit paver or a stamped concrete bringing the scale down

from something that you might otherwise find in the city.

The other thing that's really important here, as I said, is

the canopy, the tree cover. We have an arborist on our team

and they've done a tree study and they've identified the

significant trees on the site. And we are keeping -- of

those nine trees, we're keeping six. There's currently

about 124 inches of caliper that will remain on this site

which is pretty extraordinary for an urban site in general.

And then the caliper that we will be removing, we're

approximately replacing. So at the end of the day we would

like to leave this place a leafier, greener, shadier space

than it is currently.

        Functionality is really important. The landscape

has a job to do. We have to accommodate and support fire

truck access because you're talking about health and safety.

This is really important. So we are able to get a fire

truck from Mass. Ave. all the way to the back of the site.

We're also able to get pedestrians to the back of the site.

We have a responsibility to do that in an ADA compliant way

which we're doing. Again, materials are important there.

And then storm water. We have to make sure that

we're collecting, according to DPW standards, all the water

that we're supposed to be collecting, keeping it on-site,

and dealing with it. So that is part of the job of the

landscape which is what we've outlined here.

And then lastly we have three, as Sean was saying

earlier, parking spaces on grade. And we -- the last thing

we want to do is leave someone who is driving an ADA vehicle

in a lurch. So we've done the study and we are sure that

those three vehicles can pull in and pull out of those

spaces safely and that pedestrians are also safe.

CONSTANTINE ALEXANDER: Let me ask on that

question, more for you, Sean. My sense is if affordable

living units tend to attract people who have

physical -- unfortunately, physical disabilities much more

than other type of units. We're going to have 40 units

here. Are three handicap parking spaces sufficient?

ATTORNEY SEAN HOPE: I think they are sufficient.

One, outside of just parking, the -- that middle building,

the 27 units in that center building are going to be all

made to be accessible. So we actually have specific

accessible units that meet the turning radiuses for

wheelchairs and have the certain grab bars.

CONSTANTINE ALEXANDER: I'm worried about parking

though?

ATTORNEY SEAN HOPE: So in terms of parking I

think overall, and it's in the narrative as well, we expect

half of our units to be able to have cars. And that's based

on our data from Port Landing which is a previous project,

as well as other affordable projects in the city. So when

we think -- about half. And I think when we looked at

favoring units in open space over parking, there was none.

We wanted to make sure that we had requisite accessible

parking. So I think the answer is yes and I think we wanted

to make sure, at the same point, that our handicap or

accessible residents have a place to park.

JASON KORB: Just to add a few more additional

things. The three parking spaces that we show are what's

required under ADA, and all the other programs that are

required. And that residence services coordinator that we

talked about earlier, that Sean mentioned regarding the

programming of the family room, that person will also be

able to assist people who have physical disabilities with

like Mass. Rides or CRTMA, you know, setting them up for

rides and things like that. So we plan on providing that

residence services coordinator to do that work. That's a

good question.

CONSTANTINE ALEXANDER: I didn't mean to interrupt

your presentation.

JENNIFER BROOKE: Oh, no, that's okay.

And someone who drives a wheelchair accessible

van, having pick-up and drop-off is actually ultimately more

important, that's a little anecdotal evidence, but that is

something that's relevant.

I only have one more point to make about the

landscape, and that is how the landscape works to be a good

neighbor. There is currently along the south side of the

property several large mature trees that we are preserving.

They provide cover, visual privacy down into the site from

the adjacent buildings. But it's also important to note

that the landscape is really being used at the periphery and

that all the spaces where people might congregate to have a

conversation or a small social gathering, they've been kept

to the interior of the site. And so that the periphery is

really meant as a buffer with those open spaces at the

interior of the site. Again, for the privacy of the

neighbors but also to be good neighbors to our abutters.

CONSTANTINE ALEXANDER: How does it work with

regard to maintenance of the landscaping? Is it like

someone -- well, you can answer the question.

JASON KORB: Sure. No, we're required to maintain the landscaping.

CONSTANTINE ALEXANDER: Who requires you, the state or the Federal Government or who?

JASON KORB: You know, I think technically it would fall on the state and our different funding sources. So everything kind of ties back to the high quality nature of the development. There was a lot of mistakes made with affordable housing years ago. People are trying not to replicate that. That's why actually more private developers are developing affordable housing because you're putting private individuals on the hook for this type of -- these types of projects. So, you know, the state comes through, once -- at least once every three years and surveys the whole site, and we will get, you know, we'll lose points which will impact our ability to do future projects. The city actually does a review every year. So they have a person who actually comes through and looks at a sample of

the apartments as well as will walk the site, and so there's

a lot of eyes on us.

CONSTANTINE ALEXANDER: Well, yeah, I don't want

to make too much of this, but say you decide to get out of

the business of affordable housing, so you don't care

whether the landscaping is being maintained. Who is going

to be doing that?

JASON KORB: So we have obligations -- we have

guarantees that last at least 10 or 15 years. Financial

guarantees.

CONSTANTINE ALEXANDER: Got it.

JASON KORB: And performance guarantees. So the

wonderful nature of this financing source that we're using,

the low income housing tax credit, which is what the site

eligibility letter falls under, is that we are required to

own this site and manage it for at least 10 to 15 years

minimum.

ANDREA HICKEY: When you say personal guarantees,

do you mean personal or your LLC?

JASON KORB: So it depends. But they are -- but

even if it's just an LLC, there are substantial liquid

guarantees.

CONSTANTINE ALEXANDER: But does the LLC have any

assets?

JASON KORB: Yes, tremendous assets.

CONSTANTINE ALEXANDER: Where are they coming

from?

JASON KORB: I feel like that's -- they're our

assets.

ATTORNEY SEAN HOPE: I mean, we have to

have those.

ANDREA HICKEY: Like today?

JASON KORB: Yes.

CONSTANTINE ALEXANDER: I want to return later, I

don't want to interrupt your presentation, to the structure

that you have with the property being owned by an LLC that's

a for-profit entity. And then the 99 year lease which we

haven't seen, is going to lease it to the petitioner

tonight, the tenant.

JASON KORB: Sure, and this is --

CONSTANTINE ALEXANDER: I want to get into more

detail.

JASON KORB: This is how many deals with

non-profits in the city have been done as well. It has

nothing to do with us being a for-profit versus a non-profit

entity. That structure.

CONSTANTINE ALEXANDER: The project you did over

on Harvard Street, is this similar?

ATTORNEY SEAN HOPE: Yes.

JASON KORB: Yes.

And other non-profits in the city also utilize

this structure. So this is not something that we --

CONSTANTINE ALEXANDER: In my time on the Board I

haven't seen a non-profit utilize the structure, other than

the one that you identified.

ANDREA HICKEY: Yeah. Harvard perhaps?

CONSTANTINE ALEXANDER: I don't recall. Maybe,

maybe so. Anyway, I didn't mean to interrupt.

JASON KORB: We're happy to speak to that at the

right time.

JASON FORNEY: So just a little bit more.

It's -- it was important for us to consider the building in

the broader context of Mass. Avenue in this stretch. And

I'm looking at Board No. 12 now. As you move from the

Porter Square T station passed the former Sears building,

Lesley's Lunder Art Center and on down to the Newport Road

condos, it's a consistent range of heights, a consistent

range of masonry and clapboard materials. And so our west

elevation really was designed to respond to those layers of

heights and materials. You know, a series of volumes and

brick, clapboard, you know, located behind this bright red

mansard.

CONSTANTINE ALEXANDER: But they're higher.

They're not the same level. Those are four-story buildings,

the Newport condos and yours is going to be five stories,

right?

JASON FORNEY: The Newport Road is 45 here, and

the Lunder Art Center is 55 --

CONSTANTINE ALEXANDER: The Lunder Art Center

doesn't count, I'm sorry, in my opinion. I'm talking about

the other way because that's where the impact is on the

neighborhood. And you're talking as high as 55 feet when

the buildings around it are no higher than 45 feet if I get

it right.

JASON FORNEY: That's correct.

JASON KORB: Point of clarification. There is a

six-story building directly across the street.

CONSTANTINE ALEXANDER: Across the street?

JASON KORB: Yeah.

CONSTANTINE ALEXANDER: To me that doesn't count

very much, but that's me.

JASON KORB: Ruth, wanted to clarify that the

45-story portion is closer to Newport Road and the 55-story

portion is to the north closer to the Lunder Art Center.

CONSTANTINE ALEXANDER: I appreciate that.

JASON KORB: Thank you.

JASON FORNEY: The south facade shows the series

of floating bays above a masonry base with the horizontal

banding. And it's also worth noting that the apartments on

the ground floor are lifted up about three feet to increase

that level of privacy. Both of these elevations show the

mechanical equipment which we expect to inhabit the roof.

This will be a VRF heat pump system residentially scaled,

outdoor units, in between as much solar as we think we can

get. This is a photo of Jason and Sean's development.

CONSTANTINE ALEXANDER: I don't know if people can

see in the audience.

JASON FORNEY: You can turn it around. So these

are, you know, four to five-foot outdoor units. And our

drawings do not show equipment screening because we think

that will add more apparent bulk to the rooftops. We've

been careful to locate all of these pieces of equipment at

the center of the roof to minimize their visibility.

The north elevation is intentionally the simplest.

It's a grade of larger group openings that continues what

began on the west, wrapping around. Larger openings with

windows and wood panels that bring warmth and texture, sense

of lightness to that facade. And the brickwork is corbeled

at the top in a way that reflects the heavy cornice and trim

of the North Prospect Church.

And then to the east this is a continuation of the

south with more clapboard and wood that began to step down

towards the Agassiz neighborhood.

And now I would like to talk about 1 & 2 Frost

Terrace which we're now proposing a series of small modest

additions which began with two, you know, additions to the

back with truncated hip roofs. And then on -- facing the

property line, a small gabled dormer flanked by flat

skylights and then a shed dormer facing inward

toward -- each house to one another.

So in summary, you know, this design, you know, it

maintains and restores the three historic houses that remind

us of the past as a contextual architecture that fills this

missing tooth along Mass. Ave. surrounded by a lush

landscape, and we think a great place for 40 more families

to be able to live in Cambridge.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

JASON KORB: So I'd like to, I'd like to conclude

by saying a few things. My same is Jason Korb. I'm the

owner of Capstone Communities and one of the co-developers

with Sean.

I'd like to address in a little bit more detail

the community process we undertook, the site's proposed

parking, and the desperate need for affordable housing

especially in this neighborhood.

We undertook an extensive one year community

process that included multiple meetings with the Porter

Square Neighbor's Association, the Agassiz Baldwin Community

Neighborhood Council, an at large community meeting we held,

and multiple meetings and design charrettes at our

architect's office with an abutter working group, comprised

of all of our immediate abutters, all of them.

We also maintain a website, 1791 Mass. Ave.

dot-com where we posted events, upcoming hearings, countless

documents. We really tried to be an open book to the

neighborhood. And I'm product of the work we did there.

Through this neighborhood process, the proposed

Frost Terrace development evolved from a 27-unit, five to

six-story building located solely on the 1791 Mass. Ave.

lot, which at the time was the only lot we owned. That

building had a five-foot setback on the southerly side and

contemplated the removal of a beloved horse-chestnut tree.

We didn't know it was beloved at the time, but then we found

out. Through the community process and negotiations with

adjacent landowners, we almost doubled the size of the site.

And as you know are now proposing 40, 100 percent affordable

apartment homes, a lower building four to five stories, much

more generous southerly setbacks in a range of historic and

landscape preservation measures. A big impetus for this

change was our Newport Road neighbors' deep concerns about

the setbacks, original setbacks of five feet, their views

and light and air. The challenge that we had when we owned

1791 Mass. Ave. was that we were constrained by Frost

Terrace. And you're gonna, you have to sort of imagine

where Frost Terrace was. Some of you may remember it. It

was to the north. Yep, so right there. Which was a 15-foot

wide easement. It wasn't a private way, although some

people thought it was. A 15-foot wide easement on the

northerly 1791 Mass. Ave. property line. Our rear neighbors

at 1 & 2 Frost Terrace had passage rights and other rights,

utility rights, things like that. So it was an unbuildable

area of the lot that we owned. When we discovered it would

be possible to purchase 1 & 2 Frost Terrace and thereby

eliminate the Frost Terrace easement entirely, we thought it

would be beneficial to all properties. Not only could we

build additional affordable homes, but we could also

relocate our proposed new building significantly further

north away from the southerly Newport Road property line,

which is what we have ended up doing.

The community and neighborhood process helped

shape the development we are presenting today. And we are

truly thankful for the time our neighbors and others

committed to the process, and they committed hours and hours

of their personal time to the process. The outcome is that

one, we are preserving the historic 1 & 2 Frost Terrace

houses with minimal exterior changes and very modest rear

additions. The new addition to 1791 Mass. Ave. is now four

stories where it faces the Newport Road condos which

reflects our abutters' concerns about height and its five

stories where it abuts Lesley University. We are working

with an arborist and landscape architect, as you've heard,

to make attempts to not only save -- and some of these trees

are in pretty bad condition, but also restore six of the

existing significant trees on the site, including the most

significant tree, which a lot of people can see in the

neighborhood but they don't really know where it's coming up

from, is the multistory 39-inch red oak. It's enormous.

And a 20 -- and the 24-inch wide horse-chestnut tree. We've

actually designed our building around the 24-inch

horse-chestnut tree. That's the reason why the building

comes in and then comes back out, because of the concerns we

heard about the tree.

With regard to parking, we're proposing the three

accessible parking spaces. And I'm actually going to skip

over some of the things I've written because we talked about

it already.

But in summary, we hired Vanasse and Associates to put together an actual parking study and find out what the real data is out there. And we found out that there were 139 at the peak time, it was a Tuesday, October 17th, at 7:30 p.m. was the peak amount of demand for on-street parking and within a quarter mile of our site. Vanasse found that there were 139 on-street parking spaces available at that time. And 62 were east of Mass. Ave. near our site. Vanasse also proposed transportation demand management measures that we are committing to incorporate into Frost Terrace, and one of which is providing ride services that I talked about earlier. There's four others as well. I'm happy to go into the details later.

In addition, recent studies have shown that the future of car ownership and driving, particularly in urban settings, is changing. Our hope is that our residents will utilize existing public transportation and will be part of

the future where there will be fewer cars on the road due to

ride sharing and car sharing capabilities. And there was a

great article in The Globe a few months ago about this --

CONSTANTINE ALEXANDER: Can I push back a little

bit on that or just ask some questions. You have 40 units,

27 of them are going to be two or three-bedroom units.

Those are likely going to be units that have children in

them most likely. Children usually lead to need for cars.

So the notion that there is public transportation on

Massachusetts Avenue, which is important, doesn't

necessarily address all of the issues that you do, with use

of cars.

ATTORNEY SEAN HOPE: I think that's a really good

point. So we've said from the beginning to the

neighborhood, we expect about half of our residents to have

cars. So the idea is there will be about 20 cars on the

street. Not that our residents wouldn't have cars. And I

can take your point, that families with children are going

to have cars. I've said this at several meetings. I live

in Cambridge. We have two children under five. We have two

cars. And when I come home late from meetings like this, we

have to loop around the block. We choose to live in

Cambridge and we choose to go through, we don't have a

driveway, and many families in Cambridge don't have a

driveway --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: What we do is we compete for

parking. And there are always new developments that happen

in our neighborhood, but that is part of living in this

urban environment. And so the idea is for our residents, it

is part of living in Cambridge that some of us don't have

parking, but yet we choose to do so.

CONSTANTINE ALEXANDER: Let me ask you -- okay,

fair point.

JASON KORB: Can I add --

CONSTANTINE ALEXANDER: No, let me just finish my

point.

You're right next-door to Lesley.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: Lesley is a supporter of

this project. We have a letter somewhere in the file in

support. Lesley has ample parking, on-surface parking.

Have you talked to Lesley about getting some parking spaces

for them?

ATTORNEY SEAN HOPE: Early on -- so we talked to

our direct abutters. When we first bought the property, we

talked to Lesley and one of the first things was asking

about seeing if we could use some kind of shared parking

location. Not to go into private details, but based on the

demand, they have evening classes. They also have Partners

Healthcare. They also is commitments as part of their

Lesley rezoning. So there wasn't an ability to have an

effective parking program.

CONSTANTINE ALEXANDER: In other words, you got

turned down.

ATTORNEY SEAN HOPE: We got turned down.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: But we've tried. And we also

said we're going to continue to try.

JASON KORB: Absolutely.

And so I think lastly, and this most resonates

with me and why I actually do this. I own a bunch of market

rate apartments in Cambridge. It's great. I make a decent

living off of it, and, you know, but this is the work that

really gets me up in the morning and gets me excited and

really moves me as a person to be honest with you. I think

we have an incredible opportunity to participate in

something remarkable here. We're proposing 40 new high

quality 100 percent affordable apartment homes for

individuals and families who can no longer afford to live in

Cambridge and Porter Square. The median market rent for a

three-bed in this area is $4,710. Do you know how much you

have to make to afford that apartment? $188,000 a year.

$188,000 a year to not about rent burdened. Our apartments

at Frost Terrace will be restricted as affordable in

perpetuity forever.

CONSTANTINE ALEXANDER: Wait a minute, on Frost

Terrace. But what about the --

JASON KORB: The development is called Frost

Terrace.

CONSTANTINE ALEXANDER: All right. But what about

the big building --

JASON KORB: Everything.

CONSTANTINE ALEXANDER: I saw something in your

materials there's 30 -- Covenant for 30 years.

JASON KORB: So, yeah, so someone else picked up

on that, too. The only reason we put that in is was to

establish eligibility under 40B. There's a footnote at the

bottom and we realize the footnote is not sufficient. So I

want to go on the record right now and say the entire

development will be affordable in perpetuity. And I'm going

on the record saying that, okay?

CONSTANTINE ALEXANDER: A little more than that,

it will be a condition if we grant the relief. That that

will be the case.

JASON KORB: We would like that condition to be,

we would like that to be condition No. 1.

Our apartments, as I said, will be affordable in

perpetuity and eligible to households earning between 21 and

67,000 a year depending on the household size and the income

restrictions for this specific apartment. While the market

is charging over $4700 for a three-bed, our three-bed rents

will range from $711 to $1,517. The need for these

affordable apartments is nothing short of desperate and

dire, and Sean and I see that every day at Port Landing.

Prior to the lottery at Port Landing, we had 1,386

applications. Currently there are over 450 individuals and

families on the Port landing waiting list all waiting for

one of 12 affordable apartment homes. It's a 20-unit

development. The CHA controls the other eight, that's why

it's 12. As of October 2017, the City of Cambridge rental

applicant pool has approximately 2600 applicants waiting for

an inclusionary unit. And the Cambridge Housing Authority

wait list has 5,000 households for family units. 5,000

households.

I've gotten to know many of these individuals and

families personally. We actually signed a lease. Sean and

I signed a lease when there was a fire in East Cambridge,

one of the displaced residents from the St. Stephens

Development, Just-A-Start, was living in the hotel down the

street and we had a three bed, we had one three bed

available, and we were able to move them in. And Sean and I

signed the lease. And these people are wonderful. They're

hard working. You know, a lot of them have multiple jobs.

And they would just be such a tremendous asset to the Porter

Square community. And Sean and I we're really, really

thrilled to be here tonight to present this proposal that

has the ability to positively impact the lives of upwards of

120 future residents, the surrounding neighborhood, and

ultimately all of Cambridge and all of us.

So thank you for your time tonight.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY SEAN HOPE: So that's our --

CONSTANTINE ALEXANDER: That's it?

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: Okay.

I've asked a number of questions as you've gone

through your presentation covering the points that struck me

in reading your materials. I'm not sure I have anything

more to add or further points to make or questions to ask.

So I'll ask other members of the Board, do you have

questions at this point? We can open the matter up to

public testimony.

JANET GREEN: Can I just ask one simple question

that I'm not sure. I didn't, I didn't see it in the file,

but there were many pages in the file, but where is the

trash and how does that get picked up and where is all that

taken care of?

JASON KORB: That's a very good --

JANET GREEN: That's an urban question.

JASON KORB: That's an excellent question.

So, Jason, do you want to answer that or --

JASON FORNEY: Sure.

JASON KORB: That's an excellent question.

JASON FORNEY: So there's a trash room located in

the basement which has a lift that brings the trash up to

this spot right here. So that it can get brought out here

and taken away.

JASON KORB: Why don't you talk about the rear

houses as well.

JASON FORNEY: So those would be, the trash would

be brought along that same easement.

JANET GREEN: And is there a place in those two

buildings where it goes?

JASON KORB: Yes, inside the building there will

be a trash room and then there will be a lift to take it up.

It's a great question. We intentionally put it on the north

side as well.

ATTORNEY SEAN HOPE: Away from people.

CONSTANTINE ALEXANDER: Any other questions or

want to open the matter up to public testimony?

PATRICK TAI: I've a question.

CONSTANTINE ALEXANDER: Yes, sir. Your name,

please.

PATRICK TAI: Patrick Tai. I live just around the

corner. Where is the famous tree that you're saying

about -- talking about? Can I see a picture of it?

JASON FORNEY: It's right here.

JASON KORB: Well, which one, there's two?

There's two famous ones. That's the chestnut one and then

the oak tree is right in the middle.

PATRICK TAI: We don't have a picture of it.

JASON KORB: Do we have a picture? We do. We do.

JENNIFER BROOKE: The existing conditions, Jason,

in our very first board.

ATTORNEY SEAN HOPE: We can dig that out if you

want to and put it up.

JASON KORB: That's the oak tree right there.

That's the 39-inch, five-story.

PATRICK TAI: I see. Look at it in the spring.

Let's see it. Where is it? What corner is this?

JASON FORNEY: It's in between the two houses

here.

JASON KORB: You can see the canopy.

PATRICK TAI: Oh, inside. Inside.

What I'm interested is why is there a corner here?

Why is this a gap here? Why can't we fill this up? You

know, get some more space? Why is the cut corner there?

JASON FORNEY: Are we answering questions?

CONSTANTINE ALEXANDER: Yeah, I think it's appropriate. And this is not a directly germane to what we're here for tonight, but this gentleman took the time to come down and I think we should answer his question.

JASON FORNEY: I think one of the, you know, preservation principles that is applied here is that the further back this addition is, the more freestanding the house presents itself. And better, you know, preserved it. So that's the reason.

PATRICK TAI: Yeah, the house was built like that so you could not change it.

JASON FORNEY: Yeah, the further back we have that connection, the more you -- freestanding the house remains.

CONSTANTINE ALEXANDER: Thank you.

Okay, now we are going to open the matter up --

ANDREA HICKEY: I just have one question. Can you just talk me through very briefly kind of the ownership

structure; the ground lease, who owns the building? Who

owns the dirt? Who is responsible for what?

        JASON KORB: Sure. So a lot of this has to do

with the complicated financing structure that we're entering

into. We'll most likely have plus or minus ten financing

sources, each have their own requirements. That is directly

driving this ground leaf structure that you see. So the

landlord entity is CCHRE 1791 Mass. Ave. LLC and that's an

entity that Sean and I control.

        CONSTANTINE ALEXANDER: And that's a for-profit

entity?

        JASON KORB: Yep, everything is for profit.

        CONSTANTINE ALEXANDER: Well, not the tenant, not

the one that's going to get the financing.

        JASON KORB: It is, yes.

        ATTORNEY RUTH SILMAN: But it's a

limited --

        JASON KORB: It's a limited dividend organization.

