

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, April 21, 2015

7:00 p.m.

in

Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair
Hugh Russell, Member
Steven Cohen, Member
Louis J. Bacci, Jr., Member
Thacher Tiffany, Associate Member

Iram Farooq, Acting Assistant City Manager

Community Development Staff:

Jeff Roberts
Suzannah Bigolin

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Chestnut Hill Realty Zoning Petition to amend
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Overlay District by including language to
clarify the intent of the provisions to apply
to multifamily structures that are wholly or
partially located in Residence C, C-1, C-1A,
C-2A, C-2B, C-3, C-3A, or C-3B base zoning
districts.

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The purpose of the Basement Housing Overlay District, as currently described in the Zoning Ordinance, is to allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings that have one or more existing basement level apartment units. The regulations are meant to promote the maintenance and improvement of older buildings, including improved stormwater and wastewater management, and provide additional housing without building new structures or increasing the size of existing structures. The Overlay District includes the corridor along Massachusetts Avenue between Harvard Square and Porter Square. 43

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P R O C E E D I N G S

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H. THEODORE COHEN: Good evening, everyone. Welcome to the April 21st meeting of the Planning Board.

We're going to start with an update.

IRAM FAROOQ: Good evening.

So tonight's meeting is -- we have some BZA cases, and the hearing is on the Chestnut Hill Realty basement units, which as you recall, it was Zoning adopted a couple years ago?

JEFF ROBERTS: 2010.

IRAM FAROOQ: Wow, time flies.
2010.

The idea being to allow basement units in existing buildings where there are opportunities. And so this is more a kind of cleanup of that language more than being

substantive changes.

The other things coming up are, on the 28th we'll have a public hearing on the Normandy Twining Zoning. That's the -- that's next week's meeting.

And the City Council has -- the City Council's Ordinance Committee has forwarded the petition to the full Council so it is able to be acted upon at this point.

And then at your May 5th meeting, we are aiming to have Volpe be the major focus of that meeting. So we'll be -- based on the discussions we had the last time we met with you on the topic, we'll be bringing back some revised language and concepts.

At City Council last week the Ordinance Committee held a public hearing on the Central Square planning and we got a pretty -- it was a pretty positive hearing.

We got endorsement from Council of the plan and they're keen to see the zoning advance again. So that will be another work item that will be coming up for all of you and staff.

And then on May 4th the Council will have a public hearing on the Foundry Building land disposition which you heard several weeks ago.

And then looking far forward in June, on June 8th the Council will have a roundtable meeting on the citywide planning process. We are -- I did want to mention that we are looking -- we're very close to a final draft of the scope of the request for qualifications that we'll be putting out for that project and we will be putting that out to -- for public comment in a couple of weeks. So that should be coming up soon. We

will make sure that the Board gets a copy as well and we welcome your comments.

So thank you so much.

H. THEODORE COHEN: Thank you.

Are there any meeting transcripts to deal with?

JEFF ROBERTS: Not that I'm aware of.

H. THEODORE COHEN: Okay.

And now, there are three Board of Zoning Appeal cases that members asked to get further information about.

So the first one is case No. 6489, 704 Huron Avenue.

Is there anyone here who is going to speak about that?

ATTORNEY ANNE REYNOLDS: For the record, my name is Anne Reynolds of Prince, Lobel, Tye on behalf of T-Mobile. And I have

updated plans or photo sims or revised plans that I could give copies to you all.

So T-Mobile currently has a wireless facility located on the facade of the building at this site, and what they're looking to do is upgrade the site with new technology. The proposal is to add two antennas per sector and one remote radio head antenna which is a small booster antenna in the sector.

As you'll see on the revised photo sims, originally T-Mobile had proposed to just facade-mount as the existing antennas were mounted on the building. And after meeting with Suzannah and Liza last week, had asked T-Mobile to redesign and propose to box out the antennas similar to Verizon, the other carrier on the building, similar to their box out that was previously approved by

this Board.

So what you see in the new photo sims, is that in each instance there's two -- there's basically on either end or side of the building, the one side there's one existing antenna, and we're proposing to add two antennas in the remote radio head.

And then on the other side of that building there's two antennas on either end, and we're proposing to add two to each of those sectors, with the box out -- boxing out the three, now three proposed per sector all in that one box. So the idea being that the boxes would be similar in size to those existing as possible in order to maintain -- with still maintaining the separation that T-Mobile needs for their antennas to operate properly.

So we tried to make our boxes line up

as close as possible to the dimensions of the Verizon's boxes and kind of streamline everything on the sides of the facade of that building as best as possible.

So I'm happy to answer any questions the Board has. That's sort of basic overview of what we're looking to do here.

STEVEN COHEN: I'm just curious, I guess I wasn't here when the original ones might have been approved years ago. Why can these not be placed on the roof of the building rather than on the side?

ATTORNEY ANNE REYNOLDS: It's too high.

