

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, May 24, 2016

7:00 p.m.

in

Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair

Hugh Russell, Member

Mary Flynn, Member

Steven Cohen, Member

Louis J. Bacci, Jr., Member

Community Development Staff:

Liza Paden

Jeff Roberts

Swaathi Joseph

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7:00 p.m. Riverside Neighborhood Zoning Petition to rezone the Zoning Map from the existing Residence C-1 to Residence C within the area bounded by Franklin Street, River Street, and Putnam Avenue. The most significant changes would be that the allowed Floor Area Ratio would decrease from 0.75 to 0.60, the required lot area per dwelling unit would increase from 1,500 to 1,800 square feet, and the open space requirement would increase from 30 percent of a lot.

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9:00 p.m. Rainwater Separation in Residential Buildings Zoning Petition to amend the Zoning Ordinance by creating a new Section 5.55 Special Provisions for Rainwater Separation to allow modifications to the applicable dimensional requirements of this Article 5000, in particular regarding FAR and height limitations, by Special Permit from the Board of Zoning Appeal for eliminating rainwater from sewer lines in existing residential buildings.

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H. THEODORE COHEN: Good evening, everyone. Welcome to the May 24th meeting of the Planning Board. We'll start as always with an update from the Community Development Department.

JEFF ROBERTS: Thank you, Mr. Chair, Jeff Roberts, zoning planner, subbing for Iram today. I'll do just a very quick update.

Today there are two public hearings on zoning petitions and we'll be getting to those.

I'll note that the Ordinance Committee is holding its public hearing on the Riverside Neighborhood Zoning Petition tomorrow, May 25th, at three p.m. and I'll be there.

The other hearing, I believe the hearing is still to be determined, the Ordinance Committee hearing on rainwater separation from

flat roofs petition, and at least as far as I've been informed.

And looking ahead in the future, we have a Planning Board meeting on June 7th. At that meeting we have scheduled a hearing on a Major Amendment to the North Point PUD development. That will be the first of two required public hearings for a Major Amendment. Then we'll also have a continued hearing on the 95 Fawcett Street residential project review.

We have a meeting scheduled June 21st, and at that meeting we currently have public hearing scheduled for the Friends of MAPOCO petition. This was one that was heard by the Planning Board. The Planning Board made a recommendation and the City Council didn't act on it, so the petition has been re-filed.

And the Ordinance Committee for that

zoning petition hearing will be held on June 22nd, again, the following day.

That's all we have scheduled for public hearings for now. I'll pretty much leave it at that except to say that we do have some more cases coming in that we plan to be scheduling hearings for. We'll be setting the summer schedule and I anticipate to continue to be bringing activity throughout the summer for better or worse.

H. THEODORE COHEN: All right. Thank you.

Liza, are there any transcripts?

LIZA PADEN: So we have three transcripts. One is from March 15th, March 22nd, and April 19th.

H. THEODORE COHEN: And they've all been certified?

LIZA PADEN: Yes.

H. THEODORE COHEN: All right.

A motion to accept those transcripts?

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Second?

STEVEN COHEN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

And now, Liza, there was a request to extend time?

LIZA PADEN: Yes, so this is a Special Permit for the corner of Hampshire Street and Cardinal Medeiros and the litigation has been settled and so their two year clock started in July of 2014 and they would like to request an extension for another year. So that would make it to July 2017.

H. THEODORE COHEN: Okay, and they are planning on proceeding with the project as far as you know?

LIZA PADEN: As far as I know.

H. THEODORE COHEN: And the litigation is resolved?

LIZA PADEN: Yes.

H. THEODORE COHEN: And it's set to go forward in accordance with the permit as granted?

LIZA PADEN: Yes.

H. THEODORE COHEN: Any discussion?

(No Response.)

H. THEODORE COHEN: You need a motion for this?

LIZA PADEN: Please.

STEVEN COHEN: I move that we grant the one year extension.

MARY FLYNN: Second it.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

Okay, now seven o'clock having occurred, we will now turn to a the Riverside Neighborhood Zoning petition to rezone the zoning map from the existing Residence C-1 to Residence C within the area bounded by Franklin Street, River Street, and Putnam Avenue.

This would -- significant changes would be -- the allowed FAR would decrease from 0.75 to 0.60. And required lot area per dwelling unit would increase from 1500 to 1800 square feet, and the open space requirement would increase from 30 percent to 36 percent of the lot.

Is there someone who is going to make the presentation?

MAGGIE COMPHER: Yes. Okay. So, hi, I'm

Maggie Compher and I live at 31 Kinnaird Street and I'm here along with David Cohen to present for the residents of Riverside. We have petitioned to down zone from C-1 to C, and the reasonings for this -- can you -- are -- we have a list of them and I can explain.

When the strong support, we've gone around the neighborhood and talked to people and a lot of people who have seen what's been happening in Riverside have very easily said yes to this petition, and supporting the idea of down zoning to protect the neighborhood. We feel like Riverside has become a target for developers to come in and buy properties, tear down those properties, and then build more than one dwelling on that property taking away the green space and the open space and really changing the feel of our neighborhood. I'll just read through some of

these and then we've got some pictures to show with more description.

So there are multiple structures being built on small lots. Developers are going to the maximum limits per zoning at the detriment of the neighborhood character. The trend of increasing the structure size and loss of open space and green space in Riverside. And another issue is the water control and drainage. There's a decrease in permeable surfaces, and some current homes have already been affected by these new constructions and their impact on the flow of water and damage to the properties.

So, the next several slides are of different pictures of what's going on in our neighborhood and give more detail. This is just an example of open space that does exist at this present time and permeable space, permeable open

space.

This is a picture of a development that went in on one of the streets in Riverside that took up a huge part of a lot and took away a lot of green space. It -- there are presently four, four condos on that lot where there used to be one single home, and three stories high with balcony affects the neighbors in terms of privacy.

This is another example of condos that went in and the effect of taking away permeable soil, that's all concrete, and there's very small backyards behind each of these condos on a lot where there used to be a single-family home.

This is one where something more recently happened where someone went in and tore down the house that existed there and now has put up two structures and that second home, the darker home

is actually in the backyard. And that home being in that backyard is affecting every single neighbor around all the abutters in terms of their privacy, their open space. It feels like a big intrusion on, you know, people's lives.

This is another example of something that's just recently happened, again, where a home was torn down, two homes were put in its place one behind the other. Both of these homes are selling, have sold for over \$1.4 million. That first house has no green space at all and the house behind it has a very small green space. Again, having that home in the backyard of that lot it's now affecting all the abutters around in terms of their open space, light, and privacy.

And then this is our last picture which is an example of something new that has come into our neighborhood and that is, there used to be a

home on this lot where a man had a large garden and gardened every year, and now it is two town homes. They've pushed the dwelling back and in front they have a driveway. They had a curb cut, so they've taken away a parking space from the street. And the whole front of the streetscape is now parking lot with cars on it.

So next David Cohen's going to explain some of the statistics behind all of this. Thank you.

DAVID COHEN: Hello. My name is David Cohen and I live at 37 Kinnaird Street. I want to just review a little bit of Riverside's history, the planning history.

In 2003 there was a Riverside Neighborhood study and they did note several things.

One is that Riverside is not a uniform

place. It goes from Harvard Square to River Street, and there are several subareas in Riverside, each has its own particular character. And the area that we're most concerned about is what was called during that study, the residential core, which is basically one and two-family houses, some three-family and a fair amount of backyard space that was basically grass and permeable. In 2003 they had already noticed that changes were happening to the original fabric, that there was an increase in building density, and they had one statement that even though at least on the surface it looked like there were very few developable parcels in Riverside and even fewer multiple contiguous parcels. It is -- they stated it is conceivable that development pressures could increase to the point that acquisition and demolition of existing

small structures could occur, and with the implication that larger structures would be built in. And that indeed is happening in our neighborhood right now. They also flagged the high water table and the drainage issues, and flooding is certainly an issue. And recently we have noticed actually in our immediate neighborhood actually changes to ground level by quite a few, maybe as much as a foot, and it has actually damaged some foundations. So it is having costs right now on existing homeowners. There are some -- there were some other issues related to traffic and parking which are still issues basically even with a lovely new Western Avenue corridor which is great. We love that.

Okay. There was an update in 2011 and the main issues were still similar, reducing pervious services and that is certainly that

trend is increasing right now. There is definitely more paved surfaces and permeability. So the bottom line is that there are significant parts of Riverside that are basically wetlands, filled in wetlands where having proper water control is important and you cannot just build, in my opinion, any kind of structure there. It will affect neighboring structures even at quite a big distance just due to the way that water is flowing as basically towards the Charles River. Those are -- okay, next slide, yeah.

I looked at the CDD memo that was written for this meeting, and I found the maps are very useful. The maps you can really get some good information out of them. There are also some tables in the memos, so what we found is that for FAR, about 22 percent of the parcels are impacted, meaning that their FAR is between 0.6

and 0.75 basically between the parameters that are the current and the future proposal.

Open space is about 11 percent impacted which is again, not huge, but significant.

And the lot area per dwelling unit about 14 percent of the parcels are impacted. So they're somewhere between the 1500 and 1800 square feet range.

In terms of additional dwelling unit potential loss, so the ability for people to build out based on current zoning versus potential future zoning, we -- the table -- I added up some in the CDD memo and it came down to in the study area or the petition area, 26 units would be lost out of a total in the petition area of 1258 dwelling units, which basically gives us a potential additional dwelling unit loss of two percent. I think that's a fairly moderate

number. And one major point, the fact that a majority of the parcels in Riverside right now exceed FAR or in the study area actually exceed FAR is not a reason to give up on rezoning. We are looking at the effect of potential future development here. It's not -- we do have a current issue, but we're also looking downstream what people might do. So that's a major thing.

The other issue is that the non-conforming parcels in the study area are not just randomly distributed and sprinkled salt and pepper wise there Riverside. They have a distinct distribution around the peripheries of Riverside and not in the core as much. So if you look at the time FAR map in the CDD memo, you will notice that pattern. So it's not as if we should give up on some kind of reduction or maintenance of the current density in the core

residential area of Riverside, which is basically at or below FAR at this point. So -- and we think loss of open space in the core is important. Basically it is the essence of the neighborhood in terms of density.

So, our read on the proposal, we think it's pretty modest really in scope. It's not very different than what Cambridgeport was doing a few years ago. It's more or less seeking parity with Cambridgeport. Cambridgeport has a large core area of C Zoning as opposed to C-1. The negative effects we think are modest. There is still the potential of expanding small expansions of existing structures of people who would add something to their existing structure for family expansion, etcetera. I think that's still available. And in any case if they want to go beyond the limit, they would still have to get

a variance for that. So that's still in place.