CONSTANTINE ALEXANDER: But it is not -- it is for

profit in a limited sense.

ATTORNEY RUTH SILMAN: Correct.

CONSTANTINE ALEXANDER: It's not a for-profit like

a typical corporation? A limited -- according to a

limited --

ATTORNEY RUTH SILMAN: Dividend organization.

CONSTANTINE ALEXANDER: Dividend organization, is

any organization that is willing to enter into a written

regulatory agreement with a state or federal housing agency

agreeing to limit its profit on the proposed development to

a level prescribed by that agency.

ATTORNEY RUTH SILMAN: That's correct.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY RUTH SILMAN: So the developer entity

here, the LLC that has the word tenant in it, that's the

applicant.

CONSTANTINE ALEXANDER: That's going to be a

limited dividend?

ATTORNEY RUTH SILMAN: And that will be the ground

lessee. Okay? So we've used this structure now many, many

times. I'm a little bit surprised that you haven't seen it

more frequently, but the -- so the Tenant LLC entity, the

developer, the applicant, it's all the same. That will

qualify, it already has been qualified by a DHCD as a

limited dividend organization. There is a limitation on the

profit that that developer can take, and so that is why

sometimes people think of it as a, you know, we use

the -- well, I don't, but some people use the for-profit,

non-profit monickers. But it's really not appropriate. It

is a limited dividend organization, fully profit. There

will be a ground lease structure, which and again Jason can

tell you a little bit more about why, but it has to do with

the entity -- and this is not an attempt to funnel any sort

of profit or money to the landlord. That is, that is

absolutely not allowed. The ground lease itself has to be

approved by the state and also by all of the financing

agencies. The ground lease will be closely monitored. All

of the finance, all of the money, the revenue, the sources,

everything is monitored extraordinarily closely. There are

audits that are done. And so, Jason, I don't know if you

want to talk a little bit more about why -- why the

structure.

CONSTANTINE ALEXANDER: I still don't know why --

JASON KORB: It has to do with the financing

sources have different requirements.

CONSTANTINE ALEXANDER: But the financing is all

going to go to Tenant.

JASON KORB: Not all of it has. Not all of it

does. Some of it goes to the landlord as well.

CONSTANTINE ALEXANDER: But why couldn't it go to

the --

JASON KORB: Because the city's willing to fund

certain costs that the state is not. And so those costs go

to the landlord. That's the best explanation. The land

costs.

ATTORNEY SEAN HOPE: The land costs.

ATTORNEY RUTH SILMAN: Costs of acquiring the land

or actually not incorporated into the restriction on limited

dividend organization, so there are certain ways that the

developers can maximize how many units they can build at the

various affordability levels, okay? And this, using this

structure allows that to happen. So if they had to

incorporate other kinds of costs, simply as one entity, they

wouldn't be able to give you as much affordability is really

a simple conclusion I think.

JASON KORB: Yeah. I mean it's a very complicated

issue --

CONSTANTINE ALEXANDER: Yes it is.

JASON KORB: -- that would take three hours to

explain. But I think that's a good summation.

ATTORNEY RUTH SILMAN: But it is, I mean,

I -- we've closed many deals using this structure. I have

them all over the Commonwealth. You know, six different

towns and cities come to mind immediately that I can tell

you about, but I don't want to bore you.

JASON KORB: But I think it's important to say

that the Affordable Housing Trust has funded this

development. And their counsels and their staff and the

trust itself has reviewed all of this. So the city is very

much on top of this.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: So who is the ground lessor?

JASON KORB: So the lessor is the landlord who we

described.

ANDREA HICKEY: Right.

JASON KORB: Right. So the tenant, the lessee

would be the development entity that --

CONSTANTINE ALEXANDER: That's tenant.

JASON KORB: Correct. They have the tax credits.

CONSTANTINE ALEXANDER: To answer Andrea's question, the LLC that's a for-profit entity that is the --

ATTORNEY RUTH SILMAN: They're both for profit.

JASON KORB: They're both for profit.

CONSTANTINE ALEXANDER: No, no. Oh, the limited dividend is for-profit but not to the same extent as the owner.

JASON KORB: You're starting to see why people -- why for-profit developers don't like to do affordable housing, because it's exceptionally complicated and you have to create very complicated structures in order to tap into all of these different resources. So the tenant -- to answer your question, the tenant will be --

ATTORNEY RUTH SILMAN: The landlord. She asked about the landlord.

JASON KORB: I already answered the landlord. The landlord is Sean and myself.

ANDREA HICKEY: No, I asked who owns the dirt?

JASON KORB: The landlord, Sean and myself.

ANDREA HICKEY: Okay.

JASON KORB: With a mortgage from the City of

Cambridge Affordable Housing Trust.

ANDREA HICKEY: With an entity that's completely

separate from the tenant --

JASON KORB: Correct.

ANDREA HICKEY: -- entity?

Are any of the principals the same?

JASON KORB: Yes. So Sean and myself are the

same. We will have about .01 percent of the ownership of

the tenant. It's just very complicated.

ANDREA HICKEY: I understand it. Thank you.

JASON KORB: So....

CONSTANTINE ALEXANDER: I understand it's

complicated. I still don't understand why. But I digress.

JANET GREEN: So what is .01?

JASON KORB: .01 percent. There will be a tax

credit investor that will own -- will be a member, not a

general partner, that will own 99.99 percent of the

partnership of the LLC and be allocated the 99.99 percent of

the low income housing tax credit associated with the

development for the first 10 to 15 years.

ANDREA HICKEY: Okay.

CONSTANTINE ALEXANDER: That makes a little bit

more sense now. I'm starting to get it.

Go ahead.

JASON KORB: As an aside, I'd be happy to go

through it in a lot more detail at another time if you'd

like. I wrote my thesis on this as well.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: I'm all set.

Thank you.

PATRICK TEDESCO: A lot of people want to talk.

CONSTANTINE ALEXANDER: I want to move on. I'm

going to open the matter up to -- Ma'am?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Public

comment.

CONSTANTINE ALEXANDER: I'm going to open the

matter up to public comment. Wait, wait. Let me finish.

JAMES WILLIAMSON: You want to start with

information questions or right into public comments?

COUNCILLOR E. DENISE SIMMONS: Mr. Chair, if I

may. Using protocol, we have our fine senior states person

Mrs. Alice Wolf that's here, has been here for a very long

time. And I know State Representative, Ms. Decker is here

who is -- who would like to go home to her kids. And I'm

just old and would like to go home. If you would at least

allow Alice to go first as a courtesy and then you can do it

however you like.

CONSTANTINE ALEXANDER: I certainly have no

problem with that. But I was about to say is that to try to

organize this, we're going to -- I'm going to take comments

first, or the Board will, from those who are in support of

the project. And once we've gone through that, and I take

it, I know Alice Wolf is in support because she wrote a

letter, then we'll go to the people who are opposed.

Now, one point I want to say and underscore and

say which will be ignored, is please don't repeat comments

that someone else has made. We're not present, except for

myself, we're not as stupid as we look. We get it. So you

say it once, assume we got it, and please make new points if

you're going to speak.

ANDREA HICKEY: And if we could ask people to

maybe come up here and we'll bring a microphone.

CONSTANTINE ALEXANDER: Yes.

ANDREA HICKEY: Could we have one of your

microphones?

CONSTANTINE ALEXANDER: There are too many people

who wish to speak. We're not going to be here until three

in the morning. I know without a doubt, we're going to get

repetitive comments. So I'm going to -- I will start with

Ms. Wolf. But if I hear comments that I think I've heard

before, I'm going to stop you right then and there and ask

the next person to speak, because we do not -- we do get it,

believe we do.

COUNCILLOR E. DENISE SIMMONS: Mr. Chair, can I

just ask -- in the Council we often try to keep people to

two minutes and have someone time it. And so of course

you're the Chair and you're in control, but you might just

want to remind people whatever they say if they can keep it

to one or two minutes.

CONSTANTINE ALEXANDER: Okay, even though looking

at the number of people, even with one or two minutes is

going to go for a long night. Fair comment and I will try

to do that. Thank you very much.

All right, let's start. Alice Wolf.

COUNCILLOR ALICE WOLF: Age before beauty. Thank

you very much, Mr. Chairman, members of the Board of Zoning

Appeal. I have sent to you some testimony --

CONSTANTINE ALEXANDER: You did.

COUNCILLOR ALICE WOLF: -- which I will not read

for you.

CONSTANTINE ALEXANDER: Thank you.

COUNCILLOR ALICE WOLF: You would be happy to

know. I would like to make two points:

One is besides the obvious, which is this is a

very need of this affordable housing for Cambridge

residents. I would like to make the point that perhaps to

me one of the most important aspects of this project is what

you've heard today, which is that this is affordable in

perpetuity. And in fact I was the person who filed the

footnote. I have a lot of experience with expiring used

housing over many years in the City of Cambridge and across

the Commonwealth. A few years ago there were 25,000 homes

across the Commonwealth that were at risk. And that meant

that people would not have the housing and the future

generations would not have the housing. So that is

extremely important.

Secondly, and it has been briefly mentioned, I

want to talk about the parking issue because I know that is

ann issue that concerns many people. And I want to make the

point aside from the obvious public transportation there,

that the changes now in the way in which communities

development and people are behaving shows that there are

fewer and fewer cars in the community. And I believe I am

correct that there are already some buildings in this city

where they have been required to have garages and parking

spaces which are now sitting empty and are wasted space.

And so I think in terms of looking at the future, the

parking is not a huge issue. And in fact it is a case that

all of the multiple housing units in the city, not quite

all, but all of them historically have no parking associated

with them except the public parking.

So I thank you for your consideration. I

sincerely hope that this Board will approve this and that we

will have 40 additional affordable homes for people in our

community.

Thank you.

THE STENOGRAPHER: Spell your last name, please.

COUNCILLOR ALICE WOLF: My name is Alice Wolf. I

live at 48 Huron Avenue.

REPRESENTATIVE MARJORIE DECKER: Thank you. My

name is Marjorie Decker, State Representative for the 25th

Middlesex District, 29 Raymond Street, Avon Hill resident.

I am here, I believe in my almost 20 years of elected

office, this is my first time, maybe my second time speaking

before the BZA. I do not come before the Planning Board or

a BZA as a matter of protocol and courtesy and respect for

the different body. This is an opportunity that we cannot

walk away from. I'm not going to diminish the importance of

parking for some people. It's a real issue. I spent last

night driving around my neighborhood having to park a block

and a half away. You can't find the parking. The idea that

40 units by these particular developers, who I have known,

who I have worked to support in their last affordable

housing development, who I personally reached out to -- when

I was helping the city, I helped lead the charge on the

housing replacement when we lost 50 units of housing in that

fire in East Cambridge. It's not my district, but I have a

lot of experience in housing in Cambridge and housing policy

at the state level. They were incredible. They were

incredible during the project. I supported that project,

the quality in that project --

CONSTANTINE ALEXANDER: Ms. Decker, please.

REPRESENTATIVE MARJORIE DECKER: I'm just going to

say very quickly and then I'm going to stop. I'm going to

tell you I grew up in public housing in Cambridge. And when

I look at this project and I look at where it's located and

I look at the quality of work and the beautiful opportunity

here, it made me cry to think that we might not do this. I

work everyday with Cambridge residents who do not have

housing, whose children are being removed from important

services and educational opportunities that they absolutely

need, that this is going to be most vulnerable people in our

society, and contrary to what some of us believe, they are

still the most vulnerable and don't have all the housing and

resources they need. Not only is housing important to them

but our community is important to them, and it's game

changing and it's life changing and I know this from my own

personal experience. And I respect the developers involved

in this. And I really hope that at the end of this day, and

I understand that the tradeoffs are not going to be

comfortable for everybody involved, I understand that, and I

also understand that it was important for me to be here in

person tonight and talk to you about why I support this.

CONSTANTINE ALEXANDER: Thank you, Ms. Decker.

Sir, again, please, we've heard support for the

developers. We've heard -- people addressed the parking.

What else -- bring some new issues to the table or pass the

mic on to somebody else.

MAYOR MARC McGOVERN: Mark McGovern, M-A-R-C

M-C-G-O-V-E-R-N. And I will respect you and I expect to be

respected as well.

I live at 15 Pleasant Street right out this

window.

I will bring something new. I did have a lot to

stay about how important this is. And I don't know what

everybody does in their other lives, but I sit with people

everyday begging me for help in finding affordable places to

live. And there is no way in good conscience that I can sit

across the table from someone -- that I can sit across the

table from someone and say that we walked away from 40 units

of housing that they might be able to live in because it's

ten feet taller than the buildings next to it or maybe it

doesn't have enough parking for someone. We need to stand

by the values that we say we believe in. I think if you

polled every one in this audience whether they liked this

project or not and asked them if they care about affordable

housing, everybody would say yes. But it's easy to say that

in theory, and it is much harder for people to say that when

they're asked to put their chips on the table and make a

personal sacrifice to get it. I'm asking us to be better as

a community and this is exactly the type of project. For

folks who are nervous about the parking, like I said, I live

right there on the corner of Pleasant and Franklin. My

family has been there 100 years this year. When I was

growing up, it was all triple deckers, two-families and

triple deckers. There are now a number of eight-story

apartment buildings on Franklin Street that have impacted

parking, that have impacted congestion. And you know what,

we survived. Okay? And not only that, we have welcomed a

needle exchange program across the street. Right? We've

welcomed the City's first warming center for the homeless in

this building. So these things work out. And they may be

scary and they may be frustrating at first, but this is

about doing what is right for the community as a whole, not

just the folks that live right next to that building. So I

appreciate their concern, but this is exactly what we should

be doing and I really hope we stand by our values that

affordable housing is the number one issue in the city and

we would be willing to sacrifice and step up to make it

happen.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

CHERYL-ANN PIZZA-ZEOLI: My name is Cheryl-Ann

Pizza-Zeoli. Two hyphenated names, Cheryl-Ann

C-H-E-R-Y-L-A-N-N Pizza-Zeoli, P-I-Z-Z-A-Z-E-O-E-L-I. I'm a

member of the Cambridge Affordable Housing Trust, and I also

serve on the Trust Project Review Committee. So I first saw

this project back in March of 2016. We are very involved in

this project. We've committed $7 million for the site

acquisition and the development costs will continue to play

a role in monitoring this. And I want to say that

affordable housing does not get built or preserved without

tax credits. This is nothing new or extraordinary, and it

comes with the requirements that really go beyond zoning.

They're pretty elaborate. And I wanted to give something

very specific, a specific piece of information. It's not

just a feeling that we need more family housing, this is a

finding from the Cambridge Inclusionary Housing Study.

There are no neighborhoods in Cambridge with market rents

that are affordable to four-person households with incomes

at or below 50 percent of area median income. Less than one

percent of two-bedroom apartments are affordable to

four-person households at or below 80 percent of AMI. Zero

percent of three-bedroom apartments are affordable to these

households. I would also mention that there are families

living in affordable housing that are severely under housed.

So that is also a problem. That, you know, we don't have,

we don't have a hard number for that, but as a tenant

advocate, I've encountered that really all the time. I

wanted to mention the December 5th Planning Board meeting.

One of the direct abutters said that the entire community

benefitted from the 33 trees on the existing site. I take

that pretty seriously. But the trust committed $7 million

in loans to finance this project because the entire

community will benefit from 40 new affordable homes. And

we're the lender. So we can place all kinds of requests for

updates and information on the developer. And we're not

gonna go away.

I don't want Cambridge to turn into Berkeley,

California, where a woman recently stood up and waved a

zucchini at a City Council meeting arguing that the

vegetable wouldn't be alive if a proposed housing project

cast a shadow on her garden.

There was a recent article in the New York Times

how "Not in my backyard" became "Not in my neighborhood."

And it makes this really important point that communities

always need to be changing and we can't have a process that

gives every individual sort of a veto of a change.

GEORGE BEST: Thank you.

CONSTANTINE ALEXANDER: Thank you.

We're going to limit comments now to no more than

one minute because we're never going to get through tonight.

I think it's been established that there's a need for

affordable housing in Cambridge so I don't think we need

people to stand up and tell us we need affordable housing in

Cambridge. That's not an issue. That's not been an issue

at all tonight. So I think you should -- I'm sorry,

Ms. Simmons, but I don't mean to pick on you.

COUNCILLOR E. DENISE SIMMONS: I won't take it

personally, but go ahead.

CONSTANTINE ALEXANDER: You know, we get it in

terms of the need for affordable housing. There are issues

that have been raised by people in the neighborhood. And it

would be nice if people can address those issues rather than

just repeating the mantra that we need affordable housing.

COUNCILLOR E. DENISE SIMMONS: Does that count as
part of my minute.

CONSTANTINE ALEXANDER: I'm sorry? No.

COUNCILLOR E. DENISE SIMMONS: I just want to be
sure. E. Denise Simmons, two M's, no D, S. I live at 188
Harvard Street, apartment 4B, Cambridge, Mass., member of
the Cambridge City Council. And I'm here in support of
socioeconomic diversity. And I see this housing project as
a way to make that happen.

The City Council and I'm proud to have been a
member over ten years just voted several years ago to
increase our linkage fees so that we could get more
affordable housing to support socioeconomic diversity. A
year we increased our linkage fees in order to support
socioeconomic diversity. Right now we're looking at
comprehensive housing plan to increase our socioeconomic
diversity. And four years ago the City Council said we want
to make sure to get a thousand units of affordable housing

in our community. This is one way to make it happen. If we

want socioeconomic diversity, really want a city that is

diverse, this is one of the ways to make it happen, and that

is why I stand in support of this project. There was a

statement that was made about the quality of the kind of the

housing. One of the things that's exceptional, particularly

with these gentlemen, is the kind and quality of the

housing. It is exceptional. I think market rate people

would want to come and live in these affordable units

they're so well done, particularly the projects that

Mr. Hope and this other gentleman who's name I cannot

remember --

JASON KORB: Korb.

COUNCILLOR E. DENISE SIMMONS: -- build.

So I stand here in support of socioeconomic

diversity and I see this housing development of one way of

getting us there, I hope you will support it.

GEORGE BEST: Time. Thank you, Denise.

BILL MCAVINNEY: Hi, my name is Bill McAvinney,

B-I-L-L M-C-A-V-I-N-N-E-Y. I live at 12 Douglas Street in

Cambridge. I want to talk a little bit about -- because of

the housing crisis we have, we have basically sort of two

choices shy of building a wall around Cambridge, we can

either build up and create more new housing or what happens

is that a lot of our existing neighbors get displaced. On

my street over the past ten years of the 17 rental units on

the street, 16 have been forced out due to increasing rents.

The other thing I wanted to talk about is cars. I live at

less than two blocks from Central Square subway station and

I live one block -- half a block off of Mass. Ave. And my

experience has been ten years ago I got rid of -- we went

car free my family, and we were the first person on the

block to do it. Everybody else on the block has since

followed with the exception of the four people who have

parking spaces. If you build it, they will come. So I

really urge you -- the other thing I will say is that for

all of us, having a place to live is more important than

having a place to park our car. So I really encourage you

to --

GEORGE BEST: Thank you.

BILL MCAVINNEY: -- to approve this project.

JESSE KANSON-BENANAV: Chairman, Board Members, my

name is Jesse Kanson-Benanav. J-E-S-S-E

K-A-N-S-O-N-B-E-N-A-N-A-V. I live on Willow Street in

Wellington-Harrington. I'm also the Chairman of A Better

Cambridge which is a citywide organization of Cambridge

residents that are committed to building enough

opportunities for a diverse and sustainable community to

live here in Cambridge. I mean, we're very proud to support

this project. I'm proud to stand up here on behalf of our

hundreds of members and nearly thousand supporters across

the City of Cambridge to say this is exactly the type of

project we need in Cambridge. As my fellow ABC Board Member

who spoke right before me, Bill McAvinney said, the height

is critical to provide the opportunity for people to live in

Cambridge. If we reduce heights, we make these projects

infeasible, we reduce the ability for families to live in

Cambridge, and we need that opportunity.

I also want to address the fact that we need to

plan for the future. And while there are very valid

concerns of abutters that we need to take into account,

those simply cannot be the only concerns, because we have a

changing population. And without looking forward rather

than just at the present day, we will lose those

opportunities and we will become a singular community and

lose the diversity that makes Cambridge so special.

Finally -- well, one other thing, I do spend my

days as an affordable housing developer right across the

border in Somerville. I know how incredibly expensive and

difficult it is to build housing in the Cambridge and

Somerville area, and I have great respect for these two

gentlemen who have made this project work. And I know they

need the heights and densities and lack of parking to make

that work. We need parking -- or housing for people, not

for cars.

Finally, I do want to say we need to think --

CONSTANTINE ALEXANDER: Thank you.

JESSE KANSON-BENANAV: -- we need to think about

the community. We can't just look building by building. I

was really taken aback, Chairman, when you shoot off the

concept that the art center next-door, the six-story

building across the street didn't matter. Buildings are

next to buildings which are next to buildings which create

neighborhoods and we need sustainable --

GEORGE BEST: Okay. Sir, we don't want to get

personal. Thank you.

JESSE KANSON-BENANAV: Well, this is personal for

the people who can't live in Cambridge.

GEORGE BEST: I live in Cambridge.

SAMUEL GEBRU: Hi, Mr. Chairman. Thank you. My

name is Samuel Gebru. That's G-E-B-R-U. I live on Memorial

Drive. I just want to mention two things -- well, I ran for

City Council last year. I'm a recovering politician. And

there are two things that I want to mention tonight.

One I know these developers. They're doing

phenomenal work. And I commend any for-profit developer who

is committed to 100 percent affordable housing. That's the

most important thing.

Secondly is one of the things that Cheryl-Ann

mentioned with the inclusionary housing report that was

released last year, is that out of the affordable housing

stock that we have in the city, four percent of those units

are three-bedroom and above. So that this project is

committed to a majority of two and three-bedroom units is

critical to the nature of our city. We have a lot of

families that are being displaced from Cambridge.

And then the other thing that I do want to mention

is the transit-oriented nature of this project is really

important. First and foremost, again, we house people, we

don't house cars. That's critical as you know already. But

the other thing over half of our residents already do not

drive to work, and I believe you already know that. And so

if we want to meet our transportation and our environmental

goals in the City of Cambridge, we need to be building

higher density around areas of mass transit and that ensures

that we meet all of our goals; housing environment, and

transportation. We can meet all three.

Thank you very much and I hope you vote in favor.

CONSTANTINE ALEXANDER: Thank you.

ANDREA HICKEY: Thank you.

JANET GREEN: Thank you.

ELLEN SHACHTER: Hi, my name is Ellen Shachter,

that's S-H-A-C-H-T-E-R. I live at 346 Concord Avenue. I'm

also an attorney at Cambridge and Somerville Legal Services,

and I've spent the last 28 years representing low income

tenants in the city of Cambridge and I wanted to make a few

points. I know that we've established I need for affordable

housing and I get that, but I did want to say that it's very

easy to hear words like housing crisis, to hear words like

the need for affordable housing where they become static

units and not real people. And I just wanted to tell you

very, very briefly a few of the people that have been in my

office in the last few -- in the recent past that are being

displaced.

A 90-year-old Cambridge resident who won the

citywide volunteerism award.

Two brothers who are disabled, lifelong residents

of Cambridge, one with a brain injury, the other cognitively

impaired.

A pair of immigrant brother and sister whose

parents had died and they were orphaned being raised by

their uncle. This is the kind of thing that I see each and

everyday in my office and every single family, to them this

is critical. So I did want to put a face on this and remind

people it's not just about numbers and statistics but about

real people.

