

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, March 8, 2016

7:05 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

H. Theodore Cohen, Chair

Catherine Preston Connolly, Vice Chair

Hugh Russell, Member

Steven Cohen, Member

Louis J. Bacci, Jr., Member

Mary Flynn, Member

Thacher Tiffany, Associate Member

Community Development Staff:

Liza Paden

Jeff Roberts

Stuart Dash

Swaathi Joseph

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H. THEODORE COHEN: Welcome to the March 8th meeting of the Planning Board.

Jeff, are you doing the update this evening?

JEFF ROBERTS: Yes, I'll do it.

H. THEODORE COHEN: We'll start with the update for the Community Development Department.

JEFF ROBERTS: That honor falls to me. Just quickly, upcoming Planning Board meetings we have scheduled March 15th and March 22nd.

On March 15th we have a hearing on a proposal for a development at 95 Fawcett Street. That's up in the Alewife area. And we have that as followed by a hearing on a zoning petition, a resident zoning petition organized by a group Sage Cannabis, Incorporated, to expand the

medical marijuana overlay districts. Those will happen March 15th.

March 22nd, the only item of business we currently have scheduled is a continuation of discussion of Board rules and regulations. And we should have that out -- there were some revisions from the last Planning Board discussion, we should have those out fairly soon. And we'll distribute those so that the Board can review those changes on March 22nd.

On March 24th, there's an Ordinance Committee hearing on that Sage Cannabis zoning petition. So I thought I would point that out if anybody wanted to tune in. Again March 24th.

And then there's sort of a break in Planning Board meetings in terms of having hearings or other business scheduled, and Liza had proposed that we devote the April 5th meeting

date to a Planning Board walking tour, which is something that we like to do occasionally with the Board when the weather gets a little nicer, look at some projects that the Planning Board has reviewed and approved and that are, and are now completed or nearly completed. So we're hoping to do that April 5th.

Aside from that, they're shifting to other planning stuff. There will be some workshops on the Envision Cambridge process which I'm going to have to get used to saying. That's the name for the citywide planning initiative, and there will be some workshops taking place on Thursday, March 24th, six to eight p.m. at the Kennedy Longfellow School, and then another one Thursday, March 31st, six to eight p.m. at the Tobin School. And then another workshop Saturday, April 2nd, one-thirty to three-thirty

p.m. at the Citywide Senior Center in Central Square. Those are public workshops. There is a survey on-line for people to make suggestions for topics to be discussed, and we hope to get a lot of people there.

So that's the update for now.

H. THEODORE COHEN: Thank you.

And, Liza, any transcripts that have been approved?

LIZA PADEN: Yes, we have the January 26th which is submitted and certified.

H. THEODORE COHEN: Do we have a motion to accept that?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Second?

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands).

H. THEODORE COHEN: Thank you.

All right. We will now go to a hearing on a petition by Peter Cohen, et al, to amend the Zoning Ordinance by creating a new Section 10.60 placing restrictions on the construction of new garage -- garages and dimensionally non-conforming lots in Residence B Districts.

For the record, I will say that neither Steven Cohen nor I have any knowledge of being related to Peter Cohen.

While we're waiting could I remind board members and members of the public to silence their cellphones.

PETER COHEN: Good evening, members of the Planning Board. Peter Cohen speaking here of 11 Donnell Street. My wife Melissa Cohen also of Donnell Street. We're glad to have the opportunity to speak to you about this. I have

-- for the record, I wanted to point out a couple of things. I agree with the point of non-relation with the board members as far as I know.

In terms of items that are going into the record, you should have from me a proposed amendment with annotation and commentary which I put -- I submitted and it contains comments that attempt to be responsive to remarks made by Jeff Roberts and his memo and also that were raised in the City Council meeting.

HUGH RUSSELL: I don't think I have it. I've seen it, but I don't have a hard copy of it.

MARY FLYNN: I don't either. That was sent today.

JOHN HAWKINSON: Mr. Chair, there is a stack of them here. The proposed amendment.

THACHER TIFFANY: We have the amendment,

we don't have the --

JOHN HAWKINSON: Perhaps not.

PETER COHEN: I understood that they may have been circulated.

MARY FLYNN: Well, it didn't get distributed by e-mail. I just didn't get a chance to --

PETER COHEN: I take full responsibility for the lateness of the submission.

JOHN HAWKINSON: March 8th? Is this the annotation?

PETER COHEN: That's actually, that's the next item. But that's also --

MARY FLYNN: He tried.

PETER COHEN: Yeah.

So whether or not you've actually received or had a chance to examine it, I have tried to annotate my own proposal to make it more

transparent and maybe it will be worthwhile going through that a little bit.

I also submitted a much later five-page statement which if we had all the time in the world, I would read every word. I'm going to spare you that and just submit into the record and just cover a few of the key concepts:

So let me go to my statement. What you should understand about this petition is that it may seem a little strange because so much of it seems to relate closely to the Planning Board case that you already considered just a few weeks ago relating to the Special Permit application for Nine Donnell Street, and it does relate to that property in part, but it's really intended to capture a bigger problem that I foresee coming up again in -- more and more in the coming years. And my -- I'm the kind of person who when he goes

to the supermarket, if they've mislabeled something and you get to the check out and they say oh, I'm sorry, we'll give it to you or change the price. And I say will you please go back and make sure that it's fixed everywhere else so that the 100 people coming behind me are also going to see the wrong stuff aren't misled. I tend to view these in a systemic way. I feel the Planning Board when working properly, ought to be anticipating problems that come up even if they don't come up that frequently.

This, I would agree that if -- well, first of all, I'd say that as somebody who ultimately supported the Planning Board petition for the developers at Nine Donnell to develop two separate structures with underground parking were very much helpful they would go forward with that and complete it. That if that happens, then this

zoning petition would become moot as to that property, but what I believe is that there are other generally similar properties in Cambridge which will start to pop up with increasing frequency if they have all the attributes that make this one somewhat problematic. It seems to me that in the past, the Zoning Code didn't have to tell you what seems obvious to most people, which is all things being equal, you don't put garages right at the front of the property as your most prominent feature no matter how nice of a garage it is. Sometimes people have structures where there's a garage element together with it and that's fine, but in a very narrow lot, you may be forced -- especially where there's going to be one -- more than one parking place in the garage and more than one dwelling unit, you may be forced to make a choice between a parking

garage or a house. And I think it's entirely appropriate for the Zoning Code to reflect the kind of consensus in the community, and thus far I think the Zoning Code hasn't had to address this head on because most of the time it's sort of common sense. But what's happening now is that there's a relentless development pressure to capture all possible FAR development potential and so that there's gonna be more situations similar to the one at Nine Donnell where you have a relatively big lot, very narrow width, and small amount of structure so that somebody can come along and say hey, this would be a great place to double the amount of, you know, built home and in the process we'll have to demolish what's there and build something new and it will be better, etcetera, etcetera. And maybe it will be better. What I'm concerned about to the

extent, to the extent that we are talking about Nine Donnell Street, I'm concerned that something that was raised by the Board at the hearing in January could come to pass where they say okay, thank you for the -- thank you for the permission to do that what we asked, but now it turns out upon further investigation, it's going to be too expensive. To do underground parking is just not economic and it will bankrupt us. So it's with a heavy heart we're going to abandon that and go back to what we could do as of right. Now, there is -- it's always good to have some version of as of right, the question is how much latitude should it have. Based on the reaction of many of the neighbors who surround -- that live through this particular process, the idea of a garage as the leading feature is just extremely off-putting, and I tend to agree with that. And

although I'm kind of leading the charge here, I really am speaking for a number of people in the neighborhood, some of whom are much more directly affected than we are. I think if it comes down to a tough choice, it would be, the very unusual developer who says, gee, I can -- if it's more profitable to build something that is less appealing, that's what I'm going to do. Or no, I'm not going to do it because it's -- so, I think that if we, if we are faced with a situation whether on this property or on others where they want to build something that has a garage element as the leading fix, then it shouldn't be as of right, it really should require a Special Permit and it should require the scrutiny of a body such as yours where you have the learning and expertise to ask the hard questions, and where the burden of persuasion

would rest upon the proponent.

Now, I can absolutely believe that there might be some instances where it might be that the best possible outcome is to have a garage in there, but I think most of the time that's not gonna be true and I'd rather have the Planning Board look at it and ask the hard questions and give its advice than just leave it to the whims of a developer and some other parties who have something to say about it.

So in a sense it's economics and the unusual size, narrowness of the lots which is sort of the key driving concern here. In general I'm very hesitant to monkey with the Zoning Code because of among other things the law of unintended consequences, also a fair amount of personal freedom of choices is always -- is always good up to a point. So philosophically,

you know, I came to this late. We were -- we had talked to the developer in this case for almost a year before the idea of mending the Zoning Code even came up. But once you see a need, it's good to act before the horses are out of the preverbal barn door and it's too late.

I know on Appleton Street three years after we moved into Donnell Street, there was some rear yard townhouse development which drove a bunch of the people there crazy and they got very, very mad and they said hell no, we're not gonna take it, and they amended the Zoning Code but it was actually too late. And that's the zoning that we are living with now here on Donnell Street. In fact, there's a kind of paradox where actually to do the better project that the developers of Nine Donnell have asked to do, they need -- they need to come and ask your

consent, whereas they could have done something much uglier by right. Somehow that seems crazy.

H. THEODORE COHEN: Mr. Cohen, could you try to focus your presentation on what you're proposing, what this petition proposes, and the impact it would have on the Zoning Ordinance?

PETER COHEN: So, coming to the actual Ordinance itself we list about five different criteria for coverage. First of all, it has to be 50 feet or less, it has to be a narrow lot.

Secondly, there has to be an existing two-family or more structure that is going to be demolished.

Thirdly, there has to be an existing garage which will also be demolished.

So already when you say well, these are three filters, you're gonna take, you're gonna take the 4,000 structures in Residence B and

reduce the number of lot. But the key thing is actually the last one which is actually where there's a lot of development potential to unlock where you're gonna, you know, greatly increase the number of -- the FAR that's gonna be built.

Now, you might ask why, why all these complicated filters? One reason is because I don't think it's appropriate to make every person who owns property in Cambridge to have to think about does this affect them if they have a conforming lot, or if they have a single-family house where the issues are much less likely to come up, or they have an existing garage -- sorry, they've never had a garage, they don't have a garage. Part -- one of the issues here is to encourage adaptive reuse of not one of the structures, but also -- certain housing structures but also the garage structures. And

then also I didn't mention, but there's a 50-year rule. It's got to affect properties that are at least 50-years-old and that's co-terminus with the Historical Commission. And as you know, they already take a good look at everything there, and this would be, this would follow that.

Now, the -- in terms of why is this, why this relevant to us? I would say that, you know, we have lived on this street 22 years and you can see that most of the houses that are there are -- have a street presence where you can see the people coming and going. By the way, one of the things that Jeff mentioned was the effect of this on I think townhouses. It's not the intention to, you know, prohibit or interfere with townhouses which often do have a garage element in it. And this example that I've shown here, this is on Orchard Street and, you know, I think

this is perfectly reasonable kind of outcome where you have a garage as kind of ancillary part of the overall structure, but it's not the -- it's not the main thing that you're looking at. It's a reasonable compromise. And sometimes people are building new like that, and sometimes they're building oddly resisting things. But this is from the by-right proposal for Nine Donnell. Here the structure you see, you're really just looking at two garage bays. Now you're walking around Cambridge and looking at what people have for garages, and even the most expensive houses, Brattle Street that have garage doors, they're still garage doors. You can only dress them up so much. But this is actually where it -- if a proposal that involves something like this were before you, you might say, well, you know, could you have it have really nice

looking garage doors, you know? I think that the sort of qualitative aspects of what you do in being able to improve products is important.

So, now if I can figure out how to do this, I was going to show you some other slides as well.

For some reason this is a dim view. On my computer it's nice and bright. But this is Eight Donnell Street. Actually, is there a way to dim the lights a little bit? That may make it easier to see.

No.

Okay, so this building back there, that's 7A and B Donnell Street, so -- and then just to the right is 7 -- so this was a very large lot, which had a tiny house on it until about I think 19 years ago or so, some suburban developers bought this and all this grass and yard and they

paved it over and brought in trailers with prefabricated units and plopped it down and said here's your condo. What you can't see so clearly is there are two garage doors there. You can't even see where people come and go. Now, after 22 years I have finally met the people who live there and they're perfectly nice, but in one of the units I literally met them once in 22 years. You never see them coming and never see them going. Now, this is quite different than all the other structures in the neighborhood where you see people coming and going, that's part of the character and the fabric, it kind of makes it nice.

What I would say about that one is it has garage doors as a prominent feature but at least it's far away. And there are -- I've seen some townhouse developments in other parts of town

where, you know, there's garage bays as part of it but the one that is -- has garage doors facing the street is typically set back more than 50 feet. So to some extent what I'm suggesting here is sort of codifying what seems to already be practice in reasonable development. I say reasonable because I'm not saying it's good or bad or I love it, but just it's within certain norms that we generally would recognize as acceptable. And I really have -- I have not -- I walk around Cambridge a lot and I take pictures of whatever I see all the time. I so far have not actually run into a single instance of something where the garage is the leading element of the street. Almost the exception being on corner lots where there's a regular house facing the one street and then around the corner there's a longer building and a garage element. But even

then there's really just a portion of....

So I guess what I'm appealing to is to codify what otherwise seems like common sense. And in the particulars of the zoning petition, it's probably worth noting a couple of things.

Jeff rightly pointed out that the section number that I proposed for it is probably wrong and, you know, you guys could probably think of a better place to put it that's totally uncontroversial.

As to the question of whether 50 feet is the right trip wire for the width, 50 feet is just what set by current Res B Zoning, and it could be less. It could be 49, 48, 47, 46. I wouldn't feel too good about going less than 46 or 45, and I have -- I actually, as best I could, used Google Maps to look in my own neighborhood on Walden Street, for example, and there are a

lot of properties there that are -- look like their width is about 46, 45 feet. They have been subject to a different Zoning and then reclassification. I think some -- one of you mentioned that there may have been a change back when it was before we moved to the area. But I would say to you that a 40 or 42-foot lot really has much more severe problems on issues on trying to get to -- you focus then on a 45-foot lot or a 50-foot lot. But that size, size matters in this case as long as all the other dimensional requirements.

I could go on, I'm sure you know, but you have other things to consider and also probably want to (inaudible). I would ask that if there's a possibility where I could stop now and then reserve the opportunity to answer questions or response -- respond to a little further as things

came up. I mention this because at the City Council meeting after I had finished and the public comment portion was over, one of the councillors asked some things and said some things that were completely wrong and I had no opportunity to set the record straight. One of them which I covered in my written testimony and I want to emphasize here again is absolutely not the goal of this petition to in any way to interfere with the Planning Board approval that you guys have already given for the Special Permit for Nine Donnell Street. On the contrary, somebody seemed to -- at the City Council seemed to think oh, this is some kind of delaying tactic to do that. No. This is much more about trying to protect our neighborhood if that proposal goes -- doesn't see itself to fruition and to provide the same tools to other similarly

situated people in other neighbors, other parts of Cambridge, because B Zoning is spread all over town.

And one thing I'm aware of is that a lot of people sort of have a feeling that oh, the developer's gonna do this and I'm just a helpless person and what can I do? And they don't understand that they have the ability to make themselves heard. And so I try, I mean I might not be the most eloquent or coherent always, but I feel like part of what I'm doing is to try and provide a tool and a forum so that others who are faced with the same kind of issues feel more empowered to protect their own neighborhoods and interests.

And I should also just add that I am not in any way anti-development. I've professionally been involved in development myself and I'm

familiar with both sides of it, and -- but where we have this international -- we have this international real estate market that is developing and where there's a kind of -- there actually is a big market for people just park their money in nice cities like Cambridge and New York, it's gonna create things or enable things that wouldn't have happened 20 years ago or 30 years ago, and we should get ahead of it. We shouldn't wait for it to happen. For a few bad cases before reacting to it. So --

H. THEODORE COHEN: All right, Mr. Cohen, thank you. Thank you for bringing the matter to our attention.

Generally in your presentation is over that's the end. However, if the Board in its pleasure, if we have questions, we'll ask you questions. And if an issue comes up that you're

the most appropriate person to respond to, you'll be given that opportunity.

So do Board Members have any questions for Mr. Cohen right now or --

PETER COHEN: May I just say one more thing?

H. THEODORE COHEN: Yes.

PETER COHEN: Sorry. At the City Council meeting it was very clear that councillors were interested but they were really looking to the Planning Board for guidance on this, they're technically minded. And so it's my hope whether tonight or some succeeding thing that if you believe in the concept that I'm trying -- you know, after appropriate massaging of the details, it will lead to a recommendation to the City Council.

H. THEODORE COHEN: Well, as you

understand, the City Council adopts and amends Zoning. We make recommendations to the City Council. Sometimes they take our recommendations, sometimes they don't. But we will, you know, discuss the matter and may or may not make a recommendation this evening, may refer it back to staff, may raise some questions for the Legal Department. So there is a whole process and, you know, your presentation starts the process and we'll see where it goes from there.

PETER COHEN: Thank you.

H. THEODORE COHEN: Do any people have any questions for Mr. Cohen right now?

STEVEN COHEN: I just have one to confirm my understanding of what you said, and I'd ask Jeff also on this to confirm that were this petition to pass, it would in fact have no impact

on the application which this Board previously granted for the house next-door to you; is that correct?

PETER COHEN: That is absolutely my intention. If there is something in the language that casts doubt on that, I've offered -- I've said to the developer quite explicitly, we would be very happy to give them the language that makes it clear that that shouldn't be the case. They had raised the question with respect to underground parking, for example, and the intention is to have no effect on underground parking.

H. THEODORE COHEN: I think Jeff, Jeff can go into further explanation if he likes. I think the issue would be if it were passed in essentially this forum, it would require our staff and Inspectional Services to meet and make

a determination on whether this has an impact on a previous Special Permit and that would be a determination that's made at the same time in the future.

JEFF ROBERTS: Yes, I agree with what was said there. We have not looked at the petition with a specific eye towards determining whether or not the project the Planning Board approved would be conforming to what the petition recommends. I think the issues would have to do with, you know, exactly how we define whether a parking garage is considered underground or not above ground. We do have some precise standards in Article 5 of the Zoning Ordinance to talk about whether parking is considered -- whether structured parking is considered above grade or underground. And, you know, assuming those are the standards that we would apply, we would look

at it in that sense, but there are some, some questions about the interpretation of the language that would need to be discussed.

STEVEN COHEN: Just one technical follow up. Does our granting of the Special Permit provide any protection from a subsequent change or is it only issuance of a Building Permit that accomplishes that?

JEFF ROBERTS: I meant to throw that in there, too. So this, the Special Permit for the project has been filed, but before the Special Permit was filed, was the advertisement of this -- the advertisement of this zoning petition occurred before the Planning Board Special Permit was filed at the clerk's office. And what that means is that if this petition were adopted by the City Council following these public hearings, then it would be effective retroactively from the

date of which it was first advertised. So, this -- if that were to occur, then the project that the Planning Board approved at Nine Donnell Street would become subject to this Zoning petition and would have -- before they get a Building Permit, it would have to be assessed whether or not it conforms to what the new zoning is.

H. THEODORE COHEN: Jeff, following up on that, am I correct that in the event this proposed amendment was not proceeded with now, but a similar amendment or an expanded amendment were the subject of a subsequent hearing that the, that that then would not apply to the existing Special Permit because the first notice of that subsequent hearing would be at a later date?

JEFF ROBERTS: May be a legal question

that takes me out of my depth. But my past experience has been if a -- if a petition has been advertised and then goes to the 90-day period with no action and then it's either referred again for hearings or a new petition is referred for hearings, then that's -- that has to be re-advertised and that new advertisement becomes the new effective date if it's adopted.

PETER COHEN: May I speak to that point?

I think that an easy fix to the problem that you put your finger on would be to have a transitional role. In one sentence that very clearly exempts projects that have already received Planning Board approval as of a certain date just so that it removes any doubt.