We think there's a positive impact going forward where it is a little unpredictable what people might build in the future, but we have a general idea of the trend so we think it's just going to be bigger and more dense. And ultimately we prefer not to create some kind of micro-zoning for Riverside, that means basically zoning core central area of Riverside as something different than the majority part. So we don't want to really -- that's why we went for the larger area, but it may be needed. We'll see what the future brings.

And so the bottom line, the summary of the positive affects of the proposal, to preserve open core open space.

Preserve the core neighborhood character which is one and two-family, in our opinion, with

some three-family, with some grass or some kind of garden space, growing space.

Maintain water drainage performance.

Reduce the loss of permeable surfaces.

And actually an important point is to allow developers actually to build to the maximum allowed parameters with confidence. The parameters that are in the zoning are -- they're not, they're viewed as recommended parameters, not as maximums by developers. So they're not average parameters. But people go to those parameters, they see, okay, especially if folks -- it's a money issue, they're gonna go to those maximum. So if we reduce the max. We're just saying, you know, sure, build to that max if you wish, but these are the maximums now.

And that's the end of my presentation.

H. THEODORE COHEN: Thank you.

Is there anyone else speaking for the presentation?

MAGGIE COMPHER: No.

H. THEODORE COHEN: Thank you.

Jeff, do you have any comments on behalf of CDD other than what's in the memo?

JEFF ROBERTS: I don't have anything in addition to that. I'm happy to summarize or answer questions if the board members would like me to do that or do that after public comment or whatever the Board prefers.

H. THEODORE COHEN: Do board members have any questions or comments right now?

(No Response.)

H. THEODORE COHEN: If not, we will go to public comment.

If you have signed up, I will call those names first. But if you haven't signed up,

everyone will have an opportunity to speak. When your name is called or you're identified, please come forward to the podium and give your name and spell it if it's anything other than John Doe, and your address. And we ask that you speak only for three minutes.

We now have a lighting system. So the green means that you can start and yellow I think is a 30 second warning, and then when the time is up, it will turn red. That being the case, Chris Marstall.

CHRISTOPHER MARSTALL: Thank you, Mr. Chairman. Chris Marstall, M-A-R-S-T-A-L-L and I live at One Jay Street Place which is in this affected area. So I would like to speak -- I'd like to just -- I live there with my wife and my four-year-old son in a 913 square feet 1876 house. It's one of those really mini houses that

exist in the neighborhood, and it's too small for us even with our four-year-old. He lives in a room, his room is a room that's about the size of a closet and would be really cramped as he gets older and becomes a teen. We also want to have another child and we plan to stay there, plan to send them all to Cambridge public schools. I'm an '86 RLS grad. And so in need of that we would like to go up to our current FAR max. We're at 913 and we could go to 1200 in 0.7 FAR. Going to 0.6 would bring it down to 916, which would mean we could only go up 50-something square feet which means we couldn't really expand. 250 square feet would basically give us another bedroom, you know, for a son or for a second child. So I have -- we're planning, you know, we're in the planning stages of making that happen. And when I found out about this

petition, the -- I started talking to a bunch of people in the neighborhood and I think that the spirit behind the measure is not opposed to small additions like mine, but the letter of it actually would prevent -- I'm in that 22 percent that's affected by this, one out of five, and so, you know, I have been trying to work toward a kind of a modified solution, but I'm against this measure in its current state just for that very simple reason. You know, it would make it, it would make it hard for us to, you know -- it would just really kind of cut off our plans and it would make it a lot harder for us to live in that spot.

Maggie, I -- your views are my views. We actually abut, so I appreciate the green space and I would love to find a solution that would prevent these, you know, cubes going up in the

backyards and, but that would still let me and other people like myself do these modest additions. And if you look around the house, everyone's got dormers and they built on the back and -- as their family grew, that's part of the norm. And I'm looking to be a part of that. So, thank you.

H. THEODORE COHEN: Thank you.

Garret Quinn.

GARRETT QUINN: Thank you, Mr. Chairman.

Garrett Quinn, G-A-R-R-E-T-T Quinn, Q-U-I-N-N. I live at 28 High Street. I, I opposed this petition as a decade long Cambridge resident and as the owner of single-family home. This exclusionary zoning proposal being brought by the residents of Riverside will certainly benefit me and other homeowners in Cambridge. It will raise my property values by limiting future

development. It will all exacerbate the acute housing crisis that we are currently experiencing in Cambridge and the greater Boston area. This will not benefit the neighborhood or community as the proponents claim. It will only make it more expensive and exclusive. Just look at the rents and the available housing stock in the area. There are many seven figure properties in that area, and this measure will only make them more expensive and out of reach for the average person. This exclusionary zoning proposal is bad public quality because it dramatically limits development in an area that is well served by public transportation and infrastructure. As we continue to grow as a city and as a community, we need to think of the affordability crisis that we are currently facing. Limiting growth in development will only make Cambridge even more

unaffordable than it already is. I can't tell you the number of friends and family, I have friends I've known who have moved away because they can't afford rent let alone afford a house or a condo. Limiting height and density in a neighborhood served by two major transit hubs is very short sided. In many ways this proposal says to newcomers and those interested in moving here, sorry, but we got ours, go elsewhere. I strongly encourage the Board to reject this proposal.

H. THEODORE COHEN: Thank you.

Patrick Burke (phonetic). I apologize.

PATRICK BARRETT: Patrick Barrett. Oh, that guy.

Hello, my name is Patrick Barrett. I live at 234 Broadway, but I'm a real estate developer and attorney and currently building a

house on 41 Pleasant Street. I'm not sure if I'm part of the problem, but I didn't see my project up there yet so I think I'm okay.

I'm not, you know, against the proposal in its spirit. The 11-13 Kinnaird Street property that they showed in one of the slides is I think particularly an egregious example of what not to do. However, I don't look at zoning in the same way that the proponents do. I don't think that the max is put there as a recommendation not to get near it, but that's what we use to design and develop parcels. Reducing it affects, you know, the first speaker is the exact same person that we're trying to save from egregious down zoning an area that's been down zoned multiple times. What you're trying to stop with this is too broad, is really too broad of a stroke I believe to curb the kind

of negative behavior that you're seeing. Down zoning the area is not going to stop development in any shape or form. And in fact, what you're going to wind up doing is you'll hire someone like me who will find the holes and will do something else that you don't like. So, you know, C-1 zone is a terrible designation in itself. You have calculations for height. You've got, you know, strange and very large setback requirements that no one conforms to. If you look at the CDD's report, there's a ton of properties that are non-conforming (inaudible) as to FAR if you do this. It's just a backwards step, and I think that there's probably a way if we spend a little bit of time to resolve the issue that proponents have, but also not make it so that my new neighbor and friend can build an addition for his house. So I urge the Board to

reject this proposal in its current form and to spend a little more time thinking about it.

Thank you.

H. THEODORE COHEN: Thank you. Alita Cane.

ALITA CANE: Good evening. My name is Alita A-L-I-T-A Cane C-A-N-E. I live at 32 Kinnaird Street. I wasn't going to address this, but I think I should. I just quickly want to say that I appreciated what Mr. Quinn had to say about a density and the ability to live in Cambridge. However, I also want to note that the kinds of structures that are being built, each and every one that we have seen in the Kinnaird Street area, and I can only speak to my own neighborhood, are not going to be structures, dwelling places for the middle class or the, or the needy. Every single one of them is a million

dollars and up. Yes, every house, every structure that's being stuck in a place where there used to be a garden and there used to be a tree is being done so not to improve the neighborhood, not to improve the chances of people who need to have a space to live, to live with us, to live among us, and our petition is not heart-heartedly close the barn door, I've got mine I wish to say. But rather to say we cannot really condone having these huge structures being placed in our neighborhood for no reason other than usually financial gain. It is not -- this is not subsidized housing that's going in there, let me assure you.

Okay, the second thing that I wanted to speak to originally was this: The area that David Cohen and Maggie Compher designated is an area that has a bull's eye on its back. Zoning

in areas around Cambridgeport and other surrounding zoning areas are already down zoned, so that our area becomes the only place left that developers can come into and do this kind of damage. And we wish to have the same consideration as Cambridgeport and the other neighbors in the surround around us in Cambridge.

And I thank you very much for your time.

H. THEODORE COHEN: Thank you. Rachel Caldwell.

RACHEL CALDWELL: Rachel Caldwell. I live at One Jay Street Place, and I just want to echo what Chris said, which others have said as well, which is that all that we would like to do is to add a very modest addition to our house because we really want to raise our family in this neighborhood. When I first moved back to Cambridge, I lived in an apartment in the

neighborhood. And when we were able to buy a house in this neighborhood, I felt like I had won the lottery, and I felt so lucky at the square footage that we are at. As Chris said, it's, it would be difficult to grow our family. And, you know, we walk around the neighborhood, we walk around Cambridgeport, we walk around Riverside. We see dormers on a majority of houses and that's all we want is a 1200 square foot house to raise our family in. So I think that there has to be a way, I know there is a way to just make a proposal that allows people like us to stay in the neighborhood. I mean, when we bought the house, I said I have moved enough in my twenties, I would like to never move again until I go to the nursing home. And I really, really hope that that can happen.

H. THEODORE COHEN: Thank you.

Ari Ofsevit.

ARI OFSEVIT: Good evening. Thank you, Mr. Chairman. Ari Ofsevit, A-R-I O-F-S-E-V-I-T.

I thank you for the opportunity to speak tonight and I'd like to just address the concerns that I have about this proposal.

One is that it says that there would be zoning uniformity, but currently according to the CDD, about 60 percent of the zoning is actually non-conforming higher FAR than what is allowable. This would go up to 80 percent. So that would mean four out of the five houses would be non-conforming. Anything new would be different if not non-conforming in the ordinance, but not conform on the small side. So inappropriate scale, I think the smaller -- we would be forcing smaller houses, single-family housing in a multi-family neighborhood and that would allow

fewer people to live in Cambridge.

The existing dwellings are not going to be torn down for larger structures if almost all of the existing dwellings are larger than what would be allowed in zoning and what is currently allowed in zoning. We're saying that 26 housing units would be lost and it was said that was moderate, but one of the speakers said she felt like she won the lottery by being able to buy in Cambridge. Well, maybe we should have more lottery winners.

We have a housing shortage. A shortage of housing supply in Cambridge and we shouldn't try to exacerbate that shortage, especially with transit accessible and walkable and areas with good cycling. We don't need more cars, and if we allow people where they don't need one, we will have less traffic on the roads.

If there is the ability to maintain open space limiting density, it may be worth exploring. But this proposal is poor policy and will negatively affect the character of the neighborhood making it more expensive and more exclusionary for decades to come. So I strongly urge this Board to act against this plan.

Thank you.

H. THEODORE COHEN: Thank you.

So that's everyone who signed up. Are there other people who wish to speak? Why don't we start over here. This gentleman, please, and then the gentleman in the green shirt will be next. I'm sorry, you both.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Female.