The second thing I wanted to address is some of

the points around density. I've been to a number of

hearings in the Planning Board and Zoning Board and almost

always when there are developments proposed that have

increased density, there's opposition. Usually what I hear

is we can't add this increase in density because these are

luxury units and that luxury units are gonna cause

gentrification and it's going to drive up the market, and

that is usually what is behind the opposition that neighbors

have. No matter what, there's going to be opposition to

density. If I'm a million dollar homeowner or if I'm a

renter, people don't want more people around them, right?

So I did just want to say that in this case it is so

different, the justification around gentrification and

luxury housing is simply not here.

And the last thing I will say, promise, quick, I

sit on the Community Preservation Act Committee and almost

every single year people come before us and say affordable

housing is concentrated in certain areas. It's concentrated

in East Cambridge and it's concentrated by Rindge Towers.

We need to have a fair policy that has affordable housing

everywhere. Porter Square needs to have its affordable

housing and it's an excellent fabulous (Inaudible).

ABRA BERKOWITZ: Hi, Abra Berkowitz, A-B-R-A

B-E-R-K-O-W-I-T-Z. I'm speaking as a member of the

Cambridge Residents Alliance, the Harvard Square

Neighborhood Association, and the Area 4/The Port

Neighborhood Coalition. First of all, if you want a face

for someone who is a low moderate income renter, I'm

actually one of them. I'm not in inclusionary housing, and

I'm not speaking about my need for affordable housing, but,

again, in support of the two and three-bedroom units.

That's super huge. I'm so glad they're happening. We need

to keep families here. But what I will also say that as a

resident of The Port, you'd think I'd have my own kind of

struggles with parking, and this is purely anecdotal.

You've seen like the graphs talking about the parking in the

neighborhood, honestly we get people who leave their cars on

my street in The Port to walk to Kendall Square. We have

people who leave their cars probably for weeks on end

because they live in a Kendall Square luxury building and

they don't want to pay extra, you know, 300 bucks a month on

top of their $3,000 a month that they pay for rent. And I

always find a parking spaces. So and again this anecdotal,

I haven't counted but I've lived there for over four years

and I've never really had a problem.

        I also want to say that I do sympathize with folks

who need parking. My next-door neighbor is elderly and

disabled. She really needs to have a vehicle, but she still

finds a spot. So, I don't want that to get in the way of

finding housing particularly for families who need it.

        Thank you.

GEORGE BEST: Thank you.

EMMANUEL ENRICO JOSEPHILUSARDI: Hi, thank you.

My name is Emmanuel Enrico Josephilusardi, E-M-M-A-N-U-E-L

E-N-R-I-C-O J-O-S-E-P-H-I-L-U-S-A-R-D-I. I promise that I

was not going to use my title, Liaison Affirmative Affairs

out of the office of the Mayor. The reason why I decided to

mention that was I deal with refugees and immigrants

everyday. Many of these refugees don't care if they have a

parking space. And with all due respect for the people that

are concerned about that, you can't live in a parking space.

And the refugees from the countries that I deal with are

under attack from the administration and the White House and

this is a concrete specific way we can help people that need

homes. These people are going to be sent back to their

homes and they're gonna die. It's not a joke.

Thank you.

GEORGE BEST: Okay, I just want to say we've heard

about parking, diversity, the need for affordable housing.

So to -- if it's not, if it's on those subjects, I'd ask you

to pass.

ADRIAN MUSGRAVE: Hi. My name is Adrian Musgrave

and I live at Five Newport. My husband and I own our unit.

So I'm actually speaking to you as a neighbor, and I have

been involved in the public community process of this

project from the very beginning and I have been so

incredibly impressed with this team's ability to listen and

learn from residents and change the design. I think what we

have now is an incredible beautiful building that's really

quite innovative and will be a true asset to the community.

As you have heard before, one of the things among many that

we really value in Cambridge that sets us apart from other

neighborhoods and other cities is that we do value diversity

of all kinds. And unfortunately right now in the

neighborhood we don't have that here. There's not a lot of

economic or racial diversity in the neighborhood. I'd also

like to remind, as I've said in other public meetings, folks

in my own apartment buildings in the Newport Condominiums

that in 1919 when they were built, there was not a lot of

public support for them at the time. But if they weren't

built, I wouldn't be living in them now and none of us

would. So in building old Cambridge what the Historical

Commission put out, it's a great book, very dense, but it

said that the Newport Road apartments represented a clear

indication of the acceptance of apartment living in old

Cambridge among owners and tenants if not neighbors. So I

ask that you approve the project and look towards the future

and the individuals who are there and know that we'll be

setting a really strong precedent for the future of the

neighborhood.

GEORGE BEST: Thank you.

ADRIAN MUSGRAVE: Thank you for your service.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Can you

clarify where you live? I believe you moved away from

Newport,

ADRIAN MUSGRAVE: We still own that building

there.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: But you

just said you live there.

CONSTANTINE ALEXANDER: Excuse me.

ADRIAN MUSGRAVE: We are still an owner. And we

still have --

CONSTANTINE ALEXANDER: Excuse me, Miss.

ADRIAN MUSGRAVE: And so we are still an owner and

we still have a very strong vested interest in keeping the

community in a strong way that in a way that we value.

JEFF BYRNES: Hi there. My name is Jeff Byrnes.

That's J-E-F-F B-Y-R-N-E-S. I live at 294 Summer Street in

Somerville. And that actually makes me a neighbor of this.

So I want to express this Somervillian support here in

Cambridge, and I want to make sure that someone over in

Somerville wants this to be in my neighborhood. It's ten

minute walk away and I see it everyday and I think this

would be a great addition. Thank you for your time. I hope

you vote in favor.

CONSTANTINE ALEXANDER: Thank you.

LARRY FIELD: Larry Field, 42 Mount Vernon Street.

I'm also speaking for -- or actually, I am noting the David

Sullivan on Notre Dame Avenue with respecting the Chair's

request and said that I should just put on the record that

he's in support of the project.

I want to address one point which is the federal

and state low income tax credits and the highly competitive

nature of those credits and the increasingly critical role

of cost per unit for even being considered for the tax

credits. The February 2018 round has both requirements for

a cost per unit and, you know, based on my experience,

Cambridge projects are always very close to being over that

limit. And if this Board considers requests to either

substantially reduce the height or the FAR, that will raise

the costs per unit and may make this project one that cannot

be considered in the round at all and may be a project that

could never be awarded by the HDD.

CONSTANTINE ALEXANDER: Thank you.

GEORGE S. BEST: Thank you.

ALEXANDRA MARKIEWICZ: Hi. My name is Alexandra

Markiewicz, A-L-E-X-A-N-D-R-A M-A-R-K-I-E-W-I-C-Z. I live

on Laurel Street in Cambridge.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Is the

microphone on?

ALEXANDRA MARKIEWICZ: All right. I live at Six

Laurel Street in Cambridge and I agree with everything

that's already been said, but in order to not repeat it, I'd

like to add a little bit about the regional perspective.

The housing crisis is not only Cambridge's issue, it's

happening across the region, and as a renter I know all too

well that if we cannot afford to live in Cambridge, we're

going to be forced to live further and further out. The

further out that you live, the less likely you'll be able to

use transit to get to your job. So, congestion is not gonna

go away if this project goes away. And I think that that's

something really important to keep in mind, that this is a

regional responsibility and Cambridge is a prime location to

increase density and increase transit ridership.

Thanks.

CONSTANTINE ALEXANDER: Thank you.

CHRIS NOBLE: Thank you. My name is Chris Noble,

N-O-B-L-E, 34 Mount Vernon Street. Just a couple of things.

First, Larry Field who spoke before me asked me to hand you

personally just in case the e-mail of it didn't get there, a

letter in support of the project by six families on Mount

Vernon Street directly across -- virtually directly across

the street from this project. And we support it very

strongly for all of the reasons that are in the letter.

A couple of things. Sir, with respect about not

talking about parking anymore, I've lived on Mount Vernon

Street for 25 years and there's never a problem finding a

parking space on Mount Vernon Street. So that's just

personal experience that would add to the findings of the

study that was done.

Second, with respect to height and density. To

restate the comment on the buildings -- building across the

street, six stories across the street, I just want to point

out that the -- a lot of the density in this part of Porter

Square and the height in this part of Porter Square has been

with buildings that were done right on the street. New

buildings in the past four or five years, it's right on the

street. One of the geniuses of this development is setting

the height back in to the north and maintaining gorgeous

building in the front. And as we know from the Lesley

building down the street that was moved by Harvard 10 or 20

years ago, being able to have this type of development in

this part of Cambridge is a treasure from a design point of

you, architectural point of view. And lastly, Mount Vernon

Street is an example of the disappearance of rental units in

the city. When I moved there, there were many, many, rental

units on Mount Vernon Street. Now there's one building that

has some rental, but otherwise it's all turned into condos.

And so just from personal experience having the diversity of

more rental units in the neighborhood would really add to

the quality of why you move to Cambridge.

Thank you.

GEORGE BEST: Thank you.

CONSTANTINE ALEXANDER: Excuse me, before the next

person speaks I just want to make a statement. Part back to

my introductory comments about how Chapter 40B works and

the, if you will, the bias towards affordable housing,

basically I don't believe a Board can consider density and

height of buildings in terms of whether to turn down or to

qualify a Comprehensive Permit. So I think I should have

probably made that point a little earlier, but I think

there's no need to address the issue about rebutting the

notion there's too much density, too much height. That's

off the table. The issues that are really relevant are

things like environmental issues, storm water runoff onto

neighboring properties, I haven't heard addressed yet, and

are in written materials. Things like safety issues, which

we touched upon in the discussion. The space between

buildings, for example. Those are the issues, but I don't

think -- if you feel you need to talk about density or

height, it's not appropriate. So maybe that will cut down

some of the number of comments.

PATRICK TEDESCO: And the point's been made.

ITAMAR TURNER-TRAURING: My name is --

GEORGE BEST: Talk about the trust.

CONSTANTINE ALEXANDER: What trust? Okay, I'm

sorry. Go ahead.

ITAMAR TURNER-TRAURING: My name is Itamar

Turner-Trauring, T-U-R-N-E-R-T-R-A-U-R-I-N-G. I've lived in

the Porter Square neighborhood on Forest Street and now on

Oxford Street, 139 Oxford Street. And now it's two or three

blocks away. I could probably see the street from my

window. So I've been living in this neighborhood. I just

wanted to respectfully disagree with one point from the

Chairman, I have had a baby and now I'm with a child almost

six-years-old, and I've done so without a car in this

particular neighborhood. And one of the benefits of being a

parent in Cambridge is that there are school buses which

means you can get your child to school without owning a car.

So it is actually quite possible to be a parent with a child

without owning a car in Cambridge.

GEORGE BEST: Thank you.

CONSTANTINE ALEXANDER: Thank you.

KELSEY HARRIS: Hello. My name is Kelsey Harris.

K-E-L-S-E-Y H-A-R-R-I-S. I live at 8 Newport Road,

apartment 5 so I am looking out on this development or will

be.

For years these are the directions that I have

given to my unit: Get off at Porter Square, walk south

towards Harvard passed the Lesley building, right passed the

ugly pink house, turn left on Newport Road. I'm in the

building 8 at the end. Watch your step, the sidewalks are

old and uneven. Ring the buzzer for my apartment or call my

cellphone. Cambridge has now fixed the sidewalks. Thank

you very much. I hope Cambridge will also build these

units. I'm prepared step by step rebuttals of many of the

issues, but since we have a quite long line, I won't go into

the details.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

PHOEBE AYERS: My name is Phoebe Ayers, A-Y-E-R-S.

I'm at 55 Eustis, which is roughly four blocks away. I

moved here a few years ago to take a very good job at MIT,

and with roughly 15 years postgraduate degree experience, I

can barely afford this neighborhood. And I was lucky to

find a nice place to live. I would love to have new

neighbors who can also take advantage of the same amenities

that I enjoy. And many of those amenities are that this is

a very good neighborhood for families. There's a lovely

playground, there's Sacramento field, and there's a good

neighborhood school, and this seems like an ideal place to

put a development for families.

Thank you.

GEORGE BEST: Thank you.

LEE FARRIS: Hi. My name is Lee, L-E-E Farris,

F-A-R-R-I-S like Sam. I live at 269 Norfolk Street and I am

the Vice President of the Cambridge Residence Alliance which

has over a thousand supporters in the city and works for

affordable housing amongst other things. To try to make

some slightly different points, but I think the height and

density issue does still need to be addressed. I read the

48-page or so memo from some of the abutters. I think five

of the abutters at Newport. And I wanted to make the

point -- they're concerned about any change in height and

density here leading to or establishing or setting precedent

for zoning changes and other nearby parts of the area. And

I think that these are changes being proposed or differences

from the current zoning proposed only for affordable

housing. And anything that the BZA approves you can say

specifically these are being done only for affordable

housing, which is this is 100 percent affordable, you don't

need to consider this as any precedent for other areas.

Secondly, I want to mention the design which I

think people haven't talked about. I think the changes in

the design are very good and do address some of what the

Planning Board was looking for. I personally would be fine

if there were more design work even. I can't say anything

that I think needs to be better, but I'm impressed at how

much it improved in this last iteration. And I know the

Planning Board had concerns. So in that sense I think if

that would make the abutters more happy, that might be a

reasonable compromise.

And then lastly, I want to point out that these

developers -- I live in The Port. I worked with them on the

Port Landing. They gave up a floor on the Port Landing

and -- to satisfy abutters, and there are other people in

the neighborhood, including me, that are mad at them for

giving up that floor. There's more people that are mad at

them for doing that than are satisfied in the one building

where they gave up the floor to accede to them, and those

people lived in affordable housing so it drove me nuts. So

those, the developers have not told you that story, but they

have their feet to the fire from the community not to give

up the height. So just so you know where there's feedback

coming from.

        Thank you.

        SEAN TYRANNY: Sean Tyranny, 12 prince Street. I

just want to talk a little bit about 40B and the low income

housing tax credit, and 40B and the low income housing text

credit is the main driver of affordable housing projects in

Massachusetts. Tens of thousands of units are produced

every year using this framework. So this is a very typical

way of building affordable housing. I think there shouldn't

be any concerns about that. As far as 40B goes, you know,

typically our suburban neighbors are utilizing the statute

because they are less than ten percent of their affordable

housing, but Cambridge, and I don't know if it was

mentioned, about 14.8, which puts us in company with towns

like Andover, Burlington, Gardner, Greenfield, Hopkinton,

North Adams, Salisbury, Southboro, Bedford, and Plainville.

In fact, Plainville and Bedford are about 19 percent and 17

percent. So we could do a little bit bitter. We always

consider ourselves more of an inclusive community than those

communities so we should really check those facts and

measure our success against that.

        And I just want to say, you know, density is

something that 40B's can be challenged over at the housing

appeals committee. And so, you know, opposition to this

project they've argued that the development's inconsistent

with the planning recommendations from the Agassiz

neighborhood. And one of the recommendations that the

consultant for the abutters references is that neighbors

prefer new housing development to be of low density with

open space required on private lots. And I just like to say

that, you know, this planning is inconsistent with our city.

We really need to have open space on private lots, but also

the density to create that open space around it. And so,

you know, the heights around the area are consistent and the

other abutting properties are very similar to the one that

is being opposed here. And, you know, there are other local

issues around flooding, parking. And 40B allows for that

balance to happen because it challenges the Zoning Board.

And the hack of it goes that far to look at those local

concerns, are they reasonable in light of -- with all the

circumstances being looked at, in light of the need of

affordable housing, you've heard how affordable housing is,

and what has this group here, and other affordable housing

developers that do work in our city, what do they do to

mitigate those concerns? How much money do they invest to

ensure that storm water is taken care of? That the

environmental concerns are taken care of. That there won't

be flooding in certain areas. That all needs to be taken

into consideration when we're building affordable housing,

so we know how great that need is. I hope you support the

project.

GEORGE BEST: Thank you.

CONSTANTINE ALEXANDER: Thank you.

BHUPESH PATEL: Hi. Bhupesh Patel, B-H-U-P-E-S-H.

I live at Bowden Street, Three Bowden Street, right behind

Temple Bar. I just want to state three things:

One is, retail on this corner is very difficult to

preserve and hard to sustain. Basically there's some 85

percent on one side is retail, 55 percent on the other side

is retail, and we have 5,000 plus families on one side and

2,000 on the other, and their incomes are 55,000 and 58,000

average. When you take all that information together,

basically the income they spend at that retail, and if you

make $100,000 you basically spend 30 percent of it on stuff,

which is $30,000. And 15 percent of that we use for these

formulas to figure out if a retail business can work. And

so we got $100,000, 30 percent are spent on retail or

expendable items. 15 percent of that spent on local retail,

meaning $4500. If I take everyone's 15 percent and compare

it to what the rents are for all those businesses on Mass.

Ave., basically our housing covers a third of that rent. So

we don't have a thousand to cover the rent for all those

businesses. A lot of us survive because they own the

building or they have a lot of website presence and things

like that. There's some really important things that we

have more housing because of that. And so I push for a lot

of in-laws. And this brings me to my second point, but

basically all the in-laws that I get variances for as an

architect, basically are things that are very, basically

universal design. A lot of handicap people need access.

Parents that get there when they're further in their years.

And this building basically accommodates that, because a lot

of times we can't provide those performance centers in

basement apartments and attic apartments, so what we have to

do is rely on the younger generation that are in that

building, maybe it's the kids that are in that building, to

basically assist with their parents getting in and out of

that building if they're handicapped or challenged or if

they're just -- a lot of different challenges basically.

And it allows us to cut corners on what we could do in that

building for performance standards because people can't

afford to do everything. This building has somebody on site

to provide that amenity. That means basically even though

people are physically challenged and be in this building and

have assistance, they probably can't in other buildings.

That's a huge benefit.

              CONSTANTINE ALEXANDER: Thank you. Your minute is

up.

BHUPESH PATEL: One last thing? The storm water

on this site is being dealt with on site. We live further

down Mass. Ave. and the storm water's a huge problem,

because the building development's on Mass. Ave. The fact

that they're actually have a comprehensive process to deal

with their storm water is a greet thing relative to the

other properties.

CONSTANTINE ALEXANDER: Thank you.

TOBY HYDE: Toby Hyde. I live at 11 Wendell

Street. So about seven blocks away.

THE STENOGRAPHER: Spell, please.

TOBY HYDE: T-O-B-Y H-Y-D-E. Doctor Jekyll and

Mr. Hyde, except I'm not the evil one.

To your point about safety, so there are will be

40 units and 100 to 120 people living here, so that's more

bodies on the streets, that's more eyes on the streets, and

I think that actually makes me feel safer. I think walking

down empty streets at night is often sort of a weird

feeling. So I actually think this will make the

neighborhood safer. Those extra people will, as you just

heard, increase the neighborhood business. So this will be

terrific for the neighborhood. And I would like to now take

back and make a few broader points about growth. It's hard

to build in Cambridge, right? It's expensive, right? Two

quick points:

          If -- it's hard to move here, right? I moved here

within the last year. It's expensive. If we had these same

geographic dispersion across this country of income as we

did 40 years ago, our economic growth as a country will be

13 and a half percent higher. It's $2 trillion annually.

So it's a small things, but we are responsible for our own

economic growth, and we need to do a little better with

that.

          You've heard about cars, right? They're the

largest source of emissions these days. People not cars.

Small scale neighborhoods, big scale problems.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

NATALIE JANSON: Hi. My name is Natalie Janson,

J-A-N-S-O-N. I live on 476 Windsor Street in

Wellington-Harrington, and I work for an affordable housing

non-profit, and the organizational structure of this

project's very complex, but it is also extremely

commonplace. We use it all the time. And I just wanted to

reiterate a point that was made during the presentation,

which is this is an urban area, and for being in ann urban

area the density and the height is extremely reasonable.

And this is a great place to put affordable housing, close

to public transit, amenities, and I would welcome more

developments like this in Wellington-Harrington on Cambridge

Street.

Thank you.

GEORGE BEST: Thank you.

CONSTANTINE ALEXANDER: Thank you.

SASCHA ALACH: Hi, my name is Sascha Alach and I

live on 16 Springfield Street. The first name is

S-A-S-C-H-A. People usually get that wrong. Last name is

A-L-A-C-H. I'm here because I'm a lifelong resident of

Cambridge. I went to our Cambridge public schools. I

benefitted from the tremendous diversity and opportunity

that was here, and what I've seen over the years is all the

people that I went to school with no longer being afford

able to live here. And what I see from that is our

community's basically being ripped apart in a way that makes

it impossible to establish communities. I think what you

see from this project, which I think very much fits the

neighborhood character, is that this is an attempt to try to

reestablish that community in a way that can build for the

long term to try to bring the kind of place that we want

Cambridge to be. And the other point home I'll make about

this, I think this is very much a compromise project if you

think about it. The kind of housing needs that we actually

need, if you look at housing report cards that have come

out, if you look at the kind of housing needs based on

demand, this falls tremendously short of that. If you look

at the kind of places that could be built here, we need

considerably more housing of what we need, but I see this

has a very reasonable compromise made between the

neighborhood and between the developers here and I commend

them on their efforts.

The last point I will make, I promise you I will

stop, is if you look at cities like Detroit that brought in

a tremendous number of people when they were booming because

of the opportunities there, our area has failed to do that,

and this is one of the ways that we can try to bring that

around.

CONSTANTINE ALEXANDER: Thank you.

GEORGE BEST: Thank you.

DAN EISNER: Hi. Dan Eisner, E-I-S-N-E-R, Six

Bristol Street. I'll keep this very brief with a haiku:

Ideal location near public transportation it makes

perfect sense.

RUTH RYALS: I'm Ruth Ryals, R-Y-A-L-S. I live at

115 Upland Road and I'm the President of the Porter Square

Neighbors' Association so we're right smack -- we're

neighbors and a neighborhood organization. And I have

copies of my letter which I hope you received, but if you

didn't, I'll get them to you.

But -- and I won't repeat the stuff that's in here

because it deals with the process we went through and some

of the problems are -- people have, are problems with

parking, problems with density. But when we polled and I

polled our membership and when I looked back on all the

people on-line who commented on the proposal, frankly the

majority of all that comes out to we support the proposal.

And I know from my interaction with the gentleman who are

behind the proposal how good they've been about changing

things or addressing things or explaining things.

CONSTANTINE ALEXANDER: Thank you.

SAM SEIDEL: Good evening. Sam Seidel,

S-E-I-D-E-L, 43 Harris Street. I'm a neighbor of a couple

blocks away from this project. A couple of points:

The Chair pointed out that Comprehensive Permits

are what I like to call forward leaning. They assume the

need to some degree, and they are there to meet the need

barring some extraordinary reason that they do not meet the

need. And the Chair also pointed out the constraints on the

Board itself. I was once a member of the Conservation

Commission. I recognize those constraints. You have laws

that bound what you can do regardless of what's happening in

the broader community, you have to follow what the rules

are. That can be difficult at times. I support this

project for all the reasons you've heard already. The

diversity will bring to the avenue, much needed. The added

retail, and people who can shop in the area.

In terms of height and density I recognize that's

not an issue for you, but the neighborhood -- this is the

characteristic of the neighborhood. It is not correct to

say that this is the neighborhood of three stories and

triple deckers. It has many four and five-story and some

six-story brick buildings. Not just on Massachusetts

Avenue. Directly across the street on Arlington Street on

Lancaster Street. If you walk down Linnaean Street, that is

all there. Oxford Street as well. Wendell Street, Shepard

Street, Chauncy Street. That is the nature of this

neighborhood. I know because I live in it and I walk my dog

in it every single day. If you want to live in the

neighborhood, have a car and not have parking associated

with your house, you can do it if you have enough money.