H. THEODORE COHEN: Well, we can consider whether that's possible. I mean, there are already questions in my mind about whether this

is spot zoning or reverse spot zoning and whether we put in something that specifically exempts one property, I think that may exacerbate that problem, but that's something that we can talk about.

Hugh.

HUGH RUSSELL: Just, if the design developer decided for whatever reason he wanted to go back to an as-of-right project in which the garage was out front, then this would prevent him from doing that without a finding from the Planning Board that it was in the more public interest to do that.

H. THEODORE COHEN: I'm not sure I understand. I mean he always has the right to do something as of right.

HUGH RUSSELL: But --

STEVEN COHEN: What it means to be as of

right.

LOUIS J. BACCI, JR.: He's changing that.

HUGH RUSSELL: This changes what's as of right.

H. THEODORE COHEN: Right, this changes was is as of right.

HUGH RUSSELL: Right. And the proposal which was shown to us as well, we could do this but we, but we want you to approve doing something nicer.

H. THEODORE COHEN: Right.

HUGH RUSSELL: They could no longer do that without our making it a finding in Section b.

H. THEODORE COHEN: Presumably, yes.

HUGH RUSSELL: Well, that is pretty -- I don't like the language of the finding.

H. THEODORE COHEN: Right.

I think there are lots of issues which we can talk about.

HUGH RUSSELL: Right.

H. THEODORE COHEN: Why don't we take public testimony.

Is there anyone who wishes to speak? I don't know if there was a sign-up sheet if anyone signed it.

CHARLES TEAGUE: Are we using the podium today?

Thank you, Charles Teague, 23 Edmunds Street. I was happy to see the microphone over with the projector today. As some of you have been bored to tears, I've got -- I've had four Zoning Amendments made law by the Council, and this is sort of what I sort of like don't see go into the Zoning Ordinance. In my own mind I believe, I know mine serve a public purpose, the

last one was very -- what got passed was the simplistic thing where we now know the date, the Zoning Amendment expires which we didn't actually know before, but it went further and we have the long discussion for hours and hours because -- about the approval process of Special Permits because the audience was shouting at Planning Board because Special Permits seem to always get approved. And we -- and hours and hours and then the Carlone petition came along, and everything was vetted. And what the sadness is is that -- in one of those hearings the City Solicitor offered to write up the opinion on why a Massachusetts case law is being followed with the language that we have will normally be granted. So this amendment wants to change that once again and that's already been rehashed very, very recently and unfortunately we just don't have a

piece of paper to go over that.

The second is that, yes, you all should have the attorney's letter which gives the citations saying yes, it is reverse spot zoning and it -- because it's singling out lots here, here and here, not that we even know where they are and for treatment that's more restrictive than what's right next to them. And so I got a quote from the staff memo. It does not seem clear why the proposed requirements were applied to only such non-conforming lots and not to other lots within the same district. And that really goes right to the heart of it.

And so, the other thing is what about all these people that don't know they're getting down zoned? And so, one of the requirements cited in the letter is that the City must complete the analysis and identify all the lots, and I would

argue that everybody should be notified, but that's just me.

Thank you.

H. THEODORE COHEN: Mr. Teague, what letter are you referring to?

CHARLES TEAGUE: It was a letter that was sent today. It was a copy of the letter to the City Council. I've got copies of that here in paper if you want.

H. THEODORE COHEN: Please. And who was the letter from?

CHARLES TEAGUE: It's from the trustee of Nine Donnell. So there's ten copies. I don't know whether I gave you something extra on the bottom.

Thank you.

H. THEODORE COHEN: All right, thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing, then why don't we have our discussion? I'd like to start by asking Jeff a question.

Right now what is the status or what restrictions, if any, are there on placing a garage in the front of the house right on this street?

JEFF ROBERTS: I'm looking back at what I wrote about this. So -- well, I guess the first part of it is to note that parking is required for a, for a lot -- at the ratio of one space per dwelling unit. So anything where it's a new residential project the parking has to be provided. It doesn't necessarily have to be provided in a garage, but it has to be provided on a lot.

When it comes to a garage, the zoning,

and, again, I reference back to, there's some language in Article 5 of the Zoning, Section 5.25 talks about how a garage, which is classified in the Zoning Ordinance under the general terms structured parking, that it is subject to the dimensional requirements of the district. So just like where you have, if you have a house and you have a garage attached to the house, that garage is for, you know, for dimensional zoning purposes, is part of the house. There are a few ways in which the dimensional requirements are relieved. And in the case of the, in the case of the smaller residential properties, there is relief in terms of FAR. So a garage that's providing the required parking on a single-family or a two-family or a three-family lot is exempt from FAR requirements and that's true whether it's above ground or underground.

Aside from that, there aren't, specific restrictions for those small lots. There are certain districts where there are restrictions on where parking can go. There are special districts where because of the urban design character of the streetscape, the -- we talked about this in a previous petition, that the parking is not allowed to be right up at the street front, but those kinds of restrictions don't apply generally in residential neighborhoods, the small scale residential neighborhoods like Residence B districts.

The other thing to note is that there are restrictions on curb cuts and driveway widths and there's lots of -- it would take a long time to just talk through all of those requirements, but they have an impact on, you know, where you can place your parking because you have to have a

curb cut and a driveway to get to the parking.
So I think that's -- that just about covers it.
But I think what's being proposed here is
something that's not, not strict, not currently
restricted in the Zoning. You could have a
garage at the front of a lot. In these districts
a lot of houses don't because it has an impact on
the, on just the character of the property and
most people don't choose to do that.

There is a restriction if the parking is
at grade, I think the Planning Board is aware
that there is a restriction on having at grade
parking in a required front yard setback. So in
that front yard space between the front of the
building and the street, you're not allowed to
have on grade parking unless you seek a Special
Permit and get approval from the BZA.

STEVEN COHEN: But the garage would have

to honor that front yard setback also?

JEFF ROBERTS: The garage would have to conform to the front yard setback. That just means that the building itself, the structure itself would have to be set back enough to meet the requirement.

STEVEN COHEN: There are exceptions for on grade parking for one to three families for distance from the structure or distance from the side lot line. I assume those exceptions don't apply to structured parking?

JEFF ROBERTS: They don't.

Some of those restrictions depend on whether the building is an existing building or a --

STEVEN COHEN: Definitely.

JEFF ROBERTS: -- or a new building.

So generally speaking a new building has

to conform to things like the distance that a driveway has to be away from the lot line and, you know, the distance -- either parking spaces or structures like garages have to be away from the property line. Those are all, those are all requirements that come into play.

HUGH RUSSELL: There's also a provision that lead before to point 21 for accessory garages that can be in the side and rear yard setbacks but have to be separate buildings, separated by ten feet from primary buildings. We don't see very much of that because land's too valuable to work that way.

LOUIS J. BACCI, JR.: Right.

HUGH RUSSELL: So I'm going to pause it that we all agree that having a double garage on the front face of a building in any district in the city is ugly.

It's just not in the case the lot is of a certain width or a certain size, and the question is is that something we can figure out a way to regulate that is not unreasonable, that's a question in my mind.

STEVEN COHEN: If I could pick up on that idea, exactly the point I was going to say. If we find, if we believe that garages up front, visible from the street, are objectionable, if we believe that, then all of what Peter termed filters, don't really make sense. Should make a difference, you know, the width of the lot or whether some house is being demolished or how old the structures are or anything like that. If they're objectionable, then we should consider the possibility of restricting them. And if they're not objectionable, then we shouldn't.

LOUIS J. BACCI, JR.: But what we saw was

that some of them are objectionable and some of them aren't.

STEVEN COHEN: Well, that's where the horse is buried isn't it?

LOUIS J. BACCI, JR.: Exactly.

HUGH RUSSELL: As I was eating lunch today, I was reading Builder Magazine, which is sent to me free of charge, and the last part of the builder is ten house plans. You know, they're site plans on houses. This last month's topic was, you know, starter homes, and all but one of them had a two car garage, you know, like a 30-foot lot and a two car garage right in the front. And the only one that didn't was a design that had an alleyway so that the two car garage could face the alleyway.

STEVEN COHEN: Well, you know, The Green Company were doing that for decades. You know,

The Green Company developers? They've built all sorts of very successful high end residential projects, and they always had the garage right up front, you know, which works commercially but is precisely what we would object to here.

HUGH RUSSELL: Right.

H. THEODORE COHEN: Right, there's no question from the fifties on at least, you know, the suburban ideal has been a house with at least a two car garage looking like the principal or the primary entrance to the house. And that the front door --

HUGH RUSSELL: Which it probably is.

H. THEODORE COHEN: Which it probably is. And the front door is a secondary feature. But, you know, we live in the city where presumably most people who live in Cambridge don't think that that is the ideal that they aspire to. But

then there are some, you know, are some lots that maybe there is no way of providing for parking without by having it in front. There may be some that the Orchard Street photo that we were shown that maybe people think that's an acceptable solution. So it is a difficult issue that, you know, I think maybe, you know, we and staff ought to try to address. I mean, I don't understand why, you know, in this petition the concept that there has to be an existing garage on the property, that this is bad, then it's bad everywhere like there was a garage there before or not. And, you know, I think it's great that Mr. Cohen has brought this to our attention and to the staff's attention, and I think, you know, it is something that ought to be looked at and, you know, I hesitate to say well, here's another thing for Envision Cambridge to look at because

maybe it's a small piece, but it may be a citywide issue. I mean Jeff has indicated that there are different requirements and restrictions, and I mean maybe it is not possible to have something citywide, but maybe it is possible to have something that relates to Residence B, perhaps some other residential districts that we want to address.

STEVEN COHEN: Well, I mean just for the sake of conversation, certainly a mechanism that would work would be to say something like no parking or no structured parking with the next number of feet of the property line the absence of a Special Permit from the Planning Board or from -- and, you know, we can establish some general criteria that would give the Planning Board, you know, reasonable amount of discretion because I don't think we could come up with

really crisp objective rules as to when it would be okay and when it would not be okay. You know, I mean that would work. I don't know how many -- I don't want to increase our case load and I don't know how often it would come up, but it would certainly convey to the world our policy preference that the default position is that that's not acceptable and the burden is on the applicant to persuade us or the BZA or somebody otherwise.

CATHERINE PRESTON CONNOLLY: And we certainly do that with regard to commercial properties. I mean, there are districts in the city where the Zoning explicitly says that you may not park in front of the building. And, you know, whether it's a setback for parking or a percentage of the street facing facade that -- I for one, you know, if 100 percent of your street

facing facade or 80 percent is garage, that's still unattractive to me no matter how far back you put it. But, you know, you can come up with some guidelines like that, and it's something we have certainly done for other uses elsewhere in the City.

HUGH RUSSELL: There's an interesting project, not a nice project, but interesting point of view on Prospect Street between Broadway and Hampshire Street, and it was a lot that must have been about 70 or 80 feet wide and maybe 150 feet deep. There are several auto repair shops in that strip with deep yards. And the townhouse development was built which had two buildings, one which was about 15 feet back from the street, and then there was a parking court in between and then a back building. And the -- and when you go in the parking court, virtually all of the

elevations you see are garages because they're not very wide townhouses. And they're not very deep. So in fact almost all of the entire ground floor is garage.

Facing Prospect Street are faux front doors, you know, windows and stoops and doors. The doors don't actually have any handles on them. And I -- every time I walk to my garage, which is I think about is this, is this the best I've got? And the more I think if, you know, the idea of parking the cars not on the street in that parking court, I mean, wouldn't want to buy one of those townhouses but no one is forcing me to. And when I walk down the street, at least it looks kind of like people are living there. There are people living in the upper floors. So I think -- I guess what I'm thinking is that if we put it upon some City effort to look at this

question, they're going to find a number of examples and it won't be very hard to sort out the good solutions from the bad solutions. And once you've sorted that out, you can come up with a set of rules that says if you want to do something that's okay, you know, you don't need a permit. If you want to do something that's not okay -- and I guess my other -- when I thought about the Envision Cambridge tackling this is -- I'm trying to -- I asked them when I went to the meeting at the library, like what are you doing for the low density residential neighborhoods? What are the issues, the planning issues with the low density neighborhoods that you ought to be looking at? And this seems to be very clearly -- and this is a question preserving character and allow for, you know, orderly redevelopment if that's what somebody wants to do. I mean, I have

no doubt that basic staff could do the, you know, could do that study. We really ought to be part of the vision.

H. THEODORE COHEN: Well, and actually, whether it extends beyond just a residential district, too, because there is an office building, small office building on Hampshire Street which is in the intersection of Columbia that I think is a very handsome building that I understand was built as of right except it has a two bay garage doors right there on the street.

LOUIS J. BACCI, JR.: And you see lots of those.

H. THEODORE COHEN: And the rest of the building is very attractive, and every time I drive by that building, it's like why did they ruin such a nice looking building? So, you know, I think it is an issue that ought to be tackled.

And, you know, I guess, you know, what I might suggest is that we recommend to the City Council that this particular petition not be adopted but that it raises significant issues that ought to be looked into and that -- something that we and staff or Envision Cambridge ought to be looking at. And, you know, I think the issues -- the problem with this is the number of restrictions and why are we restricting some lots and not others?

The impact on one particular Special Permit that's already been granted which, you know, I accept Mr. Cohen's statement that it is not intended to impact on that, but it's unclear whether it would or would not.

And then in general we're opposed to petitions that target one particular project.

That it does raise questions about spot

zoning and reverse spot zoning.

And that, you know, we do appreciate that the matter has been brought to us and to staff and that I think it is something that should be addressed in the very near future. So that's --

STEVEN COHEN: And as we talk about it, you know, there at least three situations, also. I mean, there's on grade parking. I mean, there's a garage, a full structured parking. But there's also a driveway which dives down into an underground garage, which I built at lease one of those on Linnaean Street and Elizabeth Warren was outraged when I did that. But, you know, the three related issues -- and, you know, I think we ought to get some feedback from staff on that short term while it's still, you know, remotely in our consciousness because it will, it will exit our consciousness in relatively short order.

LOUIS J. BACCI, JR.: Well, we do have a lot of rules associated with parking and so forth popping up already in setbacks and so forth. So yeah, I mean this makes it even more complicated.

STEVEN COHEN: Well, right now behind the front setback line, with a few exceptions here and there, behind the setback line anything goes.

LOUIS J. BACCI, JR.: Right, but it's all been Special Permits and constant garages and Special Permits about parking. It needs to be worked out.

HUGH RUSSELL: As a 29-year member of this Board --

H. THEODORE COHEN: Pulling rank on us again.

CATHERINE PRESTON CONNOLLY: Quoting another.

HUGH RUSSELL: -- Fred Cohen believed

that those were good ways to live and he built two townhouse projects in the city; one on Bowden Street and one on Carton Street I believe it is, and in both cases the cars parked in front of them, behind the front yard setback. And in both cases there wasn't a dominant -- you know, it's like Bowden Street is like a whole block. So he just set up a new, a new kind of a situation. And, but you're not the only Planning Board member to have wrestled with this question.

H. THEODORE COHEN: Okay, are we --

HUGH RUSSELL: So do we --

H. THEODORE COHEN: Ready to proceed?

HUGH RUSSELL: Should we make a motion to incorporating the points that you nicely summarized for us?

H. THEODORE COHEN: That would be good. Would you like to make such a motion?

HUGH RUSSELL: So I move that we not recommend this petition for adoption, but that the recommendation for further study in accordance with the remarks of the Chair.

CATHERINE PRESTON CONNOLLY: Second.

H. THEODORE COHEN: Any discussion?

(No Response.)

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Opposed?

(No Response.)

H. THEODORE COHEN: Thank you.

Mr. Cohen, thank you very much for raising the issue. It is a good issue, and I think, you know, you may see it expand, you know, into a larger area and impact to all across residents and maybe perhaps into other areas of the City.

PETER COHEN: May I respond?

H. THEODORE COHEN: Surely.

PETER COHEN: I'm gratified to see an enthusiastic interest in the issue, and the question of whether it should have bigger amicability and interest in study and having a more robust approach. One of the reasons why I took such a narrow approach, though, was because the bigger, more perfect thing takes a long time to get right and what I was seeing as an immediate need and trying to establish in essence a beachhead and then you go on from there. And some of the filtering criteria that I mentioned could be removed. And but one of the benefits of that is that incremental group over time will have more people involved in terms of the -- from the bottom of the citizenry, but also there's a question of proportionality. What I was really

trying to focus on is the garage as a proportion of what you see as the main thing. It sounds like what you are saying in terms of should it apply to the A Zone and the C Zone and the other things, you know, it might be applied for their -- not those issues proportionality, but maybe other issues if you want to see a garage at all. So I'm happy that you're interested in the subject and I'll do my part to further the conversation.

H. THEODORE COHEN: Great.

PETER COHEN: Thank you.

H. THEODORE COHEN: Thank you very much.

There's been a suggestion that we take one matter out of order right now which would be the proposed coffee shop fast food establishment on First Street. The expectation is that that would be a very brief discussion and that the

person who is here for that would not have to sit through several hours perhaps of another hearing before we got to a very brief thing. So if that is okay with Board Members?

CATHERINE PRESTON CONNOLLY: Sure.

H. THEODORE COHEN: Then we will do that.

LIZA PADEN: Okay, so this is Planning Board Special Permit No. 38. And as you can tell, it's No. 38 so it's one of the older ones. This is at One Canal Park. And the building was designed and permitted to have ground floor retail. When the permits were written, the use of fast order food was not anticipated. There's a provision in the Zoning Ordinance as well as the Special Permit to allow the Planning Board to make a finding that any use that's not listed in the permit or in the zoning can be brought to the Planning Board for a discussion and that the

Board can find that it is an appropriate use. So this is a proposed coffee shop on the ground floor. It used to be the location of the East Cambridge Bank. And the proposal is to have a coffee shop, which would be something that's not in the area right now and there's of great interest to people in the area.

So if there's any questions, we do have the applicant here, otherwise the Board just needs to make a finding that this is an appropriate use in the section of the Ordinance.

STEVEN COHEN: This is not a drive-up?

LIZA PADEN: No, there's no drive-up component.

H. THEODORE COHEN: Does anyone have any questions for the proponent?

We received a letter which specified what the hours of operation would be. So I believe

now we're at nine a.m. to six p.m. with the hope that it -- if business goes well, they will expand the hours.

My feeling is we've been desperately trying for years to get more life and activity on First Street, and then this building which has the arcade which nothing seems to be tremendously successful there. But I think with the development going on in Kendall Square, there is more and more desires for coffee shops and places where one can get a pastry and lunch.

And to remind the public that fast food under the Cambridge Ordinance does not mean a McDonald's or Burger King --

HUGH RUSSELL: It does mean.

CATHERINE PRESTON CONNOLLY: Not exclusively.

H. THEODORE COHEN: It does mean that,

but it encompasses not exclusively, it encompasses a lot of other types of facilities. And I personally think anything that can enliven the street there is good.

One former board member would oppose it if it were a gym facility, but I don't think anyone would oppose a coffee shop.

HUGH RUSSELL: Just for completeness, what is the kind of menu that's being proposed?

LIZA PADEN: Can you speak very loudly.

ROB SCOTT: Sure. This will be our second shop. We have a shop in Concord currently.

H. THEODORE COHEN: Identify yourself.

ROB SCOTT: My name's Rob Scott, and I'm the owner. The menu at the Concord location will be similar to this one. We have a fast casual breakfast, fast sandwiches, granola, and stuff

like that. We do a whole bunch of baked goods in-house, fresh made, light scratch. And then lunch would be sandwich fare, salads, and homemade soups.

HUGH RUSSELL: Sounds good.

MARY FLYNN: What are the hours of operation in Concord?

ROB SCOTT: Seven to five.

MARY FLYNN: So it was noted that you were interested in potentially expanding the hours if business allowed that, would your menu change in that regard?