STEVEN COHEN: It's too high?

ATTORNEY ANNE REYNOLDS: Yes, which I know is not a common response from the carriers. It's the way that they work and the plane that they need to be on, they were

too high.

STEVEN COHEN: Somehow I expected that answer.

LOUIS J. BACCI, JR.: I was going to ask the same question.

H. THEODORE COHEN: Yes.

And so as I understand it, the boxes that are already there are not yours?

ATTORNEY ANNE REYNOLDS: Correct. Those are what I believe to be Verizon's antennas and they've been boxed out.

H. THEODORE COHEN: And is there one behind in the back of the building? It's not shown on any of your --

ATTORNEY ANNE REYNOLDS: Not that I'm aware of.

H. THEODORE COHEN: When I went and looked at the building today, it appeared there was a box on the back. That's not

yours?

ATTORNEY ANNE REYNOLDS: That's not ours if there is one, no.

H. THEODORE COHEN: And what is yours for the individual antennas that are on the side of the building?

ATTORNEY ANNE REYNOLDS: Without the box, correct.

H. THEODORE COHEN: Without the box?

ATTORNEY ANNE REYNOLDS: Correct.

LOUIS J. BACCI, JR.: Do you intend on moving those into a box?

ATTORNEY ANNE REYNOLDS: Yes.

So if you look at, and you can actually see better on the plans than on the sims.

LOUIS J. BACCI, JR.: That's where I was headed.

ATTORNEY ANNE REYNOLDS: If you look at -- Z-1 probably shows it best. You'll

see -- it shows sort of what they are proposing to do where they grade out the ones that are existing and they're identified as being relocated within that box. You'll see where there's three antennas in each box, those are the only three. And anything that's shown outside of the box is what's there and will be relocated.

H. THEODORE COHEN: Suzannah, do you have any comments about this?

SUZANNAH BIGOLIN: Yes, thank you.

As Anne explained, we met with her last week and discussed the proposal. The complicating factor is the existing box. So we wanted the applicant to look at how that could be sort of addressed in their proposal or sort of create more order and proportion across the facade. I feel on the southeast facade it's an improvement. It seems a bit

more balanced.

The northwest elevation, in other words, with the three boxes is looking a little unbalanced and cluttered with the three different elements. And a more streamlined approach maybe perhaps coordinating with the Verizon boxes or to create just one volume might be a better outcome. But otherwise the color matches the existing building. It is visually obtrusive because it is halfway up the facade, so I don't know that we can do much about that sort of positioning. And I believe there is a sort of limit to where the antenna can move as well. That's my thoughts.

H. THEODORE COHEN: Is there any reason why all three boxes can't be on one side of the building?

ATTORNEY ANNE REYNOLDS: Yes.

So the -- at least for ours, and I can't speak to Verizon's, but they're particularly located -- you'll see there's even a middle kind of piece of the building that juts out. The antennas need to be facing a particular direction and they have sort of a small range where they need to not, you know, if they were both on one side of that building and the signal needed to be sent towards the back of it, it would potentially hit this box. So they're usually located -- the radio frequency engineers pick the location where they can A, be most aesthetically pleasing as possible but still allow them to operate and function and not -- and so often times they have to be on opposite ends of the building otherwise they're providing service in the same direction and they're losing the third

sector. So that's why they're there. As well as the fact that the existing antennas are in those three locations. And so we were -- we use that same array. Again, the technology often works together and they all need to be facing in similar directions.

H. THEODORE COHEN: Is there a reason, assuming that the other provider was willing to go along with it, that there couldn't simply be one box that encloses both company's antennas?

ATTORNEY ANNE REYNOLDS: I, I mean from a practical standpoint I don't know if that would work in terms of them being able to coordinate having, you know, access and the -- if you had a box encompassing both of those -- first of all, actually, I should say T-Mobile's antennas, you'll note that I believe the Verizon's boxes may have tops and

bottoms that are uncovered. You got the box out this way, but the top and bottom, the sliver would cover the top and bottom of the antennas. On T-Mobile antennas we need to have those open in order for the antennas to function properly. They need particular ventilation for their -- what's that called? Air antennas. And they won't operate properly. And the warranty actually on the antennas would be voided if we don't have open ventilation. So in this particular instance and given the technology the way it works, it would be hard to manage having all the antennas in one box because of how they operate.

H. THEODORE COHEN: And is there any reason why the boxes can't be identical in size to the existing one?

ATTORNEY ANNE REYNOLDS: The -- what

I asked them to do when they proposed this, and so this is what I've been given is the best they can do is the antennas, they have a certain horizontal distance that need to be between them. And so T -- what I asked them to do is basically move them as close together as you can and have them still operate and that's what they've done. And to the extent that they were able to line up sort of one side of the box as closely as possible, which the inside part of it, they tried to do, this is as good as it's going to get in terms of condensing the size. The Verizon's -- the technology is different and the antennas are different sizes, that's why it's not exact. I did ask them to move it as close as possible to streamline those sizes.