H. THEODORE COHEN: Female. I'm sorry, your arm attached to the wrong body by my eyes.

ANDREW TARSY: Good evening. Thank you for the opportunity, Mr. Chairman. My name is Andrew Tarsy, A-N-D-R-E-W T-A-R-S-Y. I live at 8 Howard Street which is in the affected area. I want to associate myself with the comments made by Mr. Quinn and a number of others against the proposal, in particular the story that Rachel Caldwell and Chris Marstall told resonates with me. I think we can collaborate as a neighborhood on something sensible that meets the needs that have been laid out by those who I think have every good intention with this proposal. The most garish of what's being done in some of the new development doesn't make me feel great either, at all, but the idea that living on a block on Howard street where there is a dormer on every house but ours is -- sort of makes me embarrassed to think that someone else would

suddenly not be able to do something like that. It doesn't really serve the policy aim of the proposal itself. So if we could fix it, I think it would really be a contribution to the neighborhood. I also live in a house that doesn't have a dormer now, but for the same reasons, family, we might at some point want to and I would hate to believe that in the name of avoiding some ills that are I think a consensus that they don't add to the neighborhood, we'd be limiting that if we wanted to add to our family.

I also think that everyone who owns a home in our neighborhood has a windfall that is almost embarrassing. And if this down zoning project included those of us whose houses have additions on them to contribute either voluntarily to remove those additions or to contribute to some sort of trust based on the

value of our additions to offset the value that we're not allowing others to add, and I even see people smiling, which is to say the absurdity of what I'm proposing, but I actually don't think it's that farfetched. I live in a house that you can count the number of additions over the last 150 years literally just by the texture of the walls. And to think that I would enjoy that space but to say to somebody else that they can't? And each one of those additions is a, a college tuition based on what has happened to the values in our neighborhood. It's -- it is a windfall. I would love to retire on the appreciation of value like every American would like to. I had no idea it would be 100 percent in five years. And I'm not looking to somehow bank that and prevent others from being a part of growing their family in the name of the

aesthetics of my neighborhood. It just feels wrong. So if we could collaborate in the short term on a more tailored proposal and support families that are doing reasonable things and if we could collaborate on this long term question and what are we going to do with this windfall of wealth that's being created in terms of accessibility to Cambridge, I would be glad to be a part of both efforts.

Thank you very much for the opportunity.

H. THEODORE COHEN: Thank you.

Ma'am.

MARILYN WELLONS: So thank you. My name is Marilyn Wellons. M-A-R-I-L-Y-N W-E-L-L-O-N-S. And I live at 651 Green Street which is outside the perimeter of the affected area. My part of riverside is the front line to maintain the residential character of Riverside, because we

about Mass. Ave. So our -- we had a down zoning that attempted to keep that development 100 feet away from Green Street and now we face other problems like noise and light from Mass. Ave.

But on the points that have been raised, my husband and I came here to find out what's going on. On affordable housing, Mr. Roberts can confirm this, I believe you could convert every unit in the City of Cambridge to affordable housing and you would not meet the demand, the regional demand for affordable housing. So while I understand the arguments for affordable housing, I think it misses the point, because what you have is other stuff that is, other values at stake as has been pointed out. And this is not to diminish the need for affordable housing, but the point is if you do not pass this and development proceeds as it has, you will not

meet the need for affordable housing.

So the second point I wanted to make was that having studied the history of the area, I'd like to underscore the importance of flooding and the low water table, because this has been for sometime a place where poor people have gone, and they tend to build their houses on floodplains. If you look at maps before the damming of the Charles River and even earlier you will find that the Soden Farms and there was a channel of water that drained from there into the Charles River. So that if you look at maps now of climate change and flooding from that, you will find that what was called -- where Putnam Ave. is, what was called Little Neck doesn't flood and much of every place else does. So this is a serious consideration for a city that's talking about sustainability. Similarly for the green and open

space, lots of paving. I was amazed to see the front yard parking. I thought that was not permitted by zoning. And so that the City talks a good game about climate change and the urban heat island, but when it comes to something like this and you've got people who stand to make a lot of money by developing, you know, these places, arguing affordable housing, it's hard to believe that.

So just finally for the people who have problems with this, I note that there are variances that are available.

Thank you.

H. THEODORE COHEN: Thank you.

Yes, please.

ROB SPEER: Hello. My name is Rob Speer, S-P-E-E-R. I live at 527 Franklin Street and I've lived there for ten years. And probably

unlike most of the people who signed the petition, I'm a renter and I have to strongly oppose the petition because I feel it is excluding zoning that is trying to push me out, trying to push my friends out. The affected area is an area that includes where many of my friends have lived before, many of them who have moved out of Cambridge. It includes friends of mine who are a family raising a young son in a single floor of, you know, of a multi-family unit. I have heard from them that they wanted to build a shed to make more room in their house for -- make more room for their son and they can't because of the zoning laws that already apply. It includes -- so I've lived directly across the street from -- at 527 Franklin Street, directly across the street from the affected area. The other renters that I share a house with are also

soon going to be raising a newborn. This is a pretty small house for all of us and the rents just keep going up. We're probably all going to be moving soon, and I feel like this proposal is pushing everybody out of the area. I feel, you know, this is definitely exclusionary zoning.

I don't understand the complaints about traffic. I live on Franklin Street. There's not much traffic. It's fine. There's traffic on Western Ave., but that's people driving through. If you push people around local areas, there will be more people driving through. And, yeah, I strongly oppose this proposal.

H. THEODORE COHEN: Thank you.

Ma'am.

DENISE HAYNES: Do I have to come up? I can talk loud.

H. THEODORE COHEN: Please come to the

podium.

DENISE HAYNES: Hi. My name is Denise Haynes and I'm here on behalf of my family. We're at 274 Putnam Ave. which is on the bottom half of the map, and we weren't a part of the petition. My mom didn't know anything about this, so I'm here, one, as informational. And, two, now that I understand, I think there are of course great arguments on both sides, I see the need for as a long-time resident. My family's been in Cambridge for over 50 years. That, you know, families do grow. We know about the transitional as homeowners. We understand the transition -- or the transitional nature of Cambridge. It has changed. The impact to this particular area is great. The monstrosities, I do agree have gone up. They do affect the neighborhood. But I, I'm not -- this is not, I'm

not a subject matter expert in zoning and FAR and the square footage, but what I have read, it does seem to be a little bit too far extreme and I think that it would be -- behoove the city, the planning committee, to look at where's a happy medium, so that we can meet the needs for those who have houses, that -- who want to buy, who have the need to expand as their families expand, because they want to have that rich history saying that they've been in the city for over 50 years with their families. But we also have to look at those developers who do want to put up creative housing in small places.

I have a young child here and he should be getting ready to go to bed, but because this was so important to me, I wanted to be here because he does need green space. His friends love the green space. If we can have a happy

medium, and I don't know what the outcome of this meeting will be and how this will be addressed, but we have that whole other project that's going on, Envision Cambridge.

And so Envision Cambridge, I don't see these big buildings all over the place. I love to see the three-family houses and houses that do go back a little bit but they're still three families. But, again, I'm not necessarily on housing and where we stand on footage, but if this Ordinance would preclude them to be able to build on to their houses, but yet preclude those big monstrosities being built, I would be for it, but I don't know enough. I would just like to propose that there's some kind of happy medium.

Thank you.

H. THEODORE COHEN: Thank you. Who else would like to speak? Ma'am.

KATHRYN CARLSON: Hi. My name is Kathryn Carlson, K-A-T-H-R-Y-N Carlson, C-A-R-L-S-O-N. I live at 71 Spring Street and used to live in the Cambridgeport area. I'm speaking kind of generally against the idea of down zoning at this time for a city like Cambridge. It's really awesome that everyone who lives here already loves it and wants to say. I, like many other people mentioned tonight, have seen multiple friends over the last couple of years, many who have sent their children to Cambridge public schools being entirely priced out of the starter condo or the starter home for families here. I think that we all want some open space. It's nice to have gardens and it's nice to have parks and it's nice to be able to walk and ride bikes, but I think this speaks to -- and we should worry about the water table. We should worry about --

and permeable surfaces, these are all things we should be thinking about. I would just urge people to think about them to think about them. We do have Envision Cambridge projects. Instead of doing piecemeal zoning, especially down zoning at a time when we need more housing, you know, we do want people to be able to live here. And I will say quickly when we say affordable housing in the words of a famous Sicilian, I do not think it means what you think it means in terms of the way we're using it here. There's affordable housing which is normally thought of subsidized housing. And I think what a lot of people are referring to is what is affordable for working families, for middle class? And so we're not talking about is the purely subsidized housing, but any time you restrict supply and demand, that's going to impact the prices. And so, yes,

developers are making money building these houses and maybe we should have the conversation about what type of houses are being built. But it shouldn't necessarily be there are no three-story houses. Maybe it should be that there are the three-family houses and not million dollar single-family houses. These are all conversations I think I would love to see happen at a more master level and how do we fit the people in Cambridge? How do we move people around? How do we think about these environmental issues and not do it in piecemeal down zone and not think about what we're going to have to think about in a couple of years.

Thank you.

H. THEODORE COHEN: Thank you.

Sir.

JAMES COGER: Hi, I'm James Coger.

That's James C-O-G-E-R, 444 Franklin Street.

Mostly I have questions. I presume that this zoning proposal would not affect a basement that would be existing floor space, that would be possibly converted; is that correct?

H. THEODORE COHEN: Well, why don't you ask your questions and we can address them later.

JAMES COGER: Okay. That's one of my questions.

H. THEODORE COHEN: So the basement areas?

JAMES COGER: Existing basement area converted to living space. That's one thing. And that's the main question that I had. But it's not clear to me that I understand that there's just been a -- just allowed in-law space to be built in basements; is that correct?

H. THEODORE COHEN: There's been a change

to zoning but there are very particular limits to it. So whether it would apply to any particular property in this area or not, would be something that the zoning --

JEFF ROBERTS: Do you want me to answer it?

H. THEODORE COHEN: Jeff, go ahead.

JEFF ROBERTS: I'm being asked to answer. So the zoning petition that was recently adopted this year by the City Council exempts any floor area in single-family and two-family homes from being counted as part of the gross floor area, which is you might think of as the living space of the building. So for a single-family, two-family homes, it wouldn't, wouldn't be affected as you said because it's not counted within FAR, within the FAR limits. And the second piece of that is that it allows accessory

apartments in single-family or two-family homes by Special Permit from the Board of Zoning Appeal.

JAMES COGER: That answers most of my questions.

Thank you.

H. THEODORE COHEN: Thank you.

Sir.