ROB SCOTT: We would probably keep it fairly consistent. We have a view that if we do something good, just stick with that and not try to go off and try to do things that you're not so good at. So our focus is to focus on local ingredients and stay within our own house.

MARY FLYNN: After six o'clock the coffee house need seems to decline pretty quickly. So I, you know, I don't know what you would, what you would be expecting in terms of business to --

CATHERINE PRESTON CONNOLLY: Extended hours could be earlier, Mary.

MARY FLYNN: Oh, there you go.

LIZA PADEN: Earlier than seven.

MARY FLYNN: There you go. Okay. Got it.

ROB SCOTT: The initial proposal is seven a.m. not nine o'clock.

H. THEODORE COHEN: I'm sorry.

MARY FLYNN: Thank you. Yeah, see? I always start the day late. You know, eleven to seven would work for me.

H. THEODORE COHEN: Anyone --

HUGH RUSSELL: So I would move that we

find that this use is consistent with the district and approve this use for this building in this location.

H. THEODORE COHEN: Is there a second?

STEVEN COHEN: Second.

H. THEODORE COHEN: Any further discussion?

(No Response.)

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: It is unanimous.

Thank you very much, we wish you the best of luck.

All right, we will now go on to Planning Board No. 311, which is a request for a Special Permit Special Permit to convert existing basement space to nine additional one-bedroom dwelling units pursuant to Section 20.600 of the

Basement Housing Overlay District to waive the required parking spaces and modify the access standards for long-term bicycle parking under Section 6.100. And this is for property at 18-26 Chauncy Street.

MATTHEW ZUKER: Good evening, Mr. Chair, Members of the Planning Board. My name is Matthew Zuker from Chestnut Hill Realty.

So we're here tonight to propose nine basement units at 18-26 Chauncy Street pursuant to the Basement Apartment Overlay District. This is the last of three buildings we've used as an example when we originally proposed this by-law many years ago. And in fact, it was this building at 18-26 Chauncy Street with its ten to eleven foot ceilings and large windows and wasted space that was the catalyst and reasons behind proposing the by-law to begin with.

Some of it may be redundant for some of you, but as you know the basement Overlay District was approved in 2011 to quote: Allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space starting in certain existing multi-family buildings. It is in the public interest to permit the creation of additional units under circumstances which promote the maintenance and improvement of older buildings.

So as noted, the idea came from we had large areas of underutilized space of high ceilings and large windows in our basement areas and the benefits to the City included new moderately priced and affordable one-bedroom apartments with no change to a building's footprint and improvements to storm water and waste water management for those apartment

buildings.

The by-law allows for the creation of these basement apartments upon meeting certain criteria and conditions. The Overlay District, with the assistance of the city engineer, was created in areas where the risk of overlay flooding was minimal.

2013 we received such a permit to add four basement apartments at our building at 19-21 Wendell Street. Those units were built. They came out great. They've been leased for over a year. We have got some pictures to show you of how they came out. They've turned out great. And notice that all the units in that building have the same level of finishing including the affordable unit.

2014 we received a Special Permit to add five in the basement of the building at 1-3

Langdon Street and those units are now under construction. These construction projects take a long time when we have to move utilities, there's lots of work with the windows, and it's just a -- and they all take a long time for us to do it.

And in the interim as you may know, we also revised the by-law to clarify the ambiguity in the language regarding properties that were in two zones like this one, and modify the by-law that was approved by City Council in May 2015.

So before we even have to submit an application under this by-law, we need to have an engineering report approved by the city engineer. The report includes a report on historical occurrence and future likelihood of basement flooding in the area with the proposed conversion. It assesses the likelihood of flooding due to over land flooding and sewer

system backups and identifies proposed mitigation methods to prevent any such flooding.

We worked closely with the Engineering Department to determine the scope of the project and to identify mitigation measures to prevent any flooding. Key mitigation measures in this report is that we will be separating the storm water and sewer system lines in the building and from the building to the street, and we will be adding a new recharged system in the rear of the property.

The report indicates that the building is located in an area where the risk of overlying flooding is minimal. And in fact the building has no history of sewer system backups or flooding. The final report was approved by the Engineering Department on January 14th of this year.

The by-law states that the Planning Board may reduce or waive the number of accessory off-street parking spaces upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking. Based on information provided by the applicant regarding the availability of alternate transportation, methods, and other factors that would result in reduced demand for parking.

We worked closely with CDD staff, Transportation, Parking, and Traffic Department, including the bike parking staff to review on-street parking demands and factors that were under such demand.

As part of the original by-law, we surveyed all our Cambridge residents and determined less than half owned a car; those that owned a car, most of them didn't rely on it as

their primary means of transportation. In fact, that report showed that almost two out of three of our residents solely did not use a car as a primary means of transportation.

In 2013, '14, and '15 we surveyed the residents of our basement apartments at our Cambridge properties. In 2013 none of the residents owned a car. 2014 and '15 we had two residents own a car, and they leased spaces at one of our off-street parking lots that I'll discuss in a minute. This year, because we're working on one of them, Chauncy Street had two people that basement renters that own a car, one parked in another town at someone's -- somewhere, and then one parked at a friend's a mile and a half away.

And at Wendell Street, which is four new basement units, none of those renters this year

have a vehicle.

Obviously the Basement Overlay District was created in areas with close proximity to public transportation. Within a couple of blocks of this property we have a couple of bus stops, and within a half mile there are two train stations, T stops.

What's changed, since we started this is that we now own four parking lots within a couple blocks of this property that have 96 off-street parking spaces. These spaces are available for all, for any of our Cambridge residents to rent. And in fact, we have a very low waiting list on this which speaks to the transit nature of buildings in Cambridge, and we have at least one turning over every month if not many more. So if one of the renters -- if a renter of one of these units did have a car, we can rent them one of the

spaces at one of the off-street parking lots.

We also have two ZipCars at our parking lot at 1-3 Langdon Street. That is for the use of any of our residents and can easily be scheduled by any of these renters. This service further mitigates the need for owning the vehicle. And as we know Uber has become one of the most commonly used methods of transportation in Cambridge and surrounding towns.

We also created the position of Cambridge Transportation Advisor who educates all of our resident service professionals about the different transportation options that are available to our residents.

Per the basement by-law follow-up, we'll install nine new bicycle spaces that meet current bicycle by-law regulations.

We'll also upgrade five spaces in the

building to meet the bicycle by-law regulations. So there will be 14 spaces inside the building, and then we will build a fully enclosed bicycle shed that's secure and covered in the back of the building that contains 16 spaces, bringing the total number of bicycle spaces to 30. It's because of the location of this bicycle shed that it needs a waiver of the bicycle by-law. So that we have added such features as bicycle rails on the stairs to support this.

Lastly, we conducted an on-street parking study at eleven p.m. on a day/night last year for within a half a mile of this property. The study contained 152 total on-street parking spaces, and at that time of the study 22 spaces were available. Based on the study results, there appears to be enough on-street capacity to accommodate the very negligible parking demands

-- of on-street parking demand that may arise from these proposed units.

All these items are discussed in detail in our transportation, parking report which we received the support of DPT.

On Wednesday, September 30th of last year we held a community meeting in the courtyard of our building at 6:30 p.m. We invited our direct abutter by letter and abutters by letter, as well as the neighborhood groups from Agassiz Baldwin and Neighborhood 9 which we contacted through their neighborhood liaisons. We sent all of them information about the proposed project as well as the Basement Overlay District. Although no one attended the meeting, we had two people contact us for more information.

In conclusion, we meet all the required conditions contained in the Basement Apartment

Overlay District.

The city engineer has approved the engineer report.

Each new unit will comply with all building and health codes.

The building will be upgraded to provide for code compliant separation of storm water and sewer lines in the building and from the building to the street.

Backflow prevention devices are proposed that comply with all building code and other requirements.

And one of the nine proposed units will be an inclusionary affordable unit.

Nine new code compliant bicycle spaces are provided. Our 21 existing spaces are upgraded.

Information has been provided that the

project will not have a substantial impact on on-street parking.

And I'd also just like to point out that we spent a lot of time in designing these units to be nice, habitable, and safe as possible including features such as safety locks and special locks on non-egress windows and doors. And a lot of -- and the design of adding natural light into these units, even though they're basements, they're really mostly above grade. But we've added terraces on many of these for egress which brings in more natural light to these units. So that's said, I'm happy to answer any questions and I thank you for your time tonight.

H. THEODORE COHEN: Do Board Members have any questions right now?

(No Response.)

H. THEODORE COHEN: Why don't we go to the public.

Is there anyone here who wishes to be heard? Please come forward. Please state your name and address for the stenographer and we ask you to speak for three minutes, no more than three minutes.

JEAN-MICHAEL LECERF: Good evening. My name is Jean-Michael Lecerf, J-E-A-N-M-I-C-H-A-E-L L-E-C-E-R-F and I am owner of 21 Chauncy Street. So I would like to actually make a motion that I oppose this proposal because I think the street is really, really congested and I don't see -- and so one question I would like to know is how many units are in this building?

H. THEODORE COHEN: You can answer those. So there are nine new units that being proposed

and there are 78 current?

MATTHEW ZUKER: In this building 98 existing.

H. THEODORE COHEN: 98.

JEAN-MICHAEL LECERF: And how many parking do you have?

MATTHEW ZUKER: This building has no parking.

JEAN-MICHAEL LECERF: Exactly. So increasing the number of units really doesn't make sense. So I completely oppose that. I think it's no issue to use the space for something else. Like you have bikes. Even though you're trying to increase, you should use this space or give space to people to park their belongings instead of using that as unit. The street is extremely congested. Every time I try to park there I have hard time. So your survey

is your survey, but I disagree with it.

Thank you.

H. THEODORE COHEN: Thank you very much.

Is there anyone else who wishes to speak?

Please come forward.

PAT McCARTHY: My name is Pat McCarthy.

I reside at 23 Chauncy Street. I'd like to second what was just reported. I also have a difficult time with on-street parking currently. I do feel that the street is very congested and highly trafficked, and adding another 18 residents to the street is only going to serve to make it perhaps unsafe and more congested. So I would request that you consider not approving this.

H. THEODORE COHEN: Okay, thank you very much.

Anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, then we will take up our discussion of the matter.

Does anyone wish to start?

Well, I guess I will start then and let others hop in.

STEVEN COHEN: Can we review the criteria that we have to make?

H. THEODORE COHEN: Certainly.

So the criteria was set forth in the memo from staff. And so under Section 20.600, the standards -- let me see if there's a good summary.

All right, so the conditions in Section 20.640 for granting a Special Permit, (reading) each new unit converted from existing basement space shall comply with all building accessibility codes applicable to residential

dwelling units in the basement of structures.

Zoning shall be conditioned upon full compliance of all building and sanitary code requirements applicable to basement units to be approved by the Commissioner and Inspectional Services.

Those conditions and Special Permit Planning Board may require reasonable measures as are deemed necessary for adequate privacy and security of the occupants.

The buildings must contain or install full separations storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently separated.

Adequate properly installed backflow prevention devices that comply with you all building code and other applicable requirements

must be installed for all newly created units, as well as any additional measures to be determined to be advisable by the city engineer.

An application for Special Permit pursuant to the section shall include a report on historical occurrences and future likelihood of basement flooding in the area of proposed conversion prepared by a registered professional engineer with the functional scope determined by the city engineer.

The applicant shall obtain approval of the report and proposed mitigation, if any, from the city engineer prior to submitting Special Permit application.

As a condition of the Special Permit, the Planning Board may require preventive measures to safeguard against future flooding of the proposed basement units as recommended by the city

engineer.

The inclusion of housing requirements apply to any new dwelling units, and they shall provide no less than one affordable unit:

There are other standards with regard to what qualifies for the basement unit. This Ordinance was discussed over a number of years and it included a site visit by then members of the Planning Board to see that many of these buildings are quite large and have quite large basement areas that are really underutilized. As I think in the past, they had coal and large oil tanks and storage requirements that are now empty. And that the district was created to be in the proximity of public transit so that people would not be encouraged to have cars -- people who lived there would not be encouraged to have cars. And the idea was that these units, as

expensive as they may be, would be less expensive than other units in these buildings or in the immediate area with the intention that they, you know, yet certainly there may be some families living in here, but, you know, students who were on tight budgets, who would tradeoff the less desirability of living in a basement unit for the greater desirability of lower rent.

While we don't have it here, I believe, Jeff, Parking and Transportation has orally issued a report to you?

STEVEN COHEN: Well, just on the parking it seems given the two objections that we've heard, the operative -- according to Jeff's memo, the operative finding that we would have to make is that the reduction of the parking requirement will not result in substantial adverse impacts to on-street parking.

H. THEODORE COHEN: Correct. That's all in Section 6.35.31 which again is in the materials.

So, Jeff, did you receive -- you received a report from Traffic and Parking?

JEFF ROBERTS: Mr. Chair, we didn't receive a formal report from Traffic and Parking on this one, but they did review the report that was submitted and they had met with the applicant to discuss the findings, and they communicated some comments which are -- which were included on page 3 of the CDD staff memo. And it just discusses and outlines some of the findings that are in the application regarding the availability of public transportation, the observed demand from current residents of the applicant's buildings in the basement -- residents of the basement units or the applicant's buildings,

survey of off-street parking, availability of carsharing options, and I think particularly in this case the availability of kind of a pooled off-street parking supply that's controlled by the applicant which allows residents who do have a car the option to rent a space when a space becomes available. And as indicated by the applicant, there's enough turnover in spaces that someone might have to wait a month or so but could ultimately get a space in that off-street lot.

H. THEODORE COHEN: And I note that CDD report says that Traffic, Parking, Transportation supports the requested reduction.

MARGARET MURPHY: May I say one thing?

H. THEODORE COHEN: Certainly.

MARGARET MURPHY: I'm Margaret Murphy with Chestnut Realty.

Just so you know, last year we purchased another parking lot with 14 spaces lot near this property.

H. THEODORE COHEN: Where are the parking lots you have been referring to?

MATTHEW ZUKER: Yeah, so which is a change from when we started this whole process. At that time we had one lot at 1-3 Langdon at 22 spaces, 17 Langdon now has 14 spaces, 65 Langdon has 23 spaces, 1-3 Langdon Street -- Square, sorry, has 8 spaces, and 1-3 Chauncy Street has 29 spaces. And what we're finding and when I said --

H. THEODORE COHEN: So you have a total of how many spaces?

MATTHEW ZUKER: 96 spaces within a, you know, two block radius.

What we're finding, too, and when I said

there's a minimal waiting list, there's actually no waiting list. We have actually spaces available. But, you know, sometimes they're available and sometimes there's a minimal list. So we do have actual spaces and we're finding there's more less and less of a demand. We feel like people are more relying on other services such as the ZipCar and Uber and public transportation than owning a car in Cambridge.

MARGARET MURPHY: And these are all one-bedroom apartments.

STEVEN COHEN: How many units do you have in all of your holdings that are served by those?

MARGARET MURPHY: That's an excellent question.

MATTHEW ZUKER: Yeah, it's changed. I want to say that we're in the like 250 change. So for a parking ratio and where it just, we just

don't, we haven't, we're not hitting that need/demand for parking. When we bought these, it wasn't for parking for the units, but they did come with parking lots behind them. So....

MARGARET MURPHY: And we do find the one-bedroom apartments, very few people with cars. It's usually one person.

LOUIS J. BACCI, JR.: Do you know how many people own vehicles out of that 200 units?

MATTHEW ZUKER: When we did a survey many years ago, it was a little -- it was less than half had that, and that's -- and of the properties we bought recently, a lot of them are smaller units. A lot of those properties are two bedrooms. We had a bunch of three bedrooms.

LOUIS J. BACCI, JR.: And how many of those rented spots in your lots?

MATTHEW ZUKER: Back then we didn't look

at how many rented spots on our lots. We only let that -- it's only to residents of our property, so it's not like they're competing, you know, they're not public to -- so --

LOUIS J. BACCI, JR.: Well, if they don't want to buy or rent a spot in your lot, they'll park on the street, right?

MATTHEW ZUKER: Well, I'm sure down the street or there are like anywhere that do it, but I think it's pretty negligible and I think adding these won't have an adverse impact on the off-street parking situation -- on-street parking situation.

LOUIS J. BACCI, JR.: I'd like to have more numbers on that one.

H. THEODORE COHEN: What numbers would you like?

LOUIS J. BACCI, JR.: I'd like to confirm

how many residents as opposed to vehicles.

H. THEODORE COHEN: I'm sorry, how many residents?

LOUIS J. BACCI, JR.: How many vehicles are registered to at least used from these projects. I mean, I know it's a little bit far, but there are some complaints about on-street parking in the neighborhood.

H. THEODORE COHEN: Jeff, I don't suppose you have that information?

JEFF ROBERTS: I can't say I know off the top of my head how many cars are registered in those buildings. That is something that Traffic and Parking can help to produce. When people are doing these projects, they'll offer to look into that but it would take sometime.

MATTHEW ZUKER: And one last if I could?

H. THEODORE COHEN: Yes.

MATTHEW ZUKER: When we went through Wendell Street and on Langdon Street, we obviously heard the, you know, those are both tight streets like this one is, so I think when we looked at Wendell Street, it was let's see, you know, it would be interesting to see when you rent those how many own a car. So I mean it's just a small sample. It's four. But none of them owned a car. So there's definitely a possibility someone will. But these units have been designed and, you know, they're small one-bedrooms in a way, and sometimes the market just dictates itself as to who is gonna rent there and want to own a car.

LOUIS J. BACCI, JR.: Right. And separate it from the nine, the other 190 units are they all single bedroom units?

MATTHEW ZUKER: No. Of the -- we've

owned Wendell, Langdon -- 1-3 Langdon and 18-26 Chauncy for the longest time, since the 80s, and those are predominantly -- they're ones but there are a lot more twos. The most of the -- what we bought recently is a hodge-podge package. And there are a lot less ones in those. So we're finding less demand for parking on those.

LOUIS J. BACCI, JR.: I'd like to see numbers about vehicles.

MATTHEW ZUKER: Right.

H. THEODORE COHEN: Now, we're not taking any public comment right now. Anyone else have any questions or comments?

Catherine.

STEVEN COHEN: Were you going to go, Catherine?

CATHERINE PRESTON CONNOLLY: I think as a general rule, you know, the basement unit

ordinance was created to allow for the creation of affordable units and to generally provide for more units to be created near transit, that this achieves that. And part of achieving that is understanding that demand for parking near transit tends to be lower.

I appreciate Lou's concern that we don't have exact numbers, but from what I'm hearing, I'm already hearing that the numbers are -- approximately 50 percent of the units have availability of parking which is certainly, for Harvard Square, our most transit saturated area on the high end of what I think we're looking at these days for parking provision for apartment units. One bedroom or a no.

So, in terms of the vehicle parking, I don't personally have a concern about that. I think the market for these units and the trends

that we've seen in Cambridge support the creation of these units without provision of additional parking, vehicle parking spaces. And provided as stated in the staff memo, that the bicycle parking has worked out with the staff. I'm comfortable that that can be done at a staff level. I don't love the way the bicycle parking is planned right now, but I have full confidence in the staff in being able to work it out as best we can while achieving the goals of the Ordinance, which was adopted to do exactly this kind of thing. And the reason why the basement ordinance specifically harkens back to the parking reduction is to, you know, acknowledge the fact that in creating these units, if affordability is part of our goal, we can't then say we want more parking for all of these units, that detracts from the goal of creating more

housing especially in these situations.

So, I'm quite comfortable with this. I like the fact that it's dealing with the sewer separation and backflow issues as well, that's always a good thing to see. I think there are a lot of good things that this achieves that the City Council has pretty clearly stated as a policy matter that the City ought to be achieving.

So I personally, you know, while appreciating that on-street parking in all of Cambridge and in Harvard Square in particular, is always a challenge. I don't think that these nine units are going to -- I don't think the absence of these nine units will make that challenge better. And I don't think the addition of them will make it worse. And the mere fact that it is that big of a challenge is all the

more reason why people renting these apartments are unlikely to want to bring cars.