LOUIS J. BACCI, JR.: If you put them lower down on the building would they

work? It wouldn't be as obtrusive.

ATTORNEY ANNE REYNOLDS: Well, probably, again, and our RF picks the --

LOUIS J. BACCI, JR.: I got you, that's why, I'm curious.

ATTORNEY ANNE REYNOLDS: To lower it down, you're going to risk hitting other buildings and trees and all sorts of different things. They're going to put them as high as they can get them --

LOUIS J. BACCI, JR.: Without going too high?

ATTORNEY ANNE REYNOLDS: Right.

LOUIS J. BACCI, JR.: Here we go again.

STEVEN COHEN: It -- and if I said, you know, the bare antenna looks better than the big box?

LOUIS J. BACCI, JR.: It does.

THACHER TIFFANY: Yes.

LOUIS J. BACCI, JR.: But I don't know about six of them.

ATTORNEY ANNE REYNOLDS: And that's certainly something we can do and have the low profile mounts that we've done in many instances, but that's up to the Board in terms of --

H. THEODORE COHEN: Do you have photo sims that show them not in a box?

ATTORNEY ANNE REYNOLDS: Yes, that's what was originally filed. We may have one in here.

STEVEN COHEN: It's funny you assume a bare antenna, okay, you see the function, you understand the function, you know, and that's the world we live in. Not wonderful, but live with it. I mean, where is the big box? It looks like, you know, a goiter on

the building.

LOUIS J. BACCI, JR.: The box creates quite a shadow. It really picks up.

And I don't know if this is a good answer, but is there any way they could have incorporated this into those shafts? The stairwells? You know, they're already bump outs, I'm curious.

ATTORNEY ANNE REYNOLDS: Inside the building you mean?

LOUIS J. BACCI, JR.: Not in. On that face, you know, smaller enclosure, you know?

ATTORNEY ANNE REYNOLDS: Well, part of the problem is probably, again, not hitting the -- the signal not hitting that bump out and --

LOUIS J. BACCI, JR.: Well, putting it on the face.

ATTORNEY ANNE REYNOLDS: Putting it on the face of that bump out?

LOUIS J. BACCI, JR.: I don't know if it's better or worse.

ATTORNEY ANNE REYNOLDS: My guess, they're going to lose -- the sectors are in a sense going out -- if you put them all in the middle, they're going to have a hard time -- honestly, I don't know if they've looked at that for the option and they had the existing antenna on the side. But they probably could -- they have to be all in the same array. So to put them sort of one on top of each other would --

LOUIS J. BACCI, JR.: Well, you have a couple of competing, I don't know who gets the low one and who gets the high one.

ATTORNEY ANNE REYNOLDS: With Verizon you mean as well? They would both

need to stay on the same line with that, and six antennas are not going to fit across that.

I can show you this is what was originally submitted.

H. THEODORE COHEN: I'm told we didn't approve the boxes?

STEVEN COHEN: Oh, we didn't?

H. THEODORE COHEN: No, that apparently came out of the BZA. And Tom's not here to defend the BZA.

STEVEN COHEN: We never spent so much time to exactly how much lipstick to put on the pig.

ATTORNEY ANNE REYNOLDS: Here are two sets of the photo sims that were originally submitted that show either side and the antennas by themselves. Once again, it's a design that we can do if that's

preferred.

HUGH RUSSELL: I mean, the first mistake was building the building in the first place. It's peoples' homes now. We don't take homes away from people.

I mean, if we gave Picasso this problem, he could do something with it.

LOUIS J. BACCI, JR.: It could be a lot of camouflage.

STEVEN COHEN: And make a virtual --

LOUIS J. BACCI, JR.: Into a balcony.

HUGH RUSSELL: I'm inclined to leave this to the Zoning Board.

H. THEODORE COHEN: I am inclined, too. I can't say --

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: Seeing the individual ones, the boxes look preferable.

But the boxes are certainly not a great solution. So perhaps we'll leave this -- if the ZBA opted for the boxes last time, why don't we leave it up to them to decide what they want to do with this.

ATTORNEY ANNE REYNOLDS: Okay.

HUGH RUSSELL: Thank you for coming and talking to us.

ATTORNEY ANNE REYNOLDS: Thank you.

H. THEODORE COHEN: And the next matter is 245 First Street which is a Variance to convert a portion of the parking facility and technical offices.
Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman, Members of the Board. For the record, James Rafferty. I'm appearing this evening on behalf of Jamestown. Dana Griffin is the regional vice

president of Jamestown is here. They are the owner of this office building which some of you may recognize. It is a very early PUD Special Permit. PB case No. 31 from 1983. Like most of you, I was in elementary school at the time, but nonetheless this is the building that while it carries a First Street address, really spans the length of Ames Street.