RYAN WITTIG: Hello. My name is Ryan Wittig, 33 Kinnaird Street. R-Y-A-N. Last name W-I-T-T-I-G. I'm gonna try to hold it together here for a second, but I think you can notice a trend tonight about the people coming up here to speak so you can probably guess where I'm coming from. Younger people today living in Boston and Cambridge are having a tough time finding places where we can live at a quote/unquote affordable house. And as Kathryn mentioned, affordable

doesn't mean subsidized, it just means something that you can live in after you've worked 10 or 15 years in a job and you've saved up some money.

So my house, 33 Kinnaird Street, I'll just speak to my specific situation, it's a 3400 square foot lot that happens to have a thousand square foot single-family home that's 143-years-old, terrible condition. I've had several builders look at it and they've basically said anything you would want to do to this would be extremely expensive and time consuming if you try to work with your existing structure. So what I did is I bought this property with a friend of mine with the goal of converting it into a two-family home attached, not two separate homes, but a two-family home where we would look to create two homes where I would keep one, my friend would keep the other. He would most likely sell his portion and treat

it like an investment. But for us this is extremely personal. We've struggled for a really long time trying to find a place where we could buy -- sorry, and you know, I do sympathize with some of the concerns that my neighbors have put forth about the backyard, building other houses in the backyard. I'm not in favor of having houses in the backyard, separate houses. I do value backyard space just as my neighbors do, and to that end we've got a proposal in place where we're -- we have 40 feet, nearly 40 feet of a rear yard setback, 44 percent of open usable space, so we're actually -- we would be over -- we would be over the new zoning open space requirements. However, due to the fact that our lot is 3400 square feet, now with it being 1800 square feet for each unit, we would not have enough lot space to build two units. So we would

be forced to build a single-family home. And as other people have mentioned, you know, the house that we bought cost us let's say just \$800,000 to buy. It's going to cost us \$400,000 to build. We're not in the million dollar category. We're just not there yet. Maybe we're in seven, eight hundred thousand dollar category. That's where people my age, my generation are generally at if they don't have a trust fund. This zoning would truly hurt us and it would really change our plans and our hopes to live in the area. And I hope that people can see that this, you know, the younger generation is really trying to figure out how to make sense of living in Cambridge, and I would hope that the committee could take this into consideration and not accept the petition.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

Yes.

ALEX STEINBERG: Alex Steinberg. I live at Three Clinton Street which is outside this area, but I own an apartment building right up here. There, right at the edge. We're across the street from both C-2 and BA zoning. I don't know why the group -- that the group that put this petition together would want to have that one block between Soden and Western and Franklin to be even down zoned even further when it really is a -- should be zoned C2.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing, then the Board we will have our discussion.

Hugh, would you like to start?

HUGH RUSSELL: So I don't think you can accomplish the goals of this proposal and the people who spoke with zoning, but I think there is a mechanism and I reckon a former Chair of the Mid-Cambridge Neighborhood Conservation District Commission.

STEVEN COHEN: I was going to say the same thing.

HUGH RUSSELL: So maybe I'll just say I own a property that's a block and a half from here. My family situation has changed. I put a couple of additions on. I'm completely maxed out at Residence C-1. I have a big yard, which is probably because I don't have any parking, because I don't have a street, but I went to Mid-Cambridge Neighborhood Conservation District Commission and they advised me twice on what I

could do and they told me, for example, on the --
when I added the second floor on the first
addition --

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Can't hear him.

HUGH RUSSELL: -- when I added the second
floor on the first addition, I couldn't make it
as tall as I wanted to make it. And so I -- I'm
an architect and I'm clever and I figured out how
to get what I needed and make the building like a
foot and a half shorter than I was originally
thinking. My neighbor across Willis Place had to
go and when she was modifying her house and they
talked about windows and said, you know, you
ought to put in historical replica windows. And
she said thank you very much, I don't want to do
that. And the way the neighborhood conservation
district commission rules were, and I know

something about that because I helped write them 25 years ago, 30 years ago, she could understand the arguments and she put in the windows she wanted to put in and they probably, you know, they just don't have the right mullions and they're not the right proportions, and they're good for her and it doesn't really affect my house very much and that's what I look at.

So, I think this -- what we have to look at seriously here because maybe Steve will talk about the, the conservation district commission has to make a finding that development is an excess development. That's kind of a -- that's the stick part of it. And when you talk to people, this mechanism's been in place for 25 or 30 years in Mid-Cambridge. It was put in place when people were saying oh, people are building all these townhouses in backyards, and I think

it's actually been quite effective. Basically it addresses the design of the in-fill, it tends to be quite supportive of people making minor changes to their houses, and it means that when the proposal comes for a house next-door, you got a chance to weigh in and be part of that discussion. And I think one other advantage to it is that if you're a developer, you want to buy one of those little houses to tear it down and spin it, you can't really -- you've got to go to the conservation district commission and you probably got to go after you buy it, because a real estate market is odd enough, but there's somebody else out there who probably will buy it for its present use. So I think it's going to discourage people from buying, tearing down, and building ugly new buildings which I think is part of the concern of what was shown on the screen.

I would guess that every building that was shown in the first part of the presentation could have been improved.

H. THEODORE COHEN: Hugh or Steve, how does that conservation district commission get established?

HUGH RUSSELL: Petition is made to the Historic Commission to establish a neighborhood conservation district. The Historic Commission establishes a study group and it works on a report, makes recommendations as to what, what their roles of the conservation district are. And there are three of them I think in the city now, and each one has somewhat different rules, because they're different neighborhoods and different issues and that has to be adopted by the Council.

H. THEODORE COHEN: So the City Council

ultimately adopts them?

STEVEN COHEN: Ultimately.

HUGH RUSSELL: Right.

I think they have a vote of five. I'm not sure about that.

H. THEODORE COHEN: And so then if -- trying to understand this, the zoning remains in effect with the zoning, you can do some of the zoning but you need to get the approval of the conservation district commission for the particular project you intend to do?

HUGH RUSSELL: Right. In other words, there's various small projects that are in the district. There are things that are included, things that are excluded. Those would be tailored for what makes sense in Riverside if Riverside's (inaudible).

H. THEODORE COHEN: Steve, do you want to

add to that?

STEVEN COHEN: Yes, I'll pick up on Hugh's thought for a moment.

We've heard about some of the new construction going on in this neighborhood and well, you know, some have said it's extreme and, you know, people are building to the max. But in fact, already almost 60 percent of the homes in this neighborhood exceed the size of what is permitted, you know, to the max under the current law. And under the proposal, 80 percent of the homes would exceed what would be permitted under the proposed new law. So most of the homes in the neighborhood, I mean we understand and are totally sympathetic with the concern to protect the existing character of the neighborhood, but already 60 to 80 percent of the homes and lots are developed more intensely than what is

permitted under law. So you start thinking, well, what is going on here? And perhaps, you know, it isn't, you know, the zoning per se, about, you know, what is permitted on the lot, but perhaps it's what Hugh had been alluding to; it's the design, it's the configuration of the homes that are being built or it's the quality, it's the details, it's the massing, it's the architecture of the homes or some of these homes that present the problem. So, again, there's -- as Hugh pointed out, Mid-Cambridge a number of years ago was presented with this same sort of problem. It's an extremely dense neighborhood. People were expressing concerns about the new patterns of development there, and some wanted to down zone the entire neighborhood and basically shut down development in the neighborhood. Ultimately it was addressed by creating a

neighborhood conservation district commission which addressed precisely all of those factors; the design, the massing, the footprint, the details, the architecture, the location of windows, the shape, the relationship to neighbors, the open space, the setbacks. And to a large extent -- in one of these neighborhood conservation district commissions, to a large extent it actually supersedes, it trumps zoning. Somebody can come in and propose something which totally conforms to zoning, but it might be rejected nevertheless by the conservation district commission.

Hugh mentioned the criterion which is imposed of excessive in-fill. The commission might conclude that a particular proposal is excessive in-fill. But actually, the more typical, prevalent, and powerful measure is

appropriateness. The commission decides whether a particular design on a particular lot is appropriate or not. And unless the commission finds that this particular proposal is appropriate in the way it relates to its neighbors, the way it relates to the street, unless they find that it is appropriate, they will turn down that application, even if it complies with zoning. So I think this is the ideal mechanism here.

I think the zoning proposal is taking a sledgehammer to this potential problem and an issue that folks have, and instead of the sledgehammer, maybe it's more of a chisel that we should be using with a commission that would have the rules and criteria that neighbors from your neighborhood, you know, would create. You know, neighbors, residents of your neighborhood would

sit on this commission and would evaluate, you know, virtually every proposal, virtually every proposal to revise, amend, add to, or replace any structures in the neighborhood. And, again, you know, the criteria would be is this appropriate in our neighborhood?

So I mean there are other minor details that I'd love to talk about, but really I think that this is the approach that I for one would recommend to the neighborhood. Not the sledgehammer of a down zoning which would actually render 80 percent of the homes in the neighborhood non-conforming. Non-conforming means 80 percent don't comply with the zoning that is being proposed here. And instead of that sledgehammer, a much more refined, you know, targeted, flexible mechanism through a neighborhood conservation district commission

that would permit continued development in the neighborhood, would address some of the concerns expressed here of families who want to expand their own house for their own family, or even the occasional developer who wants to build something new. We'll permit that so we're not going to freeze your neighborhood in place as if, this is the best of all possible worlds just the way it is, it will permit change, but the change will be modulated, it will be curated, it will be appropriate to change. And so it will be change that will be consistent with the neighborhood and further enhance the neighborhood.

As Hugh pointed out, this has worked extremely well in Mid-Cambridge. There's been all sorts of new stuff built there in what was already a dense and, you know, some would have said a fully developed neighborhood. But there's

been all sorts of new things built, much of which very consistent with the existing neighborhood, some a little different. You know, some introductions of new designs, but carefully modulated by this mechanism so that it really worked in the neighborhood. And I think, you know, that neighborhood is better for this mechanism. I think that's the appropriate mechanism to protect your neighborhood and not a wholesale down zoning that renders 80 percent of the neighborhood non-conforming.

DAVID COHEN: Question?

H. THEODORE COHEN: No. Lou?

LOUIS J. BACCI, JR.: Not much to add to that.

H. THEODORE COHEN: Not much to add?
Mary?

MARY FLYNN: I don't think I have a lot

to add either, but I will add.

The, I just -- I'm not that familiar with exactly how conservation commissions work, but I do know that many, many people think that Mid-Cambridge Conservation District has been successful. So I think it in many ways could address the concerns that are raised in the petition. I think all of us in the room, if I can generalize, seem to be supporting the same goals. It's just the mechanism by which we get them. I think all of us want existing homeowners to be able to stay and do some relatively, you know, minor modifications to their homes as their families grow. I think people want open space. People, you know don't want to affect the water table negatively. And, again, I think, you know, those are all great goals and that's what we want to try to achieve, but I agree with folks on the

Board that the zoning is I think a little too drastic an approach. I would suggest either we do more study or suggest that Envision Cambridge might be a way to revisit the question or recommend the conservation district approach.