STEVEN COHEN: Can I say something? I would support Catherine's reasoning and conclusion, and even maybe from a somewhat legalistic perspective, because it has to be assumed that if somebody's going to convert basement units in an existing building, that there isn't going to be additional parking --

CATHERINE PRESTON CONNOLLY: Yes.

STEVEN COHEN: -- available for those units. And, you know, knowing that to be the case, the City Council, our legislative body, you know, decided to encourage such conversions. Now, you know, if we were discussing here the desirability of passing such an Ordinance, we can talk and we might have differing opinions on the impact on-street parking, but in fact that train

has left the station. The City Council reviewed that issue, made their policy judgment, passed the law to encourage such housing knowing full well that the likelihood of providing additional parking is unlikely. And even if you look at a finding to be made on the impact on on-street parking, I mean it didn't just say, you know, an adverse impact. They said a substantial, only in the finding of a substantial adverse impact.

CATHERINE PRESTON CONNOLLY: Yes.

STEVEN COHEN: I mean to me that adds greater emphasis to that reasoning. In the absence of extraordinary circumstances with a substantially and demonstrable detrimental impact on parking that the housing should be required. So, you know, even without the need to make our own or my own policy judgment here, I mean when I look at the legislative history, as it were, and

then the fact that this it has been passed by the City Council under these circumstances, I don't see it possible to deny a permit for housing in this instance, you know, based on the parking issue. And in fact, there's a lot of evidence to the contrary that there won't be a substantial adverse impact on parking for all the reasons that we've read in the application and that we've heard in the presentation today. So as far as I know, the only issue here is the parking. I think all other criteria are clearly and indisputably met -- the only issue is parking and I'm confidently persuaded that the application should not be denied on the parking issue and that we should grant the application.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: I don't disagree that this is what the intention of this was, to

create more affordable units, this creates one affordable unit. One.

H. THEODORE COHEN: Well, I think there's -- the difference between affordable under the Cambridge Ordinance meaning that it is for a low and moderate income families and --

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: -- and a more general affordability that I was referring to earlier in that the rents in these units would be lower than rents in upper stories and that it would be --

LOUIS J. BACCI, JR.: I guess I have to ask that question, also.

MARGARET MURPHY: Please ask the question.

STEVEN COHEN: More affordable than others.

MARGARET MURPHY: Right.

MATTHEW ZUKER: These units are generally 10 or 15 percent lower than units and these are brand new units. Not only are they affordable is the hold of it, not only less money, but they're also brand new and gorgeous, I will point out we just don't, you know, we personally are in this. We've owned property in here forever. We're in it for the long haul. They're put together. To build any basement units is not just let's put up walls. You've got to move utilities around and you have to do a lot of work to do so. And so it's not like -- but, you know, I think it adds an inclusionary unit and then it adds units that are you now on their face more affordable that what you could find under construction.

MARGARET MURPHY: The affordable unit is \$1200 a month and the market rate unit's around \$2200.

LOUIS J. BACCI, JR.: So that sounds like 50 percent reduction.

MARGARET MURPHY: No, no, no, that's not what he said.

H. THEODORE COHEN: That's the one affordable unit. The other units --

LOUIS J. BACCI, JR.: So, yes, right. One unit, the affordable unit is 1200 and the market rates are 2200?

STEVEN COHEN: That's for a one-bedroom.

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: 2200 in the basement. And what is a one-bedroom?

MATTHEW ZUKER: 26 to 2800.

LOUIS J. BACCI, JR.: Yeah.

MATTHEW ZUKER: It's desirable.

LOUIS J. BACCI, JR.: Gotcha.

MARGARET MURPHY: And if they were brand

new, they would be more.

H. THEODORE COHEN: As Steve said, slightly less on affordable.

LOUIS J. BACCI, JR.: Right.

H. THEODORE COHEN: Other comments?

LOUIS J. BACCI, JR.: Question. Why we don't have elevations of all these new entrances and so forth? I would like to see what they look like.

H. THEODORE COHEN: I don't think there are any new entrances.

LOUIS J. BACCI, JR.: Oh, yes, there are.

MATTHEW ZUKER: There are no new entrances. These buildings actually already have basement units.

LOUIS J. BACCI, JR.: So you're not adding any of these patios?

MATTHEW ZUKER: Those are egress areas

that -- and we don't see any. That's the same we see on Wendell.

LOUIS J. BACCI, JR.: Landscaping?

MARGARET MURPHY: Do you want to look at the bigger plan?

LOUIS J. BACCI, JR.: I would like to see what it looks like actually.

MARGARET MURPHY: We don't have elevations.

MATTHEW ZUKER: We did the same -- Wendell Street, these units are the same egress areaways. And from a landscaping perspective, I would just say, you know it's, I don't --

LOUIS J. BACCI, JR.: Minimum?

MATTHEW ZUKER: Chestnut Hill Realty's reputation in landscaping is --

LOUIS J. BACCI, JR.: I don't have any idea.

MATTHEW ZUKER: As we did during the by-law process and walk-through, and as I said, this building was the reason why we even started the by-law discussion. The area down here is massive high ceilings, mostly above grade, but the landscaping -- existing landscaping at that building it's probably award winning. And I would say we would be more than happy to give you a tour of it if you like.

MARGARET MURPHY: It's beautiful.

LOUIS J. BACCI, JR.: No, I thought you would bring pictures or elevations to it.

MARGARET MURPHY: We don't have elevations.

MATTHEW ZUKER: With the experience with the Board of going through the process of the by-law and the other Special Permits and the invitations always to go see the buildings

themselves, that it I think visually speaks for itself.

MARGARET MURPHY: And we did actually submit exterior photographs to planning. We should have brought some, you're right.

CATHERINE PRESTON CONNOLLY: They were in the application.

LOUIS J. BACCI, JR.: Just the entranceway.

H. THEODORE COHEN: One.

LOUIS J. BACCI, JR.: One. Just looking to get --

H. THEODORE COHEN: Any other questions or comments?

THACHER TIFFANY: I guess I just have a quick question about the bike storage. It looks like that structure is perhaps up against a lot line that I don't know what the issues are with

that.

JEFF ROBERTS: So, for bicycle parking it can be located on the lot line if it's no more than six feet tall. That was part of the bicycle zoning that was done a few years ago.

THACHER TIFFANY: Okay. Other than that, I support Steve and Catherine's comments. I think it makes a lot of sense.

MARGARET MURPHY: And we're happy to have you come and take a tour.

LOUIS J. BACCI, JR.: I was there this afternoon.

MARGARET MURPHY: You were?

H. THEODORE COHEN: So anyone else have any other comments?

MARY FLYNN: Go ahead.

HUGH RUSSELL: I wanted to follow up on Lou's question.

So are the terraces that you're creating, those are at the same floor level as the apartments?

MATTHEW ZUKER: Yes.

MARGARET MURPHY: Yes.

MATTHEW ZUKER: It's a walkout in the back.

MARGARET MURPHY: And on the side.

HUGH RUSSELL: And then grade is up somewhat higher?

MATTHEW ZUKER: The grade's up a little higher. There's a curb to prevent flooding down in those areaways. And there's also, we did perk testing. We have a whole new recharge system with Coltex and everything. There are curb cuts to prevent flooding there. There will be a whole system for recharge for the new areaways and the existing areaways that they tie into.

HUGH RUSSELL: And then the sliding doors that go out to those are enlarged window openings; is that correct?

MATTHEW ZUKER: They're --

MARGARET MURPHY: Some of them are new in basically in the wall all on the side.

MATTHEW ZUKER: Some of them are actually doors. They're egress doors, provide egress outside.

HUGH RUSSELL: So sort of a mixed bag of what's there now?

MATTHEW ZUKER: And you can have a door and some are just larger doors with egress windows.

MARGARET MURPHY: The patios are the doors going out to the patio, patio doors.

HUGH RUSSELL: And I note that none of them face the street or the interior courtyard

that's visible from the street.

MARGARET MURPHY: Correct. They face the side and the back.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: Mary, did you have some questions or comments?

MARY FLYNN: Yes, just two comments really.

One is I agree with what my colleagues have said about the parking, although I have to say that I was surprised that your study showed that there were spaces available, because in my experience on that street is similar to what the neighbors have testified to, and that is whenever -- and usually I drive down in the morning so I can't say that I've been there at that hour at night, but usually around 8:30 in the morning it's pretty crowded. With that being

said, I mean, it's in my opinion, it's really not up to this particular project to solve the parking problems of the neighborhood and I do think that the nine units are really not going to add much to it.

I agree with my colleagues that I think given the size and location of the units and the Harvard Square area sort of all indicates that it most likely will be people who don't have cars. And in the event that you do have someone who does, you know, it's not going to be all nine of them anyway.

MARGARET MURPHY: No, for sure.

MARY FLYNN: You'll be able to accommodate whatever need is there. So I think that, you know, the pluses of the project definitely outweigh the concern about the parking so I would be in support of it.

H. THEODORE COHEN: Okay. Are we prepared to go forward now?

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: Okay.

So going back to -- I read the standards in Section 20.63.0. I'm sorry, the conditions in 20.64.0. We went through them. The requirements in -- I'm sorry, a reduction of parking in Section 6.35.1 with we can reduce parking with the Special Permit.

And the Special Permit shall grant only if the Board determines and cites evidence in the decision that less remand parking will not cause excessive congestion, endanger public safety, substantially reduce parking available for other uses or otherwise adversely impact the neighborhood.

That such lesser amount of parking would

provide positive environment benefits of the users of the lot.

Considerations of the availability surplus off-street parking in the vicinity of the use, proximity of an MBTA transit station, availability of public or commercial parking facilities in the vicinity, shared use of off-street parking space, and serving other uses, age or other occupancy restrictions which will likely result in lower level of automobile usage.

Impact of the parking requirement of the physical environment of the affected lot or the adjacent lot.

And the provision of -- that the provision of required parking for developments containing affordable housing units will increase the cost of the development will require Variance relief, etcetera.

So really this building exists, it doesn't provide parking for any of the units, and so we're not really changing anything by adding nine units where the testimony has been that it is unlikely that a substantial number of those units will have automobiles for required that require parking.

The Special Permit to modify access standards for bicycle parking is in Section 6.108.3.

Where we have -- the Planning Board has the authority to make the general determination that the proposals consistent with the purposes of Section 6.100.

And that the parking plan proposes a quantity design and arrangements of bicycle parking that will serve bicycle uses in a way that is sufficiently comparable given the

circumstances of the specific project to the bicycle parking that would be required under the regulations.

And which, you know, we're required to determine that the alternative design shall be durable and convenient for the users who are intended to serve.

And that the parking plan will satisfactorily serve the needs of all expected users based on quantitative and qualitative evidence provided by the applicants.

Again, it's an existing building. Parking I guess has to be in the basement and is somewhat difficult to get to, but they are adding bicycle channels and somewhat other means to get there.

CATHERINE PRESTON CONNOLLY: Yes.

H. THEODORE COHEN: And there will be an

outdoor long-term parking facility.

And then there are the general criteria for Special Permit in Section 10.43 that the requirements of the Ordinance can be met if they get a Special Permit.

Traffic generation or patterns of access won't cause congestion, hazard, or substantial change.

That don't see any reason that the proposed use will impair the integrity of the district or adjoining district, and the new use or building construction is consistent with the urban design objective set forth in Section 19.30.

Certainly here we have a City Council directive to promote increased housing at an affordable level. Within the meaning of the Ordinance an affordable level within the more

general terms of being cheaper. And those are what the design objectives are, but this is all an existing building so we're not looking at its impact on the neighborhood per se.

Do we feel we can make all of those findings?

CATHERINE PRESTON CONNOLLY: Yes.

LOUIS J. BACCI, JR.: I want to know what the quantitative evidence is.

CATHERINE PRESTON CONNOLLY: It says qualitative.

LOUIS J. BACCI, JR.: Say it again.

CATHERINE PRESTON CONNOLLY: It could be quantitative or qualitative evidence.

LOUIS J. BACCI, JR.: Where are they?

CATHERINE PRESTON CONNOLLY: They're in the plans in the application that was presented to us.

LOUIS J. BACCI, JR.: No. Where are the numbers of how many --

CATHERINE PRESTON CONNOLLY: But that's what I'm saying. It doesn't have to be numbers.

LOUIS J. BACCI, JR.: Really?

CATHERINE PRESTON CONNOLLY: Quantitative or qualitative.

LOUIS J. BACCI, JR.: You can vote.

H. THEODORE COHEN: And I think we received testimony from the applicant about the number of cars historic, and we've also received an informal message of Traffic and Parking through CDD's memorandum that they are in support of the proposal.

LOUIS J. BACCI, JR.: With no information? That's what I don't like and that's the only part. I'd like to know numbers.

STEVEN COHEN: Would there be discussion

after the motion is --

H. THEODORE COHEN: There can be, yes.

STEVEN COHEN: Or would you rather I raise the point now?

H. THEODORE COHEN: Why don't you raise it now.

STEVEN COHEN: And I apologize for not raising it earlier.

So, and my colleague here Mr. Bacci asked you about the landscaping and, Mr. Zuker, you basically said you do great landscaping and award winning landscaping. I was satisfied by that until I looked at the photographs in the application. Front looks great but the sides where, you know, where all of these units will be opened to the exterior, at least in the existing conditions and photographs are showing obviously pretty bare field. So I guess my question is on

the sides and in the rear where are we going on landscaping? And I'm not clear as I look at these photographs by the way where your property line is.

MARGARET MURPHY: It's confusing.

MATTHEW ZUKER: It's really close. I mean there's not much space over there. We have a planting area where we can -- and we have another one here where we'll be --

MARGARET MURPHY: And we will end up. We'll dress-up the back as well.

MATTHEW ZUKER: We'll dress-up the back.

STEVEN COHEN: You don't have a landscape plan or anything? You know, would it be possible -- or I would suggest that we attach to any final motion, you know, a condition that a landscape plan would be submitted, reviewed, and approved by staff.

MATTHEW ZUKER: Absolutely.

STEVEN COHEN: Just to confirm that we end up with something appropriate and attractive.

MARGARET MURPHY: We even have our own landscape department.

MATTHEW ZUKER: We're more than happy to continue to work with CDD staff.

STEVEN COHEN: I understand. And you understand that we need to build it into the structure of an approval.

MARGARET MURPHY: We'll miss coming back to see Jeff and Liza, that as well.

CATHERINE PRESTON CONNOLLY: I just agree with what Steve said, that ongoing staff review with both the landscaping and the final details of the bike parking should be a condition, but otherwise I agree that all of the findings can be made at this point.

STEVEN COHEN: Yes.

H. THEODORE COHEN: All right.

So could we have a motion?

CATHERINE PRESTON CONNOLLY: I move to grant the requested relief based on the findings that the Chair has just detailed with the condition for ongoing staff review of the landscaping and final design of the bicycle parking.

H. THEODORE COHEN: Is there a second?

MARY FLYNN: I second.

H. THEODORE COHEN: Any further discussion?

(No Response.)

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: All those opposed?

(Bacci Opposed,)

H. THEODORE COHEN: It's six in favor.
One opposed. The Special Permit is granted.

MATTHEW ZUKER: Thank you, guys, very
much.

H. THEODORE COHEN: I would suggest we
take a very short three-minute break.

(A short recess was taken.)

H. THEODORE COHEN: All right, welcome
back. This is a hearing with regard to the
Porter Square Hotel, 1924 Mass. Avenue. And,
Jeff, can explain to us what we're here for?

JEFF ROBERTS: So this is a Planning
Board case No. 237 that was granted by the
Planning Board. It's been under construction for
sometime, actually, but had the -- the Special
Permit had been extended in the past and the
construction has been ongoing. There have been
some modifications made to some design elements

of the project and they're here to present those because staff wanted to let the Planning Board weigh in on whether those changes were considered substantial or substantive in regard to what was approved by the Planning Board, and to make any suggestions for how to continue the design review process which is ongoing at the staff level. So I'll let them present.

H. THEODORE COHEN: Okay. And is someone making a presentation?

DAVID BARSKY: Good evening, everybody, is it okay if I don't use a microphone?

H. THEODORE COHEN: No.

DAVID BARSKY: Would that be all right?

H. THEODORE COHEN: No, use the microphone.

DAVID BARSKY: I'm going to be shuffling back and forth if that's okay. Even better. All

right.

Hey, good evening, everybody. My name is David Barsky. I am an architect working with the owner of the Porter Square Hotel, and who is here this evening, Mr. Peter Lee. I'm also here with the landscape architect Elena Saporta, and we're here to go over the changes that were made to the park in the rear of the hotel as a consequence of accommodating some electrical equipment for NSTAR.

I'd like to start with the -- this is the plan that was originally submitted to the Planning Board back about, I suppose it was about a year ago, and it shows what we were conceptually planning for the park initially. And I am going to -- I also have an overlay which I will get to. But I'm going to go through the sheets that were presented, that you have

already, and then I will backtrack to the overlay.

So this is the original one. And there's the new park plan. And you'll notice in the lower -- let me try to focus that a little bit better if I may. All right. It seems about the best.

So you'll notice on the lower left-hand corner of the park. On that lower left-hand planter you see there where the gate is, and the gate is off Porter Road. That has been modified to accommodate a transformer and a switch pad.

Now, we are required to have those two elements above ground due to the limited access to the site from the street. We did submit some technical information for the Planning Board to look at that is part of the NSTAR, now Eversource specifications for this equipment.

The, the addition of the switch -- typically you have a transformer only in for a building like this, but because of the infrastructure in this part of Cambridge, we were required to also have a switch pad. So we, we worked to accommodate that by locating it -- one thing I should just do for the benefit of everybody is just to orient everybody.

The lower part of that drawing along this horizontal edge, that's Porter Road. And the building to the right of the drawing there in blue and then in front of that you have Mass. Ave. So the Porter Road/Mass. Ave. intersection would be to your right just to give you some orientation. So the main entry to the park behind the building will be directly off Porter road where you see the gate.

So now one other thing I'd like to do

also is just to give you sort of a vivid -- let's see if I do this here. I did a quick overlay of the drawing to show -- oh, I've got my pointer here. That will be handy.

So what you're seeing here in red, basically, what's happening is I took a line drawing of the original plan, cleaned it up, and overlaid it directly over the new drawing. So what you're seeing here and here and here was the original plan. And so this planter area here was elongated, and the distances that you see here are specific to the specifications of this equipment; that is a ten-foot distance in between. And then in addition to that, something that should be mentioned, is that this equipment needs to be directly accessible from the street. So the actual distance from here to the curb with the sidewalk being along here is a prescribed

distance. So what ended up happening was that we took the idea of the planter and expanded it, and to accommodate the equipment. And Elena will give you a bit more information as to what kind of screening mechanisms she designed for this.

And so the gate moves over and you can see the reconfiguration of the planters. This planter was basically transferred over to this side and this was moved over a little bit, and the gate is now a little bit closer to the intersection of Porter and Mass. Ave., which is maybe a -- maybe one of the perks, if you will, in bringing that gate a little bit closer over.

Other than that, in essence, the park design was -- it remains as per the original.

Let me try to go back to -- okay.

So, I wonder if it's worth -- maybe I can make this a little bit larger and move it over.

Oh, here we go. All right.

So here you see once again just to sort of recap, you have the sort of planter element and access, a single access from the street. And if I proceed further along here, the planting is something that --

UNIDENTIFIED MEMBER OF THE AUDIENCE: Can you back up for a second? I'm sorry, can you back up for a second?

DAVID BARSKY: Sure.

Okay, there is a sheet that explains the various species that are being used. And I will let Elena elaborate on that.

Okay, there we go. There's a view of the park looking out with the hotel at the back.

So this is the area here where in the transformer and the switch pad are located and would be screened by planting and a metal railing

to limit access.

Okay, so before I move on to anything else, if there's anything you'd like me to add to this.

H. THEODORE COHEN: So is that rendering of what it's going to look like --

DAVID BARSKY: Correct.