As you recall it, the front building known for years as the Carter's, Inc. building. The atrium that links the two. And then there's this building that reflects, frankly, perhaps 1983 thinking around auto usage and the like. So if you look carefully at the image I provided you, it's one of those trick photos, what's different about the one on the left from the one on the right? Well, the difference is the one on

the right at the eighth or ninth floor has glass inserted in the square openings of the building. Today those square openings represent the top floor of the parking garage. It's almost as if the designer of the building anticipated this move some day, because the balance you'll see of the parking garage has sloped openings consistent with the slopes of the ramp. So as the building is full and the parking exceeds the demand significantly. So what the owner of the building would like to do is to remove 16 -- remove the remaining 16 spaces from that garage and convert about 12,000 square feet of that floor to office space. The building, when it was approved for its PUD Special Permit, maximized its GFA. So were that not the case, we would probably be here with a Major or a Minor Amendment to the PUD Special

Permit. But because we -- we're adding GFA of 12,035 square feet, this is a Variance so we need to go to the BZA to obtain a Variance.

I'd asked Ms. Paden for an opportunity to address the Board on this because given it is a Planning Board PUD, it's had a few amendments over the years, but I think frankly the BZA could benefit from the thinking of the Planning Board on this issue. In some ways the Planning Board does not get -- excuse me, the Zoning Board does not get, you know, regular information sharing around the City's traffic and parking policies the way this Board does. So I think it's likely for BZA members to question whether reducing this by 16 spaces is a good idea, and I've asked the Traffic Department if they would weigh in. But I think this

Board is familiar with the changes that have occurred in the city's transportation policies and in the parking demands in Eastern Cambridge, so I was hoping that the Board might be willing to share its thinking on that concept as well as any other thoughts it might have on the variance.

Happy to answer any questions you might have.

H. THEODORE COHEN: Currently how many parking spots are there?

ATTORNEY JAMES RAFFERTY: 335. We would reduce it to 319.

STEVEN COHEN: Square footage of the building?

ATTORNEY JAMES RAFFERTY: The square footage of the building is 256,000 square feet.

STEVEN COHEN: Of office space?

ATTORNEY JAMES RAFFERTY: Yes, technical RFD. Yes, office.

H. THEODORE COHEN: And the current, I don't know whether you know or, Jeff, maybe you know, the current percentage of spaces to the square footage?

STEVEN COHEN: This looks like 1.5 per thousand or so.

ATTORNEY JAMES RAFFERTY: That's right. It's in that range.

JEFF ROBERTS: Yes, generally in projects that we see around Kendall Square like those that are subject to PTDM requirements or that we looked at in the Kendall Square study, which includes this area, recommended a maximum ratio of 0.9 space per thousand square feet of office and 0.8 spaces per thousand square feet of lab.

ATTORNEY JAMES RAFFERTY: Stated

differently, if a developer came in today and wanted to build a building of this size, he would not be permitted to construct this many parking spaces given the city's transportation policies. The changes in the K2 recommendations and what we've seen in the Alexandria PUD District a block from here, as well as other Kendall Square parking ratios, it's in the 0.9 to 0.8 range. So this particular PUD has an exceptionally low requirement -- the actual requirement which is, you might remember, is 158 spaces. That's perhaps extreme in the other direction. But that is, that is for whatever reason the way the PUD parking requirements in this particular PUD district lay out. But it is PUD-3 but it, as I said, it is by current standards, by city policy, and by zoning requirements the building is

oversupplied for parking and it seems like a very logical use of space that currently is just going unused with minimal impact on the facade. And to the extent there's any, I would suggest it could be seen as an improvement.

LOUIS J. BACCI, JR.: Do you know how many vacant spots are in there on average a day?

ATTORNEY JAMES RAFFERTY: I don't know if Mr. Griffin is familiar, but I believe the utilization is low. I mean, what's there is -- but I don't have a percentage sense of it.

DANA GRIFFIN: I don't have it. We think it's in the 30 to 40 range spaces that aren't used.

STEVEN COHEN: Are spaces rented out to other office users in the area or to

residents or anything like that?

ATTORNEY JAMES RAFFERTY: I don't know that we know the answer to that.

DANA GRIFFIN: Right.

HUGH RUSSELL: Probably not in the permit to do that.

ATTORNEY JAMES RAFFERTY: What a very perceptive comment. That's why I was signalling to Mr. Griffin that it's best he not answer that question on the record. So, once again, Mr. Russell has -- I would be willing to guess that's considered accessory parking for occupants in the building. And I think we should perhaps leave it at that time.

JEFF ROBERTS: I actually, to add to that, just to remind some of the board members that the Board actually saw this PUD for a Minor Amendment, I think it was last

year or maybe two years ago, and the Minor Amendment stipulated that this parking serves not just the building, not just the technical office above it, but also the office building that's adjacent which was, it was a rehab project, a conversion of an industrial building into office. And so the parking serves both of those buildings. I'm not sure if that was included in the total that you gave.