H. THEODORE COHEN: Thank you.

I just have a couple of comments. I'm also not that familiar with the conservation district commission although Steve was a former chair and obviously has strong feelings about its ability to be very successful and I think it's a great idea. Talking about this zoning petition itself, I'm opposed basically to the zoning petition that makes so many properties non-conforming. I mean I understand there's already a large number of properties that are non-conforming, but this really just seems to create a large number of non-conformity. And

non-conformity buildings are harder for people who even want to make small changes to their house. And if it burns down, God forbid, or something else happens to it, it's just very difficult to deal with it. I also think that we do have a huge housing crisis in the city, and that at the same time that, you know, City Council is trying to address it with allowing basement apartments and accessory units in one or two-family houses, and at the same time we're grappling with how do we deal with this by having more density, by perhaps taller buildings, by a lot of other techniques we are working with, that to down size one particular area of the city and say, no, we don't want the density to increase here, is wrong. And so, I'm really opposed to the -- this particular proposal on those two grounds.

I do agree that there is maybe a better means to attack it. I also spent a lot of time walking and driving around the district, and, you know, aesthetics are always an issue, but a lot of the new things that have been built are size-wise in keeping the thought of two and three-family houses that had been there at the start. You know, each -- certainly people can point out a particular offensive building for one reason or another, but I think, you know, in terms of the feel of the whole neighborhood, they're not really that outside the feel of the neighborhood in having perhaps a district commission that can mold things to make it fit better in the neighborhood because it was a good idea.

And one last comment I have which is always difficult to discuss, is when we talk

about open space, a lot of times we're talking about our neighbors' yards and that it's not our property. And maybe we like their open space and maybe we like their trees and their shrubs in their space, but it's their space, it's not ours, and so there have to be clear rules and regulations about what they can do with their space.

So, any other comments?

(No Response.)

H. THEODORE COHEN: I think we need to take some form of vote so that Jeff can transmit it to the Ordinance Committee for tomorrow.

HUGH RUSSELL: So I would move that we do not recommend adoption.

That the reasons that the Chair has announced and that Mary talked about can be there, and the suggestion that the neighborhood

conservation district would be a more successful way to achieve the goals of this petition which would also be included in the recommendation.

H. THEODORE COHEN: Is there a second?

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: Any further discussion?

STEVEN COHEN: Yes, I'd love to just amend it and amplify it by affirmatively requesting that a study, I don't know the technical name for the study, but basically a study be initiated to begin the process of needing a neighborhood conservation district in this neighborhood.

HUGH RUSSELL: I see that as a friendly amendment.

STEVEN COHEN: Very friendly.

H. THEODORE COHEN: Yes. I guess my only

question about that is, you know, we have a group of people that obviously want -- I don't know whether everybody in the neighborhood wants it.

STEVEN COHEN: No such thing as everybody in the neighborhood.

H. THEODORE COHEN: I'm not that familiar with it. What does the study do?

STEVEN COHEN: I think it's just a regulatory requirement that it studies a geographical area to determine what would be the appropriate area to be subject to such a commission. And I think it's sort of does an inventory of the nature and character and historical and architectural patterns within the, it begins the study of, you know, what the substantive requirements might be in such a conservation district.

H. THEODORE COHEN: Okay.

HUGH RUSSELL: And, Ted, for example, the block that's omitted between Green and Franklin Street would be part of such a study.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

What?

HUGH RUSSELL: And the recommendation, and then I'd look at the block that Alex talked about and say well, maybe that's not part of it. So they try to come up with a right border and the right rules. If there's not substantial support in the neighborhood for this, you know, there's no point in doing it, but it could facilitate coming to an understanding.

H. THEODORE COHEN: And the Council would be the one that would initiate the study or direct it to occur?

HUGH RUSSELL: It can be by -- I think a petition of some number of people, but I think

the Council maybe has to formally vote to do a study.

STEVEN COHEN: And I would suspect and hope that there would be a real consensus in the neighborhood to support this, because I think it would address some of the concerns and goals expressed by both those who advocate for and support this petition as well as those who oppose the petition. So I think this could be one of those rare political events that really, you know, produces a win/win outcome.

H. THEODORE COHEN: Okay. So we have a motion and the friendly amendment and there was a second for it.

No further discussion?

(No Response.)

H. THEODORE COHEN: All those in favor of the motion as amended?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Thank you all very much. Thank you for bringing this matter to us, and hopefully this recommendation can proceed to a solution that will be amenable to everyone, as many as possible.

We have another hearing at nine o'clock. You're all welcome to stay if you like. That has to do with rainwater.

(A short recess was taken.)

H. THEODORE COHEN: Liza, you have some ZBA cases we can look at now?

LIZA PADEN: Yes. The first Board of Zoning Appeal case that a board member asked to see is the case for Winter Street, 24 Winter Street. This case involves a demolition of an existing addition leaving the rest of the

building there and then building a conforming three-story, two-family residence. And the design of the building is such that it -- Hugh Russell has the plans right now, and I've sent them out to members. I don't know if you've had a chance to look at them. And in essence, it's similar to a case if you remember three or four years ago down the street, where the plan was to put in the garage doors on the sidewalk and then build the house up two floors above it and to the rear of it. And the Planning Board had recommended that the design be revised. And they actually did revise it. And while they still have the openings at the front of the house, it's much more of a residential feel to it as opposed to the garage doors being the first thing you see.

HUGH RUSSELL: Plus they're set back.

LIZA PADEN: Right.

The existing conditions on this is that the parking is in the front yard and then you have the building next to it. And it's confusing to me on this particular case because I don't understand why they've added 28 and 30 to this application, but we haven't been able to figure it out.

Suzannah took a look at the case and she had a number of comments. Starting at the front of the building with the garage doors, she felt that it's not in keeping with the way the rest of the neighborhood is.

That it would be more constructive to remove the garage doors as the first element.

To possibly move the house closer to the front of the lot, which is what the rest of the lots are like at that section of East Cambridge.

And also to change the roof line so that it was more similar to the rest of the buildings.

Overall, she felt that it just needs a design overhaul to try to make it fit in with the rest of the neighborhood.

The other piece that's confusing to me is by adding 28 and 30 Winter Street. It increases the unit count to five units. So then they're asking for a reduction of the parking to three parking spaces. So I'm, I'm very confused about this. But I think Suzannah's design comments do stand.

H. THEODORE COHEN: My recollection of looking at it is that it's very large compared to the housing on the either side of it. And what's two doors away? Is that an apartment building?

LIZA PADEN: Yes.

STEVEN COHEN: And the roof decks?

LOUIS J. BACCI, JR.: Low pitch.

STEVEN COHEN: Ugly. Is it against our law to be ugly?

MARY FLYNN: When was the report in? I'm sorry.

LIZA PADEN: There's a variance for the dimensional regulations. Some of the setbacks will be not met, and then they're asking for the Special Permit for the reduction of parking. So they would go from five parking spaces required for the five units down to three.

H. THEODORE COHEN: And that's a Special Permit that the ZBA would give them?

LIZA PADEN: Yes. It's a Board of Zoning Appeal Special Permit. It's here at the Planning Board if they're already at the Planning Board.

H. THEODORE COHEN: Right.

LIZA PADEN: But they're not coming to

you for the variance. No more.

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

HUGH RUSSELL: No, I can't add to what Suzannah said. It's an excellent study.

H. THEODORE COHEN: So. --

LIZA PADEN: Okay?

H. THEODORE COHEN: -- then recommending against this plan and that it should be revised in accordance with Suzannah's comments? And then I guess come back to us to look at again before it go goes back to the ZBA? Just, we recommend against it now and if there are alternatives.

HUGH RUSSELL: I think procedurally a recommendation has to come through us. So if there's a revised design, it has to come through us.

H. THEODORE COHEN: It will come back to

us again.

LIZA PADEN: Right. So my understanding, though, is that the hearing is on Thursday. They may decide to proceed to the Board of Zoning Appeal and take the negative recommendation of the Planning Board.

HUGH RUSSELL: And they may say go back and check with us or they may approve it.

H. THEODORE COHEN: It's a negative recommendation as to this particular proposal.

LIZA PADEN: Right. But I just want to be clear that the applicant has the option of proceeding. He has --

H. THEODORE COHEN: Oh, yeah.

LIZA PADEN: Okay. I just want to make sure that's understood.

H. THEODORE COHEN: We're clear on that.

STEVEN COHEN: We have notes here.

LIZA PADEN: So the next case is the antenna installation at No. 60 Vassar Street. This is on the MIT campus. And one of the things about this building is that 60 Vassar Street is in the middle of the block. So the block is Mass. Ave. -- no, it's not?

JOHN HAWKINSON: There is actually no 60 Vassar. It's just an address that's used for lots of buildings. So it's meaningless. It's worse than in the middle, it's everywhere.

LIZA PADEN: It's the address that we have to work with.

So this building is in the middle of -- it's the block that's Ames to Mass. Ave. and Memorial Drive to Main Street.

JOHN HAWKINSON: It's MIT's building 16 if that helps anyone.

LIZA PADEN: So Suzannah did have some

comments on this review as well. One of the complications for this building is while you don't see it from the public way, you do see the antennas at the top of the building when you see a close-up shot. And her suggestion was to forward the comments that the Planning Board has been sending on making the antennas the same length, having symmetry. Making sure they're located below the roof line so they don't break that line. Having the cabling to be neat and tight to the building, not creating additional shadows.

And in those installations there is one antenna that seems to have a lot of wires and cabling that maybe what they need to do is put a kind of a shield around it so that it minimizes the visual chaos of it. And now they're having additional antennas mounted to the top which are

small boxes.

H. THEODORE COHEN: Right.

LIZA PADEN: And so she was suggesting that they shield those as well so that it is just one form as opposed to multiple pieces.

LOUIS J. BACCI, JR.: And those are above the roof line, correct?

LIZA PADEN: Those are mounted on the roof, yes.

So....

LOUIS J. BACCI, JR.: They're on sleds?

LIZA PADEN: Right.

So it could be that those pieces would be pulled back from the parapet so you don't see them from the ground. That's another option. But overall, she thinks that this could be designed with some other features to make it look less messy. That that's a technical term.

LOUIS J. BACCI, JR.: Yeah.

H. THEODORE COHEN: Well, I think we could go along with Suzannah's recommendation.

LIZA PADEN: Okay.

H. THEODORE COHEN: It's perfectly appropriate.

LOUIS J. BACCI, JR.: Yes.

LIZA PADEN: The last one is at -- you may not have recognized the address it's 1350 Mass. Avenue which is Holyoke Center.