H. THEODORE COHEN: -- or that's what was approved?

DAVID BARSKY: No, that -- no. Well, this is a rendering that is based upon the original plan and even down to the species that Elena had originally proposed. This is a -- this rendering came later as a way of, you know, making the design more vivid and --

CATHERINE PRESTON CONNOLLY: But it doesn't show where the transformer is.

DAVID BARSKY: Well, it does in the sense

that this area here, the transformer would be in behind the planting here. So that's the region where -- in fact, Elena, I'm sorry, I'm incorrect. This is, the transformer's actually behind this layer of trees here.

STEVEN COHEN: So the dogwood or the -- and the lanka (phonetic) or whatever it is, that's still going to be there?

DAVID BARSKY: Yes, yes. So -- and perhaps I should go back to the plans real quick. Let me just go back.

ELENA SAPORTA: It's a dogwood.

STEVEN COHEN: That's a dogwood.

DAVID BARSKY: Let me explain what we're looking at. So the view that you just saw is essentially taken from here looking this way. So those, those taller evergreens that you saw would be located along here. And I'll go back to the

rendering one more time. I was mistaken in suggesting to you that this is where the transformers would in fact -- the transformers would be here and they would be screened along here. Let me go back to the rendering one more time.

Okay, there you go. So the planter, when you are looking into the park from the street at the gate, this is the planter that would be on your right, and then that would be the face of the wall of the planter that is -- and the screening of the transformer on that area there. You have the curved bench and then the raised part of the park and then the rear over here adjacent to the neighbors in the back.

Now, the actual, the park itself is located on a slab which is over top of the parking, the underground parking for the hotel.

And it turns out that -- once again going back to the plan, so this is the, this is the wall of the hotel and this is the drive from Mass. Ave. as you enter -- this is a service area for deliveries, removal of trash, etcetera, and it is behind a wall here. And the wall is approximately, if I remember correctly, it's about 64 inches above the surface of the park. If you walk by right now, you will see that the bare bones. The masonry of the walls is constructed now. One of the things that is not necessarily apparent is the fact that what you're seeing right now are walls that are two feet higher than they will be when the park is done because the actual park surface itself, which of course is at the same surface as the sidewalk, is 24 inches above the slab, and there are a number of reasons for that. The main reason being of

course that gives us enough depth throughout the park to accommodate not only small shrubs but as we get -- as the planters are terraced upward, we get very significant depth to allow for some real trees not just shrubs and smaller plants. Some of the elements that have been incorporated into the park, the benches, there's a central element here, and we can elaborate on that in a minute.

So these walls that you see all along here are really a series of planters in essence, and they vary in height from as low as eight inches along here to heights 30 inches, 35, 40. And then this triangular element that you will see here, which will not be evident when you're actually in the park because it will be screened by trees. This is a structural element that allows for ample headroom when vehicles come down this ramp and turn the corner and go down under

into the actual parking garage. So this is, this is, this is designed specifically to give us the necessary clearance for vehicles to enter in underneath. And Elena has I think very -- done a great job in terms of, you know, this is -- because we also, we've built this up we have the ability to put various substantial trees in here. And these trees are representative of the actual heights that can be anticipated in the park design. This is not, this is not a blue sky rendering. This is actually a quantitative illustration of what we're proposing.

So here you can see that the walls and the caps of the walls are pretty low wise for the areas where people actually make contact in this area here, and then you have -- along the rear you have that sort of quarter circle bench thing. And then it terraces up to accommodate the

headroom for the parking garage. And then this wall here is, is made purposely a bit high so that it screens the activities of servicing of the hotel, removal of trash containers, supplying -- a lot of the supplies will actually be brought into the hotel through the underground. But other sort of lighter materials and whatnot specifically for the restaurant and the kitchen would be delivered at this location and there go we have the idea of keeping this a little bit higher.

If I go to -- so here's an example of -- or some illustrations, rather, of some of the park elements and we have. The curved bench, the freestanding benches. And then this element here, which is the central element that's located in the -- in that center area, is like a large cast iron urn and that would have a seasonal

planting and whatnot. And Elena can answer more questions about that.

In terms of the lighting, the idea of lighting the park was that it would be very subtle and not obvious. Light fixtures do not play a visual role in the park design, rather they play a role to illuminate only. And so we have a small surface mounted lights that go in the lower walls, and I'll go back to the plan. Well, there are two, there are two light fixture types in the park; one is an up-light that is located -- that is hidden in the brush and shines upwards into the trees. And the other is this flush-mounted outdoor, you know, flush sconce if you will. And if I go back I can relocate those for you in the plan.

So it's a bit hard to read, but there's -- there is one of those wall lights and

another one here and another one here and another one here. And so essentially what they're doing is they're lighting the walkway. And you have a couple more that are embedded in the walls like here and here and there. And then the other lights are located as one here, one here. These are the up-lights that would be located in the actual brush shining upwards. So you have one, two, three, four, five. Another one here. Another one there. And then we have a couple lighting the tree here and that's essentially it for the lighting.

I don't know whether you want -- again, I think if you want to get into the details of the planting, I would hand the baton over to Elena for that. I think it would be good to do that.

And then the trash can selection is one that is familiar to -- one of the other aims of

this park is that, despite the fact that it's located on private property, we really try to create a vocabulary that says that this is a public park and that it, and that's similar to parks that are located on public land. So the language and the vocabulary, the style and the materials also are materials that would be familiar to people in Cambridge, and they would be able to sort of make associations with other public parks in the city.

And one more view here. The hard surfaces are two types of stone, also very familiar to Cambridge. One is a bluestone and the other is an accent of a white stone and we have some samples floating around that you can look at. We have both of the stone materials that are proposed for the actual hard surface as well as the bluestone that would cap the walls.

The walls themselves being made of the precast material that is the same material used for the building itself. So there's a -- some level of continuity in the vertical surfaces of the walls to the actual hotel itself. The bullnose that is gonna be circulated is that is being used as a cap along the -- you know, the cap for the walls themselves and that would be done -- that would be executed in the bluestone as well.

So the surface -- horizontal surfaces and precast, vertical and flat surfaces in the stone.

Okay, moving on to, if I --

H. THEODORE COHEN: Before you do that.

DAVID BARSKY: I can stay here.

H. THEODORE COHEN: Let's stay here with this for a moment.

DAVID BARSKY: Sure.

H. THEODORE COHEN: If I'm entering the

park from Porter Road, on my left am I going to see the transformer and the switch pad or is there going to be covered up by the evergreens?

ELENA SAPORTA: It's a combination of vertical evergreens, a vertical boxwood and then wisteria. There's -- if you go to the slide with the Veritas Hotel, it's a similar treatment to what was done at the Veritas Hotel.

DAVID BARSKY: Okay, yeah.

ELENA SAPORTA: On Mass. Ave..

DAVID BARSKY: There we go. Maybe I can make that a little larger. It's hard to see in this light.

ELENA SAPORTA: Well, in this particular shot the fence is low, but we would have an eye fence. It's a six-foot high fence, and it would be covered with wisteria, with a six-foot high vertical evergreens.

H. THEODORE COHEN: And what does that look like in the winter?

ELENA SAPORTA: It's evergreen so it looks the same.

H. THEODORE COHEN: So the wisteria --

ELENA SAPORTA: The wisteria --

H. THEODORE COHEN: -- will be gone.

ELENA SAPORTA: But the evergreens will be the same.

H. THEODORE COHEN: But presumably you'll still be seeing the electrical equipment there?

ELENA SAPORTA: Well, part of it you have to see because we have to maintain access to the doors. So we can't plant directly in front of the doors.

LOUIS J. BACCI, JR.: That would be the view from the street?

DAVID BARSKY: Well, actually let's go

back to the rendering if I may briefly. So once again there's, there's your line of evergreens as you're coming into the park and, and a primary view from the park would be, you know, the majority of people that would enter the park -- presumably would enter from Mass. Ave. coming down Porter Road. So we have -- I mean, there's no question if you go -- as you start going passed the entry to the park towards the rear and into the neighborhood, probably the most visible view to the transformers would be -- and I'll go back to the plan and show you.

Okay, so the line of trees that are shown in the renderings are actually a couple missing in this drawing, but they would be along here and along here. So the access would be here. And the other thing that we were told is that we can have planters along here as long as they're

movable. In the event that they would have to access the equipment that we could actually have planters along here and have additional screening so that, you know, we can mitigate as much as possible. But for sure, this is your main access and -- but in terms of the majority of people that are gonna be entering and seeing the park visually, the view along here and into the park is mitigated to some extent by the screening along this line here and presumably along here as well. And that's the effort that's been made to sort of mitigate that.

THACHER TIFFANY: Can you clarify that a little bit more definitively?

DAVID BARSKY: Sure.

THACHER TIFFANY: The plan doesn't show the trees buffering your view of the transformer from the street. Are there going to be trees

there or not?

DAVID BARSKY: Along here, yes.

THACHER TIFFANY: I'm most interested in the view from the street at the moment because that's the public --

DAVID BARSKY: In this?

THACHER TIFFANY: Yes.

DAVID BARSKY: Well, I'll answer that and I think I'll hand it to Elena.

Now, whatever is done along here, certainly along here. There is also an access panel in through here, so whatever we do along here would have to be in planters.

ELENA SAPORTA: Well, we'll have removable planters on the outside of the fence here. You see this panel. It would be along the side there. So that if they had to access that side of the switch box, they would move those

planters. But we could put evergreens. So the view as you enter the park, you would be flanked by green on both sides.

H. THEODORE COHEN: But the people who live on Porter Road are going to see from their houses, are going to see the transformer and the switch pad?

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: Which then leads to my next question of why did this come about? The plans we looked at several years ago didn't show any of these transformers or switch pads. And I mean, I don't believe you were the architect involved at the time.

DAVID BARSKY: No, I'm not the architect on this.

H. THEODORE COHEN: But can someone explain why this happened?

PETER LEE: My name is Peter Lee. I'm a -- one of the partner in the project. I got involved here 2013 November as a construction -- as a partner. And at the time November '13, besides develop a project in Cambridge that you're familiar with, at the time NSTAR and I had a meeting with them and they did not tell me that there was switching it at the time. And then the switch came into picture year 2014 if my memory correct, in the spring of 2014, because one of the project I have done, 24 Bay State Road, because of this type of a challenge, I buried the transformer underground so nobody can see it because we had to hide it. There was a very tight side front yard. So I was imagining I was hopefully doing this in the same way. But they gave me a surprise because of it -- I was told the infrastructure of the power grid. I happen

to be a mechanical engineer, and is not sufficient enough to provide the power, therefore, it must have so-called PMIs which is a new understanding of the cab. It's almost same size as transformer. And not only that, it also requires these two transformer, and switch must be together within ten feet. And then ten feet from the street to access, to deal with maintenance purpose. So then we looked around the -- they came around the site with me and measured every possible way, and this was the only possible spot. Because we were gonna push this two piece of equipment closer to the building to give them more, perceived as a more wider park, but we had the meeting, the gas company requirement, the gas came in right.

DAVID BARSKY: Right there.

PETER LEE: Right there. Right around,

around this wall. So they required certain distance from the gas pipe to the distance due to the specification. So this is was the only spot. That's how I was told. This is how it begin to unfold. And then after that we had a site meeting with the Planning Board and so on and so forth. That's how we got this far.

H. THEODORE COHEN: I guess I still don't understand. When this was designed originally and approved, was it envisioned that you were going to need the transformer and switch pad?

DAVID BARSKY: No.

PETER LEE: No.

H. THEODORE COHEN: Neither?

PETER LEE: No, neither. Transformer, yes. In my, my experience in this size of a building requires transformer.

H. THEODORE COHEN: Okay.

PETER LEE: But I wasn't involved in the planning stage. Mr. Ginn and Michael McGee was involved at the time and I inherited it so I did not --

H. THEODORE COHEN: And did they have a plan of where the transformer was going to be located?

PETER LEE: Had it in the approval drawing. Except at the time, I don't know why, but at the time they probably didn't know that there was -- wasn't any -- raised the question. I have no idea.

HUGH RUSSELL: I would just comment that it's extraordinarily challenging now to deal with all the tricky companies. They won't talk to you upfront. You have to make, you know, applications for service before they'll seriously look at your project. So when you start a

project, you don't know what they're going to require. Now, I think we would both agree there should have been a transformer shown somewhere?

PETER LEE: That's right.

HUGH RUSSELL: Because it's logical, but the switches are showing up now and it's extraordinarily frustrating as an architect and designer to have to deal with the situation. So -- and there's not much they tell that you have to do.

H. THEODORE COHEN: Could these things be put inside the garage?

HUGH RUSSELL: No.

PETER LEE: No.

LOUIS J. BACCI, JR.: But they can be put below grade?

HUGH RUSSELL: Sometimes in some places.

LOUIS J. BACCI, JR.: Right, that's what

I'm -- looking at this as the person who puts them in, quite often we put them in sidewalks that are this wide.

PETER LEE: Yes, indeed. Could we put it underground?

LOUIS J. BACCI, JR.: Yes.

PETER LEE: The only condition is --

LOUIS J. BACCI, JR.: You have to separate them in the manhole.

PETER LEE: Yeah. Without the switching gear.

LOUIS J. BACCI, JR.: But you put the switch in the ground, also, in the same vault. They're separated. And it's not cheap.

PETER LEE: Because half the basement will be --

LOUIS J. BACCI, JR.: No, no, no. In the sidewalk.

STEVEN COHEN: In the sidewalk?

CATHERINE PRESTON CONNOLLY: There are a few things under the sidewalk in this particular location however.

LOUIS J. BACCI, JR.: It used to be me. I worked at the T station.

But this is a pretty common occurrence actually. This is a little small. Usually they're larger in a bigger vault. Early engagement helps. But we're stuck with -- this is what they have.

STEVEN COHEN: And I've had the same experience as Hugh. Though, early engagement in principle helps.

LOUIS J. BACCI, JR.: Yes.

STEVEN COHEN: And you have to deal with the companies and there are no rules to the game --

LOUIS J. BACCI, JR.: It's tough.

STEVEN COHEN: And you're totally at their mercy.

LOUIS J. BACCI, JR.: It's tough, I agree.

STUART DASH: And this has been percolating now for a while. We've heard from not only from the public and we're working with Eversource to establish some early engagement process. It doesn't mean, as you said, it doesn't mean that we'll always come up with an answer on things, but I think we should be able to get mechanical systems when we never saw any images of mechanical systems. And so I think we should be able to improve on it. Whether we get exactly where we want to go, depends on the process. But we are in discussion with Eversource about doing such a process.

CATHERINE PRESTON CONNOLLY: Great segue.

STEVEN COHEN: Stuart --

LOUIS J. BACCI, JR.: Yes, good segue.

CATHERINE PRESTON CONNOLLY: Sorry.

STEVEN COHEN: Stuart, my colleague here tells me it's actually an option to put equipment like this beneath the sidewalk?

STUART DASH: Yes. Underground, underground vaults. Actually in recent conversations with Eversource they said, well, what about water? They said no, we designed them to be under water.

H. THEODORE COHEN: And so is there a reason it couldn't be underground here, the subway's there?

STUART DASH: I don't know the specifics of here, but when we were called in, the plans were already required.

HUGH RUSSELL: I mean, I think --

STUART DASH: They're expensive, the vaults.

LOUIS J. BACCI, JR.: Oh, yes, they're not cheap.

HUGH RUSSELL: The other thing is clearances are needed around the equipment.

LOUIS J. BACCI, JR.: Absolutely.

HUGH RUSSELL: So, given they're all sidewalk --

LOUIS J. BACCI, JR.: Oh, yeah, absolutely. But this is all engineering that goes usually into -- the two very large ones in front of the library.

Also I guess I have a question is which are the documents that are approved? There are a lot of different colors, a lot of different textures, a lot of different views.

STUART DASH: The first colored one you saw was the one that we approved.

DAVID BARSKY: This is a technical plan of the original rendering. Whoops, there it is.

LOUIS J. BACCI, JR.: I mean about -- the building and so forth. I mean, we've gone from grey brick to --

DAVID BARSKY: The building is a red brick.

LOUIS J. BACCI, JR.: I know, I know. I was there this afternoon again.

DAVID BARSKY: (Inaudible).

LOUIS J. BACCI, JR.: But these are approved but no color?

STUART DASH: At this point this is the only ones that we, the staff approved, and that's actually why we're here tonight, is to actually ask for the Planning Board's comments and

suggestions and looking for approval of the follow-up of the version of this that includes the transformers. They're not having an approved version of this including the transformers.

STEVEN COHEN: I'm still confused about one thing, the visibility from the street. You're saying that they're not actually screened from the street? Couldn't you put a, you know, a section of a fence, four feet, five feet tall, whatever it is, you know, with a big gate or something to provide access to the utility company and maybe even something more creative than that.

DAVID BARSKY: You mean something opaque?

STEVEN COHEN: Pardon me?

DAVID BARSKY: You mean opaque?

LOUIS J. BACCI, JR.: Or even a fence.

ELENA SAPORTA: We have a fence.

DAVID BARSKY: There is a fence.

ELENA SAPORTA: The fence is six-foot high.

STEVEN COHEN: Oh, there is a fence?

ELENA SAPORTA: Yes.

STEVEN COHEN: You're talking about a solid fence?

DAVID BARSKY: No, it's the open, the rod iron fence that you saw in the photo. And what Elena's done is combine that wisteria that will grow onto it and that's the way that --

STEVEN COHEN: And maybe an evergreen or more like an ivy that would provide some screening year round.

H. THEODORE COHEN: And will there be the trees shown there on Porter Road?

ELENA SAPORTA: Yes, those are gingko trees.

MARY FLYNN: I have a question. I'm sorry, go ahead.

H. THEODORE COHEN: As I said, the female gingkos are not --

ELENA SAPORTA: We'll have male gingkos.

H. THEODORE COHEN: The male? Okay.

MARY FLYNN: I'm concerned about the view along the abutters' line as well. It doesn't look -- are those shrubs along the edge there and how high do they come? And how close is the next residential building to the property line?

DAVID BARSKY: Are you --

MARY FLYNN: I'm trying to get a sense as you go passed these.

DAVID BARSKY: If you're referring to the abutters along here?

MARY FLYNN: No, on Porter Road. As you're walking along the sidewalk and you go

passed the transformer and the switch pad, and then what comes after that, a couple houses?

ELENA SAPORTA: So, here we have evergreen shrubs, ink berry. There's a massing of those there. Then we proceed to knock out plush roses here. Then we have the cussa dogwood with evergreen, ferns underneath, and some hostas along this edge. Here we have the, the combination of wisteria, ivy, and upright boxwoods and more upright boxwoods along this edge.

MARY FLYNN: And how high are those?

ELENA SAPORTA: Six fee.

MARY FLYNN: Those are six feet.

ELENA SAPORTA: So they'll be the same height as the fence.

MARY FLYNN: All right.

And the next property beyond that is --

I'm sorry.

ELENA SAPORTA: It's along here.

MARY FLYNN: Oh, thank you. Okay.

I guess I'm just disturbed that the, that the equipment is so close to the abutting property. I'm assuming that the transformers are such a bit of noise, humming.

LOUIS J. BACCI, JR.: Next question.

MARY FLYNN: Comes with that. And, you know, I mean obviously I've heard you say that, not you, but in the presentation that this is the only part of the site that works. But I understand about the gas line coming in, but I guess I don't understand why the equipment couldn't be further towards Mass. Ave., say, in one of the areas like just before you get to the like the dogwood. As you're coming from Mass. Ave., I am sorry, you said you will have that and

some roses and all of that. It just seems to me that it's not fair to subject the next-door residential property to that where, you know, it's something that should have been identified. And I understand what Hugh was saying, you don't always get all the information up front. To me it just seems like an undo burden on the neighborhood. And I don't disagree that a six-foot screening will be helpful, but I don't think it solves the problem and I do worry about the noise. Just my thoughts.

LOUIS J. BACCI, JR.: I guess the question on that noise is this will be a low noise transformer?

DAVID BARSKY: That's right.

PETER LEE: The switch has no noise.