You can do it at Newport Road if you want to do that. You

can do it at Arlington Street if you want to do that. You

can do that on Linnaean Street if you want to do that.

It always seemed to me as a matter of fundamental

equity that we ought to at least recognize that if you can't

buy your way into the system of yes, I have a car and no, my

building does not provide parking, we ought to try to do

that. We are forward leaning on affordable housing. You've

heard that over and over again. Comprehensive Permits are

forward leaning. Unaffordable housing, that's what

tonight's all about. And I'll leave with just this

question. I know this development group, I support them,

I've seen their work at Port Landing, but this is the

question I would ask the Board:

        If this is not a place for a Comprehensive Permit

for affordable housing in Cambridge, where in Cambridge is

there a site that does actually make sense for a

Comprehensive Permit? This place is ideally suited. It has

the space, it has the land, and it has the location less

than a quarter mile from a T stop. I leave that with the

Board to make the decision.

        Thank you.

CONSTANTINE ALEXANDER: Thank you.

REPRESENTATIVE MIKE CONNOLLY: Good evening. My
name's Mike Connolly. For the record, I live at four
Ashburton Place. I have the honor as serving as state
representative for the 26th Middlesex District, and I also
have the honor of serving on the Housing Community in the
Massachusetts legislature, and I'm here in strong support of
the project. I had an opportunity to review the plans in
detail several weeks ago and I had an opportunity to go
through the history of this project, and I'm really struck
by the thoughtfulness that's gone into making this project
fit within the scale of the neighborhood. And to me it's
inconceivable that in a time of housing emergency we could
ever say no to the 40 affordable housing units that are on
the table. And this is a development group with attorney
Sean Hope and the people at the table who have proven that
they can deliver on these 100 percent affordable housing
projects. So I submitted a letter to the Board last week in

support of this, so I'll just refer you to that and stand

here in support of the project.

CONSTANTINE ALEXANDER: Thank you.

GEORGE BEST: Thank you.

ARI OFSEVIT: All right, thanks. Ari Ofsevit,

A-R-I O-F-S-E-V-I-T, Ten Lard Street. I'll make a quick

joke. I won't be as short as the haiku and I won't be as

long as Mike Connolly. But really quickly I just want to

talk about some of the transit availability that we have

near this site and then talk quickly about some parking.

So the transit availability in addition to the Red

Line and in addition to the 77 and 96 busses, and if you go

up to Porter Square, all the buses that is go down to

Lechmere. The commuter rail is also there. We shouldn't

forget that a lot of people who are coming into Kendall

Square get off of the train in Porter Square. And if you're

going downtown, it's a really great opportunity to easily

and quickly get downtown. So this is one of the most, if

not the most successful transit locations in Cambridge.

As far as parking goes, if you look at the city

has transportation trends in Cambridge report, and it shows

that as housing units have gone up, the number of parking

permits has gone down. So, you know, if we hear that

there's a crisis in parking -- we heard that in

Cambridgeport where I live a few years ago, we were talking

about a Hubway station, and I was told there was never

parking available and if you went out late at night, there

will be no spaces. So for about a week I walked around the

block at around eleven o'clock at night and there were

always parking spaces. I understand that sometimes you

might have to look and you might have to park a little

further away, but that should not be 00 that should not

outweigh the need for affordable housing in Cambridge.

Thanks.

CONSTANTINE ALEXANDER: Thanks.

MATT BROWNELL: My name is Matt Brownell. Brown

like the color with E-L-L at the end. And I work at Lesley

University. We wrote a letter of support, so I won't

reiterate anything there. Just to stand in support. I

think the people involved here, Sean, Jason, and Bruner/Cott

were wonderful to work with. They were very collaborative.

We felt really listened to in the whole process, and they

really addressed a lot of our concerns about the building

that's right next to them which we own, and visibility to

that building. And I want to just bring up one small point

about aesthetics and visual impact. I'd say the picture on

the right there I think says a lot about what they've done

to think about the relationship with the adjacent buildings.

I think you're not gonna really notice that fifth floor if

you're on that side unless maybe you're on the top floor.

On the opposite side where we are, you're gonna see the

fifth floor, but it doesn't impact us in the same way. We

have an office and stained glass. You won't even notice it.

So I just wanted to thank again the -- for them listening to

us and just support them.

CONSTANTINE ALEXANDER: Thank you.

LAUREN HOLLERAN: Hi. I'm Lauren Holleran,

H-O-L-L-E-R-A-N. I live at 73 Frost Street, just around the

corner from here. I have four kids who have gone through

the Baldwin School and just wanted to talk a little bit very

quickly about -- of course, we feel so lucky that our kids

have this incredibly diverse school experience, but how much

of the school experience extends beyond the school day;

weekend play dates, after school at the park, to pajama

pizza nights at the school, all of that, which really tends

to favor neighborhood residents. And without more

affordable housing in the neighborhood, there's this whole

group of kids that doesn't get that experience. And our

kids who live in the neighborhood see sort of this divided

world between at school and not at school, and I think this

is such an exciting project. I think it looks beautiful and

want to wholeheartedly throw my support behind it.

Thanks.

CONSTANTINE ALEXANDER: Thank you.

ELAINE DEROSA: Do I get a prize for being last?

CONSTANTINE ALEXANDER: Only if you're short.

ELAINE DEROSA: Okay, ready start. You'll be
surprised. Elaine Derosa, D-E-R-O-S-A. I'm the director of
the Cambridge Economic Opportunity Community, Cambridge's
Antipoverty Agency. And I just want to speak to the fact
that this project is gonna address the health and safety of
many of our families that are currently living cramped up in
under housed units where they're cramming in one and two
bedrooms where they really need three if not four. So this
is ann important issue of the health and future of the
growing families in the city.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Okay. Now, we're going to take comments from
those who are in opposition or who are opposed of the

granting of the Comprehensive Permit that's the subject of

tonight's hearing. There's four of you are going to speak

in sequence? Again, one minute, please.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Respectfully, sir, you did give two minutes to the first

couple of people.

CONSTANTINE ALEXANDER: You got to remember the

issues that you got to address: Not design, not height, not

density. We're talking -- those are not issues that this

Board can legitimately consider. So we're talking about

safety, environmental issues, issues of that sort. Please

confine your comments to that.

Now, Ma'am.

MARTHA HASS: My name is Martha Hass, H-A-S-S.

And a member of the 1791 Residential Abutters' Working

Group. In the interest of time my remarks are very brief in

order that the members of the abutters' group who follow me

can present our case.

I think Jason and Sean have recognized tonight in
their words the hours we have spent with them on trying to
make this work for the residents of 1791, the direct
abutters, and the neighborhood. We have also spent
countless hours as evidenced by the document we submitted to
all of you. And so we would respectfully ask that you give
us the time to put our case forward. May I begin by saying
on behalf of the members of the 1791 Residential Abutters'
Group that 1791 Mass. Avenue is a great location for an
affordable housing rental community and how very much we
look forward to welcoming our new neighbors. We want to be
clear at the outset that there is not one among us who does
not support the affordable housing development at 1791 Mass.
Avenue and 1 & 2 Frost Terrace. For over a year we have met
with the developers, spent countless hours going through
plans and proposals, and always reiterating at each meeting
and at every community our request for a development that
ensures height and density appropriate to the site, a design

that enhances the neighborhood setting, and the respect for

the historic residents residing on this site. This case is

in many ways unique as it asks for 18 waivers that affect

almost every aspect of the site and the living conditions of

the 1791 residents, abutters, and the neighborhood. The

height, mass, and design of the main building limits light

and air to all development residents and abutters. The

large footprint of the buildings reduces open space for the

families residing at 1791. And the lack of on-site parking

increases demand in already overcrowded neighborhood

streets. So tonight we ask that you not approve this

application for Comprehensive Permit as currently submitted,

but rather direct the developers to design and build an

affordable housing rental community that is right sized for

the height -- for the site that truly incorporates and

preserves three historical houses and that provides the 1791

Mass. Avenue residents, abutters, and neighborhood a

development that all can embrace.

Finally, the 1791 affordable housing rental

community should be a development that sets a benchmark for

future development on the avenue and provides a model

showcasing a well-designed affordable housing community in a

historical city on its landmark avenue.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

SARAH FARRINGTON: Good evening. Thank you for

waiting for us. My name is Sarah Farrington,

F-A-R-R-I-N-G-T-O-N. Sarah with an H. I live at 18 Frost

Street and I am a member of the abutters' group. I also own

property of 22 Roseland, which is to the north of the site,

5 Frost, which is to the east, and I own two condos at 8

Newport Road which is of course to the south. These are

properties that are owned by my family. We have been

managing rental property in the area since the 1950s. I

took over for my dad about 12 years ago when he got ill. We

don't have a lot of time. I had some prepared remarks that

I wanted to talk to you about that I feel so passionate

about this, but I really want to get to the heart of the

matter here.

My plan was to talk about height. Martha Hass and

I spent a lot of time looking at building height in the

neighborhood along Mass. Ave. and I'm a little perplexed

because you're telling me you're not going to take that into

consideration. So I guess I have a question before I get

started. Is that something -- is it worth my time to talk

about height?

CONSTANTINE ALEXANDER: No, it's not that we don't

want to consider it. It's just not -- Chapter 40B in my

opinion does not allow us to say yes or no based on height

or density. Because, again, it is to encourage affordable

housing.

SARAH FARRINGTON: Let's go out of order, okay.

Could Brooke come and talk before me then, and I go

afterwards, is that all right?

BROOKE FLETCHER: Hi, Mr. Chairman. My name is Brooke, B-R-O-O-K-E Fletcher, F-L-E-T-C-H-E-R. I live at 8 Newport Road. I'd be remiss if I didn't say congratulations on your reelection. Or condolences.

Having said that, I heard what you said about 40B at the beginning of the night. I heard what you said two others times about 40B. If I may, I'd just like to quote a couple of things from the overview of the Mass. Comprehensive Permit law?

CONSTANTINE ALEXANDER: Sure.

BROOKE FLETCHER: I got this from mass.gov. The purpose of the law is to increase the supply and improve regional distribution of low and moderate income housing by allowing a limited suspension of existing local regulations which are inconsistent with construction of such housing. I emphasize the word limited. While I realize that could be subjective, we've looked at these plans and we think their request for waivers is not limited, especially when you

compare them to other 40B projects in Cambridge.

Secondly, once again from the overview, the general principal governing hearings before the local board is that all local restrictions as applies to the proposed affordable housing be consistent with the local needs. If less than ten percent of the municipality's total housing units are subsidized low and moderate income housing units, there is a presumption that there's a substantial housing need which outweighs local concerns. As we've discussed, Cambridge has 15 percent, roughly 14.8. Given that, that presumption does not exist. Local concerns must be weighed by this Board.

Continuing to quote: The Zoning Board of Appeals holds a public hearing to ensure that local concerns are properly addressed. Local concerns include health, safety, environmental, design, open space, and other concerns raised by town officials or residents. We're residents raising concerns about design.

I'm aware you received a letter from the Planning

Board and they give you six bullet points that were rather

vague.

CONSTANTINE ALEXANDER: Right.

BROOKE FLETCHER: For example, you know, bullet

point two: Several Planning Board members stated their

opinion that the project's density and scale is appropriate.

I think Politifact would say that's true but

misleading. Don't you wonder what the other ones thought?

Several out of six? Here's a taste of what they thought:

Quote, in my mind the project would benefit from

more design review.

Another quote, different member: It's just too

plain.

Another quote from a different member: I'm

certainly not wow'd by the design.

Another quote, and I apologize in advance: I

think it's horrendous.

And from the Chair of the Board: I think there's

a lot I would accept for the affordable housing, but I think

at this point it's just not ready. The Chair of the

Planning Board a month ago said: At this point it's just

not ready.

The last quote and then I'll end: The application

containing the eligibility letter and preliminary

development planning is then filed with the local Board of

Zoning Appeals. The Board then notifies and then seeks

recommendations from other local boards, including as

appropriate, the following: The first board listed is the

Planning Board. The Planning Board has not given you a

recommendation. They have said design elements they would

like to see changed, but they -- a recommendation to you

would be "We approve" or "We don't approve."

CONSTANTINE ALEXANDER: No, I'm sorry. I'm going

to have to disagree with you right now. They did not make

any recommendation, that's for sure. They threw a lot of

balls up in the area and letting us have to decide where the

balls land.

PATRICK TEDESCO: Can I also say they made a lot

of design recommendations, most of if not all have been

picked up in this redesign in my opinion.

BROOKE FLETCHER: I admit you have done a better

job. You have taken some of their points, and I agree. I

would ask that you then go back to the Planning Board and

see if the Planning Board agrees that that is sufficient.

Thank you.

LARRY BEALS: So my -- I can sit down?

CONSTANTINE ALEXANDER: By all means.

LARRY BEALS: So my name is Larry Beals. I assume

you can spell Larry, but Beals is B-E-A-L-S. So I think the

good news I have is that I've been here for two and half

hours, I haven't heard anybody say anything about my

comments. So what I want to focus on as in our view is

storm water management, which I don't think we've discussed

much of, some of the site plan concerns that we have,

building plan information and zoning.

So my role in the project, I work with Beals

Associates. My business address is Two Park Plaza. I was

hired by the abutters' group to provide a technical review.

So I know you've gotten a lot of subjective comments. I

have nothing subjective to say tonight, but I do have a lot

of comments on the site.

I think -- and I heard the Chair a number of times

reiterate the importance and the obligation regarding

safety, and so I'll try to focus on that a bit.

I've been involved in the project for about a

year. And I will say that there has been a lot of work

that's gone into it on both sides. And certainly a better

project than it was a year ago.

The issue with the storm water management system

is when you look at all the plans that were filed and the

plans that were presented tonight is it's not really

designed yet. There is a -- the plan does show some

manholes and catch basins and pipes, but there are no

drainage calculations that have been submitted to actually

document whether or not that works. There's a network

there, but nobody knows what its capacity is. And also

importantly the system is designed to rely on infiltration

which means the runoff is going to be collected and put into

the ground. So there's this, there's this assumption that

the storm water runoff will be infiltrated, and yet I'm not

aware of anybody digging a test pit on the site, doing a

boring, testing the soil permeability, doing any

infiltration studies. And the proposed system has been

designed with no knowledge or information about soils,

ground water, bedrock, fill, potential hazards materials, or

any other subsurface condition that may affect its

infiltration. So the reason that's critical, the reason I

think the Board should review it is that if the system

cannot infiltrate the storm water, then it either impacts

what goes off the site and surcharges the system, flows on

to the abutters, or it goes out into the Mass. Ave. and

floods whoever is downstream. And so I think you need some

good engineering information on the storm water management

system.

Importantly, because the Newport Road condominium

trust recently spent a lot of money in the alley between the

new building and the existing building to fix some existing

drainage problems, and that was all designed and constructed

to deal with the situation at the time. If this system

doesn't properly function, the new system next-door it may

overtax that system. So that's a concern.

CONSTANTINE ALEXANDER: Excuse me Mr. Beals, I

don't know if you're aware, but we do have a letter from the

Department of Public Works saying that they are confident

that they can work with the developer to deal with the

runoffs, storm water runoff. And I propose when we get to

the point, at some point of voting on this, imposing a

condition that the, that the petitioner take all steps

necessary to prevent any runoff of storm water on abutting

properties. So I think that issue should be off the table.

I mean, and what made me think about this and look at the

file, was your very good analysis and letter that's part of

the package that the abutters have presented. But I think

that issue is not going to be an issue going forward.

PATRICK TEDESCO: If I can further add, the letter

from the City makes it clear that while other requirements

for relief can be provided by the Special Permit, storm

water relief cannot. And it also further says that the

project will be subject to thorough and complete engineering

review at the time of the building permit, which anyone who

has gone through Cambridge knows that that's a very

extensive review process.

LARRY BEALS: Sure. So I guess my suggestion

would be why approve a project and then have the drainage

design -- why not design the drainage and then consider that

when you're approving it.

I'll just use an example. What if they find out that the site is underlaying by clay or bedrock and it's impervious, and their infiltration system cannot work? Or even worse, it's slowly permeable and you have to make it twice as large? Which will then start to move around the various elements of the site plan. So it seems like -- and they're probably right, they're probably confident. I wouldn't be that confident. I'd want to at least dig a hole in the ground and see what's under the pavement.

CONSTANTINE ALEXANDER: Well, again, if what you're suggesting might happen did happen, they'd have to come back before us and with a new plan or a relief from the condition. Because it's going to be a condition that there can't be any runoff. And it's up to them to solve that, to deal with that. And if they can't, we'll have another hearing, God forbid, and discuss it. It's not ann issue right now, theoretical issue right now.

LARRY BEALS: So what you're suggesting is there

would be a condition that says there will be no runoff --

CONSTANTINE ALEXANDER: Yes.

LARRY BEALS: -- up to and including --

CONSTANTINE ALEXANDER: Yes.

LARRY BEALS: -- a 100 year storm --

CONSTANTINE ALEXANDER: Yes.

LARRY BEALS: -- and onto the abutters' property?

CONSTANTINE ALEXANDER: Yes.

PATRICK TEDESCO: I think the condition has to be

City requirements really.

JANET GREEN: The City requirements, yeah.

PATRICK TEDESCO: Really. I mean, we can't, we

can't overrule the Department of --

LARRY BEALS: But what the Chair was just saying,

which I think is a good idea, is that this new development

should not direct runoff onto abutting properties. And

that's pretty handle as a condition.

PATRICK TEDESCO: I suspect it is. Yeah.

CONSTANTINE ALEXANDER: I think the City

requirements are such that that's the case.

PATRICK TEDESCO: But the Zoning Board cannot get

that specific --

LARRY BEALS: So as a person working with the

neighbors, I don't share your confidence that all of this

can be designed without any geotechnical information. And I

think that once the geotechnical information's generated

there may be a different conclusion.

CONSTANTINE ALEXANDER: Well, again, if that's the

case, we may have to have another hearing.

LARRY BEALS: Yep, I understand.

CONSTANTINE ALEXANDER: We don't know that. And I

don't think it's required -- I know it's not required that

every little potential problem be dealt with in advance.

There are certain things in a project that's as complicated

as this, that gets deferred to various city bodies. And

that's what will happen here with regard to storm water

management.

LARRY BEALS: And I understand. I'm just offering

my opinion.

CONSTANTINE ALEXANDER: Okay.

LARRY BEALS: And the Board will make its own

decision.

I do think some of the notes on the plan should be

fixed. There's a note 19 on the civil plan that states

there is a storm water tank that's designed to hold or

infiltrate the peak runoff. I scoured the plans and I

couldn't find a storm water tank. I did find an

infiltration area but no storm water tank. So that needs to

be added to the plan I guess.

We talked about storm water enough?

CONSTANTINE ALEXANDER: As far as I'm concerned.

LARRY BEALS: Good. Well, I didn't want to leave

it undiscussed.

CONSTANTINE ALEXANDER: No, I know.

LARRY BEALS: And then there are -- we do have

some concerns about the site plan. And we mentioned this

for the Planning Board, and I'll mention it again. If you

look at the site plan, the one all the way on the left, and

if you look at it very closely, there's some dashed lines

that show how an emergency access would be provided to the

rear of the building, the rear of the site. That pathway is

quite narrow. It's perhaps 11 feet at its narrowest point.

One of the concerns is, and one of the things that hasn't

been emphasized, but -- and Jason, if you could just -- can

you show where -- so right there. Right at that point

there's a cantilever. So the building is cantilevered out

about 13 feet or 11 feet or something like that. And so for

emergency vehicles to get from the front of the site to the

back of the site, they've got to negotiate that narrow

pathway and then they've got to go under the cantilever and

access the rear of the property. The other thing under that

cantilever is a hydrant, I think, looking at the plans that were submitted. It would seem to me odd to have a fire hydrant under a cantilever of a three-story wood frame building if it were on fire. I think it's not fair to expect a firefighter to go under a burning building to access the source to water to fight the fire.

CONSTANTINE ALEXANDER: With regard to the comment just so the record is clear, we did ask as part of our obligation, the fire chief to comment on these plans. We received no comment back. And I don't know what that means. It means he doesn't see any issues as you've raised, or it means he hasn't paid attention. But the fact of the matter is we've done what we can do. We've asked the fire chief to comment and we don't have any comment right now.

LARRY BEALS: Well, just for example, if you were designing fire access or a fire lane, you'd want it to be 18 feet wide or 20 feet.

CONSTANTINE ALEXANDER: Well, I would expect the

fire chief to say that. And if he hasn't said it, then I

don't know -- we as a Board are not in this industry, are

going to -- should not impose our views on that. We talked

earlier -- I raised it earlier, considerable discussion

about space between buildings and whether that raises safety

issues.

     LARRY BEALS: I agree.

     CONSTANTINE ALEXANDER: And again we got no

response from the fire chief.

     LARRY BEALS: I guess as a life safety issue I'd

at least ask the question one more time if you have any

comments.

     CONSTANTINE ALEXANDER: We've asked once.

     PATRICK TEDESCO: The fire department will do a

final review as part of the --

     JASON KORB: Do you mind if we comment on this?

     LARRY BEALS: Actually, I think this is my time.

So if I could just keep going.

CONSTANTINE ALEXANDER: You'll have a chance

afterwards.

LARRY BEALS: Okay, thanks. And so I'll move on.

The other concern is as I understand it, you're

approving a set of plans and those will be the controlled

documents.

CONSTANTINE ALEXANDER: No. Let's be clear about

that, and that's a good point because we haven't raised it.

They've given us preliminary plans. One of the conditions

will be that the final plans that's signed off by the

Building Department is consistent with the preliminary

plans. They can't change them, show us and you one set of

plans and then the final will be different. But it's not

the final plans that we have. We have preliminary plans.

And that's very typical of 40B proceedings. Because it's

too early yet to have the final plans be drawn up and

approved, as we would do for a residential development. So

that's, that will be a condition, again, that the

preliminary plans will be -- or the final plans will be

consistent with the preliminary plans.

LARRY BEALS: Okay. I think you need to have

enough information so that when you're comparing that set of

plans that they filed with the final set of plans, you can

make that decision.

CONSTANTINE ALEXANDER: We won't make it the

building inspector does that.

LARRY BEALS: So the problem I have with the set

of plans that were submitted is there are no dimensions on

it. So I'm not sure how you can take a set of plans without

any numbers on it, compare it to a highly detailed set

construction set of documents and say these are the same,

because there's no basis for making that comparison. They

can visually look the same, but I think it just ought to

have a little bit more detail. How tall is the building?

How long is it? How wide is it? You know, pretty simple

dimensions.

Another thing on the site plan is on these

handicap spaces, they are very difficult spaces to get in

and out of. The concern I have, I think you can get a car

in fairly easily. Getting the car out is difficult. It's a

narrow travel lane there. It's 11 feet. And for a handicap

van that's quite a maneuver. If you look at the drawing

that they submitted as part of package to the BZA, in order

for that vehicle to get out of that space, the wheel has to

crank all the way over. So they're starting with the wheels

turned. And then on the example on the information that

they provided, the rear bumper of that van actually goes

through the bollards behind it. So that their diagram

actually demonstrates an accident. And I think things like

that need to be fixed on the plan.