STEVEN COHEN: Oh.

LOUIS J. BACCI, JR.: It used to be Holyoke Center.

LIZA PADEN: You're right, now it's the Smith Campus Center. And Suzannah had the same comments on this installation as the other ones and so I would recommend that we just send those comments about the installation being below the

parapet, not -- I'm sorry, below the roof line and not breaking the visual line of the roof.

There's only one photo sim and that's because the applicant -- and I think they're right, that the other antennas are not visible from any of the public streets because the building is so tall, is that you would see them probably from another building in Harvard Square, but you won't see them south of the building.

H. THEODORE COHEN: So my comment, Liza, had been -- and they really want to go forward while the building's under construction. And Liza correctly noted that technology waits for no man. Telephone technology waits for no man.

LIZA PADEN: So send the comments?

H. THEODORE COHEN: That sounds great.

MARY FLYNN: Yes.

LIZA PADEN: Okay. Thank you.

H. THEODORE COHEN: Liza, do you want to talk about dinner?

LIZA PADEN: I would talk about the dinner. I'm trying to get a date. What we're trying to do is get the dinner scheduled so that it's before the end of the fiscal year which is June 30th for us. And so we've run out of Tuesdays so that's not going to work. So we're working -- and Mondays a lot of staff is at the City Council. So that's complicated. So now I'm working my way through Wednesdays and Thursdays. We don't have a specific day yet, and I'm hopeful that tomorrow I will have a date and I can send it out to you.

H. THEODORE COHEN: Do we have a location?

LIZA PADEN: I believe that right now it looks like Loyal Nine has got -- because we have

to put it out to bid --

H. THEODORE COHEN: Right.

LIZA PADEN: I think they come --

MARY FLYNN: Oh.

LIZA PADEN: Yes, it's a whole process.

MARY FLYNN: Where is Loyal Nine?

LIZA PADEN: So Loyal Nine is on Max Avenue. There's a test. I don't think they use that for GPS purposes.

H. THEODORE COHEN: Is that the actual address Max Avenue?

LIZA PADEN: No, I don't think so.

LOUIS J. BACCI, JR.: No, it's 660 Cambridge Street.

LIZA PADEN: They gave us 660 Cambridge Street, but it's Max Avenue. For those of us who used to work in East Cambridge.

MARY FLYNN: It's been a long time since

I've worked there.

H. THEODORE COHEN: For those of us it was Sunday Max.

LIZA PADEN: You would know that.

Okay. Now we're getting a little far afield. So is there anything else that I might know the answer to?

H. THEODORE COHEN: No, why don't we --

LIZA PADEN: Take a break?

H. THEODORE COHEN: Yes.

JOHN HAWKINSON: I wanted to point out to the Board in case you were not aware, the BZA has apparently started posting all of their applications on their website. And so they are linked from the City's agenda in the calendar section of the City's website which started happening in March, and I think most people are not aware.

LIZA PADEN: I didn't know if it was March. I thought it was just this -- was it March?

JOHN HAWKINSON: It seems to have started in March. I went back and looked.

H. THEODORE COHEN: Well, why don't we take a break now until nine o'clock.

(A short recess was taken.)

H. THEODORE COHEN: Welcome back. We are now back in session and this is a zoning petition regarding rainwater separation and residential buildings to amend Zoning Ordinance by creating a new Section 5.55 special provisions for rainwater separation to allow modifications to the applicable dimensional requirements of Article 5000. In particular regarding FAR and height limitation by Special Permit from the Board of Zoning Appeal for eliminating rain-water from

sewer lines in existing residential buildings.

COUNCILLOR CRAIG KELLEY: Thank you all very much. My name is Craig Kelley. I live at 6 Saint Gerard Terrace in Cambridge. This is in fact my zoning petition because I submitted it, but I submitted it for Nicolai Cauchy sort of as a constituent favor but also because I think he's on to something. So when you listen to this zoning petition, I ask that you not just look at it as the zoning petition for this particular issue, which is rainwater on flat roofs, but as perhaps the first of what are likely to be a number of climate change related rezoning petitions or other ways to look at our zoning and permitting and use issues in Cambridge.

So as we know, climate change is going to lead to more extreme weather. There's going to be heavier rainstorms, there's going to be

heavier snowstorms. The snow is likely to be heavier in and of itself. And all of that is going to stress systems that were built say 100 years ago, 110 years ago, things that in this case are buildings tells and are not really constructed with the weather that we have in mind. And what we see here is a flat roof house. It's basically Nicolai's house or something like Nicolai's house. Cambridge has a lot of generally triple deckers that are flat roof. They are convex and has a drain that goes down the center. You can see this in the left-hand side and the right-hand side. And the water goes down into the middle of the roof and then goes down through the pipe to the sewer and that way you have both the rainwater coming on the roof and the household sewer getting mixed up and going through our sewerage system and to the

treatment center.

The problem is not only are we having water, rainwater, storm water, mixing in with our sewer, which is inherently a bad thing and we're spending millions and millions of dollars to separate in other parts of town, but these roofs when they get covered with snow and ice, can clog. The drain can clog up, and that's a special problem because we will see people insulating some of the space to keep the heat from escaping which leads to this problematic free stop, free stop plug-in effect that we see in some of these things. So even if the rainwater is on the roof and wants to go down the drain, it can't necessarily because you can have something like ice or -- not conceivably animals possibly, but mostly ice and snow, blocking it. And we wind up getting flooding problems.

Sometimes the pipes can break going down through the house and you can see on that right there you can see a damaged pipe system and it can be very problematic for the homeowner to fix that. So we have well insulated roofs, drains, insulated roofs, drains and the freezing part leads to broken pipes and overflow. All of this stuff is not really designed because essentially the gutters or the drain is undersized. Maybe if it were six inches instead of four inches. I mean you can't go in and make it bigger. So what can you do?

And this is what the Zoning Ordinance proposes. Is you can alter the pitch of the roof. You can make the roof drain off to the side instead of draining through the center. And when you do that, you've taken that rainwater out of the sewerage system and you have taken a

hazard away from the homeowner. The homeowner no longer has to worry about the pipes in the middle of the house breaking, about the pipes freezing, and things like that. The problem is to make a pitched roof out of a flat roof costs money. It costs a fair amount of good money and most people aren't gonna do it. They'll take the risk of having pipes break, having snow build up, ice build up on their roof, rather than put in a slightly pitched roof. So the way that people will put in a pitched roof is if they get some sort of value back from it. Now, they don't have to make a lot of money off of it, but they don't want to lose a lot of money either. That's where this zoning proposal comes in. How much extra value can you add to the property in order to justify putting in a pitched roof? And here we're saying that if we want to avoid the frozen

drain and the snow overload, we're going to have to put in something that moves it off to the side. When we do that, we do have to worry about what the neighbors think. So the neighbors understandably bought a property, rent a property or whatever, and they looked out at a certain view shed. They don't necessarily want to see a ten foot peaked roof going where there used to be a flat roof. So, we do want to worry about that. We do want to worry about zoning. We have FAR issues. We have roof height issues. And we honestly I think we've addressed it differently with our basement petition, we do worry about in-fill somewhat.

So, the zoning proposal does put a limit. It does not allow a new unit and doesn't really add an extreme amount of height. There's three to ten feet. It's generally not going to be all

that much. It's not going to be -- we heard earlier zoning proposal. It's not going to be all that much out of context in the surrounding neighborhoods for the most part. And what we have in these two examples is pictures of what you could do now that doesn't really work or at least you could do if we altered the zoning a little bit, doesn't really work in the sense that it doesn't add the value that's needed to justify the expenditure in putting in that sort of roof. That's the one on the left. The one on the right is not really solving the problem of the central drain.

So, the addition is home -- is costly for the homeowner. We know that, any addition is costly for the homeowner. But the homeowner, the property owner gets functional, usable space, something they can turn around and gain value out

of it. Eliminates the roof drain. And it gives us interesting things to do in terms of using the roof, in terms of using the rainwater that is now going into the sewerage.

So this is a bunch of text. I will spare you reading it. And these are some examples of places where we've seen a flat roof grow a peak or at least a peaked roof existing that's really high. They're beautiful homes or they can be beautiful homes.

So this is Nicolai's home in the middle. It's an artist rendition of some sort of what it would look like. It's not a monstrosity. There are setback limits for the height that will decrease the visual impact. It will be done by Special Permit. This, I think, is the first of what we're going to see to be a number of challenges where the new world just doesn't match

our old way of building and our old way of zoning, and I'm afraid that you all are going to wind up hearing a lot of people like me or Nicolai or whoever coming in to try to figure out different ways to solve that problem even as we work through the master plan.

So this zoning proposal isn't about creating new living space, it's not about adding new units, it's not about adding value. It's about trying to cover the costs of addressing the new roof drain. And that's it.

I'll be happy to answer any questions if you want. I'd be happy to sit down and listen to you deliberate.

H. THEODORE COHEN: Well, does the Board have any questions?

(No Response.)

H. THEODORE COHEN: None appearing. Then

there is anyone in the public who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing.

Then comments from the Board?

STEVEN COHEN: Craig.

COUNCILLOR CRAIG KELLEY: Yes.

STEVEN COHEN: You had some nice renderings there. How do you prevent somebody from doing something ugly as sin?

COUNCILLOR CRAIG KELLEY: You don't. Zoning unfortunately is not that proposal. Now in a Special Permit process, you all, and it's taken me a while to get there, but you all -- things look better when they go through the Special Permit process. They're not necessarily what certain people would want at the time it comes out. But at the end of the day zoning is

about size and setbacks and FAR and things like that, and we, we can't really do much about ugly. I led a neighborhood walk in North Cambridge because there's a lot of concern about in-fill maybe two months ago. A beautiful, beautiful winter day, towards the end of the winter. Not that many people showed up it turns out. And those that did liked the pretty in-fill and didn't like the ugly in-fill.

STEVEN COHEN: How about that?

COUNCILLOR CRAIG KELLEY: Kind of weird, right? I don't know how you address that. I don't think you do.

HUGH RUSSELL: Well, you were here for the prior hearing.

COUNCILLOR CRAIG KELLEY: Yes.

HUGH RUSSELL: We actually did address that. The Riverside zoning proposal.

COUNCILLOR CRAIG KELLEY: Right, I was here for part of it.

HUGH RUSSELL: Then you heard our comments?

COUNCILLOR CRAIG KELLEY: I left before I heard -- I understand you're recommending a neighborhood conservation district.

HUGH RUSSELL: Right, because it was the same thing, that if in-fill is done very well, then it's an asset. If it's done as a matter of right without any comment, it's --

STEVEN COHEN: Monstrosity is the word that some of the neighbors used.

MARY FLYNN: Right.

HUGH RUSSELL: That can happen.