LOUIS J. BACCI, JR.: Yeah, the switch is no noise.

PETER LEE: And the transformer is low noise, low decibel.

DAVID BARSKY: I don't know if you've been by the site.

MARY FLYNN: I haven't and I do apologize for that.

DAVID BARSKY: I appreciate your concern with regards to the neighbors, but I think when you go there, you'll see there's a pathway there and there's also -- there's a difference in elevation between the -- sorry, I should stand, you're right. So the house itself is about here, actually, and it's set back a certain amount. There's a narrow pathway and an entry in here, and this area in relation to this area is somewhat lower. So the difference in elevation combined with the screening, I think that's one problem that looks more threatening in the

drawing, but if you actually go there, in fact, until you mentioned it, it didn't even occur to me because I think that this will not be something that you will really notice coming into this house just because of the way that the thing is laid out and I invite you to go out and look at that. So that's -- and then this really is essentially functions as a retaining wall and rises up quite steeply. So, and then we have a plethora of planting.

MARY FLYNN: Yeah, no, that I like very, very much.

DAVID BARSKY: And this is going to be -- and along here we don't have to worry, these can be permanent. So we really are in a position certainly to be empathetic to the concerns of the neighbor. So just a couple of comments on that.

MARY FLYNN: Yeah, I do think that does

-- as we're going forward, you know --

DAVID BARSKY: I should also just mention.

MARY FLYNN: Have you met with the neighbors to go over it with them? And what response have you gotten so far?

DAVID BARSKY: Peter, you spoke. Well, certainly the owner -- this is, this is all --

PETER LEE: Yeah, we spoke to them.

DAVID BARSKY: We've been in contact with all of the neighbors on a fairly, you know intense basis. And some of them are here tonight actually.

MARY FLYNN: Okay.

DAVID BARSKY: And then just in terms of your comment about where this was --

MARY FLYNN: Yes.

DAVID BARSKY: -- to be located.

We really felt strongly that the lesser of the evils was to keep it as -- because, again, I think it's reasonable to suggest that the vast majority of people who come to this park are going to be coming, you know, from the -- where the concentration of people are which is from Mass. Ave., that sort of keeping it more towards the rear. I think this would have been an extremely obtrusive location, and of course because of the gas coming in here, you know, it would have had to have been in what, if you go to the site, you would I think appreciate is a very principal elevation into the park.

MARY FLYNN: Yes, well, I wasn't thinking right where the dogwood is supposed to be but more to the --

DAVID BARSKY: You mean back here?

MARY FLYNN: To the right, sort of

between the area where the --

DAVID BARSKY: That's where your gas
line --

MARY FLYNN: I know you can't do that,
but where that row of --

CATHERINE PRESTON CONNOLLY: Roses.

DAVID BARSKY: This here?

MARY FLYNN: -- roses.

DAVID BARSKY: That would have brought
you from here to about here. So, that would have
really, that would have made it so the first
thing you notice would have been about the switch
on the transformer actually.

Not to minimize, you know, the
significance of this, but I think that when
you're on-site, you know, the -- and this is all
kind of low relatively speaking, and the reason
for that, too, is to allow for a very clear view

into this area. So I think the focus of your, you know, of your attention is really gonna be more towards the locus of, you know, geometrically you have an axis along here and along here and a major, you know, sort of a decorative element here. And this -- your view is really gonna be drawn in this direction along this axis. I think it's reasonable to suggest that.

MARY FLYNN: I see what you're saying.

DAVID BARSKY: That's part of the reasoning of the layout of the park.

The other thing I should mention is that this access here is established in large part to the fact that this is an entry into the hotel here. So you have an entry here and an axis along here and an entry and an axis along here and a kind of an intersection focal point here

and then everything kind of radiates out there from there. So that's the geometric rationale behind the plan itself.

MARY FLYNN: Thank you.

H. THEODORE COHEN: All right, are we ready to move on to the facade and the rooftop issues?

If you would go there.

DAVID BARSKY: Okay. All right, so two issues here:

One is the material along the top of the building along here. In the initial rendering that was done by Michael McGee way back, this was, this was shown or this was going to be a metal material. It wasn't specifically specified exactly what it was going to be. It was shown as a basically a twelve-by-twelve grid on the drawing, but it was going to be a metal cladding.

And then as the bidding evolved, I did include in the narrative an actual quote from the architect as to his reasoning behind why he elected to go with the precast. He felt that there was more than enough going on in the building itself and he wanted to -- he did not want to detract from what he felt was a primary element. And I can tell you as someone who detailed it, it's a very primary element, these frameless windows here, which are really coming out beautifully. And we have, we have a decorative, a very light weight decorative metal railings along here and these protrude out. Here they protrude out less than here because of the limiting distance from the street. But they are -- I think it is fair to say that they are a primary feature of the building envelope. And he felt as the building progressed, that he did not want to add yet

another element to the palate of the building.

He rather wanted this -- and the other thing, not having been part of the conversations that led to this design, but the idea of stepping back the fifth story of the building to allow the building to appear less massive, I think is a valid one.

And then the next layer of that would be to sort of tone down the building material itself so that this played an even lesser role in terms of the -- of its impact as a mass at that high level. So that's the rationale behind that.

And then getting to the roof screen -- I'm gonna expand this out here. Let me just -- I want to show you -- when I was faced with having to deal with screening the equipment, I had an idea about a translucent screen. I had an idea about having that screen follow the curve of the building. And I was at the Starbucks, is it at

Cambridge Street, and right at the Berwick Hall, and low and behold you have the Rindge and Latin School and they've done it -- and they have a significant amount of equipment on the roof. And what they've done is they've taken this idea and they've followed it expressly around the curve of the building, and it certainly tones down the impact of, again, a ton of equipment on the roof. I thought it was a very -- it was a good, real example of what it was that I felt we needed to accomplish in terms of hiding the equipment.

Now a couple of notes about the equipment itself. We have a handful of primary elements on the roof. The first one is an atrium, which is located on the center -- more or less on the center of the building. This is not a big building. And when you go there you'll see that. Every square inch of the building has been

accounted for.

The atrium itself is approximately 16 feet by 16 feet and it runs, of course, down the central core of the building. And then behind the atrium you have the elevator -- actually, I should be referring to the roof plan. I could make it a lot easier to understand.

Okay, so here is your atrium. There is your elevator core. And we have a pilot house to accommodate stair access to the roof. These little elements that you see here are not visible from the street. They are -- this building that has a kind of -- is a fairly cutting edge approach to heating and cooling the rooms in that each room has its own individual unit so that these units are active when the room is occupied, and they are individually controlled and high efficiency sort of state-of-the-art. They're

a -- Peter what's the --

PETER LEE: Daikin.

DAVID BARSKY: They're Daikins. Yes.

They're really the Rolls Royce of HVAC units, and they're -- we have the ability to control them and know if -- and power them down when there's nobody in the room, etcetera, etcetera. So again, the point being that we really tried to be state-of-the-art in the whole building, but also in particular with regards to the HVAC.

Now, we also have -- the kitchen in the ground floor of the building is located here which means that my -- our food, or rather our ventilation of the kitchen exhaust is over here and the -- this meant that -- well, there's more reasons than that. So the kitchen exhaust is here. And so this became the only place we could, whereas we have individual units for the

rooms we have. We have to provide fresh air in the common areas and that requires a fairly significant sized unit with clearances below it, etcetera, etcetera. And so it ended up happening in the only area where we have a core to accommodate it, somewhat, you know loaded towards the front of the building and quite tall, but this rendering here, again, is a quantitative rendering in the sense that it does reflect exactly the height of the unit and the -- what this thing is gonna look like from the point of view of this rendering. So the idea being that we try to tone it down as much as possible.

This is a kind of a wavy, like a corrugated, perforated metal screen that would be covered similar to the building itself. There will be no light up there or anything like that. And so, again, to try to mitigate as best as

possible with something that would play as minimal a role as possible in terms of one's perception of the building as a whole. I think when you go by the building right now, with this element sticking out by itself and no screen and all the rest of it, it's a worrying site. But I think once, you know, when we have a continuous screen, and the eye will follow the line there, that that will, that this protruding element will no longer protrude in the way that it does. And so, so this is the approach that we took in terms of trying to mitigate that.

And that's the other -- the other item was the replacement of the metal with the precast.

H. THEODORE COHEN: All right. And that element is truly hideous, and I'm not an engineer and I'm not an architect, but I cannot imagine

anyone thought it was a good idea to put it in that location even if it's going to be screened.

Further, the plans that we saw and I've looked at, showed nothing like that on the roof. I mean, it is just inexplicable to me. I've been a big proponent of this building since it was first presented to us, and I've been heartsick since I saw that thing go up there. Which when I first saw it, I assumed well, they just put it up on the roof and they're going to put it somewhere. That it could not have been put anywhere else is just totally inexplicable to me, and I would really, you know, it's a glib explanation, it's the only place it could have gone, but I just don't find that to be an acceptable answer.

Obviously it has to be screened. That screen looks to me like it is not on line with

the curve of the building and the first floors or the fifth floor. And it just looks like it's out of whack with everything else. And perhaps you need a larger screen that's going to mimic the whole shape of the roof.

Hugh, I would be curious what you have to say about it. But I just cannot believe that anybody thought that was a good idea. And, you know, you were probably -- this building is one or two of a couple of buildings that have come before us now where the mechanicals on the roof are totally unlike anything we were shown in the plans. And I know my colleagues and I have been talking about, you know, there is going to need to be something in every Special Permit that's going to require the mechanicals to have been shown to us and to have been given us an understanding of what they're going to look like.

Because I personally don't think I would have approved that building as it's being shown now.

So, you know, it's there, I guess, but you're going to have to do something incredibly good to cover it. I agree the mechanicals at the Rindge Latin building look okay with that screen and maybe, you know, you're using the same type of screen is okay. But from the one drawing you have there it really looks out of whack with things.

DAVID BARSKY: I'm very sympathetic to your idea of actually allowing that screen to come closer to the edge. I think it would be better. I actually -- the reason I set it back is more because I felt that people would respond to something that was a little smaller, better. But honestly architecturally and speaking as an architect, I agree with you, that if this curve

could come closer to the curve of the building, that would have an effect more similar to the success that you -- this curve here is minimally set back from the edge of the parapet of the roof.

H. THEODORE COHEN: I mean, this is the focal point of Porter Square. You see it as you're coming down Mass. Ave. You see it from the Porter Square shopping center. You see it as soon as you come out of the subway station. And right now you see this thing that is truly atrocious, and I'm just not convinced that what you're showing there is more than a Band-aid, and that it really needs to be something that's more in keeping with the design of the building, which I still do like, but that's, you know, my comments on that.

I'm just curious, what are the small sort

of bricked in windows?

DAVID BARSKY: Here?

H. THEODORE COHEN: Below it.

DAVID BARSKY: This here?

MARY FLYNN: Going down. Going down.

DAVID BARSKY: Oh, this here, those are metal panels, they're in now. The architect chose the color.

LOUIS J. BACCI, JR.: Maybe red.

DAVID BARSKY: They're kind of a reddish color.

H. THEODORE COHEN: They're decorative panels?

DAVID BARSKY: They're decorative panels to break up the side, exactly.

H. THEODORE COHEN: And on the top of the fourth floor --

DAVID BARSKY: This railing?

H. THEODORE COHEN: The railing. Are they actual balconies there that people can get out to?

DAVID BARSKY: No, there's no access to the roof. It would be nice if there was. I think that would be nice.

LOUIS J. BACCI, JR.: And planted.

H. THEODORE COHEN: Right. In the drawings they are planted, and I don't know that they showed doors, but....

LOUIS J. BACCI, JR.: The location of the cooling tower, it appears to be a lot further to the left side of this drawing than you show the enclosure. Also from what I see, those heating units and heating air conditioning units are visible from the street.

DAVID BARSKY: They are, I mean they are somewhat visible, yes. They're about that tall.

When you're standing --

LOUIS J. BACCI, JR.: The location of that cooling tower appears to be very close if not on top of that rear set of heating units. It's very close to the corner.

So that's my question is, are you going to completely enclose that corner?

DAVID BARSKY: Well, we could. I mean, if you guys were open to that, frankly, I, I pulled this back maybe I said it was too timid and really should have been a bit bolder. But I do think that it -- if this line followed -- first of all, we would hide these.

LOUIS J. BACCI, JR.: But the tower exists now. The cooling tower existing now.

DAVID BARSKY: I'm sorry.

LOUIS J. BACCI, JR.: The cooling tower is in place.

DAVID BARSKY: The cooling tower is in place.

Yeah, go ahead, Peter.

PETER LEE: First of all, it's not a cooling tower.

LOUIS J. BACCI, JR.: It's not a cooling tower?

PETER LEE: It is 100 percent make up air that requires for the concealed the rooms.

LOUIS J. BACCI, JR.: And the piping that goes into it is for air or water?

PETER LEE: Just air. This is just the rooftop unit.

LOUIS J. BACCI, JR.: It's a rooftop unit that doesn't have a -- no evaporative, no fans?

PETER LEE: No, nothing. Just a single package rooftop unit. It's 100 percent air goes in.

LOUIS J. BACCI, JR.: Okay.

PETER LEE: IT requires certain distance from vent and kitchen. And the structure still design shows a canopy of where the kitchen area, one end. The other end and this corner reference to middle light well, the atrium. So we had to choose one or the other on structurally. Yes. Yes, sir.

LOUIS J. BACCI, JR.: So this is an air make up unit, not a cooling tower?

PETER LEE: No, no.

LOUIS J. BACCI, JR.: So that means it has fans?

PETER LEE: It has fans, yeah.

LOUIS J. BACCI, JR.: It would be noisy. And it's right on the prominent corner of this building.

PETER LEE: No, I would give it decibel.

I don't see much more noise than car passing by,
yeah. Much less.

LOUIS J. BACCI, JR.: We'll see.

PETER LEE: No, I'll give you the data,
sir.

LOUIS J. BACCI, JR.: It's just -- it
needs to be screened.

PETER LEE: Yes, yes.

LOUIS J. BACCI, JR.: That doesn't --
that doesn't even make it to it.

PETER LEE: Yes, we definitely want to
screen, there's no question about that.

LOUIS J. BACCI, JR.: Seems like a
horrible location for this. Even the perforated
screening, is that what you're thinking?

DAVID BARSKY: Yeah.

LOUIS J. BACCI, JR.: It's very
see-through.

DAVID BARSKY: It's a wave. One of the reasons that it's waved, also, is because it gives it more structural stability and it can be very light weight.

LOUIS J. BACCI, JR.: One of the things I've noticed with this type of material is very see-through.

DAVID BARSKY: Well, we can control that.

LOUIS J. BACCI, JR.: It creates a lot of shadows.

DAVID BARSKY: 53 percent for what it's worth.

LOUIS J. BACCI, JR.: Creates a lot of shadows. The bones of these things stick out. They're not exactly covered, you know, it's not very transparent.

DAVID BARSKY: Okay, well, let me show you again the one that's here would emulate what

we would -- that's what we're kind of looking at. And I'm not -- you certainly do see it, but it's a ghosting. And guess what, we have control over the level of perforation. So right now I'm looking at 53 percent.

LOUIS J. BACCI, JR.: It's a very prominent spot.

DAVID BARSKY: Yeah. We can make the perforations smaller if you think that would be a better idea.

The other thing that we could do is to render it from further away with the screen closer to the edge.

LOUIS J. BACCI, JR.: Look at it here, see how transparent it looks?

DAVID BARSKY: Yeah, yeah.

LOUIS J. BACCI, JR.: And that's pretty close to what it would be.

DAVID BARSKY: Yeah, no, I'm glad you appreciate that fact because that's what we're trying to --

LOUIS J. BACCI, JR.: All of this basically would be visible.

DAVID BARSKY: Possible.

LOUIS J. BACCI, JR.: So all of the equipment inside would basically be visible as a shadow at least.

DAVID BARSKY: Yeah, yeah. Well, I guess it depends what the light is doing. But point taken for sure.

LOUIS J. BACCI, JR.: Sure.

And I guess you don't show the other mechanical enclosure in some other structure on the roof.

DAVID BARSKY: Okay, what we have --

LOUIS J. BACCI, JR.: Towards the corner,

yeah.

DAVID BARSKY: Okay. So we have all these individual units here. Like I say, they're about that high off the ground. And then we have the pilot house for the stairway and the penthouse for the elevator which are surely, you know -- well, they're set well back and they're much less obtrusive. There you go, perfect. So you can see that.

I mean, if, you know, the screen can certainly, you know, be more elaborate no question. And if the Planning Board feels that that's something that they'd like to pursue, I'd be happy to render that and submit it to you for your consideration.

HUGH RUSSELL: I think what you need to do is make the screen basically symmetrical --

LOUIS J. BACCI, JR.: With the building.

HUGH RUSSELL: -- sort of off the corner.
So whatever length it is, whatever setback it is
from the parapet it should be uniform.

DAVID BARSKY: Yeah, that would --

HUGH RUSSELL: And then the length along
Mass. Ave. should be matched along the length of
Porter Road. And at the corners, all three
corners should be curved so that it's sort of a
cloud floating up there, but it's working with
the architecture.

LOUIS J. BACCI, JR.: Yeah, it needs to
wrapped for sure.

HUGH RUSSELL: So I just sketched very --
and this is the only plan I have, so I sort of
sketched what it looks like, but -- and I
think --

LOUIS J. BACCI, JR.: You've seen what's
there.

DAVID BARSKY: Yeah, no, I'm -- I was really setting it back only because I expected -- I expected if I put it there, people would say move it back.

STEVEN COHEN: And we might have.

LOUIS J. BACCI, JR.: That's from the station.

HUGH RUSSELL: That's fabulous. You know all the units are visible.

DAVID BARSKY: That would solve that problem for sure. I mean, we would hide all those units and I agree with you, it would be, from a massing standpoint it would be much more harmonious visually.

H. THEODORE COHEN: And is it possible to paint that air exchange unit white?

DAVID BARSKY: It's, it's a pre-finished -- I don't know. Can we -- I don't

know if that would be a really good idea. It's
a -- it's kind of an off white now.

LOUIS J. BACCI, JR.: Green.

DAVID BARSKY: What do they call it?

Taupey white?

LOUIS J. BACCI, JR.: It's green.

DAVID BARSKY: I think the screen would
be the issue at that point. I don't know. We
can look into that if you collectively thought
that was a good idea.

HUGH RUSSELL: The screen is going to be
sort of a light grey.

DAVID BARSKY: That's my suggestion,
yeah.

HUGH RUSSELL: And then the unit is a bit
darker than that.

DAVID BARSKY: The units almost the same
color as the precast to tell you the truth. It's

very similar in color as memory serves.

HUGH RUSSELL: I mean, I think the screen should be brighter than the unit so that the screening will look better. You'll have a brighter color in front of a darker mass. I think maybe it should be less than 53 percent -- I mean, it should be 70 or 80 percent. Some light coming through gives it some light, but I think maybe 50 percent is too much.

DAVID BARSKY: Are you saying that you'd like to see it be more perforated or less perforated?

HUGH RUSSELL: Less perforated.

DAVID BARSKY: Okay, sure. We can control that definitely.

HUGH RUSSELL: And we're looking at -- we focussed on that one element because it's very distorted. I think we're all okay with the

precast material up there, right?

H. THEODORE COHEN: Yes.

HUGH RUSSELL: That seems like a good decision.

MARY FLYNN: Yeah.

CATHERINE PRESTON CONNOLLY: That's fine.

STEVEN COHEN: Ordinarily which changes can just be made along the way and reviewed and approved by staff? And I mean by the time -- you know, something like this comes to us it's a fait accompli.

HUGH RUSSELL: I mean, the reason it's coming to us is that staff believes that there is a substantial change and exceeds their ability to say it's consistent with our decision.

STEVEN COHEN: But the change was made already. I mean, it wasn't presented to staff and said we're proposing a change, you know, is

this okay? It's more a matter of I don't know how it evolved, but the change was made and it's in place and it's at that point that staff is somehow presented with the fact fait accompli.