None of the landscape or the architectural plans

are stamped. I think responsible professionals should at

least stamp them. The site civil plans are stamped.

And you've been gracious with your time, I think

those are the key issues. It does require 18 waivers and

that does seem like an excessive --

CONSTANTINE ALEXANDER: Say it again, please.

LARRY BEALS: This 40B application does require 18

waivers from the zoning, and because that seems to be a

fairly large amount of waivers, I think it's at least within

the Board's purview and jurisdiction to request more detail

to justify the 18 waivers.

Thanks for your time.

CONSTANTINE ALEXANDER: Thank you for taking the

time to come down.

KEN SMITH: So good evening. My name is Ken

Smith. I live at 7 Newport, No. 8. We talked about access

from fire along the side of the building. I want to talk

briefly about the parking situation, and I know it's already

come up before and I sent a letter in. They've done a great

comprehensive survey. Let me actually start by saying I

attended the first meeting that these gentlemen presented

at. And as they recall, I walked all three of you out and

we shook hands and padded backs. I am absolutely in support

of spreading affordable housing throughout the city. I

think it's critical and necessary. And we had lots of

speakers before talk about it, and I think frankly they gave

those of us on Newport Road a little bit of a black eye

saying that maybe we're not for affordable housing, and

that's not at all the case.

So let me just point out, and I've handed these

around, this is the reality as of the 8th of this month

right after the big snowstorm, okay? The parking survey was

great, but the practical reality is snow happens. And what

happened was, and I walked around to the immediate abutting

streets, and all of you have a copy of this -- and by the

way, I'm also a cycle commuter. I don't on a car. I do

ZipCar. My wife and I made that decision. So that's the

camp that we're in. I really do believe the practical

reality is you're going to see 20 or 30 cars at least.

Especially if you're talking about people with kids.

They've got to get to the groceries, they've got to get to

the stores. I love everybody to be riding bikes, including

tandems and cargo bikes. But I'm just not sure that's gonna

happen.

So these were the actual spaces and there were

only nine available at the time that I walked around which

was approximately 2:30 in the afternoon. Here's my point:

We are over the limit with the requirement with

respect to affordable housing in the City of Cambridge. I

want this project to work, but more importantly, I want the

people who move into it to succeed. If you have too big a

project with too many people and too many cars, what it's

gonna do to the neighborhood, we don't really know. And

what I'm seeing out my window now is what's happening in

Southie. People are putting a chair, and I have seen heated

arguments and almost fisticuffs, even if you're right, and

it's only 50 percent, and 20 new cars, that's everybody on

Newport Road has to move their car. Or maybe half of them

can stay and then the people in the new development will

move one block down. And then maybe a couple of those

people a couple -- it snows. Chair, chairs get put -- I

never thought I'd see it in Cambridge. So my only point is

it seems as though we're getting an -- it's a question of

all or nothing. 40 or nothing. Can't we go back to the

original proposal that I completely supported of 27? And if

they say that there's a financial hardship, my argument

would be, well, if you bought those properties in the back

and you laid down a bunch of money before you had the

approval from the Board, I'm a business guy, I wouldn't have

done that. I wouldn't have put that money down. If you

thought this was just going to be rolled over by the Board,

that's -- it's hard for you to make the argument that it's

significant hardship. But again, I'm generally supportive

of the project. I just think for this neighborhood we need

to curtail it a little bit. Similar to what you already

decided on the previous request, they wanted the 16-foot

dormer and you asked them to make it 15. Pretty much all

I'm saying is rather than 40, can we get this back to about

27? Can we make this a little bit more manageable for the

community? And I think we should be able to do that where

we're not under the 10 percent. We are well over the 20

percent, and we're not saying no, we're simply saying can we

make it a little bit more manageable?

Thank you very much for your time.

CONSTANTINE ALEXANDER: Thank you for taking the

time to come down.

BABETTE MEYER: Hi. My name is Babette,

B-A-B-E-T-T-E. My last name is Meyer, M-E-Y-E-R. And I

live at 8 Newport Road, No. 7. I would like to read a

statement, actually part of a statement, so we're not

redundant written by my neighbor Janet Reckman. Janet lives

at 4 Newport Road, No. 1. She's a member of the 1791

abutter group and regrettably was not able to be here

tonight. She shared the statement with me based on my own

agreement with everything she has written. The following is

Janet's statement. I'm just going to skip to I think the

part that's probably -- that has not really gone over.

(Reading) As a quick review to the best of my

understanding, with Reg 40B in mind, the developers

identified an available piece of property and purchased it

with Cambridge Affordable Housing Trust funds and then did

the same thing with the next two abutting lots for a total

spend exceeding $7 million. Expensive. Then the developers

told community members at an Agassiz neighborhood council

meeting that they were confident there would be no problem

getting their friendly 40B Comprehensive Permit approved,

allowing them to waive Cambridge Zoning laws and build a

development over 400 percent larger than allowed by current

zoning. As an abutter, this led me to ask many troubling

questions.

How is it the developer can be so confident with

barely a sketch in hand to know that their 40B application

would be approved by the City?

Did the developer know at the time that they would

be requesting 18 zoning waivers pretty much making a mockery

out of the dimensional form where just about every data

point they entered failed to meet the ordinance

requirements?

Did the developer also think it was okay to pay

millions of dollars to acquire the properties with the

City's open checkbook and then design a project as large and

plain as necessary to make their finances work?

Was this developer led to believe that they had

carte blanche with this project based on City funding in

support of a 40B proposal regardless of the number of

waivers required to design proposed long before any

community members were even aware of the initial purchase?

Where did they get the idea that all of this would

be okay with the community?

It seems clear at this point that property

finances based largely on acquisition costs are driving the

size, design, and build of the development. As a best

practice, we may need to make finances work for a desired

project, not design a project to work for the finances. To

do so would be completely backwards, financially

irresponsible and disrespectful to the community and most

certainly dangerous -- a dangerous approach for the

continued distribution of housing funds and development in

Cambridge. And I just want to reiterate that Janet -- I

didn't read this, but at the top of her comment was that,

please note we're all in favor of affordable housing. It's

true.

Thank you.

CONSTANTINE ALEXANDER: Last but not least.

SARAH FARRINGTON: If you let me come back, I

appreciate it.

JAMES WILLIAMSON: No.

CONSTANTINE ALEXANDER: James, you want to speak.

Next to last but not least.

SARAH FARRINGTON: All right. I'm Sarah

Farrington once again. Thank you for letting me come back.

Let me first start briefly if you permit me to just quote

Section 21 of the 40B statute. This is the section

entitled, "Low or Moderate Income Housing; Applications for

Approval Or Proposed Construction Hearing Appeal." I'm not

going to quote the whole thing. Just a section of it.

(Reading) The Board of Appeals shall request the appearance

at said hearing of such representatives of said local boards

that are deemed necessary or helpful in making its decision

upon such application and shall have the same power to issue

permits or approvals of any local Board, which you already

explained to us. But not the part about requesting the

appearance.

The official -- any local Board or official that

would otherwise act with respect to such application,

including but not limited to, the power attached to said

permit or approval, conditions and requirements with respect

to height, site plan, size, or shape or building materials

as are consistent with the terms of this section.

The Board of Appeals in making its decision on

said application shall take into consideration the

recommendations of the local boards and shall have the

authority to use the testimony of consultants. The concerns

since you do not have -- it seems like all of your reports

in order from all of the various commissions and boards that

are supposed to weigh in, that there should be a continuance

on that grounds alone.

CONSTANTINE ALEXANDER: Let me tell you from

experience, we haven't had a lot of Comprehensive Permit

cases, but we've had a number of them. We make a request

from everybody. Very few of them get back and give us any

comment. And we have -- we can't force them. We can't put

a gun to their heads. We make the request and that's all we

can do.

SARAH FARRINGTON: I understand that in some of

these case in what Mr. Beals is talking about, we're talking

about safety issues. I don't see how you can just say They

never responded, therefore.

CONSTANTINE ALEXANDER: I can only

assume --

SARAH FARRINGTON: -- that to me is a problem.

Maybe the problem is -- I'm sorry.

CONSTANTINE ALEXANDER: No, no. I'm sorry.

SARAH FARRINGTON: I shouldn't speak.

CONSTANTINE ALEXANDER: I interrupted you.

SARAH FARRINGTON: I lost my train of thought.

I'm sorry.

CONSTANTINE ALEXANDER: I'm sorry.

SARAH FARRINGTON: That's okay. Let me talk a

little bit about height, and I will keep it brief.

CONSTANTINE ALEXANDER: Before you do that, let me

go back. We, as I said, solicit the views of each of all

the various boards: The fire chief, police chief, legal

department. When they don't come back to us, comment, it

can be one or two things:

One, they don't have any comments to make.

They're satisfied with the project. That's one.

Or the other they didn't want to pay attention or

didn't want to get involved, etcetera. We can't force them

to give comments. I have to assume that the lack of

comments means they have no comments, which means they don't

see any safety issues or other types of issues that are

within the jurisdiction.

SARAH FARRINGTON: As a resident who owns property

next to these properties, I find that very, very

disconcerting. And I don't fault you. I don't fault you.

What I fault is that maybe this process is not used often

enough in this community for there to be an understanding of

how important it is that you're making this decision but you

rely on all these other boards. And maybe that something

needs to change about how 40B's are handled in the city.

CONSTANTINE ALEXANDER: You have to change the

statute. You have to go to the state legislature. The

statute is very clear, that we -- it's our decision. We

should seek out comments from the various other boards.

SARAH FARRINGTON: I understand.

CONSTANTINE ALEXANDER: But at the end of the day,

the buck stops with us.

SARAH FARRINGTON: Well, did you request the

appearance of such representatives of local boards?

CONSTANTINE ALEXANDER: I have to ask -- the

Inspectional Services Department handles the mechanics of

it. I don't note answer to that.

SARAH FARRINGTON: All right.

CONSTANTINE ALEXANDER: But we've had many over

the years. Many Comprehensive Permit cases, maybe not as

many as we should have, but we've had many. And so on all

the boards, we have, according to the Legal Department, know

the drill. They know the requirements. They choose not to

respond. I don't know what more we can do.

SARAH FARRINGTON: I understand. I did, I did

read through the minutes of the Highland -- the Concord

Highlands case, and it was, you know, it was a very friendly

case. So everybody who came out was very supportive. So I

think it's at least with respect to that case, I wasn't able

to look at the minutes for the other ones. But it's a

different -- I think it's a different case. And it's also a

building in a much more industrial, you know, area that's

being converted from industrial to housing. So it's a

different ball game. And these are very close

properties -- these houses are all very close to each other.

CONSTANTINE ALEXANDER: Understood. But everybody

knows, this project is not being done in the dark of the

night. It's been vetted, talked about --

SARAH FARRINGTON: Oh, believe me, I've been at a

lot of these meetings.

CONSTANTINE ALEXANDER: I know you have. But the fact of the matter is if the boards don't want to comment on it, I can't -- I don't know what I can do it about it or we can do did about it as a Board.

SARAH FARRINGTON: Well, we'll have to think carefully what we're thinking from our side on that. Briefly on height if I may?

So the elevations from the west, which these renderings are lovely, but they really don't show how the new masonry construction really overwhelms the three historic structures on either side. I find that really problematic. That's No. 1.

No. 2, new construction along Mass. Ave. There are four current projects from Harvard up to the corner of Linnaean -- I'm sorry the corner of Upland. Four projects are all four stories. There's nothing more than four stories.

The two lots across from -- that are part of

Lesley's -- at least the ones that Matt talked about -- I

think Matt talked about, or maybe Sean talked about.

Somebody talked about those lots, about trying to get

parking from Lesley. Those lots ultimately will be

developed. They're part of the Lesley Porter Overlay.

The Mount Vernon residents, as far as I know, at

least somebody on the Lesley working group, lobbied very

hard to make sure that the height of development on those

lots would only be 45 feet. Okay? So that's already gone

through, that's been vetted as gone through a public

process. That's really important to me, especially because

I'm on the other side and they basically said, put all the

development you want over there. That really bothers me.

Okay, so we've got, we've got existing new

development. The only last thing I will say is that the one

of the folks who have spoken in support of the affordable on

this project mentioned the Cambridge Housing Authority

development on the corner of Garfield and Mass. Ave. and how

this was mentioned in the Agassiz -- the most recent update

of the Agassiz Neighborhood study which was done in 2008.

And we incorporated those comments into our, into our

packet.

My intention for incorporating that was not to say

necessarily this should be the design standard, but to say

there's a process here for neighborhood studies. The last

one was done in 2008. It hasn't been done in ten years. We

should not be making decisions for height along the avenue

or height in Agassiz without going back and -- these are

precedent decisions. They will -- other developers, whether

they're for-profit or not, will come in and say look, we can

do this now. This has been done. We can do this now.

I appreciate your taking the time to think, to

listen to me.

CONSTANTINE ALEXANDER: I appreciate you taking

the time as well. Thank you.

SARAH FARRINGTON: Thank you.

CONSTANTINE ALEXANDER: Just two more. You and James who is sitting in the bushes there.

STEVEN DIAMOND: I'm sorry, I was not able to stand on that long line. My name is Steven Diamond. I live at 61 Frost within a couple of blocks of this proposal. I'm just gonna spend a little time talking in detail about the issue of parking. I hope you received my letter.

CONSTANTINE ALEXANDER: Yes, we have all the letters in here.

STEVEN DIAMOND: Okay. I was formerly director of design review of housing at the Boston Redevelopment Authority. So I understand. I'm an architect, and I understand the problems of dealing with this kind of decision. But I -- and I just want to give you more detail of what's the situation is with parking. I've been working with the Agassiz neighborhood for a long time, and one of the things that we've been working on is supporting the

local businesses along the avenue between the Common and

Porter Square. One of the things that we've been concerned

about is parking for those businesses, either for

the -- their staff or their owners. My barber has to put

money in the meter in order to find a place to park. Now

that takes away a space from his potential customers. So

then one thing that you should consider is that parking is

also needed for commercial spaces which we, which the city

wants to support small local businesses.

The other things, thing that I want you to

consider is that the parking on the street is extremely

tight. Right now, as has been explained to you, with snow

on the ground many of us can't find a place to park. If we

move out, we don't have any chance of parking again. It was

mentioned that other buildings in the area have no parking.

These are the buildings that were built before there was a

requirement to have parking, and that very point we have

a -- I have five buildings, small apartment buildings,

including my own that have no parking space. Now if you're

saying we should continue to do that, I don't understand

that. The developer himself has said that at least half, or

approximately half of the people on this building will have

cars. That means on top of our crowded streets they'll have

to absorb at least another 20 cars. I think that if -- the

architect on this job is one of the best architects I know

of. If they had been given a program that says you have to

have at least 50 percent parking, I believe they could have

done that. I believe they could have done that. And I

would like them to reconsider. I'd like the developers to

reconsider the proposal and make that part of the program.

20 spaces or some smaller number than 100 percent, but some

number of spaces, because you can't treat people with lower

incomes less well than if this were a market rate

development. Let's have some equity here. I would be up

here just the same explaining the need for parking if it was

a market rating. It's unacceptable, and I think, and I

think demeaning to this project that claims to be 100

percent wonderful affordable housing but not providing at

least the opportunity for some parking.

So I can stop there.

CONSTANTINE ALEXANDER: Please. I don't mean to

be disrespectful. The points you made are points made by

others and that's the points we've had in our questioning we

recognize already. So I appreciate you taking the time and

staying here, but that's the reason for that. I don't mean

to be -- I apologize.

STEVEN DIAMOND: Okay, I understand. Let me throw

out one more blasphemous remark. One of the problems with

putting parking on the site is the cost of doing it. Which

does -- which serves the neighborhood better? Saving that

house that's on the front of the lot and saving the two

houses in back? The renovation proposed of the two houses

in back is not historic conservation. Why are they saving

them? The house on the front would be nice to save, but

frankly from an urban design point of view, I would much

rather see a new building built up to the street designed by

this very good architectural firm.

CONSTANTINE ALEXANDER: I just will comment and

the end of it. Charlie Sullivan does not agree with you one

bit. Okay?

STEVEN DIAMOND: That's why I said this is

blasphemy. I understand.

CONSTANTINE ALEXANDER: All right, James, you're

last.

JAMES WILLIAMSON: Thank you. Appreciate it.

CONSTANTINE ALEXANDER: Why don't you tell the

audience who you are. I know you are.

JAMES WILLIAMSON: My name is James Williamson. I

live at 1000 Jackson Place, which is Jefferson Park, the

projects.

First of all, I am not -- I wish to align myself

with the non-aligned for this hearing. I think it was

unfortunate that you have just sort of only two sides. I

think there's a little more --

CONSTANTINE ALEXANDER: I want to go home tonight.

JAMES WILLIAMSON: Not everybody is easily, you

know, one for or against. And I think probably it's too bad

that this project was is called Frost Terrace, it might have

been more warmly received if it were renamed Solar Terrace.

I just want to make a few information questions.

The renderings don't, I don't think very well show

what the actual impact of the three parking spaces is gonna

actually be. And I think that would be useful. I'm not,

I'm agnostic about what that might mean, but you have one

car, people who drive those kind of cars typically they may

be even higher than the one shown. So I think that's maybe

something to think about.

Also, the comment about what the building is

across the street, I did a Google thing. It was actually a

building that's just one story. The building directly

across the street is four. And then you have to go up to

Mass. Ave. to get to the five, the higher story building for

what that's worth.

So, the -- on the parking analysis, are -- did

that include metered? I found it interesting how

many -- the analysis was there metered, were some of those

metered spaces or were those all resident spaces? These are

just a couple of questions.

And mention was made with the limited dividend

entity, but nobody asked what is the level of profit that is

allowed? And I think that would be useful to know and

interesting for those of us who care about affordable

housing.

Who are in fact going to be the people who are

gonna be able to get these affordable units? And I will

just say that where I live, which is next-door, buildings

got torn down and new buildings are being put up. And

because it's tax credit financing, people who used to live

there are not gonna be allowed to move back because they are

over 60 percent of AMI, which under tax credit financing,

you are not eligible for but that may only be a percentage

of the units here which is the complexity that you are

referring to. Although I remember a hearing, I remember a

meeting of the Board of Commissioners at the Cambridge

Housing Authority lawyers working on these elaborate and

complex finance deals normally charge $500 an hour. So much

for affordability.

I have a specific question which was mention was

made of a residence service coordinator, and I just wondered

is that going to be a full-time position? Because I think

that would be useful to know.

So my comment: I don't think this is really a

nimby thing. I think maybe there's a little bit of that on

the part of some people, but I don't really think that's

what's going on here. As somebody who lives in -- I mean,

I'm glad that people who both don't live in affordable

housing, care a lot about affordable housing. I'm glad that

people who do live in affordable housing care as do I. But

people who live in affordable housing, and I really

appreciated the comment just now about, you know, the equity

dimension of this. We also care about open space. We also

care about design. We also care about historic

preservation. We also care about community gardens, that

may not be a single zucchini, but we care about the same

things that everybody else cares about. And even mention

was made about, you know, having two jobs and there's a

fight, people get towed out of Jefferson Park all the time

because of the difficulty of finding places to park. And

people who have two jobs are probably people -- some of them

who are gonna need a car to get to the two jobs. So and I'm

not saying that means that you should not approve of this

project. And here's my final observation, and I think what

this means is I'm generally broadly in support of this

project but or and, when I look at this and the first glance

I took at it, I saw a boxy building next to a historic

church and it bothered me. That church, I don't agree with

Charlie Sullivan, that the steeple had to be replaced with

this earlier version, but that's what was done. It was

moved forward. There's a history here. That church, and

people were upset -- some people were upset with what was

going on with the church. The church got moved and the

steeple got replaced. And there's a boxy rather large

building being proposed for next-door, and I wonder whether

that relationship couldn't be better. That's -- and I think

about, and I'll close with this, Temple, Temple Place.

Temple Place was right across the street here. That I

believe is also a 100 percent affordable project and

supported by the Affordable Housing Trust. It was

originally going to be six stories, they had to remove one

because they had some financing problems. They put the

parking interestingly underneath it, if you look at it. And

I don't know if that's a great solution, but what's

interesting is that building is sort of hidden behind a big

building on Mass. Ave. and there's no -- there's no building

like this right next to it. And I think that means that we

might try to think differently about this proposal and this

relationship and see if we can't come up with a better

solution that still does a lot of affordable housing.

So thank you.

CONSTANTINE ALEXANDER: Thank you, James.

I'm going to close public testimony. And I want

to say at the outset, and I want to say I thank, I sincerely

thank each and every one of you for taking the time to come

down and spend the late hours, to stay to this late hour.

We have no choice and we're going to spend a lot more time

after you folks have left, but it's a good sign for the City

of Cambridge that people are interested, are involved, they

have opinions, and it's consistent with Cambridge,

everybody's not unanimous. There are opinions in support,

there are opinions in opposition, but I myself didn't hear

one comment, in my judgment, that demonstrated a lack of

good faith or a desire to do what they think, they think is

best for the City.

So with that I'm going to stop. We usually give

the petitioner time to give final comments, the hour's

late --

JASON KORB: We have some very quick.

CONSTANTINE ALEXANDER: Okay, but I want you to

address -- no speeches. Address specific issues that were

raised by the people.

JASON KORB: Yes, I'm going to run the list really

quickly because I know it's late. So, with -- just very

quickly I want to enter for the record and we

submitted -- so I just want to clarify for the record that

we submitted the approved project notification form approval

from the Mass. Historical Commission. So we have an

approval.

We have a Letter of Recommendation from the

Cambridge Historical Commission, Charlie Sullivan, who is

also a member of the Massachusetts Historical Commission.

He's one of the most highly regarded people in the state

when it comes to historic preservation.

And we also have approval from the Mass.

Historical Commission because we are utilizing federal funds

in this project. And they actually reviewed the prior

proposal, which was more extreme alterations to the rear of

the building. So I'd like to enter that for the record.

With regard to storm water management, an

infiltration just very quickly to put our neighbors at ease.

David Biancavilla who is from BSC Group, was also the civil

engineer on Lesley University. Lesley University was nice

enough to give us all of their reports. They put in a major

basement in subgrade basement, 15 feet, and we have all

their reports. And we have a pretty good sense of what the

soil looks like on our site based on what's on their site.

So we thank Lesley for that.

With regard to the emergency access in the fire

department, the fire department Was one of our first stops

because we -- obviously. And we met with Lieutenant Towski

twice. We followed up with memos that are in his files.

You are welcome to go and look at those memos. We altered

the plans. These plans fit what Lieutenant Towski asked us

to do with regard to the fire hydrant and the overhang. He

gave us a pumper truck to put on our plans and David did all

the turning radiuses and the heights and so --

CONSTANTINE ALEXANDER: It would have been nice if

this gentleman gave us that report.

JASON KORB: Understood.

CONSTANTINE ALEXANDER: It would avoided a lot of

questions and accelerated our hearing.

JASON KORB: And we also have no control over

that. And we're happy to provide those memos. We're also

happy to provide those memos to our neighbors as well.

There have been a lot of memos and documents traded. We've

done our best to put everything possible online. And we're

happy to provide them with curb report as well if they would

like that. With regard to the dimensionals, with -- in

terms of what's the -- Larry Beals raised the question

about, well, what's the width of the building? Every plan

has a scale on it. And so that all of those dimensions

could be scaled off.

        With regard to the handicap spaces, and we'd like

to thank you, Larry, for this. Larry questioned the turning

radiuses, and we went back and looked at that based on his

comments. We would like to submit this revised plan, which

has very minor changes. David, about an hour ago gave it to

Larry to look at. I'm just going to explain it.