ATTORNEY JAMES RAFFERTY: It is. The last time the Board saw this, it was an amendment to -- well, there were two amendments in recent time:

One was to change from office to technical office.

And the other amendment was to actually allow for a subdivision from the front building to the back building.

The parking here also served what was a popular restaurant. You may recall Michela's Restaurant, it was one of the chef prominent owner restaurants Michela Larson was the thinking. Man, they were very cutting edge and that was back when fashions were different and hair was longer and things like that. But the restaurant is gone. There's a little bit of a coffee stand there, but it doesn't even generate on the weekends or evenings the type of activity that the building did back in the day.

STEVEN COHEN: So, Jim -- sorry.

H. THEODORE COHEN: I was just going to say, Jeff, has Traffic and Parking reviewed this and issued any comments?

JEFF ROBERTS: Not to us, but I don't know if they've talked to you.

ATTORNEY JAMES RAFFERTY: I've had a

conversation and I'm asking that they comment to the BZA. I just know from the brief conversation in my experience with parking issues in general, that this parking supply is noted by Mr. Roberts probably exceeds in the 50 percent range, so I don't think it would be too speculative to say that this would not be seen as problematic. In fact, I wouldn't want to speak for Traffic, but I suspect that given the square footage of the complex and the parking supply, that this would be viewed as oversupplied significantly.

STEVEN COHEN: Just to clarify. When you said 256,000 feet, did that include the second building as well.

ATTORNEY JAMES RAFFERTY: Yes, both buildings. Front building and the back building. It's a single PUD. So that's

about -- and as Mr. Roberts noted, it's a single parking structure. So it's, it's back before the days when structured parking above grade was not included in gross floor area. So you see a lot of bulk and mass there that we thankfully don't see in buildings constructed after 200, but there's no GFA for that garage.

H. THEODORE COHEN: Well, I don't know what others think, but it seems to me that given the oversupply of parking, that this is a sensible alteration and I would suggest we make a recommendation to the ZBA that subject to comments from Traffic and Parking, that we would recommend that this be allowed in part to bring down the parking which is far in excess of the maximum that we've been going for today.

STEVEN COHEN: And I guess I would

just suggest adding to that, you know, per Jim's request, if we could make some reference, you know, to the change in the city's parking policy and have this sort of reduction would be very much consistent with the new approach to the parking policy, that that might be helpful.

HUGH RUSSELL: And also that it's a policy that actually works.

ATTORNEY JAMES RAFFERTY: Right.

STEVEN COHEN: Yes, right.

H. THEODORE COHEN: As do all our policies.

ATTORNEY JAMES RAFFERTY: In some ways it's a reflection of the success of TDM and other measures that are continually focussed on trying to reduce the auto supply here. So, I mean the auto transportation modes. So as I said, if this building were

being built today, no one could come in -- I think even on the development side would come in and look for this parking, because frankly the demand isn't there and the city's transportation policies and constraining of parking supplies also. As we know, its proximity to Kendall and the high transit and bike usage in the area. And I just think in fairness, I talk about this from time to time, this Board gets to see a lot of studies to that effect. You see TISs, you hear from the Traffic Department. I have to say that the BZA is at somewhat of a disadvantage, they don't get that level of information sharing and it's helpful. I tell them that and they don't want to believe me for some reason.

HUGH RUSSELL: Right. And I kind of think as Sue Clippinger would look at this

and say well, let's see how can we get another couple hundred parking spaces out of it?

ATTORNEY JAMES RAFFERTY: Why are you stopping at one forward.

HUGH RUSSELL: And is there a way to take a different, you know, to spread that parking over some adjacent area to so that the total supply of parking remains at the desired ratio? You know, would she want you to as a condition of the variance undertake a PTDM process to try to talk more people out of cars with the result that at some future time you might be able to convert more space to a higher use?

ATTORNEY JAMES RAFFERTY: I'm going to treat that as rhetorical. But I understand the sentiment.

H. THEODORE COHEN: Any other

comments?

Jeff, are you all set?

JEFF ROBERTS: I think it's fine,
thanks.

H. THEODORE COHEN: Great, thank
you.

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

H. THEODORE COHEN: And then the
third case is BZA No. 6360, 154 Pleasant
Street, with a variance to demolish the rear
portion of the dwelling and construction of
an addition in the setback.

Is there anyone who is going to speak
about that?

JEFF ROBERTS: I don't believe
anyone is here to speak about it unless they
put their hand up now.

HUGH RUSSELL: Do you have the

plans?

JEFF ROBERTS: Did the Board receive the plans? I think it was sent in an e-mail to the members from Liza from last week.