STUART DASH: Right, and sometimes it happens like that and sometimes we look at it and we say that seems like at first it's okay. And even it's not okay and even if it's up there we still bring it to the Board, and if the Board doesn't think it's okay, the Board can say change it.

STEVEN COHEN: What are the rules of the game?

STUART DASH: Many of these changes should have been brought to the staff ahead of time.

STEVEN COHEN: Yeah, exactly.

HUGH RUSSELL: And so we have to imagine

that none of this stuff was actually shown on the construction drawings that you signed off on and it's shown up after they got their Building Permit.

STEVEN COHEN: There should be consequences, you know, ten lashes for minor changes. Thirty lashes for major.

CATHERINE PRESTON CONNOLLY: I mean, it does raise the question of what is the action we're taking here tonight? And are we just being asked to say yes, this design is substantially the same or are we being asked to say, no, you have to come back and get an amended Special Permit which could have amended conditions on it? I mean, that to me is really kind of a question is -- I mean, what's the Planning Board's action here if we -- if we say no, we don't like it and we don't think it's consistent with what your

approval said.

HUGH RUSSELL: So I think the hope is that we will review this, advise staff that if certain things happen, then it would be consistent with the approval. That's the sort of a middle ground. If we can't, we can't do that, then we have to say, as you said, this is not consistent and there's got to be a more formal process. And that's, you know, that it tugs at our sensibility because this is a project that we have supported, I think we're behind very much, and so we don't want to endanger it and we don't want to punish people. We simply want to get it right to the extent of getting it right. If I can go down to the landscaping, the quality of what's being proposed is extremely high. And you know, 75 or 80 percent of it is the same. To me the quality is the most important thing. This is

really extremely high quality landscape. It's really unfortunate that the transformers are there. They're doing what they can about them. So if we say you got to get rid of those transformers and switches, then it's going to be, you know, tremendous delays and much extra costs and an unpredictable result.

CATHERINE PRESTON CONNOLLY: You know, personally, you know, having dealt quite a bit with utility companies myself, I am somewhat more sympathetic to the utility company problem than I am to the changes on the roof and the aesthetics of the appearance of the building in a prominent corner. That to me seems to be -- to have been much more discretionary and significant change that the owners had control over. And frankly to the extent that the discussion endangers the project, you know, it's not the Planning Board

doing the endangering. It was the people who decided to make changes without checking to see if they were okay.

DAVID BARSKY: Just to your point about the, that what was approved by the Special Permit, the park design in a Special Permit was really extremely schematic. It was really no detail at all. And so on the one hand, you know, again, it's a question of weighing -- and, again, we adopted the project so, you know, not having been privy to what led up to the drafting of the Special Permit, the --

CATHERINE PRESTON CONNOLLY: I mean, you know, I appreciate that it's somewhat schematic but I've got a lot of --

DAVID BARSKY: That's part of the -- the original Special Permit was granted before that plan was -- we brought that plan after we adopted

the project and the Special Permit was already in place.

CATHERINE PRESTON CONNOLLY: Okay, well I wasn't on the Board at the time. This was handed to me as what was approved as the Special Permit.

DAVID BARSKY: Right. And, again, I'm sort of in the same position as you as I wasn't -- and so, you know, we saw that the park was something that was really left to our discretion, and we brought that to the Planning Board as a plan and we -- and before we did that, we went to the neighbors. And so we wanted to get a consensus. And then we went to the Planning Board and we presented that, and it was sort of a seamless protocol that was followed. And so I think that, you know -- and that's a fairly dramatic -- if you, I mean one could argue that's a very dramatic change to the Special Permit.

Because if you look at the Special Permit, there was no real park design, and now there's a very substantial park design. So it's a little confusing at this end, and I'm only saying this because I'm getting used to the process myself as an architect in Cambridge. And so it's, it's challenging.

HUGH RUSSELL: My recollection of the park design was that it was not worked out at the time we approved it and we felt it should be a process with working with the people who are around it to come up with a park design. So I think that --

H. THEODORE COHEN: That is indeed what the conditions said. The design process for the landscaped area shall be undertaken by the permitting, including abutting residents and property owners on Porter Road and to identify

the use and activities. And the final landscape plan shall be submitted by CDD before issuance of a Building Permit.

CATHERINE PRESTON CONNOLLY: Okay, so what we have attached here, then, is what was submitted to CDD for issuance of the Building Permit?

H. THEODORE COHEN: I believe so.

CATHERINE PRESTON CONNOLLY: Okay, that's helpful to understand. Thank you.

STEVEN COHEN: And, you know, one thing I would say, I have no concerns. Actually, I think everything will work out fine. I'm not troubled about how it's going to be worked out. I'm still troubled a little bit by the procedure as you are, and certainly shame on the applicant in a number of respects. But, you know, to some extent shame on us and our procedures. You know,

I think going forward things like electrical equipment, that comes up frequently nowadays, and perhaps even more in the future. Rooftop equipment, it just comes up too often and somehow or another -- well, first we should ask staff to you know, explicitly ask about these things even if it's not shown in the drawings, and make sure that it's clearly understood. Or that, you know, issues are raised that the applicant perhaps hasn't thought of or addressed yet. And I think it should be certain standard provisions that we -- or conditions that we have, you know, so that if in fact, you know, something comes up about rooftop equipment, that would be brought either to staff or to the Board depending on the circumstances, in advance, not after a change has been made and implemented in a site and then, you know, we're presented with the fait accompli.

You know, there's no cliché amongst us real estate developers. Sometimes you don't want to ask for permission. Just do it and then ask for forgiveness. And if you have a reasonable Board like we are, we will be all upset but ultimately we're going to forgive. Because we're not unreasonable, and we're not going to ask people to remove a transformer or change the brick in their building. But, you know, we could take steps to head that off I think. And it's happened too often and like I said, I think between staff and us we should try to reduce the incidents going forward.

THACHER TIFFANY: I don't think we should preclude ourselves from changing the materials if we didn't approve it. It's happened before in Boston. We shouldn't take that option away from ourselves, not that it's relevant in this case.

STEVEN COHEN: Well, if we can read them the riot act upfront and then, you know, take steps to avoid the situation, obviously that would be the best for all involved.

H. THEODORE COHEN: All right, I would suggest that we send the proponent back to come up with a new design for the roof, and that it be reviewed by staff. And then I would like to see it back before us. And I would don't know what the timing is, but I know the 22nd meeting I think only has the Planning Board rules and regulations currently scheduled. So is it possible to bring it back that quickly and we can look at it again.

I have one other question. In these plans it shows the entryway on Mass. Ave. being sort of a semicircular revolving door. Does that still exist or is that gone, too?

DAVID BARSKY: The entryway on Mass.
Ave.?

H. THEODORE COHEN: Yes.

DAVID BARSKY: The entryway to the
building?

H. THEODORE COHEN: Yes.

DAVID BARSKY: Oh. The drawings that we
were given by the architect had this design and
that's what we built. The drawings that were
issued for construction had this vestibule
design. So I'm not sure what the history of it
was. I really can't tell you.

H. THEODORE COHEN: Well, right here.

DAVID BARSKY: Right, I -- we noted that.

H. THEODORE COHEN: Stuart, do you know
if that was agreed to at some point?

STUART DASH: I think that was.

DAVID BARSKY: Did Michael bring that to

you?

STUART DASH: No, I don't think so.

DAVID BARSKY: No.

H. THEODORE COHEN: Right, I mean that shows in all of these plans from September of 2009 in any event --

HUGH RUSSELL: So is that built --

DAVID BARSKY: I believe we were given the drawings to build from that entry vestibule design was as it's built now.

HUGH RUSSELL: I guess my question is --

DAVID BARSKY: I don't know what that timeline was.

HUGH RUSSELL: -- is what's built now match the drawing that we approved because it's similar?

DAVID BARSKY: I hope it's nicer.

H. THEODORE COHEN: Well, I can't tell

what's there now. Do you have another image?

DAVID BARSKY: Well, it's built -- I mean, it's --

LOUIS J. BACCI, JR.: Careful.

DAVID BARSKY: It hasn't finished on the inside or anything, but it's out there. And it is true to the drawings that we have that we were given and, again, I don't know what the --

HUGH RUSSELL: It's true that one drawing. It might be the drawing you approved, it might be the different drawing. That's not the question that we're asking. We're asking a very simple question.

Here's a picture. We approved that picture. Is that what you built? If it's not, then we need to look at it. There's a semicircular board on the front. Is that what you built or is it something different?

DAVID BARSKY: It's square.

HUGH RUSSELL: And so we have to look at that.

LOUIS J. BACCI, JR.: This entrance.

STEVEN COHEN: Oh, I'm sorry.

H. THEODORE COHEN: All right, are we comfortable with that?

HUGH RUSSELL: I guess.

STEVEN COHEN: I don't know if that's the right word.

HUGH RUSSELL: Is there -- I'm comfortable with the level of the garden design the way in which it's worked out. Is everybody -- does anybody want anything more out there?

MARY FLYNN: Well, I like the quality, I agree with that. But I guess I would like -- and, Stuart, says you had some negotiations or discussions with the utility company, I guess I

would like the staff to follow up independent because I'm understanding that you haven't been involved in conversations specific to this with the utility.

STUART DASH: That's right.

MARY FLYNN: Is that right?

So if possible, I think it would be very helpful to us to have the staff explore with NSTAR and just confirm in fact there is no other possible location. And we want to weigh that against the quality of the park and the overall angles of view and things like that. But I think they would get much better to know that we've exhausted every --

STUART DASH: And could bring back some more information about the siting concerns and criteria as well.

STEVEN COHEN: Stuart, I thought you were

talking about developing more of a procedure and relation of going forward.

STUART DASH: Right.

STEVEN COHEN: Not so much impacting this instance which again is a fait accompli.

H. THEODORE COHEN: Right, but I think Mary would like to get a word from Eversource saying that.

STUART DASH: We were asking the same question as staff when it first appeared, was there no other location? And why were other locations considered or possible? And so, yes.

MARY FLYNN: Yes.

HUGH RUSSELL: I think the other thing that you brought up is exactly what's the nature of the screen around them? We don't have a -- we don't have a visual. We don't have a drawing. We have a verbal description. We'd like to see

that drawn up so that we can understand, you know, what you're planning to do.

STEVEN COHEN: You're talking the screen of the landscaping or the screen of the --

CATHERINE PRESTON CONNOLLY: The landscaping of the --

STEVEN COHEN: Both.

LOUIS J. BACCI, JR.: I want all of it.

CATHERINE PRESTON CONNOLLY: We have a lovely rendering of the park as it's being approached from the hotel, but we don't have anything from Porter Road or what it looks like to enter from there, and that would be the view where you would see the transformer and the switch pad.

H. THEODORE COHEN: And my recollection is --

HUGH RUSSELL: And attempt to provide

pretty substantial screening so I'm -- but I would like to --

CATHERINE PRESTON CONNOLLY: See it.

HUGH RUSSELL: -- see it. Yes, right.

H. THEODORE COHEN: And then with regard to changes to the facade, I mean, I think we'd like some renderings of what the entryway on Mass. Ave. is like now.

HUGH RUSSELL: Or a photograph.

LOUIS J. BACCI, JR.: Do we have a set of drawings to compare this all to? That's just a cleaned up what they submitted? What was okay? Anything?

LIZA PADEN: I can't hear you. Can you use the microphone, please?

LOUIS J. BACCI, JR.: Sorry, Liza.

LIZA PADEN: Thank you.

LOUIS J. BACCI, JR.: Do we have a set of

what drawings that show exactly what was proposed, what was talked about, what was okayed? So far we have some black and white line drawings.

LIZA PADEN: That's about the quality of submittals over time, yes.

LOUIS J. BACCI, JR.: Okay. That's hard to compare what -- now we have the third change. You're not putting an outside patio, are you?

DAVID BARSKY: Out front?

LOUIS J. BACCI, JR.: Yes.

DAVID BARSKY: Yes, there is going to be --

LOUIS J. BACCI, JR.: Is it a stone fortress or just pavers?

DAVID BARSKY: No, no, it's pavers, it's flat.

LOUIS J. BACCI, JR.: Because of the

drawings, the old drawings that one right there with the grey.

DAVID BARSKY: That's old -- yeah.

LOUIS J. BACCI, JR.: But it's in front of us, right?

DAVID BARSKY: That's where we learned not to make, you know, the --

LOUIS J. BACCI, JR.: Because that one has the entrance.

DAVID BARSKY: To understand how this process unfolds. So venturing into the brick color and then we immediately backed off of that.

LOUIS J. BACCI, JR.: But that shows a square entrance.

DAVID BARSKY: Yes, well, yeah, yeah.

LOUIS J. BACCI, JR.: So there's a lot of --

DAVID BARSKY: As the party that adopted

the project who were handed the drawings that were issued for construction that were with ISD, that we felt that that was what we needed to build.

STEVEN COHEN: You know, I don't want to beat a dead horse on this, but a number of times you said you were handed drawings. But you also know that there's such a thing that you have a permit --

DAVID BARSKY: I'm not denying that at all.

STEVEN COHEN: -- and that you have to deal with.

DAVID BARSKY: My understanding this has been a nine year process with many iterations.

THACHER TIFFANY: But the permit is a matter of public record. These are on our website right now.

DAVID BARSKY: Absolutely.

THACHER TIFFANY: Just to be clear it's not a secret.

DAVID BARSKY: Absolutely, yeah.

H. THEODORE COHEN: All right, so I think what we expect is that you will -- leaving the landscaping aside, we will have staff investigate what Eversource may have to say about this.

MARY FLYNN: Yes.

H. THEODORE COHEN: We expect to see some renderings of what the landscaping and the screening renderings will look like from the hotel, from Porter Road. And it would be good if we see the abutting property, too.

MARY FLYNN: Yes, yes.

H. THEODORE COHEN: Because there's a lot of walls there now.

STEVEN COHEN: And next time bring a

laser pointer now.

JOHN HAWKINSON: Staff has one.

H. THEODORE COHEN: And then we expect to see some renderings of the facade as it is now, and we expect to see a proposal for screening the roof. You know, Hugh made a suggestion that seems appropriate, but I think you should be working with CDD and what we expect to come before us is something that CDD thinks is appropriate or perhaps there are a couple of alternatives that they think we should take a look at and decide which we prefer. And at that point we will determine whether things, I guess, we feel they are insubstantial compliance with the plans as approved or if not, whether there has to be an amendment to the Special Permit and that would necessitate, I imagine, publication and notice and a new hearing and the possibility

of additional conditions imposed on a Special Permit.

HUGH RUSSELL: Or we can do a Minor Amendment, too.

H. THEODORE COHEN: Or as a Minor Amendment.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: Can we add a view from the neighbors or at least a street view around the perimeter?

H. THEODORE COHEN: Sure. The more renderings --

STEVEN COHEN: More photos.

H. THEODORE COHEN: -- the more photos that you can give us because right now there's a lot of walls there.

LOUIS J. BACCI, JR.: There's a lot of

walls there.

H. THEODORE COHEN: From my understanding what I saw today and saw yesterday is two feet above the ground level will be, so that's going to make them smaller, and they're cinder block now and they're going to be faced with something, but right now there's a lot of wall there.

STEVEN COHEN: We're looking at all of his photos, we should be looking at your photos.

MICHAEL BRANDON: Mr. Chairman?

H. THEODORE COHEN: One second.

So we have not heard anything from the public and this is not a public hearing. It is a matter of General Business. Do we wish to hear anything from the public for negotiating something with the developer?

HUGH RUSSELL: I think it would be prudent.

H. THEODORE COHEN: Okay.

Michael, you can start.

MICHAEL BRANDON: You are going to hear from the public now?

H. THEODORE COHEN: We will hear from the public.

MICHAEL BRANDON: Okay, great. Thank you. Thanks for allowing the public to comment and thanks for your examining these changes. I'm Michael Brandon by the way, B-R-A-N-D-O-N. I live at 27 Seven Pines Avenue. Mr. Barsky indicated that some of these plans were just a year ago. Well, as some -- a few members of the Board who were here then, know this, there's a long back story about how this came about and how this project came about and how it's evolved over the years. And so I'm glad that you're asking for the original renderings. I hope you'll look

at -- ask the staff also to give you original decisions, perhaps some of the transcripts, too, where it was described what this park was going to be. Basically where the park is, almost everything behind the building itself is in the Residence B Zone. And after being denied a bunch of Variances to build a building this big, the Zoning was changed. He was denied Variances. This is the original architect. And so he submitted a zoning proposal that would allow this building to be built larger in exchange and for the parking to be put at the rear, underground, provided that there was an at grade park over it that involved the neighbors in designing it. Some neighbors were involved, but others were excluded. And some of them I think are here and may talk about that a little bit. But that's sort of how things got off to a bad start in

terms of the park itself. So I think perhaps the public can also submit old materials before this comes before you again.

In my view this is clearly a substantial change. And I don't know if the Board will remember, I suspect Hugh and Ted might, but it was already at least one Major Amendment that was granted. Originally there weren't going to be as many rooms. I think that didn't take a Special Permit, but they changed the -- originally going to be two levels of parking underground, and they changed that and went to a system of valet parking combined with some kind of mechanical lifts. And so there's a history here of this architect, the original architect changing the proposals, you know, and getting the Zoning -- he wrote the Zoning. So the main idea behind as you review the records about having this park was to

create a protective zone to keep the commercial activity, the hotel, built larger than the base zoning allowed, to protect the residential district.

And Mary's comment about, you know, what's the impact on that abutter? I don't know, maybe that abutter knows. I know some abutters know. But that particular one where all of a sudden these evolved or not above ground vaults are going to be located, you know, he should have a say and I commend you for trying to make sure that those are properly screened and, you know, maybe plants aren't the way to do it.

As far as the whole process, the City Council has passed an order asking the City Manager to investigate with the utility companies this whole question of the infrastructure and whether -- because there had been other

properties that have been held up at the last minute. The H-Mart in Central Square, I understand, had an issue where the capacity in Central Square wasn't enough, and there was a delay additional equipment was installed.

The Veritas Hotel that was mentioned in Harvard Square, I believe that one ended up with the City in court because of the Historical Commission had done extensive studies about the rehabilitating of that building, and at the last minute NSTAR came in and said well, we have to put this here in the front yard. And that's where it went. And so it went back and forth. And I think it went to court. But as you know, you can see from the photos, it's still there. They claim there was nowhere else they could put it. There was talk it could -- some of it go on poles. And said, no, those are already filled to

capacity.

So, anyway, the City Manager is looking at the broader structure. And what I'm hoping that will happen is that the City, this Board certainly and the staff find ways to monitor it at the start so it's quite clear where mechanicals are gonna go certainly for any Special Permit project, and I would argue even on less formal reviews, the large project reviews, and even small project reviews, because it's happened -- we've experienced where we've negotiated with developers about the design of a building, and then at the last minute, you know, ugly green transformer comes in front of it and then -- and I appreciate what various views have said about the difficulty of dealing with utilities because I've heard that repeatedly from people in the industry and, you know, so that's

something that we're hoping that that can be worked out.

Also the Pole and Conduit Commission is involved in this, too, because at our request they delayed hooking up to the transformers which we're moving on the site until this Board could sign off on what the eventual resolution will be.

As far as the upper store cladding, the exterior finish materials, it would be useful I think to see what was originally approved. And I have a question about the color of that. Was that a light color or was that -- do you know, David?

DAVID BARSKY: There was no color specified. What was approved you can see in the rendering of the documents of the Special Permit was basically shown as a grid of -- and it was called out as a metal material, that's what we

were --

MICHAEL BRANDON: Well, I guess the Board will get a better look at what alternatives you're proposing or what's being proposed, but I would not want to see anything that would be a cheaper kind of material than maybe was represented.

DAVID BARSKY: This is actually a pricier solution.

MICHAEL BRANDON: A cheaper looking one.

H. THEODORE COHEN: Michael, could you wrap it up so we could have other people comment?

MICHAEL BRANDON: Sure. High point. I would like to know about the irrigation system that's planned for the park.