        ATTORNEY SEAN HOPE: It's de minimus.

        JASON KORB: It's de minimus, but we want to just

enter it for the record. Okay? All that happens, and I'm

going to -- Sean, you show the Board and I'll show the

audience. These parking spaces from here, right? To here.

The hedge lines stay the same.

ATTORNEY SEAN HOPE: Show the Board.

JASON KORB: Yeah, I'm sorry. I apologize.

Sorry. I haven't been here in a while.

The parking spaces moved from -- Jennifer, why

don't you do it.

JENNIFER BROOKE: Parking spaces moved from here

to here.

JASON KORB: The hedge line stays the same. So

the visual from the street stays the same.

DAVID BIANCAVILLA: And all the turning movements

were done through (Name) with their design standards for a

large car. Essentially what you're looking at are a turning

movement for a Lincoln Town Car.

CONSTANTINE ALEXANDER: I don't --

JASON KORB: It is de minimus, but we wanted

to -- we wanted to get it on the record.

CONSTANTINE ALEXANDER: I'll try to speak loudly.

I don't want to make too much about the handicap parking.

There's no requirement that you have any. You've offered

three. I am sure you will work with the city to make those

spaces as functional as possible. But this project is not

going to fall or rise based upon three handicapped parking

spaces. So I think we made -- we probably spent too much

time on that issue in my judgment. A lot more time could

have been spent on the parking for the people who don't

need -- who are not going to need handicap spaces. That is

a major issue, as you've heard. It's certainly a major

issue with me, but we'll get to that in due course.

         Anyway, anything else?

         JASON KORB: For the record, I think the revised

set of plans are all stamped, I believe.

         CONSTANTINE ALEXANDER: Okay.

         JASON KORB: So, Jason, you stamped your plans?

         JASON FORNEY: Uh-huh.

         JASON KORB: David's plans are stamped.

CONSTANTINE ALEXANDER: Thank you.

Do you have the set of the plans, the ones

that -- I have them. We've got them here. That's it.

Okay, I'm all set. We need to....

ATTORNEY SEAN HOPE: Those are the ones we

presented tonight.

CONSTANTINE ALEXANDER: Right. I want the ones

that were part of the file --

ANDREA HICKEY: Underneath here?

CONSTANTINE ALEXANDER: -- right there.

ANDREA HICKEY: All of this stuff is part of the

pile.

ATTORNEY SEAN HOPE: Those are the supplemental

plans.

CONSTANTINE ALEXANDER: That's what I'm looking

for. Thank you.

Okay. I'm going to close public testimony. And

the time is now for us to debate and make a decision one way

or another.

Does anyone wish to go first? I'll go first if no
one else wishes.

GEORGE BEST: You go first.

CONSTANTINE ALEXANDER: Thanks a lot. This is not
an easy project in my judgment as been pointed out over and
over again. There's great departure from our zoning
requirements in terms of what's going on here. There is
serious issues I think regarding parking. But, and I think
that's a big but, there is a need for affordable housing in
the City of Cambridge, more affordable housing.

Two, and may be more important, there is a need
for affordable housing in this part of Cambridge. In the
past all the affordable housing seems to be in East
Cambridge or out on Concord Avenue. We need to spread it
around, around the city. Who knows, maybe if we prove this,
and in the future we'll have an affordable housing case on
Brattle Street. I won't hold my breath on that.

The fact of the matter that we do. You've got to

balance. No affordable housing project in a city like

Cambridge is going to be perfect and meet every requirement

and every item of zoning. I balance the need for affordable

housing, the location, the thoughtfulness that's gone into

this, and, you know, a large community support. Not

necessarily the support of the abutters, but large community

support. And to me, these outweigh the real detriments to

this project, starting with parking. So I think if

we -- I'm going to propose that we vote in favor of it

subject to a number of conditions, not many, and I welcome

additional conditions or comments from other members of the

Board when we get to that. But that's how I come out.

Yes, the building is higher than our zoning

allows, but it's not that much higher. And the density is

not that -- and it's not any greater than any other

apartment development in ann area. Parking, though, is an

issue. And you can show me all your surveys you want,

there's going to be a big problem in this area for parking

going forward. That's just a fact of life and the price I

think we're going to have to pay if we're going to have

affordable housing in that part of Cambridge.

Those are my views.

GEORGE BEST: So I want to thank everybody for

coming tonight, first of all. And for me personally I

haven't taken any of your comments lightly. I'm a lifelong

resident of Cambridge. I was born in the Cambridge City

Hospital in the Cahill House. How's that?

CONSTANTINE ALEXANDER: Don't brag.

GEORGE BEST: Right.

Cambridge is going through a transformation, and

along with it we have to transform. We have a convergence

of bicycles and cars and less parking spaces. If you go

down Cambridge Street -- I go to Skenderian, for instance,

to pick up my medication. I have to park across the street,

if there is a parking spot, because there are two new bike

lanes right in front of his door. So all of those things

are considerations that we need to, as Cantabrigians, get

used to. I mean, it's really a change.

But I personally am in favor of this building and

I'll tell you why. A lot of the buildings that have been

recently built are one and two-bedroom apartments, and we're

looking at family apartments here in a family neighborhood

where people can go down the street is to parks and school.

And Benjamin Banneker is right down the street. So which

encourages, you know, more people of diverse backgrounds to

move into that area.

So when you're looking at the landscape of

Cambridge, if you look at it when I was growing up, it's 150

percent different. So we're trying to bring it back

somewhat. And with all of these high rents, and I know

because I'm a landlord myself, I have to keep the rent low

to get people in that I can, you know, that can afford it.

And I work with them tirelessly. So I just want to say that

when you're looking at -- yes, it's a change. Yes,

everybody's not going to be satisfied. But in the end

result, what are we looking at and what are we coming out

with? So if we're not looking at it from a personal

standpoint, then -- and we're looking at it as benefitting

someone else, then what do we arrive at? How are we helping

somebody else?

          That's all I have to say.

          CONSTANTINE ALEXANDER: Thank you, George. Anyone

else want to talk?

          JANET GREEN: I also feel support for this

project, and I think the reasons have been stated. I think

this project -- I live near the Agassiz neighborhood, and I

really appreciate the comments about encouraging the

diversity of our city to be more spread out around the city.

But I don't think that's the only reason that we want to do

this. I was really struck by the heartfelt comments of

people who were both in favor and against this project. But

I think at the core of it what people were saying was we do

support this. And whether there's this problem and there's

that thing we like or whatever, I think that's going to come

with this, but I think on balance this project has really

gone far in trying to find best solutions in working. And

so I am in support of this project.

ANDREA HICKEY: I support this type of housing

specifically in this neighborhood. What troubles me is sort

of the idea or concept that lower income people maybe don't

deserve parking spaces. That concept troubles me a little

bit. But I think that everything has a tradeoff. And to

house a low or moderate income family, might cost their

ability to have a parking space. I think the priority here

is to bring families to this neighborhood that represent

sort of a socioeconomic diversity that may not exist there

now. And the tradeoff is parking. I don't take it lightly,

but I think the more important thing is to provide this type

of housing in that neighborhood. So I struggle with the

parking greatly because, again, I think that knowing that

perhaps 20 of these units will have cars will make a real

impact on this community, the people that live there now.

But for me the overwhelming sort of benefit of providing

these type of units sort of causes me unfortunately to have

to put the parking issue aside.

So, thank you.

PATRICK TEDESCO: I'm also inclined to support the

project, and I really do appreciate the passion of the

comments on both sides. And I really empathize with the

abutters who worked so hard with the design team and the

developer who perhaps didn't arrive at the complete

satisfactory place. But I can assure you your efforts have

made the project better. I have no doubt about that.

I was most moved by a comment that was made early

when someone said, when you talk about a unit of housing,

you're talking about a family or a disabled person or a

person who might be on the verge of homelessness. You know,

when you say, well, it shouldn't be -- affordable, it should

be 27, that's 27 families, right? That's 27 families who

won't be able to live in Cambridge. Let's not compare that

to feet of an attic dormer, because it's a very, very

different condition.

        And the last thing I will say, and I said this

earlier, I will commend the design team not only in response

to the Planning Board, which I think was just two days ago,

but to the success of redesign. Because I agreed with the

Planning Board comments, frankly, about the severity of the

facade especially facing the condominiums, so I do

appreciate that.

        So that's it.

        CONSTANTINE ALEXANDER: Thank you.

        I think it's time for a motion, a formal motion.

It's going to be a little bit long, but I think -- and

please pay attention to the conditions at the end. Most of

what I'm going to say is standard stuff.

But the Chair moves that we find that the

petitioner has met all of the jurisdictional requirements of

760CMR, that's code in Massachusetts Regulations 31.01.

Namely, that they have represented that they are -- will be

or are a limited dividend organization.

That they have submitted an eligibility letter

with regard to financing, which is all that's required at

this stage.

And that they have barely, in my view,

demonstrated that they control the site. I'm still very

much troubled -- this is not part of the motion, by the fact

that you didn't give us a 99 year lease. I don't know

what's in that lease. I don't know what there might be in

terms of early termination. I would have liked to seen that

lease. And the reason you didn't give it to me makes me

more suspicious about what's in it. But I think, again, as

we talked about before, there are pros and cons here, and

I'm willing to live with the fact that we have to rely on

the notice of lease and not seeing the lease itself.

Continuing with the motion: That we -- the Board

finds that the applicant has submitted to us a complete and

satisfactory application for a Comprehensive Permit, which

includes preliminary site development plans, preliminary

scaled architectural drawings, tabulation of proposed

building units by type and size, and information concerning

ground coverage and related data.

Further, the Board finds that the applicant has

submitted evidence concerning the continuing -- continued

need for affordable housing in the City of Cambridge and the

surrounding region.

That next that the project consists of 40 units,

as we all know, all of which will be affordable according to

the requirements of Chapter 40B, and of eligible subsidy

programs.

The units will be developed with the state or

federal subsidy, and will be subject to long-term

affordability restrictions required them to be sold

initially and on resale at restricted prices to help those

with incomes below 80 percent of the area median income.

That in reviewing the project, this Board has not

identified any significant health, safety, environmental

design open space or no adverse impact on storm drainage,

traffic, or other engineering and planning matters that

would support denial of the project or outweigh the local or

regional housing need.

But, again, I would mention that we did -- have

identified a number of issues that are concerning, and the

be conditions that will also deal with some of those as

well. So it's a close call, but I believe in my view, and I

believe hopefully the board members agree with me, that they

have met this requirement.

I think with that, I would say based upon the

above determinations and findings that I've just identified,

the Board finds that the proposed development meets the

requirements for a Comprehensive Permit under Chapter 40B,

and that such a permit shall be granted to the applicant

subject to the following conditions:

One, that final and detailed construction plans

must be submitted to the building inspector to ensure that

the final plans are consistent with the preliminary plans

submitted by the applicant, the first page of which has been

initialled by the Chair.

Two, that the petitioner shall take all necessary

steps to prevent, and at all times and under all

circumstances -- to prevent at all times and under all

circumstances storm water runoff from being discharged onto

abutting properties, up to and including a 100-year storm

event.

And three, that in no event shall any of the

dwelling units proposed to be erected on the site ever be

used for any purpose other than to provide affordable

housing as proposed by the petitioner.

Go ahead.

ANDREA HICKEY: You mentioned sale or resale of units, and I think you meant to say perhaps renting or re-renting or letting of units.

CONSTANTINE ALEXANDER: I think that's right.

ANDREA HICKEY: So you may want to just correct that part of your findings.

CONSTANTINE ALEXANDER: We'll do that in the minutes. Thank you.

GEORGE BEST: So is there any plan to dissolve your corporation down the road and sell this to another management company or something like that? Because I'll tell you why, because I was on the Rent up of 808. Now when management owns it and it's no longer affordable housing. So I don't want that to transpire.

CONSTANTINE ALEXANDER: Well, again, I made it one of the conditions is that these units can never be used other than for affordable housing. So, if they do that --

ATTORNEY SEAN HOPE: Regardless if we sold them or

not.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY SEAN HOPE: I said that restriction would

be regardless if we sold them or not, you're putting a

restriction on the permit.

CONSTANTINE ALEXANDER: Yes.

GEORGE BEST: But I asked the question is it your

plan --

JASON KORB: Yes. The answer is, no, that would

not happen. Unfortunately in the paths, the developers were

only required to commit to 30-year affordability terms.

ATTORNEY RUTH SILMAN: Or 40.

JASON KORB: 30 or 40.

So what you see now is a lot of what's called

expiring use properties. The legislature actually passed a

law called 40T to try to deal with that issue. Now, we've

learned from our mistakes, this will be affordable in

perpetuity.

GEORGE BEST: Yeah, okay.

JASON KORB: And I encourage you to put that in
bold letters in the decision.

CONSTANTINE ALEXANDER: Anything else?

PATRICK TEDESCO: Just the comment about the storm
water and 100-year storm. Are you comfortable with
meeting --

DAVID BIANCAVILLA: Well, it's typically you can't
increase the rate of runoff onto abutting properties from
which the existing conditions. I think that's what we would
agree to. We have talked with DPW, and right now the site
is not connected to the city storm water system on Mass.
Ave., and they're letting us connect into that system. So
our runoff will leave the property. It will just go into
the Mass. Ave. storm water system.

CONSTANTINE ALEXANDER: Okay. If that doesn't
happen or there are problems, you're going to have to come

back before us.

DAVID BIANCAVILLA: Well, we still need the storm

water permit from the DPW.

CONSTANTINE ALEXANDER: I understand that.

DAVID BIANCAVILLA: That's not part of the

Comprehensive Permit. SO that will get reviewed at that

time by the city.

CONSTANTINE ALEXANDER: I think that's the motion.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Permitted

grant.

(Alexander, Green, Hickey, Tedesco, Best.)

CONSTANTINE ALEXANDER: Thank you, all.

* * * * *

(11:00 p.m.)

(Sitting Members Case BZA-4874: Constantine Alexander,

Janet Green, Andrea A. Hickey, Patrick Tedesco, George S.

Best.)

CONSTANTINE ALEXANDER: The Chair will call our

regular agenda that was supposed to start at 7:30. The

Chair will call case No. 4874, 2050-2070 Mass. Avenue.

Is there anyone here wishing to be heard on this

matter? Let me cut to the chase on this and moving ahead.

You're here for a -- you want to add an additional unit to a

senior citizens housing.

ATTORNEY SUSAN COHEN: That's right.

CONSTANTINE ALEXANDER: That was approved by a

Comprehensive Permit no less in the 80s. It was a

controversial case then, and the Board put a condition on

that any increase in the number of units would require you

to come back before us and get approval. And you've

identified some empty space within the building that can be

converted to another unit. So you'll go from 50, which is

what we approved back in the 80s, to 51 units.

ATTORNEY SUSAN COHEN: I'm Susan Cohen. I'm

general counsel to the Cambridge Housing Authority.

GARRETT ANDERSON: And I'm Garrett Anderson in the

Planning and Development Department.

CONSTANTINE ALEXANDER: Anyway, so that's the

issue. And the one more unit, is that an insignificant

change?

ATTORNEY SUSAN COHEN: Yes, we believe it is.

CONSTANTINE ALEXANDER: And I agree with you and

hopefully other members of the board will as well.

I'll open the matter up to public testimony. Is

there anyone here wishing to be heard on this matter?

Mr. Williamson.

JAMES WILLIAMSON: I'm just curious where this is.

I didn't hear where this is.

CONSTANTINE ALEXANDER: It's on Massachusetts

Ave. -- well, I can give you the address, but you want the

location? You go down Mass. Ave., go through Porter Square.

You're driving down, there's a (inaudible), there used to be

Kentucky Fried Chicken on the corner. It's now an Indian

place. Right before that is a senior citizens housing.

JAMES WILLIAMSON: Russell apartments?

ATTORNEY SUSAN COHEN: Yes.

GEORGE BEST: Near the corner of Walden and Mass.

JAMES WILLIAMSON: Thank you.

CONSTANTINE ALEXANDER: Thank you.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I would

just like to speak in support.

CONSTANTINE ALEXANDER: You don't need to. I

don't think they need your support.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: All right.

GARRETT ANDERSON: It is appreciated.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: That works

for me.

CONSTANTINE ALEXANDER: Thank you anyway for

taking the time.

I don't see any controversy here, if I may speak.

It's a very modest change. There's no neighborhood

opposition. In fact, there's a tenant of the property has

written a letter in support of the project. So I would make

a motion that we find that what is being proposed, the

addition of one more unit is an insubstantial change and can

go forward.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(11:05 p.m.)

(Sitting Members Case BZA-015008-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 015008, 20 Surrey Street.

Is there anyone here wishing to be heard on this

matter?

ATTORNEY JACK MILGRAM: Good evening.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY JACK MILGRAM: Mr. Chairman and all the

members, for the record, my name is attorney Jack P. Milgram

which is M-I-L-G-R-A-M. And I appear this evening on behalf

of the applicant.

SHIH-CHEN HSU: Shih Hsu. I'm the owner of the

building.

BRIAN LAU: And my name is Brian Lau, L-A-U. I

did the design for the deck addition for the homeowner.

ATTORNEY JACK MILGRAM: 20 Surrey Street is a

three-unit residential property. My client has owned it

since 2013. All the work that my client has always done at

the property has been pursuant to permits. In the summer,

this past summer pursuant to a permit my client was doing

exterior siding work when he found himself in an emergency

situation. Somehow it's not clear to me, but the rear

egress of the property became detached, which obviously

would be a problem. Emergency work was done to rebuild the

rear egress and rebuild the rear decks to the property.

The purpose of being here this evening is to

legalize the work that was done at that time.

CONSTANTINE ALEXANDER: It was done not in

compliance with our Building Code. I mean, there was a

cease and desist order that had to be issued.

ATTORNEY JACK MILGRAM: That's correct because the

permit was not issued for -- that's correct.

CONSTANTINE ALEXANDER: Right. And it talks about

rebuilding a deck that was damaged, you've also expanded it,

too.

ATTORNEY JACK MILGRAM: At this time, that's

correct. That is correct.

CONSTANTINE ALEXANDER: You're a little bit cute,

frankly, with regard to the advertisement and for your case.

Now, the relief you're seeking is modest. It's a tight

neighborhood. We're talking about the rear decks. I don't

find it myself controversial, but I am not pleased with the

fact of how you went about running your property and dealing

with our zoning laws. Okay? And don't -- next time if you

ever come back, you're going to have a problem.

Any other comments?

ANDREA HICKEY: Not yet.

CONSTANTINE ALEXANDER: Okay, the Chair will take

public testimony.

Is there anyone here wishing to be heard on this

matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll

close public testimony.

I don't think we have any letters in the files.

PATRICK TEDESCO: Remind me, Gus, remind me of the

dimension of the extension?

CONSTANTINE ALEXANDER: Yes.

JANET GREEN: It's on all three decks.

(Looking over plans.)

PATRICK TEDESCO: I have the dimensions. That's

okay, I have them.

ANDREA HICKEY: I'm interested in knowing how far the decks were expanded beyond what was there previously.

ATTORNEY JACK MILGRAM: About eight feet.

ANDREA HICKEY: Eight feet.

CONSTANTINE ALEXANDER: No, no, no. More than that. A total of 100 feet had been added.

PATRICK TEDESCO: Well, there's eight feet in one dimension.

CONSTANTINE ALEXANDER: Yeah.

PATRICK TEDESCO: And nine foot, six in another.

CONSTANTINE ALEXANDER: And there's more than one deck, too.

PATRICK TEDESCO: Yeah, exactly. This is the original deck and this is the proposed.

JANET GREEN: Doubled.

PATRICK TEDESCO: And it's more than doubled.

ANDREA HICKEY: Yeah.

SISIA DAGLIAN: It's built. It's not proposed.

ANDREA HICKEY: Yeah. That's what troubles me.

That you can't go ahead and do something and then come back

and expect us, because it's already done, to say okay. We

have rules, and expanding the deck in my mind wasn't part of

fixing an emergency situation. I sort of feel it was not

done in the proper order, and I'd welcome counsel to speak

to that.

ATTORNEY JACK MILGRAM: Sure.

In regards to that aspect of the case I was not

involved at that time. The deck was rebuilt before my

office was retained.

ANDREA HICKEY: Right. Please don't take this

personally. It wasn't --

ATTORNEY JACK MILGRAM: No, I understand that.

ANDREA HICKEY: I didn't mean that as a comment

against you.

ATTORNEY JACK MILGRAM: I understand that. From

what has been explained to me -- I haven't driven by the

property. From what I understand, though, the property's

been 100 years old, and I understand that both the front and

rear egress, probably due to the nature of the age of the

home, are narrow. And the previous decks that were there,

probably by today's standards, are a little bit small. And

to be honest, this isn't a primary residence. It's an

income producing property. So you got tenants moving in and

you got tenants moving out. And due to the narrowness of

the staircases and narrowness of the decks, it's been very,

very difficult for people moving in and moving out over the

years. So I think --

CONSTANTINE ALEXANDER: And by expanding the decks

you can perhaps increase the rental income.

PATRICK TEDESCO: I mean, the stairs are

completely dependent of the deck. And the existing deck was

a more than generous landing of the stair. I mean, it was

100 square feet.

ATTORNEY JACK MILGRAM: I mean, obviously the

homeowner is here, the homeowner can testify. But from what

I understand, it's been people moving in and people moving

out over the years, it's been difficult. That's what's been

provided to me as the rationale for the increase of that.

CONSTANTINE ALEXANDER: But why didn't they go to

the Building Department when they found this damage and

inquire about building permits and find out what they got to

do? I mean, it got to the point where they got caught by

and a cease and desist order went out. That's what troubles

me. It was not -- you didn't approach this in good faith.

Your clients didn't, not you, sir.

SHIH-CHEN HSU: It was not a get caught. We were

in a panic and tried to fix it, and we sometimes tried to

get a joint done, try to repair for these applications. But

at that time we take sometime for the application and those

kind of things. So before we finish it, we, we are trying

to have proper document to submit, but before we have not

finished, one of our neighbor complained, yes.

ANDREA HICKEY: Did a licensed contractor do this

deck expansion for you?

SHIH-CHEN HSU: Yes, contractor, but at that time

we are in a panic moment because there are no second stairs

at the time. The second stair was damaged, and

we -- basically we tried to just fix it.

ANDREA HICKEY: Did the contractor recommend that

you pull a proper permit? Was there any discussion about

that?

SHIH-CHEN HSU: Yes, we are try to pull --

ANDREA HICKEY: I mean before the work was done

respectfully.

SHIH-CHEN HSU: Yes. We are in the process to

prepare for A document to apply.

ANDREA HICKEY: Right, but after the fact.

Properly done it's applied for before.

SHIH-CHEN HSU: In between. We are already in the

preparation. But the whole thing happened in about -- the

whole thing finish -- happen in about ten days.

PATRICK TEDESCO: But how does the emergency

prepare relate to your decision to expand the deck? Okay,

how is that related is what I'm trying to understand?

SHIH-CHEN HSU: Okay, because at that time we feel

that the original deck was not safe because if you look on

the first floor, there are some of that --

PATRICK TEDESCO: Okay, but how does that justify

expanding it is what I'm trying to understand? I'm sorry, I

don't mean to interrupt.

SHIH-CHEN HSU: Because we find out there are some

safety concerns where we don't -- we don't expand it because

people in and out and other people move the furniture up.