H. THEODORE COHEN: I haven't seen anything.

JEFF ROBERTS: I looked at an e-mail from Liza last week just before the meeting and this is a -- it's a townhouse which is -- has a zero lot line on both sides. It's a small lot. A house that is -- that has a, I think, a screened in porch on -- coming off of the back of it. And the proposal is to square off the back end of the building in order to create an enclosed area. And I believe the violation is that it -- because it's zero lot line, it doesn't, it doesn't meet the side yard setbacks and possibly the rear yard setback requirements. So the case

that's being made is for a variance owing to the shape of the and the unusual condition of the lot.

I can try to bring up the plans. I wasn't aware that the Board didn't get those.

STEVEN COHEN: I would defer to the BZA.

SUZANNAH BIGOLIN: Here's a set. It's missing a bit.

JEFF ROBERTS: I apologize, we do have a set.

(Looking over plans.)

HUGH RUSSELL: It's all happening in the back and it's surrounded by other houses. It's a big lot.

So I would say it does not present obvious planning principle questions and, therefore, we can leave it --

H. THEODORE COHEN: Leave it to the

ZBA.

STEVEN COHEN: Suzannah, do you want it back?

H. THEODORE COHEN: Okay. Then we will move on to our only hearing for this evening, which is a request by Chestnut Hill Realty to amend the Zoning Ordinance for the City of Cambridge, Section 20.600 relating to the Basement Housing Overlay District.

Is there someone who is speaking on that?

MATTHEW ZUKER: Yes. Good evening, Mr. Chair and Planning Board Members and the public. For the record, Matthew Zuker from Chestnut Hill Realty.

JOHN HAWKINSON: Is the mic on?

MATTHEW ZUKER: Yep. No? Maybe it's not. Maybe it's turned off.

H. THEODORE COHEN: Push the button

on the mic.

MATTHEW ZUKER: We're here before you tonight to address and clarify an inconsistency that came up with the current Basement Apartment Overlay District By-law. I'll give a brief quick history, an update, and kind of address the situation in how we are dealing with it.

In December 2011 the City Council approved the Basement Housing -- Basement Apartment Overlay District. The purpose being that many basements in older buildings contain underutilized space with high ceiling, large windows, and they were often more above grade than not. These spaces could make great living space as evidenced by the existing basement apartments in the same buildings. There was an opportunity to create moderately priced and affordable

apartments in these units without creating new structures. To qualify for this basement apartment district, the buildings must have been built before 1930, contain 30 or more units, and already have one existing basement apartment.

In April 2013 we received a Special Permit from this Board to construct five new basement apartments at 19-21 Wendell Street. Just this month the units are finally being completed and getting ready to be leased. They all have a -- the building itself underwent a rigorous stormwater and wastewater management program. I have some pictures I'll show you in a second of those units. They came out great.

We met with the Housing Authority and there's many Cambridge residents lined up for the affordable unit that's in this building.

Again, even though none of the buildings proposed had more than ten that triggered affordable, part of the by-law that any of the buildings in this Overlay District had to create at least one affordable unit.

Just last year in June we received a Special Permit for 19-21 Langdon Street for five additional basement apartments in that building. During the summer we went through the permitting phase in getting all the sign-offs for the departments and we were at the final step with the Building Department and an inconsistency in the by-law was brought up by the Building Department.

We had many meetings with all the relevant departments, and in January of this year the City Solicitor determined the best way to deal with this issue was to revise the Basement Apartment Overlay District to bring

the language more in line with the intent when it was passed.

We met with ISD, with CDD, with the Legal Department to discuss the actual language that needed to be changed to accomplish this, and the new language that was suggested has been looked at and approved by ISD, CDD, and the Legal Department. So the inconsistency resulted from the fact that there were, as there was an Overlay District that included 13 buildings on the map, that when this was passed, prepared by CDD, that shows 13 potential buildings that met the criteria for the apartment -- Basement Apartment Overlay District and that fell in that overlay. What happened was over half of these buildings, while they're in the Overlay District, their base underlying district of the actual building is in two different

zones. It was clearly the intention when this was passed, that all 13 of the buildings in the Overlay District, that if they met the criterion and came in and got the Special Permit and had the potential to receive such a Special Permit under the basement apartment Overlay District, again, it's important to know the by-law revision does not increase the number of buildings that could qualify for this Special Permit, it simply clarifies an inconsistency in the language.

Again, our purpose tonight is there's a couple points that are being proposed to revise the by-law so that this inconsistency of buildings being in two zones, although the property itself falls in the Overlay District, further it allows a Special Permit previously granted by the Board to move forward and provides clarity for future

applications.

Just to show you some pictures we have of the units at Wendell Street. They really came out great. These -- it took over a year to build. It was not an easy build moving around utilities and creating the space. And you can see creating all the natural light with the doors we have and the large windows, and they came out great and we're excited.

MARGARET MURPHY: And the affordable and market rate, they're all the same. Same finish and same everything.

MATTHEW ZUKER: Same finishes, they've been inspected by housing so we're at the point with that one. And we hadn't started -- Langdon Street hasn't started so we can clarify this.

What happens is the Zoning By-law dissects a corner of some of those units.