The maintenance program because there had been confusion about who is really going to do it, the hotel manager or will it be Peter Lee.

Park rules. There have been some discussion but, you know, as far as hours and other concerns that the immediate neighbors might have.

I have a question about the patio serving the restaurant at the rear apparently being open by that central walkway into the park and whether that means that people will be drinking in the park and if the concept is it's equivalent to a public park, that may present issues.

Also the original plans that you'll see from the material talked about this park being at grade. And as I walk by it now, it's mostly structures back there even though they're landscaped, you know, it's not what I imagine it was going to be which was more of a grassy area. So I think there's too much hardscape in the revised plan and I'd like to see some of that

greened if possible.

Zoning questions. Whether, and I don't know maybe, Ted, you have an idea about this, but whether a structure serving the commercial zone can be placed, two structures and others, in the residential zone. Just as the parking would not normally be allowed in the garage even if it's underground, that's a question that, you know --

H. THEODORE COHEN: What structures are you talking about, the transformer?

MICHAEL BRANDON: Yes.

H. THEODORE COHEN: I think actually transformers and electrical utilities can be placed. Can you wrap up? It's late. It's eleven --

MICHAEL BRANDON: I'm sorry.

H. THEODORE COHEN: And we'd like to get some other people who have been sitting here and

listening to us --

MICHAEL BRANDON: Okay, sure. I'm sorry to take so long and I may send in some additional documents.

Thanks a lot.

H. THEODORE COHEN: Yes, please.

COSTANZA EGGERS: Hi, I'm Costanza Eggers, I live on Porter Road.

THE STENOGRAPHER: Spell that for me, please.

COSTANZA EGGERS: C-O-S-T-A-N-Z-A
E-G-G-E-R-S.

THE STENOGRAPHER: Thank you.

COSTANZA EGGERS: Dave, could you put the picture of the garden again? I have a couple of questions for you and that might help me try to understand the design a little bit better.

I'm not a landscape designer, but I said

from the very beginning, 2008, that I wanted to be involved and help be a part of it. I think it's a beautiful design, Elena. Again, I think it's -- we were promised a park. It's supposed to be a public amenity as you well know, not a private amenity, and I hope it's gonna make it to the CDD plan that has privately -- no, publicly accessible private parks. There's a map of that at CDD, and I hope that it gets to be there and it's used by the neighborhood and everybody. But my main questions -- well, I'm glad that you brought up, Ms. Flynn, about were there any other alternatives, seriously because it's hard right now -- I mean I've been told by Peter and by Dave and by Michael that there's no other place. This is a last minute that we found out about this, at the very last minute. And I understand that they did in 2014, but I didn't know it then. And I

know that Stuart was nice and listened to them and asked them to, to elucidated why other alternatives, places were not set. Well, one thing, I have a question about this one here as well before we get to the map. But so my question is how long will it take for this to look like this? Because right now it looks so much like concrete walls. So can you put something bigger? It's gonna take 10 or 15 years to get to that point right there. Right?

ELENA SAPORTA: Actually we're going to start with very mature material.

COSTANZA EGGERS: Very mature materials. So it will be closer to this?

ELENA SAPORTA: It's going to be very similar to this.

COSTANZA EGGERS: Very similar. Okay, good. So you will have a large caliper tree and

so forth and there's enough depth to warrant that entrance.

ELENA SAPORTA: That's right.

COSTANZA EGGERS: That's great. That's very nice to hear that. But my big question is can you go back to the plan I guess? That's my big question here. The plan of the garden.

Right. Well, it was really hard in this read out, it was really hard in this read out because first of all, they're different scales, and I think we asked -- I don't know if we asked Peter but we asked before if we could have the drawings, the lush drawing and this drawing to be of different scale so we could superimpose and see really what the difference is. That's a big height I believe of those transformers. I don't know if you saw them there. And anything, even if it's mature, it's going to show and we're

going to see it. And why can't it be more, you know, the people who are there temporarily at the hotel are not gonna mind having a transformer right? You know, right over -- let me see, right here. So here's the gas, so why can't you go like this, cut off this area here. So you're cutting off a little bit of the -- well, this is apparaitre that looks almost like a bush here, a boxwood. Put the boxwood over here and have those things there and have a screening so the hotel people, you know, see it screened beautifully with ivy and wisteria instead of Porter Road, so -- because it takes away from the very little. I mean, I'm going to tell you there was 9,900 -- I don't know for sure, 9,880 thousand square feet in the residential zone. I think that's pretty close to that. And right there it looks like the patio. I don't care

about geometry and access, maybe architects do, I'm sorry, but I care about green and, you know, the kind of green that really gives us shade and, you know, tranquility and oasis and everything that the City says they want. This is a great opportunity to really have a public park that is useful for everybody, not just for the hotel. So you want to make it look inviting and, you know, having it there, those transformers there just isn't.

I think that's it. Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

I just ask that since it's after eleven now if people could not reiterate arguments that have already been made or issues that we've already discussed, but if you could, you know, point out new things that you -- we haven't.

ANDREA WILDER: I can. Andrea Wilder, 12
Arlington Street.

I followed the development of the garden with great interest and I've also been around the Planning Board enough times to remember that at one point, and I can't remember exactly when, but it is in my brain somewhere and it may have been from last fall, there was mention of having models made of particular projects. And I would submit that this is the kind of project, particularly the garden/park, where a model would have been very good to see. For those who haven't walked by and seen it, I suggest that you do so because what you will see is a structure, yes, and I know it has all of these concrete walls, which has literally shoehorned into what was a residential area. I've no problem with how we hope it will look, but it is shoehorned in and

the walls that are there now, if you look at the houses in back, and I'm sure people will take photos of this, you will see how the walls themselves cut off the first floors of some of the residential buildings. So this is why I think a model of a project like this is really essential, not just the plans, not just the mockups, not the pretty pictures of the garden, which by the way I love, but a real model.

Thank you.

H. THEODORE COHEN: Thank you.

RUTH RYALS: I'll be very brief. My name is Ruth Ryals, R-Y-A-L-S and I live on Upland Road. I think you really should go see the impact of that transformer. It's big, it's ugly, and it's the -- it's your main thing you see from Porter. And the architect was talking about looking from the hotel and all of that, but the

neighbors are the people who agreed to let them build that building bigger and better and all of that, are gonna be looking from Porter and they're gonna see that big transformer. If it cannot go anywhere else, would you please at least have them come back to the neighborhood and agree to how the screening should be done? And I would suggest to you don't just look at and to you as well, don't just look at doing ivy and which does die back in the winter and look ugly, and wisteria would be bare, and although would be beautiful in the summer, if you can make it bloom. But consider things like I just picked up one of these from outside, maybe if you made the gates out of a solid artwork with something like this sort of thing on the two panels, you know, get an artist to do a commission there, or if feeling that, another option would be if the

utility allows it to paint murals on the utility boxes. But in some way be creative about how those things can be screened.

Thank you.

H. THEODORE COHEN: Thank you.

CATHERINE BRADY: I'm Catherine Brady. I live at 5 Porter Park which is about eight feet from the edge of the property here on that side. I appreciate you making sure that the developers are sticking to what they said they're gonna do, that's your job, and I'm really glad to hear you're doing it. I just want to say this keeps coming up at meetings and, you know, my partner and I who lived in that house for 30 years have been to, I can't even count how many hearings we've been to about this property in the last nine years. We used to look out of our windows on to crumbling six-foot stockade fence that had

been there for 40 years, and from the Porter Road side they used to look at a three foot, four foot high cinderblock wall and in between cars parked or crumbling cement.

COSTANZA EGGERS: There were trees.

CATHERINE BRADY: Yeah. There was a huge tree in our yard which we had to sacrifice unfortunately, which has been replaced by two new trees. When the garden was being designed by Elena Saporta there was an initial meeting at the Kaya Restaurant. There was a meeting held in our dining room to which some people in this room were invited, nobody showed up. This keeps coming up that people weren't brought into the design process of the garden, and I think there was at least one opportunity that people didn't take advantage of. We've been involved since the very beginning in the garden design.

So I just want to say that every time we hear about another potential delay, I want to cry. This has been two years and four months of construction right next to our house. And sometimes I feel like it's all I can take. And of course we will keep taking it, but we will end up with a beautiful garden when we look out our window. And, you know, the only, the only aesthetically pleasing I think building in Porter Square. And it's not like there are beautiful buildings in Porter Square. This is, you know, this is going to be I think a beautiful site when it's finished. So....

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

ARACELYS SALCEDO: Thank you. Aracelys Salcedo, A-R-A-C-E-L-Y-S S-A-L-C-E-D-O. And I live, let's see if I can point my finger.

Anyway, I am right here and I go to bed, I wake up, I see everything what's going on. So I am literally -- I can count every single bricks and whatever. So I been there since 1989. And what is going on and later on going to be beautiful than was there before. Honestly, I feel like I'm between that the people that disagree and don't disagree. I don't know, maybe because I'm a peacemaker. I don't know. And I don't care what people talk to me about it, but it doesn't matter where you put the transformer. It doesn't matter if you put it next to the gas line. Doesn't matter if you put it in the center you're going to see it regardless. So it's already done. They dig the street. I mean the ground to put whatever, you know, wires or whatever. So what we have to find out is a little solution to see if we can, you know, beautify, you know what I

mean, put in a higher trees or something. But I'm no, you know, with or against with nobody of my neighbors because, you know, they don't pay my rent, you know what I mean? They don't pay my mortgage. But I think overall it's going to be nice. So taking that transformer from there is not gonna make any solution.

So anyway, thank you. And I agree with you that perhaps you can make some little painting and do something about it.

H. THEODORE COHEN: Okay, thank you.

So the one thing I've learned from this Board is that some people will be happy with what we do and some people will not be happy with what we do.

ARACELYS SALCEDO: Eventually we'll have a glass of wine together.

H. THEODORE COHEN: And if you can be a peacemaker and work it all out, that would be great.

Is there anyone else who wants to speak?

SUSAN HUNZIKER: This is just light comic relief. My name is Susan Hunziker, H-U-N-Z-I-K-E-R. I live at Orchard Street. I was President of Porter Square Neighborhood Association when this was up in 2008 when this was all being done. To your point about some people like it and some people don't this project, prompted me to write an article for Cambridge Community Television. It's on the website about the lot of changes and the history. There was a lot of changes. There was a church there. And we found the congregation of Armenians, of Armenian Evangelicals that used to own it, but they're now in Belmont. And they

gave me a bunch of pictures of the hurricane damage in the fifties, which is why the church was torn down. But one of the things that I got out of writing that article was the fact that I wound up reading the zoning reports about hearings about the Porter Square shop, it first went in, and it was exactly the same thing. I've been to these meetings and it was 30 years later. So that was my -- I encourage you to look at it. It's called A Lot of Change and it's there. And it's interesting -- that particular lot is very interesting because a lot has happened on it.

Thanks.

H. THEODORE COHEN: Thank you.

CHARLES TEAGUE: Charles Teague, 23

Edmunds Street. I was at the site meeting in the winter when we were discussing the garden and Stuart had promised a presentation of something

about NSTAR, and I said -- I asked for one slide and you said, no, we'll have three slides will tell us -- everybody what's going on in Cambridge, in Porter Square with the electricity. And that's what I really thought one of the things we're gonna hear tonight. What I did hear tonight, when I came in completely convinced that the original architect basically got away with a bunch of stuff because he knew that all these mechanical things would be necessary and he didn't show them to you. But every description of the process, and it just reminded me of Young Kim coming in here over and over again. None of the documents match. And they -- they're building to what they had as the Building Permit set. An approved -- it was an approved building permit set. But things are all -- you know, I'm just, I'm just completely stunned listening to

all of this. So really, really at some point, at some point, you know, I feel like -- I came down convinced that Jon Howard's letter was right, some of these things you just have to -- you're just going to have to get ancillary mitigations. More street trees, whatever he suggested. Snow emergency, snow parking in the garage. Some street furniture. But really you're coming up on your rules, you've got your process has to -- process has gotten better over the years but really this a lot of -- this stuff is -- I'm just even amazed.

Thank you.

H. THEODORE COHEN: Thank you. Anyone else? Mr. Lee, you can have the last word.

PETER LEE: Thank you, sir. My name is Peter Lee. I live in 31 Mill Street in Lincoln, Massachusetts. I'm here to ask the -- as an

owner of the project and we were expecting obviously power less than November. I still don't know until this day why the Planning Board has to be approved of power connection, a permanent power connection through the utility with the building. And everything is reached out connection point and somehow here I am, I'm really literally suffering economically in the project. So I'm trying to find out -- see if you can help me out and get this power in and that we'll do whatever necessary, planting or screen. I will follow through all the laws that requires -- recommendations that requires. As embarrassing me as the owner is the building is so still struggling because no power, and then I'm dealing with the union shop and elevator company that doesn't want to show up because I don't have the permanent power and it's just on

and on.

Thank you.

H. THEODORE COHEN: Well, Mr. Lee, you've heard what this Board said, we want to see and what actions we want you and your architect to take with CDD. I think that's it for this matter.

STEVEN COHEN: I'm just curious on the last thing. I mean, we're talking about screening and this and that. Are we doing something that actually stands in the way of making the power connection to the transformer at this point? Are we holding up the possibility of moving the transformer to another location?

CATHERINE PRESTON CONNOLLY: I think until we make the finding that it's substantially in compliance, ISD and Pole and Conduit won't allow the connection. That's my understanding of

where we are. So we can't -- because we can't make good the finding that the entire project yet is substantially in compliance with the permit, Pole and Conduit won't allow for the connection.

STEVEN COHEN: I just raise the question because I mean they're making many issues here and I don't know how they're all going to be resolved. But if we're more or less reconciled to the fact that the transformer isn't going to move, then it seems reasonable to help them find a way to make the connection.

H. THEODORE COHEN: I don't think we've concluded that it's not going to.

STEVEN COHEN: Okay.

H. THEODORE COHEN: And I think that, you know, we've suggested that they come back in two weeks. And so if they want to move quickly, you know, we can move quickly and make a

determination of what happens next.

JEFF ROBERTS: Mr. Chair, could I just make a point about it. It's been our practice per, you know, discussions with Planning Board about rules and everything, that you've laid out some specific materials that you would want to see back from the applicant. We wouldn't generally schedule them for a date until we have those materials and we've had a chance to review them. And I think that was brought up, too, to give staff time to review. Two weeks from tonight, just the impression that I get is a fairly quick turnaround to have plans drawn, reviewed by staff, compiled and submitted in time to get on the agenda. But we could, in this case, we could try to put a more aggressive timeline together. I just worry about getting to that date and not having.

H. THEODORE COHEN: The date was my naive suggestion that it could all be done that quickly. I think it's, you know, it's up to staff to work it out with the proponent as to when they will have materials and when they will have the opportunity to review it and get it scheduled.

STUART DASH: Again, I'd rather put it on the proponent to get the materials to us and then we can discuss a date.

H. THEODORE COHEN: That's fine. The date was just a suggestion because I knew we only had one matter on that day.

All right. Thank you all for coming. We have two other matters if people could leave quickly and have your conversations outside the room, that would be great. There are cell tower matters.

LIZA PADEN: Okay, so two telecommunication antennas for this evening. The first one is at 150 Camb --

H. THEODORE COHEN: Liza, sorry.

LIZA PADEN: First one is at 150 CambridgePark Drive. Mr. Green, is here to --

ATTORNEY BRIAN GROSSMAN: Grossman.

LIZA PADEN: Sorry.

ATTORNEY BRIAN GROSSMAN: Tim didn't make it.

LIZA PADEN: I'm sorry. I'm looking right at you and calling you by the wrong name. I'm sorry.

So this proposal for CambridgePark Drive is an existing installation. It's currently replacing the existing antennas on the site. Do you have the -- you want people want to look at some photo sims?

H. THEODORE COHEN: Am I correct when I looked at things on the web, that basically the new antennas are slightly wider and slightly shorter than what's currently there?

ATTORNEY BRIAN GROSSMAN: Correct.

So they're existing -- there's nine existing panel antennas now.

There will be no increases as part of the modifications. Two antennas per sector will be replaced and utilized the existing mounts.

Some ancillary equipment will be added in terms of surge arresters similar to the same modifications that we've shown you in the past couple of weeks with the prior applications.

H. THEODORE COHEN: The only question I have is that in location No. 2, in the detail you see some thin things that extend up beyond the roof line. Is that your equipment or is that

someone else's?

ATTORNEY BRIAN GROSSMAN: I do not believe that's AT&T's equipment. That's somebody else.

H. THEODORE COHEN: That's somebody else's equipment. So all we're talking about are the rectangular antennas next to it?

ATTORNEY BRIAN GROSSMAN: Correct.

And of course AT&T will paint the antennas to match the facade as the other antennas are painted now.

H. THEODORE COHEN: Anyone have any issues use with any of these?

LOUIS J. BACCI, JR.: Same thing on location 3, they're just the rectangular? Not the satellite looking dishes?

HUGH RUSSELL: There are some dishes up there, too.

ATTORNEY BRIAN GROSSMAN: Correct, the --

LOUIS J. BACCI, JR.: Yeah, like the
round things.

ATTORNEY BRIAN GROSSMAN: They're not
AT&T's antennas.

LIZA PADEN: So what would the Board like
to do with 150 CambridgePark Drive?

H. THEODORE COHEN: It's fine.

LOUIS J. BACCI, JR.: It's good with us.
We like it.

MARY FLYNN: We're okay.

H. THEODORE COHEN: We're okay with it.
Inconsequential change.

LIZA PADEN: The next one is 64 Linnaean
Street.

ATTORNEY BRIAN GROSSMAN: Very similar to
the other applications. With this particular
site only three antennas will be replaced. Two

of the replacement antennas are actually hidden behind the existing screen wall, so there won't be any visual change at all in terms of that particular impact.

The one sector that is visible on the corner of the building, two of those antennas will remain the same. The one in the photo location where you can see the antennas, which is photo location 1, the one antenna on the left there will be swapped out, the existing mount will be utilized.

LOUIS J. BACCI, JR.: Is there some reason why the new antennas won't be screened?

ATTORNEY BRIAN GROSSMAN: Those existing antennas on that corner are, are not screened by a screen wall now. They were facade mounted. So they're going to utilize that existing mount. Any of these screened antennas will remain

antennas.

LOUIS J. BACCI, JR.: I'd like to see the new ones screened.

ATTORNEY BRIAN GROSSMAN: On a corner like that it would be difficult to do.

LOUIS J. BACCI, JR.: They don't make corner screens?

ATTORNEY BRIAN GROSSMAN: To make it look in terms of architecturally making it look consistent would be difficult. The facility in terms of the proposed mounting would then utilize the existing previously approved mount. It's within the requirements of Section 6409 and the FCC order in terms of what's allowed for replacement.

LOUIS J. BACCI, JR.: We're talking location 1?

ATTORNEY BRIAN GROSSMAN: Yes.

THACHER TIFFANY: I'm confused. Where's the proposed?

STEVEN COHEN: Yes, all we have is existing.

ATTORNEY BRIAN GROSSMAN: They only did the existing because of the use of the existing mount and that antenna will be -- it's for some reason on this one they only gave me the existing photos. That antenna will be about two inches shorter or lighter. It won't be taller.

THACHER TIFFANY: And the same brick?

ATTORNEY BRIAN GROSSMAN: Right.

H. THEODORE COHEN: They're virtually unnoticeable. You walk by them today --

LOUIS J. BACCI, JR.: Especially when they're screened.

H. THEODORE COHEN: Right. The ones that are not screened are still virtually

unnoticeable. And while I don't generally like them painted to match the brick --

THACHER TIFFANY: It kind of works here.

H. THEODORE COHEN: They just disappear.

STEVEN COHEN: It's good.

H. THEODORE COHEN: Shall we say change is inconsequential?

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: Fine. Hope you enjoyed your evening here.

I think we are adjourned.

(Whereupon, at 11:30 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 8th day of April, 2016.

Catherine L. Zelinski
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