They always move furniture up by lifting, by lifting from

one neighbor to the others, and very difficult to move. The

patio, this happened right above those bulkhead in the

areas. So very difficult kind of dangerous to move the

furniture in and out and avoid just -- spend as much that we

can move the furniture from the driveway there.

CONSTANTINE ALEXANDER: Did you expand the

staircase as part of this project?

SHIH-CHEN HSU: No the staircase. Basically the

same staircase.

CONSTANTINE ALEXANDER: Same?

SHIH-CHEN HSU: Yes.

PATRICK TEDESCO: Have you had a response from

your rear abutters?

SHIH-CHEN HSU: Yes, we have a support --

CONSTANTINE ALEXANDER: Yeah.

SHIH-CHEN HSU: Yeah, that's -- from the, from our

rear end, front, as well as side neighbors support us. They

saw us there and they know that structure there need to be

improved because it dangerous, and we do get support from

our neighbors.

JANET GREEN: Is one of those the neighbor who

said you weren't doing it right? You didn't have a permit?

Who was that neighbor?

          SHIH-CHEN HSU: The neighbor is one of the

neighbor is on the 16 Surrey Street, yeah.

          GEORGE BEST: So when you hired your contractor,

did they tell you what they needed in order for them to

proceed to build the deck? So when you hired the

contractor --

          SHIH-CHEN HSU: Yes.

          GEORGE BEST: -- did he tell you that there was

some paperwork you needed to have done before, not now,

before when you were building the original?

          SHIH-CHEN HSU: Yes. This happened at -- we pull

the permit to work on the siding, okay? And the same

contractor doing the siding, and this happened that damage

of the stairs. And the same contractor, they find

out -- they say that they can just help us to build it at

the same time we tried to get some to prepare, because they

are available at that time and they are doing, they are

doing the siding, so it's -- they are there just help us to

fix it and that's what happened.

GEORGE BEST: Okay. So he didn't tell you you

needed a permit to build a deck?

SHIH-CHEN HSU: No, no, we, we -- they tell us we

need a permit then. So we right in the process to making

the design, those staircase, we do. But the whole thing

happened in a very short period of time. So when we are in

the process of design those and provide the paperwork. At

the same time, yes, we make a mistake that we continue to

get it done because it happened, because it's time window

about less than ten days the whole thing can be finished.

And at the same time we tried to have the whole thing

prepared, but it's not, it's not finished the paperwork

before we start the work.

GEORGE BEST: Okay, so you realized that you were

in violation only when the person called and told you?

SHIH-CHEN HSU: No, no, we are already in the --

GEORGE BEST: Now you are. I'm taking about

before.

SHIH-CHEN HSU: Before we know the violation

before the person call.

GEORGE BEST: Okay. So then why didn't you stop

the work at that point?

SHIH-CHEN HSU: Because we already start, we start

the design of the work before that.

GEORGE BEST: Right, but if you don't have the

okay by the Building Department, you can't build anything.

SHIH-CHEN HSU: Yeah, that's our mistake because

we are in the panic because the whole stair was damaged and

there's no second exit.

CONSTANTINE ALEXANDER: You talk about preparing

the paperwork. You weren't preparing an application for a

Comprehensive Permit. I mean, you needed an application

from the Building Department to repair the stairs. And they

would have identified for you if there are any legal issues.

SHIH-CHEN HSU: First, we need to do a plot plan

and it takes sometime to schedule the person to come to --

CONSTANTINE ALEXANDER: Sir, that's just what

everybody goes through in the city if they want to do work

to expand a deck. You know, you just can't go ahead and do

it on your own and then wait to see whether you're going to

get caught. Or if not, you plead mercy on the grounds it

took us time to prepare the paperwork. That's not what's

going on here -- gone on here.

GEORGE BEST: So what he's telling you basically

is this is putting you in a bad

light --

SHIH-CHEN HSU: Yeah.

GEORGE BEST: -- because you didn't follow the

rules.

So what Board would like to hear is how you intend

to follow the rules and what you've done already.

SHIH-CHEN HSU: Okay. You know, this house I pulled the permit, every time follow the rule. This is the fourth permit I pull right now. This one. I have pull three permit. Every time I follow the rule to pull the permit. This is, and these are times because in a panic situation so this happened. Unfortunate it happened this way.

GEORGE BEST: So I'm -- I understand you're panicking, but I don't understand what you're panicking about.

SHIH-CHEN HSU: Because there's no second set of stairway for the people to go out.

GEORGE BEST: So the only way in and out of this building is through that one staircase?

SHIH-CHEN HSU: One staircase in the front and there's one staircase in the back.

CONSTANTINE ALEXANDER: Yeah, the second means of egress.

SHIH-CHEN HSU: The second one is required.

ANDREA HICKEY: Right. But you don't need a

bigger deck to have a safe second egress. I'm troubled by

the fact that you went beyond what it would take to address

an emergency. That's what troubles me. That you took that

opportunity to expand the deck.

SHIH-CHEN HSU: Because was a safety concern.

ANDREA HICKEY: All right, I think we're going

around in circles here.

CONSTANTINE ALEXANDER: There can't be a safety

concern. If you build stairs that are consistent with the

Building Code, by definition this should not be a safety

concern. You're expanding the deck because you wanted to

give more room for your tenants. That's what's involved.

Let's being honest about things.

SHIH-CHEN HSU: Yeah. The main safety concern is

one is when people move in and out, because I have a

students live there, people move in and out. When they have

the bed or the furniture --

ANDREA HICKEY: Right. So in a case like that,

you come and apply for your permit and ask us whether it's

okay. You don't do the work and then expect us to say it's

okay.

PATRICK TEDESCO: Right. And if the concern

was -- and I see what you're talking about. If you want to

hoist furniture over the deck, the bulkhead was in the way

of doing that. So you could have expanded the deck just

beyond the bulkhead. And I don't understand why you

expanded it all the way to the property line.

SHIH-CHEN HSU: There is an air conditioning unit

right next to the bulkhead.

PATRICK TEDESCO: Well, you know --

SHIH-CHEN HSU: So that's go all the way to the

edge of the driveway there.

PATRICK TEDESCO: Well, you know, that may be a

hardship argument for moving furniture in and out, but, you

know, why you chose to push it all the way to the property

line --

SHIH-CHEN HSU: The other side in the property

line, that was the older structure there, the property line.

Actually we push it to other side, increase to other side,

not toward the property line.

PATRICK TEDESCO: What is this line here?

SHIH-CHEN HSU: The position is the same, not push

further to the property line.

PATRICK TEDESCO: What about this? What about

that expansion?

SHIH-CHEN HSU: Nothing is -- yeah, that's about

one foot post, the position there. It's one foot.

PATRICK TEDESCO: The post for the railing. But

the post for the structure align with the, you know, is set

back from the property and just like the old deck is.

Right? You see them right here.

SHIH-CHEN HSU: A post, yes.

PATRICK TEDESCO: Those are the columns supporting

the deck. These are just posts supporting the third floor

rail. Is that correct?

SHIH-CHEN HSU: The post --

PATRICK TEDESCO: These are in a different

location than these. Look at the elevations. That's what's

set back. This is outboard. It's just a newer post for the

railing.

SHIH-CHEN HSU: Yeah, we do not -- the stairs

there, the stairs there is very close to one of the posts,

because, because construction there. From a distance there,

if we can, a small distance and then we can come in and out,

it would become visible.

CONSTANTINE ALEXANDER: Why shouldn't we just give

you permission to rebuild a stair as it was before and to

remove additional deck that you put up there? That seems to

be the right solution. If you want it -- you had stairs,

they were damaged, we'll give you permission to rebuild

those stairs. But to go ahead and add deck, and essentially

where you didn't go before our Board to get permission or go

to the Building Department, and in a tight neighborhood with

setback issues, I have a lot of problems with what you've

done.

SHIH-CHEN HSU: Actually in this neighborhood, the

setback is both of our neighborhood. The setback like my

left-hand side neighbor setback is actually is less than

ours. And our kitty corner -- and so in our neighborhood is

a very --

CONSTANTINE ALEXANDER: I understand that, which

all the more reason not to expand the size of the deck.

You're in a tight neighborhood, which I went by the

property, and I acknowledge it. You shouldn't be expanding

the deck particularly the way you've done it without getting

permission or trying to get permission from our Board at the

outset. Why shouldn't you go back to what you had before?

PATRICK TEDESCO: Or come back to the Board with a

request for a Variance and explain the hardship. Right?

CONSTANTINE ALEXANDER: Yeah, that too.

JANET GREEN: Is that his wife who is trying to speak?

CONSTANTINE ALEXANDER: I know, I was letting our dialogue go. Come forward.

ANDREA HICKEY: Give your name, please.

SUSAN HSU: I'm Susan.

SHIH-CHEN HSU: This is my wife.

CONSTANTINE ALEXANDER: I assumed or your sister. I figured it was one or the other.

SUSAN HSU: So sorry. Because why?

THE STENOGRAPHER: Give your name, please. Susan. Susan who?

SUSAN HSU: H-S-U.

And for this, for this house, the front the front entrance going up is so, is so narrow, okay? It's very narrow.

CONSTANTINE ALEXANDER: Yeah.

SUSAN HSU: So it's very hard for them to move the

mattress up and, you know, move the furniture.

CONSTANTINE ALEXANDER: Right.

SUSAN HSU: And so they always move from the back.

And then when they try to pull the, you know, the mattress

up so they cannot move that mattress from the front, so they

will move from the back. But when they move, when they move

on the back, some -- because it's so small, okay. It's so

small. And then just fall down. It's so dangerous. That's

why we thought about oh, this is not -- because every year,

every -- we have three stairs. I mean, three levels. Every

year at least we change from one to two of our tenant. And

so we though about that oh, this is not right because,

because the front, the front entrance is so small about --

CONSTANTINE ALEXANDER: But, Ma'am, I'm sorry to

interrupt you. But the process is you want to make the

stairway a little wider than it was before, you go and get,

you pull a building permit. And if you got to get zoning

relief, you come to see us first. What you don't do is what

you've done. You just went ahead and did it and you got

caught and that's what happened, you got caught and then you

come back to us and say please make it all better after the

fact. That's not the way we expect landowners in Cambridge

to behave.

SUSAN HSU: Yes, we really understand that. And

then because when we are, we are changing the siding, right?

We are just changing the siding and we don't expect we will

change the stairs. And then the, you know, the contractor,

he just oh, this do two thing at the same time yeah.

Because we only have the front. It's too dangerous. Just

because they, we change the whole, the whole three stories

siding, right? And it's so dangerous just have one to go

in, because we have three unit, right? And then we have

three bedroom in each row. So you can see how many tenant.

It is we have nine tenant in that building. So it's so

dangerous. And so we just oh, we better do it, I mean we

need to, you know.

SHIH-CHEN HSU: We are really sorry.

SUSAN HSU: Yeah, we are so sorry.

SHIH-CHEN HSU: So sorry that we screw up the

time.

CONSTANTINE ALEXANDER: Yes, you're right.

SHIH-CHEN HSU: We are very sorry.

SUSAN HSU: Yeah.

SHIH-CHEN HSU: We are working in the good faith

because you know that I always apply the permit. This one

is not get caught, and I apply -- because in the process I

try to prepare for this one. And the whole thing happened

in just two or three days, those kind of things happened.

Very short duration. The whole, the expansion finish only a

few days. So at least timing wise we screw up timing and we

do not say that okay, we just hold it, don't do anything

and, that's our mistake, we did not, we are in a panic and

we move forward so that we, we thought we could catch up to

get a permit now. We really very sorry for our -- we made a

mistake, and we just come here to ask for your forgiveness

because this is first time we make a mistake. I never make

this mistake. And this is the first time I make this tiny

mistake, I'm hopeful that you can forgive us -- forgive us

this mistake. And we will never come back with this problem

to the Board. You know, and so we really sorry for the

situation.

ATTORNEY JACK MILGRAM: May I see something,

please?

CONSTANTINE ALEXANDER: By all means, yes.

ATTORNEY JACK MILGRAM: I know it's late, I

understand that. I'm not trying to justify or excuse what

happened here. I think we all probably can understand that

the concern was -- I've seen pictures. Somehow the rear

egress was completely detached from the building. I think

in theory would have just had ISD from going to the building

and ordering the building closed. So I think that's what

the panic situation was. As my client has pointed out, to

the best of my knowledge, he's never had any problems

previously on any of the properties he's owned in the City

of Cambridge. He's, you know, pointed out to me that he

pulled permit in 2013 for work. He pulled permits in 2014

for work. He did pull a permit for the siding work that was

done in the summer. You've asked the question which I think

is a very good question, which is well, why should we let do

you this? Again, you have the benefit of having driven by

the property. I just didn't have an opportunity to do that.

From what I understand, of course it was probably a smaller

deck than what you might see today than something that was

built. I think the answer to the question is well, why

shouldn't we make you go back to what was done before? And

nobody wants an emergency situation. But God forbid we have

an emergency situation, there's a fire or some other

emergency situation, and people need to get out of the

house, especially where there's testimony from both

homeowners that the staircases are narrow both in the front

and in the back. I think if people need to get out of the

building with a larger staircase and a wider staircase, it

would make it easier for people to do that, especially if

you have multiple people living in the unit. My client to

make a good faith attempt prior to coming here to go around

and speak to all the abutters. Some of the people he was

not able to get in touch. People were busy, going here,

they're going there, and so they weren't home. However, he

did speak to a few people who signed the petition that we

prepared.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JACK MILGRAM: I believe one in the

front, one in the back, and one on the side. You know, to

the best of our knowledge there isn't any, you know,

opposition from the abutters to this. You know, my client

has indicated to the Board that he's, you know, he's

apologized for what happened.

CONSTANTINE ALEXANDER: Do you own any other

property in Cambridge or outside of Cambridge?

SHIH-CHEN HSU: Yes, I live in Weston, in suburban

there, yes.

CONSTANTINE ALEXANDER: Rental property?

SHIH-CHEN HSU: My own property.

CONSTANTINE ALEXANDER: Oh, your own property. Do

you have any other rental properties in Cambridge?

SHIH-CHEN HSU: Yes, I own one other rental

property in Cambridge, and I always pull the permit. I have

a perfect record. Every time I pull the permit.

ANDREA HICKEY: I'm thinking a little bit about if

you came in the right order, would I have approved this?

CONSTANTINE ALEXANDER: And the answer is yes,

isn't it?

ANDREA HICKEY: It's --

PATRICK TEDESCO: I'm thinking the same thing.

ANDREA HICKEY: It's close to that lot line. I'm

not sure that it is necessary, the bigger deck, for safety

purposes. I'm certain that it's more convenient. It's not

a slam dunk for me that I would have approved this if they

came in proper order.

CONSTANTINE ALEXANDER: Go back to the comment I

made earlier, what about if we require them to reduce the

size of the deck, getting it back to the lot line? And

still have their new staircase --

ANDREA HICKEY: If it was where it was, I'd have

no grounds to object.

SHIH-CHEN HSU: The new --

ATTORNEY JACK MILGRAM: One at a time. One at a

time.

SUSAN HSU: Me first. See, because we can see the

door, okay? And then because the original deck was small,

so when you pull the pull the mattress up, right, it cannot

turn because you need to turn in order to get the door in,

because the door is small, and the back door is small. So

you need to pull it up and then turn and then get in.

CONSTANTINE ALEXANDER: Understood you may need a

bigger staircase than you had before.

PATRICK TEDESCO: But actually the staircase

didn't get bigger.

SHIH-CHEN HSU: The staircase was in original

position. Original staircase is right next to both. The

deck is recessed from the staircase.

PATRICK TEDESCO: I understand. What I'm asking

myself similar, similar to you, Andrea, is that if you came

in and made a compelling argument that the hardship was the

inability to move furniture up and down the three decker

stairs, which I appreciate because I live in a three decker,

for a transient population. And the placement of the

bulkhead and the placement of the air handling unit meant

that you should safely extend the deck to the west or to the

left so that you could access that side free and clear from

the driveway to hoist furniture up, I could probably buy

that as a hardship. I have a tougher time, you know, with

the additional three feet toward the property line, but --

SHIH-CHEN HSU: Additional bulkhead is less than

one foot.

PATRICK TEDESCO: But, again, without abutters

complaint I probably would be okay with that. So, you know,

I don't want to -- I'm just, that's what I'm struggling

with, right? You know, the stair did not get bigger. Let's

not talk about safety. The only safety issue I see is

hoisting furniture on the deck which is difficult to access

because of the bulkhead and the air handling unit.

JANET GREEN: Yes. On the other hand, people have

been getting up there, right? I mean --

CONSTANTINE ALEXANDER: Yeah.

JANET GREEN: -- people have been living there.

It's possible, not maybe the best.

SHIH-CHEN HSU: The position of the stair is the

same, and actually the position of stair is right next to

property line.

PATRICK TEDESCO: I understand.

SHIH-CHEN HSU: The deck is recessed from the

property line. It's not go all the way to the -- it's

recessed. Because the stairs, the same footprint

(inaudible) issues but there is some handrail there

and -- but we -- this one of one-foot extension, less than

one foot from the old deck allow us to have this handrail

there. Not intentional --

PATRICK TEDESCO: I understand the detail, yeah.

SHIH-CHEN HSU: And, again, we really sorry for

this one.

PATRICK TEDESCO: And the last thing I'll

say -- I'm sorry.

CONSTANTINE ALEXANDER: We have to bring this

matter to a conclusion anyway.

PATRICK TEDESCO: It's not, I don't understand

your comment about, I'm sorry, where are the drawings? Your

comment about the deck not extending toward the property

line when this drawing shows --

SHIH-CHEN HSU: I said one foot extension toward

the property line.

PATRICK TEDESCO: Yes, but it did extend.

SHIH-CHEN HSU: By one foot, yeah. Because

handrail in those positions.

JANET GREEN: And what's this?

PATRICK TEDESCO: That's new --

JANET GREEN: Extended here and there.

PATRICK TEDESCO: Yeah. And the bulkhead's here.

CONSTANTINE ALEXANDER: Well, I'm not of a mind to

give a free pass tonight.

ANDREA HICKEY: I'm not either.

CONSTANTINE ALEXANDER: I think we're going to

have to continue this case. You're going to have to come

back with another proposal that shows a reduction in the

decks that what you built now that didn't comply with our

law, what's in there. Come up with another proposal that's

less deck, and particularly better with regard to setbacks,

and we'll consider that. In the meantime you are in

violation of our Building Code by what you've done. You did

something you should not have done and I'm not of a mind to

bless it tonight.

PATRICK TEDESCO: Would you consider, and it would

be at their risk of course, that they come back seeking a

Variance for what they did?

CONSTANTINE ALEXANDER: Sure.

PATRICK TEDESCO: That's their choice.

CONSTANTINE ALEXANDER: Yeah. Counsel can advise

them on that.

PATRICK TEDESCO: But if you are denied, you have

to tear it down.

CONSTANTINE ALEXANDER: Yes.

PATRICK TEDESCO: Not the stair.

CONSTANTINE ALEXANDER: The stair is okay.

Anyway that's what I would do. Now if we continue

this case, it will be a case heard and Janet's not available

for the next, after February 1st, the next four sessions.

So if we continued it, we would continue it to the second

hearing in April, which gives you more time to think about

what you want to do and come up with plans.

Is that the sense of the Board?

JANET GREEN: There was time on February 1st.

CONSTANTINE ALEXANDER: February 1st is the only

time. That's too close.

JANET GREEN: Oh, that's too close.

CONSTANTINE ALEXANDER: Yeah, it's only two weeks

from now basically. No, it's more than two weeks.

ANDREA HICKEY: Just a point of clarification.

CONSTANTINE ALEXANDER: Yeah.

ANDREA HICKEY: If they were to just voluntarily

agree to remove the part of the deck that extends beyond

what was there, would they need relief?

PATRICK TEDESCO: Yes.

CONSTANTINE ALEXANDER: Yes, because it's

non-conforming.

PATRICK TEDESCO: It's FAR.

ANDREA HICKEY: Okay. All right.

CONSTANTINE ALEXANDER: Well, actually I

miscounted on the time. We could do it on February 1st,

because that's about three weeks from now.

Can everybody make February 1st?

ANDREA HICKEY: I'll tell you in a minute.

CONSTANTINE ALEXANDER: Okay, we're going to

continue this case which means nothing has happened, and I

want you to rethink about doing something with that deck to

restore as close to what it was before and satisfying the

issues about the staircase. But this deck as you now have,

not likely to survive. You're going to have to do

something. So I'll give you a time -- we'll give you the

time to figure that out what you want to do. What that

means, though, is that you'll have to have new plans with

regard to your revised deck in our files by no later than

five p.m. on the Monday before February 1st. That's our

rules. It's not anything special for you, that's our rules.

ATTORNEY JACK MILGRAM: So let's see what date

that is.

CONSTANTINE ALEXANDER: That's a Thursday. It's

always a Thursday. The Monday before is obviously sometime

in January.

JANET GREEN: 29th is the Monday before.

ATTORNEY JACK MILGRAM: The 29th.

CONSTANTINE ALEXANDER: If not, we'll have to go

into the end of April unless you want to go and have a case

with only four of us. Remember, you're going to need to get

all four votes then. Shouldn't be a big deal to figure out

what you're going to do.

ATTORNEY JACK MILGRAM: That's February 1st?

SHIH-CHEN HSU: Yes.

ATTORNEY JACK MILGRAM: All right.

CONSTANTINE ALEXANDER: Okay. We'll continue to February 1st. You'll have new plans for the deck, modified deck, and dimensional form. Your dimensional form is incorrect. The second and third floor decks add FAR. And if you extend the deck, increase the deck, they've increased the FAR and they've further increased their nonconformance with the zoning. It's not fatal. But something has got to be done. You're going to have to help them or a contractor prepare an accurate dimensional form with the revised plans. You might as well draw up new plans to start with anyway or come up with some ideas. But that's for you to worry about. So February 1st?

SHIH-CHEN HSU: Yes.

CONSTANTINE ALEXANDER: And there's going to be three requirements and I'll make the motion. I'll make the motion anyway.

The Chair moves that we continue this case as a

case heard until seven p.m., it won't be as late as this, on

February 1st subject to the following conditions:

One, that you sign a waiver of time for decision,

because we're extending it, and we have the waiver right

there.

Two, that the posting sign that's there now be

modified to reflect the new date and the new time. And

that's got to be maintained for the 14 days before February

1st. So you can either get a new sign from Inspectional

Services or you get a magic marker and you just change the

sign.

And the third is, your new plans, they're going to

be new plans, and any revised dimensional form must be in

our files no later than five p.m. on the Monday before

February 1st, whatever that date is. I don't know what it

is off the top of my head. And that's for the purpose of

allowing people in the city to see what's being proposed.

ATTORNEY JACK MILGRAM: That's understood. That's

fine.

CONSTANTINE ALEXANDER: Okay.

All those in favor on that basis?

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(11:40 p.m.)

(Sitting Members Case BZA-015061-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 015061, 294-302 Windsor Street.

Is there anyone here wishing to be heard on this

matter?

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman,

members of the Board. For the record, attorney Sean Hope,

Hope Legal Law Offices. I'm here on behalf of the

petitioner.

Can you say and spell your name for the record,

please.

SAYED MOUSAWI: First name Sayed. Last name

Mousawi. S-A-Y-E-D. Last name M-O-U-S-A-W-I.

BETYA TODOROVA: And Betya, it's my first name.

B-E-T-Y-A. Todorova is the last name. T-O-D-O-R-O-V-A.