And although we thought the by-law covered that situation, it was determined the best way to provide clarity for this was to change, modify some of the language in the by-law.

H. THEODORE COHEN: Jeff, do you have any comments?

JEFF ROBERTS: Not really. This is -- we've submitted a very brief memo that essentially describes what was just described. This was an issue that did not come up when these projects came before the Planning Board for the Special Permit review. It did come up when they were brought to Inspectional Services for the Building Permit. So the determination was made in order to move forward, the text of the Zoning Ordinance needs to be clarified to assure that buildings that were wholly or partially

within those resident C, C-1, C-2, C-3 and all the various subcategories within those, would be eligible for that Special Permit.

H. THEODORE COHEN: So have the numbers changed from what we thought was going to be the case in 2011 to what would be allowed under this amendment?

JEFF ROBERTS: No, it's our belief that the -- so the map that we provided is the same map that we provided when we were first studying the zoning. We looked at it again and found that it did not expand the number of buildings that would be eligible. It would be the same.

H. THEODORE COHEN: So at all times we were talking about 13 buildings and this proposed district and probably 25 buildings citywide?

JEFF ROBERTS: Yes, that was the

number. And it's the, it's the same concept. Those buildings are -- many of those buildings as were pointed out by the petitioner are in split zoning districts. Some of them have very small portions of the lot that break into other Zoning Districts and that's very typical in this area where the zoning boundaries often don't match up with the parcel lines or the building footprints.

H. THEODORE COHEN: Okay.

STEVEN COHEN: Jeff, forgive me, I guess I'm not intimately familiar with this. If the entire building is in the Basement Housing Overlay District, what's the difference if portions of the building are in different underlying base district?

JEFF ROBERTS: Yes, it's one of the -- so the Basement Housing Overlay

District does include all of these properties. And within the Overlay District there are a set of qualifying requirements that a building must meet in order to be eligible to get the Special Permit. And one of them is being located in one of the C, C-1 or C-2 or C-3 variety of districts. It was simply a way to limit the scope of the -- of what would be or to further -- really define the scope of what would be included within the set of eligible buildings.

STEVEN COHEN: So are we saying that portion of this building is in a base district which wasn't one of those specified districts?

JEFF ROBERTS: That's correct.

So the case -- the actual case that brought this issue up was one where the building, the project was approved by the

Planning Board but a small, not the majority of the building, but a small portion of the building is split and is contained in the Residence B District rather than the Residence C-2 District I think.

STEVEN COHEN: I see.

JEFF ROBERTS: So that's, that was what prompted the issue.

STEVEN COHEN: Gotcha.

H. THEODORE COHEN: And, Jeff, not intending to challenge anything that was said, but just asking, do you concur or is it accurate that the Law Department has reviewed this language and has approved it in a sense that it conceptually does what it was intended to be done?

JEFF ROBERTS: Right. I would say I reviewed it and the Law Department has reviewed it, and we didn't have any concerns

about the way that, the way it was being framed. And I believe that it, that the way it's being written meets the intent of what it's supposed to do, which is to clarify that in these circumstances where a portion of the building may fall outside of that, that main zoning district, that the, that building is still eligible to receive that Special Permit.

H. THEODORE COHEN: Okay.

One question I had following up on that, where the proposed language says notwithstanding in which any part of the structure is located, is it possible for a percentage on that, that, you know, say something like in which no more than 50 percent of the building or, that's just an arbitrary figure or is that getting us into a dangerous territory again?

JEFF ROBERTS: It's possible to do it that way, but I don't think it makes any practical difference.

H. THEODORE COHEN: Okay.

Should we go to public hearing?

Was there a sign-up sheet?

JEFF ROBERTS: There's one name on the sign-up sheet. And if anyone else is going to speak who didn't sign up, you can talk to me after the hearing and I'll make sure your name is on the list so you're notified of future hearings.

H. THEODORE COHEN: Right.

So, when your name is called, please come forward and testify. We ask that you limit your remarks to three minutes. And it's been indicated we have already had many hearings about the concept of basement apartments and I don't want to limit anything

you say. There's not much point in arguing, you know, whether there should be basement apartments or not. We're just focusing on whether this amendment makes sense to change some of the terms in the ordinance.

Alex Steinberg.

HUGH RUSSELL: Steinberg.

ALEX STEINBERG: I had had some comments to make but it's disqualified from what you said now. It was about the support basically of the concept and the question is is there the Community Development Department itself pushing other things.

H. THEODORE COHEN: If you want to come up.

ALEX STEINBERG: So I won't say anything.

H. THEODORE COHEN: Okay.

CHARLES TEAGUE: Hello. Charles

Teague, 23 Edmunds Street.