COUNCILLOR CRAIG KELLEY: It becomes a design question. I wish I had an easy answer for that. I don't. My guess is that most of them

would, to the people that moved in later, looked perfectly fine. To the folks that were used to seeing the sunset or whatever under the flat roof, maybe they'll always be that ugly -- that's what folks said about the Eiffel Tower, right? It went up and people would walk around avoided looking at it. And now you can't imagine the Paris skyline. But I don't think anyone is going to build anything that majestic.

LOUIS J. BACCI, JR.: Is there a difference between the charge by the MWRA for treating sewerage and drain water?

COUNCILLOR CRAIG KELLEY: Well, this goes to the same place, so this.

LOUIS J. BACCI, JR.: Not, but it shouldn't, right?

COUNCILLOR CRAIG KELLEY: It shouldn't. That's why we're separating a variety of sewer

systems. Now that is under court order. There's no court order telling us we have to separate the roof drains, but people --

LOUIS J. BACCI, JR.: But at some point.

COUNCILLOR CRAIG KELLEY: That's an added benefit. The real point of this is to keep the snow load and the ice load and whatnot from building up on the roofs. The fact that we're separating the storm water from the sewerage is not minor, but it's just an added benefit. It's not the core of this proposal.

LOUIS J. BACCI, JR.: Sometimes these are addressed with heated drains, no snow problem.

I'm just adding this --

COUNCILLOR CRAIG KELLEY: No problem.

H. THEODORE COHEN: I'm sorry.

LOUIS J. BACCI, JR.: Go right ahead.

H. THEODORE COHEN: Well, I have two

concerns about this. And yes, I think we do have to address climate change and environmental issues.

One concern is aesthetic, that I think the triple decker is pretty iconic in appearance in Cambridge, Boston, and New England. And that of the pictures that had been shown of peak roofs put on, I don't think any of them had started out as triple decker, they were other things. And so I think aesthetically some of them look strange. And so I think abutters can have questions about that.

COUNCILLOR CRAIG KELLEY: Sure.

H. THEODORE COHEN: And this is all based on, in part on Public Works saying the benefit of doing this doesn't seem to be that great. There is some benefit, but it's not an enormous benefit.

And then my other concern, though, is then we're then using zoning to reward somebody for doing something with their property and should we be changing zoning to allow people to get some benefit if they puts solar panels on their roof? Should we reward them with, you know, some other benefit if they do something else that is good for the climate change or the ecology? And it just seems that we're opening up, you know, a huge can of worms of, you know, why doesn't the City create a fund to help homeowners defray the cost of doing something like this rather than giving them a zoning benefit? So....

COUNCILLOR CRAIG KELLEY: Certainly we could do that. My sort of -- and I absolutely agree with your basic point, but my take on that, if you go a little farther, I was thinking as I

came over here, about the Zika virus and we may see if we have more concerns about mosquito-borne illnesses, we may see a push towards more enclosed porches, fenced in or not fenced in, but screened in porches. And people may look around and say you know what, it costs a lot of money to take my porch and actually make it something that's reasonably a screened-in porch. I'd like to make it a three season porch or a four season porch, but it doesn't meet the zoning because of the setbacks. But we might actually find ourselves in a place where someone looks back and says you addressed climate change in this way for the flooding issue and now we can't to -- because it's always going to be a question if I wanted to do something to my house, I want to get the value back. I don't necessarily want to get more value out of it, but at least I want to get the value

back. So if I'm going to fancy my porch to protect myself from mosquitos, then I probably want to do something that the next seller says it's got whatever it is, an enclosed porch.

I think it's a -- I guess it's something that we have to --

H. THEODORE COHEN: I don't see that necessarily. If somebody decides to change their heating system to make it, you know, a more environmentally friendly, you know, a more efficient system or if they change their windows, I mean it just seems to me there are so many things that people could do that would be beneficial for, you know, the City but that, you know, do we really end up either funding it or by giving them some sort of, you know, incentive to do it in terms of how it relates to zoning or to additional FAR or additional whatever it may be.

COUNCILLOR CRAIG KELLEY: I think that we do that in some cases, for example, with inclusionary housing. We've decided a matter of public policy, we want you to build a bigger building so we get some amount of affordable housing. I think the difference between this proposal and, for example, a heating system that's more energy efficient, is that this proposal is designed to minimize damage from heavy snowfalls, heavy rainfalls. It's not pro-active. It's reactive. So the owner doesn't have a choice. The owner does have a choice at this point about buying a three-family. You buy a three-family with a flat roof, you know you're buying a three-family with a flat roof. It's buyer beware. And I think that is a challenge. If there's a zoning change, people look at what they bought, is it worth changing it to allow

something new. I appreciate the fact that you approached it with Karen as well.

STEVEN COHEN: Can I say something?

H. THEODORE COHEN: Go ahead.

STEVEN COHEN: I have a few thoughts, Craig.

First of all, I guess on the last point that Ted raised, it's sort of if you can give somebody a benefit in the house, you kind of want to get more bang for our buck. You know, have them provide more benefits to the city. You know, it would be fine if they're going to put an affordable unit in a triple decker, then maybe we'll give them some benefit. And this is a relatively small benefit. But, you know, you mentioned inclusionary zoning, and it seems like the city is probably going in the opposite direction. Instead of building in this bonus

system, you know, I hope we're going to end up simply saying no, you have to provide, you know, X percent of affordable units. Period. You know, rather than saying it's elective. And if you do it, you'll get a bonus. I mean I think we should be clear on what we want and what's required and so forth. I thought that your motivation was in fact separated drainage from sanitary sewer. And I think the law is already saying we're not supposed to be tieing our drain lines, our storm water lines into our sanitary sewer. But as a practical matter in buildings like this, it's like, wow, it's a big deal to separate them. But when you said that primarily about the snow and ice, I go back to what Louie raised. You know people use electrical tape in the gutters to keep the gutters from freezing, and they use it to wrap pipes in basements to

keep them from freezing. And I think you can really do a much simple low tech approach in moves like this to melt the snow and ice and prevent that sort of build up.

HUGH RUSSELL: Because wouldn't that be like a double ecological problem? You're now using electricity --

LOUIS J. BACCI, JR.: Then we would use shape insulation instead.

STEVEN COHEN: Well, I'm reacting to basically saying that his priority was the --

COUNCILLOR CRAIG KELLEY: And to jump in, it's a flat roof. So ideally -- and I understand there are ways to melt the snow --

LOUIS J. BACCI, JR.: But if it's got a flat roof, you don't have this problem.

COUNCILLOR CRAIG KELLEY: Well, it's not perfectly. It's slightly concave so the water --

LOUIS J. BACCI, JR.: Right.

COUNCILLOR CRAIG KELLEY: -- but you wind up getting snow build up. The snow is not going to slide off either. As we have heavier and heavier storms in addition to the rainwater and the flooding issues, you start to get just the weight of the snow. I'm not enough of a structural engineer to tell you when that becomes a problem.

STEVEN COHEN: If they'd allow us to build a headhouse up there and put a deck up there that we can use in the summer, we could use that headhouse in the winter. We could go up there and shovel the snow off the roof.

COUNCILLOR CRAIG KELLEY: There are those issues. Now, I'm not sure any of us want to be up on a third floor building or wherever shoveling snow in the middle of the winter. I've

done it off of my garage, but it's kind of scary.

HUGH RUSSELL: So I signed the recommendation four years ago that did not recommend adopting this, and I'm finding myself -- my thinking is evolving on this, and I think part of it's because the proposal has changed somewhat. That it -- particularly that you cannot have an additional -- create an additional unit. And I'm thinking -- and my thinking has also been changing about how do we facilitate people staying in their houses, making modest changes that don't really have big impacts? And it seems like this isn't now migrated into that kind of a situation that if somebody, you know, has a three decker, that, yes, they've got it probably on a back porch that is some open space, but there's -- the roof is a resource. And I was just mentioning to Mary that

an acquaintance of mine built a bedroom on the fourth floor because they got an unexpected grandchild and there was no space for Indigo -- that was the child's name. Indigo. And, you know, so he got his own little room. And you may have sat on the conservation district when that proposal in that famous circle came and it was a quite marvellous little room.

STEVEN COHEN: And it looks great from the street. You can see it, but I think it looks nice.

HUGH RUSSELL: Right. But it was basically a response to a family situation. And so, yes, there is a -- if you could separate out the storm sewers, there's an impact. It's, you know, it's going to take you an awful lot of three deckers to have that be noticed, but it's still, it's how you do it. You know, you can --

so any melt service, a few houses down from my house, has a two-family, a two-story house but a huge roof on the top that was just perfect for putting on solar collectives.

And so another thing you can do is you can actually get new solar collectives a little more effective if you put that pitched structure supporting them because they get up a little higher above the trees.

And I mean it's like how many people are going to want to do this? You know, I don't think very many are going to want to do it. I don't think it's going to ruin the city. And I think we can -- like other changes like this, we can say well, let's try it out. Let's see what happens. It's a Special Permit is the gatekeeper to prevent things that we think are bad. I don't, I don't have a copy of the petition in

front of me, so I'm not quite sure what the criteria are.

LOUIS J. BACCI, JR.: But don't allow -- what does this turn into?

HUGH RUSSELL: I think you have to, I think we should be allowing people to add and modify in their homes and making modest ancillary increases in all of the residential neighborhoods. And to me that's -- this is just one kind of a strategy that works for one kind of a building and it fixes some of the environmental issues that sometimes happens with these buildings.

STEVEN COHEN: Hugh, you know, but I tend to agree with you, and I think more people would in fact do something up there, maybe not big elaborate things, but at least you know a headhouse to a deck.

HUGH RUSSELL: Right.

STEVEN COHEN: Not like you get one small bedroom towards the rear of the structure or something, but I mean to me, if we think, and if the City thought that that was a good thing to permit, then just permit it. And so the questions that then go through my mind is A, my first question for Craig is how do you make sure that is not ugly? Unless you're going to have commissions like our Mid-Cambridge Commission govern the entire city, because it's not something that you want to have coming to the Planning Board or ZBA every time somebody wants to do it.

But then the second thing is, you know, if it's a good thing, something that we think is permissible and that perhaps even desirable, are we then going to say but, yeah, we're only going

to permit it if you do such and such with your drainage? Or only if you put on solar panels? Or I mean, I am -- are we going to be tying it to something else or are we going to be saying no? We think that's permissible? And of course if it is permissible, then people will just do it and they won't have any incentive to do the other good, you know, fixing the drainage or the solar panels or what have you because the new addition on the roof was a freebie. They didn't have to do the additional work? So it starts I think a few complications.

I think tying it to something like Craig wants to do, I think that's kind of problematic. If we think stuff like this is permissible and desirable, you know, it should just be permitted. And in that, the issues that Craig raises would have to be addressed in some other way. It's a

little thorny.