ATTORNEY SEAN HOPE: This is an application

requesting a Variance. This is a mixed use building at the

corner of Windsor Street and Hampshire. This is a site

where they had a former barber shop for many years that was

deteriorating in terms of not being economically feasible

and finally closed. So the owner and the applicant had

connected about running -- and this is, it's like

a -- similar to a Brookline lunch on Brookline Street, so

it's more breakfast, lunch, and brunch. The hours roughly

are going to be from six to six. So they're looking

to -- it's a 20-seat restaurant. And the focus is going to

be vegan food. So one of the benefits of this type of

restaurant use there is they don't need heavy ovens or

Fryolators. It's going to be all steam. And things are

going to be done using some steam convection.

          BETYA TODOROVA: Yeah, like a steam.

          ATTORNEY SEAN HOPE: Because of the residential

above --

          CONSTANTINE ALEXANDER: That's the question I was

going to raise is the residence above and what's the impact

of a cooking establishment?

ATTORNEY SEAN HOPE: That's right. Yeah, so if

you've been to Life Alive as well, they have the kind of

same operation where you take the raw vegetables and you

steam them up and you prepare them. This is the type of

cuisine Betya has had six or seven years of experience --

BETYA TODOROVA: Yes.

ATTORNEY SEAN HOPE: -- working in this type of

operation. So this is an area that with Lord Hobo there is

more and more foot traffic, but it's further away from the

train so they really would have to rely on neighborhood foot

traffic. And the hours they, you know, I know the hours is

not necessarily the purview for this Board, but I think that

the concept is driven by the idea that they're going to get

some foot traffic from the neighborhood, but they're not

looking for a large dinner crowd, but it's more breakfast,

brunch, and lunch.

And the hardship is the fact that the building,

especially this first floor was at the street, zero setback,

and not conducive to residential purposes.

CONSTANTINE ALEXANDER: That's what it's all

about.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: Okay. Questions from

members of the Board?

ANDREA HICKEY: No.

CONSTANTINE ALEXANDER: Is there anyone here

wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No.

Okay, I don't think we have any letters, and I

don't even have the file.

ATTORNEY SEAN HOPE: I think there is a letter

from the East Cambridge Business Association.

CONSTANTINE ALEXANDER: Okay.

JOHN HAWKINSON: What's the name of the

establishment.

BETYA TODOROVA: Gypsy Cafe.

CONSTANTINE ALEXANDER: We do have some. We have

a letter from a Chris Scott at 22 Portsmouth Street.

(Reading) I'm a resident of Portsmouth Street, directly

across from the proposed cafe, on the corner of Hampshire

and Windsor. I'm in full support of the cafe thinking it

would be fantastic for neighborhood. While sandwiched

between amenity hubs, the neighborhood has far fewer cafe

amenities than any other areas of the city, and it will be a

welcome addition.

A letter from Margie Comcast who resides at 74

Plymouth Street. (Reading) I would like to add my support

to the application to open up a coffee shop or cafe at the

corner of Hampshire and Windsor Street. I grew up on

Plymouth Street and remember there being a number of

different shops at this corner. The return of a coffee shop

would be a welcome addition to the neighborhood and could

breathe some additional life into this retail cluster.

And a letter from the East Cambridge Business

Association. (Reading) On behalf of the East Cambridge

Business Association we would like to lend our support for

your application. The conner of Hampshire and Windsor is an

ideal location for this use. There are other active uses at

this intersection that could benefit from the time, day, and

weekend foot traffic a coffee shop could attract.

Oh, my goodness we have another letter. The last

letter, hopefully, from Angelo Logiudice, L-O-G-I-U-D-I-C-E

who resides at -- it doesn't say. Oh, no. (Reading) I am

writing to strongly object the proposed petition to convert

blah, blah, blah. My concerns are increased level of noise

and parking in a highly residential area. I live across the

street from the proposed cafe. Since the location is

directly opposite the Lord Hobo restaurant and bar which is

and has been a problem with noise at night, I am deeply

concerned that this coffee shop would add to that existing

problem with people smoking and congregating outside the

shop. The noise results in disturbance of the peace and

restless sleep especially at night. In addition, parking in

the area is not adequate as it is in the neighborhood. I'm

a senior citizen, longtime resident in this area. I cannot

attend the meeting, etcetera, etcetera. The address is 89A

Hampshire Street and that's it.

Now it seems to me that this gentleman's concerns

can be addressed by the fact that if we limited the hours to

not later than six at night and if we limit the no

cooking -- no ovens or other cooking equipment, that should

avoid the congregation -- the problems that he identifies.

ATTORNEY SEAN HOPE: I think that might be

acceptable. I think the only reference to Lord Hobo, they

have a full alcohol license.

CONSTANTINE ALEXANDER: Oh, yeah.

JANET GREEN: It's like Lord Hobo, vegan coffee

shop.

CONSTANTINE ALEXANDER: The reason I raise this a

little bit, this is instructive. We gave a Use Variance on

Western Avenue some years ago for a cafe --

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: -- coffee shop. Well, six

months later it was a full scale Mexican restaurant serving

alcohol.

ATTORNEY SEAN HOPE: I remember that.

CONSTANTINE ALEXANDER: And I don't want to have

that happen again. For some reason the Inspectional

Services never put a cease and desist order out, and I think

they should. Be that -- that's not for tonight.

ATTORNEY SEAN HOPE: I understand.

CONSTANTINE ALEXANDER: Anyway, so I think I would

limit the hours to no later than six p.m., and the nature of

the equipment in there doesn't provide odors, I think we're

okay. People agree.

ANDREA HICKEY: I do, yeah. It seems to me that

this would be more of a neighborhood place as well. In

terms of the comment from the gentleman regarding parking

and congestion, it seems to me just knowing the neighborhood

that people will be walking there.

BETYA TODOROVA: Or biking.

ANDREA HICKEY: Yeah.

BETYA TODOROVA: And young people.

SAYED MOUSAWI: But can I make a small request,

please.

CONSTANTINE ALEXANDER: Go ahead.

SAYED MOUSAWI: Is there a way to make it to seven

p.m.? People usually get out of work like by --

CONSTANTINE ALEXANDER: I don't have a problem

with seven p.m.

ANDREA HICKEY: I have no problem.

CONSTANTINE ALEXANDER: It's not ten or eleven

p.m.

SAYED MOUSAWI: Six p.m. might be --

CONSTANTINE ALEXANDER: No, no, that's what your

counsel told me.

SAYED MOUSAWI: It's just suggested. It will not

go until ten p.m. that's for sure.

ANDREA HICKEY: I have no issue with seven as an

outside time frame.

PATRICK TEDESCO: The limits on loading in the

morning, right, you can't load, you can't deliver goods and

idle trucks, is it before seven, Sean?

ATTORNEY SEAN HOPE: Yeah, before seven.

PATRICK TEDESCO: That's just par for the course

for the Licensing Board.

CONSTANTINE ALEXANDER: Is that a city requirement

or should we make that a condition?

PATRICK TEDESCO: I think it's part of the

Licensing Board, right?

ATTORNEY SEAN HOPE: Yeah. I mean well, I mean,

you can put -- but the Licensing Board would also put that

condition. They'll pick up the trash and the loading and

these other things that when we get our CV license.

CONSTANTINE ALEXANDER: I think we can let the

Licensing Board handle it.

PATRICK TEDESCO: Yeah. No, I just know it was an

issue with Clover. It's a very different thing.

ATTORNEY SEAN HOPE: That's right, because they're

doing manufacturing food and commissary style.

CONSTANTINE ALEXANDER: Okay. The Chair moves

that this Board makes the following findings with regard to

the Use Variance being sought:

That a literal enforcement of the provisions of

the Ordinance would involve a substantial hardship.

Such hardship being that these premises are not

suitable for residential use as the area is zoned for.

That the hardship is owing to the fact that the

nature of the use of the building is such that if -- the

hardship is owing to the fact that this is not -- this

building is for a long time been used for a non-conforming

purposes, for all that is being sought is to continue this

non-conforming commercial use of the property.

And that relief may be granted without substantial

detriment to the public good or nullifying or substantially

derogating from the intent or purpose of the Ordinance.

So on the basis of these findings, the Chair moves

that we grant the Variance requested subject to the

following conditions:

That the property will not be open for business

later than seven p.m.

That within the property there will be no stoves

or other ovens or other cooking, large scale cooking

activities.

SAYED MOUSAWI: What about a press oven for

example?

CONSTANTINE ALEXANDER: That's not an oven.

SAYED MOUSAWI: It's not heavy equipment.

CONSTANTINE ALEXANDER: I should, other activity

that would provide strong odors in the area.

SAYED MOUSAWI: Oh, okay.

CONSTANTINE ALEXANDER: All those in favor please

say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(11:50 p.m.)

(Sitting Members Case No. BZA-015090-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 015090, 1923-1925 Mass. Avenue.

ATTORNEY DANIEL GLISSMAN: Good evening.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY DANIEL GLISSMAN: Good evening, members

of the Board. Daniel Glissman here on behalf of T-Mobile,

attorney from Prince, Lobel, Tye, here as part of a

systemwide upgrade for T-Mobile, part of the L700 network

upgrade, which this Board is quite familiar with.

1923-1925 Mass. Ave, Business BC Zoning District.

T-Mobile currently operates eight antennas on the roof, two

of which are roof mounted, the rest of which are facade

mounted. They're proposing to swap out four of the existing

antennas with the newest model of air antennas. These new

antennas are only about half an inch wider and 0.9 inches in

length longer.

I'd be happy to answer any questions by the Board,

but in deference to --

CONSTANTINE ALEXANDER: Do we have any comments

from the Planning Board? I don't think so.

ATTORNEY DANIEL GLISSMAN: They did issue a

letter, but their letter was no comments.

CONSTANTINE ALEXANDER: Okay. There's nothing in

our files.

Questions from members of the Board? We can see

the photo simulations, and basically the appearance will be

the same afterwards as will be before as far as I can tell

anyway. So I have no problems.

Do you want to comment?

ATTORNEY BRIAN GROSSMAN: I think it's great.

ATTORNEY DANIEL GLISSMAN: Thank you.

ATTORNEY BRIAN GROSSMAN: And I think my colleague

did an excellent job.

CONSTANTINE ALEXANDER: Okay. I think we're ready

for a motion. Are we or not? I don't want to rush you.

ANDREA HICKEY: Yeah.

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: The Chair moves we make

the following findings with regard to the Special Permit

being sought:

That the requirements of the Ordinance cannot be

met without, and at least from the opinion of our Legal

Department, without the Special Permit.

That traffic generated or patterns of access or

egress will not cause congestion, hazard, or substantial

change in established neighborhood character.

That the operation of -- continued operation of or

development adjacent uses as permitted in the Ordinance will

not be adversely affected by what you propose to do.

No nuisance or hazard will be created to the

detriment of the health, safety, and/or welfare of the

occupant of the proposed use or the citizens of the city.

And that for other reasons that what is being

proposed will not impair the integrity of the district or

adjoining district or otherwise derogate from the intent and

purpose of this Ordinance.

And finally, a final finding, the Board also finds

that the modification of its existing telecommunication

facility at the site proposed by the petitioner does not

substantially change the physical dimensions of the existing

wireless tower or base station at such facility within the

meaning of 6409(a) of the Middle Class Tax Relief and Job

Creation Act of 2012, also known as The Spectrum Act.

Based on these findings the Chair moves that we

grant the Special Permit subject to the following

conditions:

That the work proceed in accordance with the

plans -- one, that the work proceed in accordance with the

plans submitted by the petitioner and initialled by the

Chair.

Two, that upon completion of the work, the

physical appearance and visual impact of the proposed work

will be consistent with the photo simulations submitted by

the petitioner and initialled by the Chair.

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

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

And, five, that the petitioner is in compliance
with and will continue to comply with all in respects the
conditions imposed by this Board with regard to previous
Special Permits granted to the petitioner with regard to the
site in question.

And then we usually have this long horrendous
thing about electromagnetic waves. You know what it is. Is

it okay if we incorporate it by reference?

ATTORNEY DANIEL GLISSMAN: Absolutely.

CONSTANTINE ALEXANDER: Okay.

(Inasmuch as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

One, the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emanating from all of the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

Two, in the event that at any time federal

authorities notify the petitioner that its equipment on the

site, including but not limited to the equipment permitted

by the Special Permit granted tonight, fails to comply with

requirements of law or governmental regulation, whether with

regard to the emissions of electromagnetic energy waves or

otherwise, the petitioner within ten business days of

receipt of notification of such failure shall file with the

Inspectional Services Department a report disclosing in

reasonable detail that such failure has occurred and the

basis for such claimed failure, and sixty calendar days

after receipt by the petitioner of such notification of

failure, the Special Permit granted tonight shall ipso facto

terminate.

Three, to the extent that a Special Permit has

terminated pursuant to the foregoing paragraphs 1 and 2, the

petitioner may apply to this Board for a new Special Permit,

provided that the public notice concerning such application

discloses in reasonable detail that the application has been

filed because of a termination of Special permit pursuant to

paragraphs 1 and 2 above.)

CONSTANTINE ALEXANDER: All those in favor of

granting the Special Permit, please say "Aye."

(Aye.)

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(11:55 p.m.)

(Sitting Members Case BZA-015044-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

        CONSTANTINE ALEXANDER: You have photo simulations

or new ones?

        ATTORNEY BRIAN GROSSMAN: There's ones in there

but --

        CONSTANTINE ALEXANDER: That's okay.

        ATTORNEY BRIAN GROSSMAN: -- it's actually just a

photo of the existing conditions. Because everything is

behind the screen wall.

        CONSTANTINE ALEXANDER: I was going to ask you

that. When I read it, everything is behind the screen wall.

It said no visual impact whatsoever.

ATTORNEY BRIAN GROSSMAN: Correct.

Brian Grossman. Anderson and Krieger on behalf of

the applicant, New Cingular Wireless, PCS, LLC. Also known

as AT&T.

CONSTANTINE ALEXANDER: I haven't called the case

yet. Let me call the case.

The Chair calls case No. 015044, Five Cambridge

Parkway. And here you've given us the information. Okay,

so you're going to replace -- well, go ahead.

ATTORNEY BRIAN GROSSMAN: ATT&T has an existing

site on the building. There is one sector that is ballast

mounted, but there are no changes to the sector. There's

only one sector that's being changed. Two antennas are

being replaced, one being relocated. But all of that takes

place behind the screen wall along with the addition of some

remote radio heads and some other minor equipment. Again,

still all behind that screen wall.

PATRICK TEDESCO: And the attachments don't

penetrate the screen?

ATTORNEY BRIAN GROSSMAN: No.

PATRICK TEDESCO: They're attached to the screen

supports?

ATTORNEY BRIAN GROSSMAN: Correct.

CONSTANTINE ALEXANDER: Okay, ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: This is a Special Permit.

We have to make all of these various findings.

That it appears the requirements of the Ordinance

cannot be met without the Special Permit you are speaking.

That traffic generated or patterns of access or

egress will not cause congestion, hazard, or substantial

change in established neighborhood character.

That the continued operation of development of

adjacent uses as permitted in the Ordinance will not be

adversely affected by the nature of the proposed use.

And that no nuisance or hazard will be created to

the detriment of the health, safety, and/or welfare of the

occupant of the proposed use or the citizens of the city.

And that generally what is being proposed will not

impair the integrity of the district or otherwise derogate

from the intent and purposes of the Ordinance.

Further, we find that the modification of this

existing telecommunication facility at the proposed site by

the petitioner does not substantially change the physical

dimensions of the existing wireless tower or base station at

such facility within the meaning of section 6409(a) of the

Middle Class Tax Relief and Job Creation Act of 2012, also

known as The Spectrum Act.

Based on these findings, the Chair moves that the

petitioner be granted the Special Permit it is seeking

subject to the following conditions:

One, that the work proceed in accordance with the

plans submitted by the petitioner and initialled by the

Chair. And that's in here. I'll dig them out.

Two, that upon completion of the work, the

physical appearance, and visual impact of the proposed work

will be consistent with the photo simulations submitted by

the petitioner.

Three, that the petitioner shall at all times

maintain the proposed work so that its physical appearance

and visual impact will remain consistent with the photo

simulations previously referred to.

Four, that should the petitioner cease to utilize

the equipment approved tonight for a continuous period of

six months or more, it shall promptly thereafter remove such

equipment and restore the building on which it is located to

its prior condition and appearance to the extent reasonably

practical.

And lastly, that the petitioner is in compliance

with, and will continue to comply with in all respects, the

conditions imposed by this Board with regard to previous

Special Permits granted to the petitioner with regard to the

site in question.

And the last thing, we'll incorporate the usual

stuff about the Spectrum Act.

(Inasmuch as the health effects of the

transmission of electromagnetic energy waves is a matter of

ongoing societal concern and scientific study, the Special

Permit is also subject to the following conditions:

One, the petitioner shall file with the

Inspectional Services Department each report it files with

the federal authorities regarding electromagnetic energy

waves emissions emanating from all of the petitioner's

equipment on the site. Each such report shall be filed with

the Inspectional Services Department no later than ten

business days after the report has been filed with the

federal authorities. Failure to timely file any such report

with the Inspectional Services Department shall ipso facto

terminate the Special Permit granted tonight.

Two, in the event that at any time federal

authorities notify the petitioner that its equipment on the

site, including but not limited to the equipment permitted

by the Special Permit granted tonight, fails to comply with

requirements of law or governmental regulation, whether with

regard to the emissions of electromagnetic energy waves or

otherwise, the petitioner within ten business days of

receipt of notification of such failure shall file with the

Inspectional Services Department a report disclosing in

reasonable detail that such failure has occurred and the

basis for such claimed failure, and sixty calendar days

after receipt by the petitioner of such notification of

failure, the Special Permit granted tonight shall ipso facto

terminate.

Three, to the extent that a Special Permit has

terminated pursuant to the foregoing paragraphs 1 and 2, the

petitioner may apply to this Board for a new Special Permit,

provided that the public notice concerning such application

discloses in reasonable detail that the application has been

filed because of a termination of Special permit pursuant to

paragraphs 1 and 2 above.)

ATTORNEY BRIAN GROSSMAN: Understood.

CONSTANTINE ALEXANDER: All those in favor please

say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

ATTORNEY BRIAN GROSSMAN: Thank you.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(12:00 a.m.)

 (Sitting Members Case BZA-015129-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 015129, 5 Callender Street.

Is there anyone here wish being to heard on this

matter? Give your name to the stenographer.

DARRIN KORTE: My name is Darrin Korte,

D-A-R-R-I-N K-O-R-T-E. I'm the Executive Director Cambridge

Community Center which is located at 5 Callender Street.

We're applying to continue our winter farmer's market that

we've run there for the past six years now.

CONSTANTINE ALEXANDER: Six years.

DARRIN KORTE: So going into our seventh year we

would like to continue doing this. We've seen a lot of

benefits for the organization, including increased

visibility to the community and the important work that we

do.

Increased knowledge and engagement with the

community.

It's mission aligned to promote community

cooperation and unity by offering social and cultural

activities.

Would provide workforce development opportunities

for teens that we serve through the market.

It aligns with our goal to be a good neighbor and

set example of environmentally sustainable behavior through

our practices.

And through the market we've identified partners,

volunteers, donors, friends, and grown our community in a

very cool and organic way. I don't know if any of you have

been there --

CONSTANTINE ALEXANDER: I've been there.

DARRIN KORTE: But it is a really great

experience.

And then the benefit for the community that we've

seen is provide a locally grown produce for community

members and food. And we of course have SNAP EBT matching.

So we do everything we can to make the products that are

brought into the market as affordable as possible to

everybody in our surrounding community. And as I said, for

the community it's become a tradition of sorts and a place

where people come together every Saturday, and we would

greatly appreciate your consideration.

CONSTANTINE ALEXANDER: In the past, the reason

you were here before us is because this is a residential

district.

DARRIN KORTE: Right.

CONSTANTINE ALEXANDER: You're conducting a

business. The first time around we gave you a Variance for

one year because we were concerned of the impact on the

neighborhood. All went well.

Second time around we gave you a five year

extension. And that five years expired which is why you're

here tonight.

DARRIN KORTE: Right.

CONSTANTINE ALEXANDER: I believe that we don't

need to put any time frames on any longer.

JANET GREEN: I agree.

CONSTANTINE ALEXANDER: Just give a Variance and nice seeing you, but we don't need to see you again.

DARRIN KORTE: Well, this is my first time doing this. I became the ED only two years ago. So I was grandfathered into the Variance we already gotten.

CONSTANTINE ALEXANDER: Okay, the Chair moves that we grant the Variance requested to continue to operate this farmer's market. And in connection with that we can incorporate all the findings that we made the last two times in granting the Variance.

The condition -- nothing has changed. So whatever we had before, it's incorporated by reference.

All those in favor of granting the Variance on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Green, Hickey, Tedesco, Best.)

* * * * *

(12:05 a.m.)

(Sitting Members Case BZA-015150-2017: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,

George S. Best.)

      CONSTANTINE ALEXANDER: The Chair will call case

No. 015150, 18 Perry Street.

      Is there anyone here wishing to be heard on this

matter?

      (No Response.)

      CONSTANTINE ALEXANDER: There is no one here.

      We are in receipt of a letter from the architect

for the project. (Reading) I would like to request a

continuance to the next available hearing for our case. The

reason is that the property owner is out of the country and

was unable to return in time for this date. I've advised

here that it would be preferable for her to be in

attendance. If possible to schedule January 25th would be

grateful -- we would be grateful.

CONSTANTINE ALEXANDER: There's no hearing on

January 25th.

JANET GREEN: February 1st.

SISIA DAGLIAN: February 1st.

CONSTANTINE ALEXANDER: February 1st, right. So

we'll continue to February 1st. We have room on the

calendar, don't we?

SISIA DAGLIAN: We have six regular cases and one

continued so far.

CONSTANTINE ALEXANDER: Okay, we're all set then.

The Chair moves that -- do we have a waiver of

time for decision? Has he signed? Has Edrick signed one?

SISIA DAGLIAN: I don't know. It would be in the

file if it were.

CONSTANTINE ALEXANDER: Yeah, you're right. It

would be. Apparently not. Okay.

The Chair moves that we continue this case as a

case not heard until seven p.m. on February 1st subject to the following conditions:

That the petitioner sign a waiver of time for a decision. Petitioner or her representative.

Two, that the posting sign be modified to reflect the new date and the new time, seven p.m. on February 1st, and that the sign be maintained for the 14 days required by our Ordinance.

And lastly, that to the extent that the plans or dimensional form that's already in our files is modified, that these modified forms must be in our files no later than five p.m. on the Monday before the February 1st.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Meeting's adjourned.

(Alexander, Green, Hickey, Tedesco, Best.)

(Whereupon, at 12:10 a.m., the

Board of Zoning Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been

delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of

Appeals transcript, note any change or correction and the

reason therefor on this sheet. Sign and date this Errata

Sheet.

PAGE   **LINE**

_____   _____   **CHANGE:** _____

                                    REASON: _____

_____   _____   **CHANGE:** _____

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_____   _____   **CHANGE:** _____

                                    REASON: _____

_____   _____   **CHANGE:** _____

                                    REASON: _____

I have read the foregoing transcript of the Zoning
Board of Appeals, and except for any corrections or changes
noted above, I hereby subscribe to the transcript as an
accurate record of the statement(s) made by me.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of February, 2018.

_____
Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME IN ANY RESPECT UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.

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