I have some concerns and a lot of -- and some of them are process conceptual concerns about the way we mend the Zoning Ordinance. And as former Chairman Russell and our current Chairman know, here and have gotten zoning amendments ordained. So for instance, just to go off on a slightly different approach, I'm not -- I don't pretend to be an expert on climate change. What I did do is I attended lectures by and personally met the two Harvard professors, Doctor Daniel Schrag (phonetic) and Doctor Jack Spaniol (phonetic) who was on the advisory panel of the city's vulnerability assessment. Both of them reported that the climate change and its effects are far worse than projected even just a few years ago.

In other words, far worse than when

this amendment was passed. So, my concern is -- and then I also attended the climate vulnerability assessment reporting session where our DPW Commissioner Owen O'Riordan reported that the DPW installs the largest possible pipes that will fit in the streets and largest possible storage underneath the open space, but all the work they've done is not enough for the climate that we already have today. So on going directly into the existing ordinance is the mitigation in the original amendment it's inadequate because this building, it separates the stormwater from the wastewater coming out of the building but it goes into the combined sewer and it does nothing to address the problem that we have. So, I submit that for this and any other Zoning Amendment if we're proposing mitigation. The mitigation should actually

have value as a general concept and in particular here. So part of it has nothing to do with this project.

And then the -- my other concern is we have this piecemeal erosion of the protection of residential neighborhoods so we have embedded in the Zoning Ordinance almost hidden protections on residential districts where you have to within 50 feet the boundary you have to have the same height. And then one of my favorite as you -- as some of you know all too well is that there's special protections for Residents A, B, and C on C-1 for light pollution. And on the boundaries is where we have the problems with light pollution. So this is, this is one of the major problems is conceptual and once again where everybody in the city doesn't know about the fact that they will be affected by

a change in the Zoning Ordinance because we don't have the notification process that we do on, on a variance or a Special Permit. So once -- so there's two parts. One is -- one's conceptual. So, you know if we are going to change the two -- the one and two family districts, we should bundle up all the changes and we should tell everybody about it and everybody come down so that they all understand what the city's policy is and how we're changing the density and how we're reducing parking which was discussed earlier tonight. Because most people don't know the city's thinking. So --

H. THEODORE COHEN: If you could wrap up your comments?

CHARLES TEAGUE: Yeah.

And to me this was always spot zoning. It's 13 individual properties and now it's

down to who knows. It's seven or something like that. So, I always thought there should be -- it's a good case, it should just go in for a variance. And I don't know whether you got my e-mail.

H. THEODORE COHEN: We have received your e-mail.

CHARLES TEAGUE: So I recommended some amendments to the amendment.

H. THEODORE COHEN: We have received it. Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing. Then Board Members, do you have any comments?

I guess I will start. We've had many discussions about basement apartments and certainly the Board earlier iterations felt

that basement apartments were a good idea and that there was sufficient safeguards built into it in determining what apartments could be created, where they could be created.

Certainly Langdon Street is one of the units, one of the buildings that I know I looked at with other Planning Board members when we were discussing the concept of basement apartments and it certainly was one that we discussed when we granted a Special Permit.

So I certainly have no objection to the basement apartments being located in this unit and it seems to me that this amendment of clarifies what was intended, what buildings were intended to have the possibility of having basement apartments and where it's been reviewed by CDD and the Legal Department, I would be happy to make a recommendation to City Council that it be

approved.

I am aware of, you know, the comments that previous speakers made about the sanitary code and I will point out that Section 20.640 relating to the conditions of a Special Permit provides for full separation between stormwater and sanitary sewer lines and that section also provides that Commissioner of Inspectional Services can put any other conditions that has felt necessary on the development of the units.

Any other comments?

HUGH RUSSELL: Well, I was in particularly interested in the attachment to Mr. Teague's letter about the required maintenance needed for the sewer back water valves. And I recommend that reading to Chestnut Hill who probably are familiar with those requirements, but I don't feel that

it's necessary to put that into the language of the Ordinance. There are many things that you have to do if you own property, you keep it safe and habitable, this is just one of them.

And, you know, this is a technical amendment, we all look at and say, well, why didn't we think of that in 2010 and 2011 and 2013? I was just trying to look on the map, you know, I was able to find six of those buildings that appear to have a lot line trespass across into another district. So its hindsight is much clearer sometimes than foresight. I think the principle is that we think this is a good idea to have this kind of housing, that -- and, therefore, we should support a technical amendment that corrects an oversight in the original language.

H. THEODORE COHEN: Any other

comments?

Would somebody like to make a motion?

HUGH RUSSELL: Sure.

I would move that we recommend to the council that they approve this amendment on the ground that I just stated in my remarks.

H. THEODORE COHEN: Is there a second?

STEVEN COHEN: Second.

H. THEODORE COHEN: All those -- any further discussion?

(No Response.)

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Five, zero.

There is no other matter coming before this Board this evening. So five after eight, thank you all for coming, we are

adjourned.

(Whereupon, at 8:05 p.m., the
Planning Board Adjourned.)

* * * * *

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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 15th day of May, 2015.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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