LOUIS J. BACCI, JR.: Yeah, I just don't know what you allow. You take the third floor and the kitchens in there and the living room and the bedrooms on the roof, how far is that away from where we want to go? I mean I know we need more housing, but I have a lot of housing that way.

HUGH RUSSELL: It's over my line.

LOUIS J. BACCI, JR.: I understand. I'm just, but obviously.

HUGH RUSSELL: But there's some four-story three deckers in my neighborhood.

LOUIS J. BACCI, JR.: But we could get a lot more.

HUGH RUSSELL: Right.

LOUIS J. BACCI, JR.: I don't -- it's got a lot of twists and turns when you really get

into it if you get some smart developers.

HUGH RUSSELL: You may remember when the Envision folks came here, I asked them how it -- which is look at how do people modify their structures? How do you remove the disincentives? How do you -- and they basically -- and I guess Iram answered and saying well, they're not going to talk about that. They're not going to study that. We might be looking at that some day. I mean, I kind of think neighborhood conservation districts ought to replace the Zoning Board as a regulating authority for most of what the Zoning Board does. I think it's the right kind of regulation.

H. THEODORE COHEN: I mean, Hugh, I think we did discuss and we've had discussion about that there will need to be modifications to zoning to deal with energy issues and climate

change.

HUGH RUSSELL: Yes.

H. THEODORE COHEN: You know, we talked about, you know, how you calculate the depth of walls or the types of windows that you can or can't use or other elements. And I, you know, whether Envision Cambridge is doing that or not, I think it's going to have to be done and we're going to have to address. I just --

HUGH RUSSELL: If you look at a proposal of a prototype to see, take a step in that direction. I don't think we should be --

H. THEODORE COHEN: But the prototype is not allowing, you know, changing zoning to allow something that we think we need. I think this prototype is giving a financial benefit to do something, and I think there's a difference there. I mean, it's sort of like, you know, if

you put in a sewer line in the street, the city puts that in and the public pays for it. People get the benefit pay for it through a betterment, but we also have to pay individually to tie into the sewer. And so I think, you know, that's just the cost of being a homeowner. You know, if it's beneficial to do away with this central drain, then I think that's something, you know, maybe zoning should, you know, not make it difficult to do but I don't see zoning helps pay for it.

Because I think, yes, we have to have experiments and try things. Certainly on this one and a cost benefit analysis or what the benefit to the city is pretty small versus, you know, the cost of what may be put on the roofs. That's just my attitude towards it that I -- I mean, I think the concept of dealing with environmental issues and climate change and energy issues is to the good.

I just -- this particular concept of -- sticks in my claw a little.

MARY FLYNN: Do you know, has anything similar been done anywhere else in the country? Do you know?

Are there any sort of -- I don't know, you know, I don't know how close you check other cities and trends and what they're doing, but I'm just curious in other cities there are precedents where zoning environmental benefits have been legal if you know of.

JEFF ROBERTS: If that question was for me, I have to admit that I have not.

MARY FLYNN: Yes.

JEFF ROBERTS: I'm not aware of anything like that. I have not gone searching for it. But in normal discussions of zoning, this kind of question doesn't normally come up in finding

these zoning carve outs or specific relief targeted specific types of improvements.

Sometimes there are -- there's nothing of this type that I'm aware of and it is fairly unique to this area, I think.

MARY FLYNN: Yes.

COUNCILLOR CRAIG KELLEY: I tried to phrase the start of my -- and these are all great comments by the way -- the start of my presentation of independent of this particular proposal to view the discussion holistically, I think an example of what you're talking about, Ms. Flynn, are green roofs. Green roofs are more and more things that the cities to combat the heat island effect. They're looking at them as a source of local food. They're looking at them as an issue of environmental justice. The problem is usually it's difficult to cite them because

there's a fence around them, increases the FAR because the neighbors don't want a roof deck next-door, because they're already at the height limit, whatever it might be. And I think we're going to see a lot more stuff like that where someone says, you know, I can do the green roof. I can make my flat roof a non-flat roof. I can do things with my solar panels. But no one is going to do that if they can't -- or very few people are not going to do that if they can't get the value back. And I think we see that prices in Cambridge are so high, it's really difficult to do anything --

MARY FLYNN: Right.

COUNCILLOR CRAIG KELLEY: -- without wanting to just jump to the moon in order to get your value back because you're already at a pretty high level. And I think that's the

challenge we face not just with this particular zoning proposal but with a variety of similar ones and we'll face it again with the shared or the access economy as we start thinking of my great idea of turning my garage into a bike shop. Right? It should be a bike shop. I love bike shops. My neighbors might not like it. But how do we use all this space in Cambridge that right now is underutilized, but the value of the land is such that we can't use it underutilized.

I think Mr. Cohen made a great point, probably not at the Planning Board. At some point, I encourage you to look at this petition in this greater discussion. At some point maybe we need a different board, and I don't know how one would structure it, and under state law how it would be, but a different board to handle things like a flat roof conversion or my garage

becoming a bike shop, because you all are dealing with projects of 700,000 square feet. And to be up here and suddenly drop down there and then talk about a citywide rezoning, it's got to be this whiplash of ideals that I think would be very challenging for anyone.

STEVEN COHEN: If I could just pick up on, I think it's a path that he started down a little bit and that's just the notion of having greater flexibility in what a homeowner can build in their home subject, however, to a more fine grained design review of the sort, of the neighborhood conservation districts provide. It's kind of related, but I mean it's a standalone subject, and, you know, I think it's a great subject and a good direction. I really do think there could be and should be a greater flexibility for what exactly you could do and

what you could do on roofs, and flat roofs is a good example. You know, I think we should be able to do more, but exactly what and what would be appropriate on a particular house in a particular location? I don't think we can make a rule that fits all circumstances and that's the appeal of those neighborhood conservation district commissions. I don't know if that falls within that, to start such a process or recommend it or anything, but I think it's a good direction to building in the City.

LOUIS J. BACCI, JR.: I guess my other question is have you run this by the Building Department to see what their input would be?

COUNCILLOR CRAIG KELLEY: I have not, no.

LOUIS J. BACCI, JR.: That's another concern.

COUNCILLOR CRAIG KELLEY: Sure.

LOUIS J. BACCI, JR.: The code issues and so forth.

MARY FLYNN: Yeah, I think it's a really interesting concept.

LOUIS J. BACCI, JR.: Absolutely.

MARY FLYNN: I like the idea of a test case, but it's difficult to do a test case zoning, you know? Right? You know?

COUNCILLOR CRAIG KELLEY: It's a clunky tool.

MARY FLYNN: Yes.

H. THEODORE COHEN: Once you adopt something, it's -- you have to adopt it.

MARY FLYNN: You have to adopt it. Yes, that's a concern I have because others have said, you know, how do you know exactly where it's appropriate and how do you design it so that the neighbors are happy? And we don't really have

the specifics in place. And I think also, you know, the other comment is do you do it just for something like this or do you think of all the other environmental possibilities, too? You know, like so if somebody does say they want to do solar --

COUNCILLOR CRAIG KELLEY: Or green roofs.

MARY FLYNN: Yeah, I think --

STEVEN COHEN: I want to get more bang for my buck if we're going to do this. Let's get all sorts of benefits.

MARY FLYNN: Yeah, it's almost like you need an environmental sustainability section Zoning Ordinance.

COUNCILLOR CRAIG KELLEY: I suspect that's coming.

I don't want to shoot this proposal in the foot. But one other thing this brings to

mind is our former guidance. It's pretty elaborate for a very specific thing that you can do with your house, and I can understand that you don't want to every three months to have someone come in with a flat roof proposal and a green roof proposal and a solar roof proposal, you know, down the line. And you have a lot of very important things to do, but that would be a drag. This is what I threw on the table for now and I'm encouraging everybody to look at this both as a zoning petition but also a way to kick start what I think is going to be something of a parallel discussion to Envision Cambridge. Not to throw more stuff on your plate but....

HUGH RUSSELL: It's interesting that the purposes of the Zoning Ordinance I'm looking here at the adoption to one of the revisions of the zoning. Some of the purposes of zoning are to

conserve health, to encourage housing for persons of all income levels, and to provide -- facility adequate provision of transportation, draining and sewerage, etcetera. Conserve the value of land, including conservation and natural resources and prevention of light and pollution of the environment.

I mean, it's all tied in a way to the health and welfare clause of the Constitution. And so to the extent that the environmental issues are health and welfare issues, they're already sort of in there. It's just not -- our consciousness about what we can do and what we have to do is changing.

STEVEN COHEN: Well, you know, it's -- there's all sorts of ways of addressing these environmental issues and environmental goals for new construction and they're, you know, they're

just requirements and they appear in all sorts of places, in zoning and building code. If you go through the MEPA process, you know, it's there. I mean, there's lots of places. The difficulty is, you know, how do you address them for existing buildings where you have to go and spend money to retrofit something. And I guess that's the separate thing that Craig is trying to address here. I mean it's, you know, I don't know if you just pass a law forcing people to retrofit the houses. And even if it were Constitutionally permissible, it would probably be politically infeasible. So I guess the notion of trying to give an incentive for people to retrofit existing structures is, you know, interesting.

LOUIS J. BACCI, JR.: Yeah, I thought it was --

HUGH RUSSELL: I mean there are, there are provisions of the building code that -- or in the state law that require retrofitting the sprinkler law came in.

H. THEODORE COHEN: And certainly the Americans with Disabilities Act.

STEVEN COHEN: I just going to say the same thing.

H. THEODORE COHEN: If you pass more than 25 percent threshold, then you have to -- yes, it can be done.

STEVEN COHEN: Well, never affect residents, though, do they?

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

STEVEN COHEN: Substantial commercial buildings. Is there ever anything that's retroactive --

HUGH RUSSELL: Smoke detector alarms.

STEVEN COHEN: Yeah. I guess the critical principle distinction is they're cheap.

HUGH RUSSELL: Relatively cheap.

COUNCILLOR CRAIG KELLEY: Critical distinction.

HUGH RUSSELL: And they have a pretty big payoff in terms of protection.

LOUIS J. BACCI, JR.: Safety.

H. THEODORE COHEN: I think actually in New York in the apartment buildings, they are required to have ADA compliant facilities even in private residential buildings.

STEVEN COHEN: Really?

H. THEODORE COHEN: Well, how do we wish to proceed?

HUGH RUSSELL: So I guess if there's a consensus here, it's not ready for prime time, but it's an important discussion.

STEVEN COHEN: I mean I think we're all agreed that it's an interesting subject.

HUGH RUSSELL: So how do we -- can we recommend a way to advance the discussion?

STEVEN COHEN: We're probably the ones that should be advancing the discussion.

HUGH RUSSELL: But Iram is not here so we can --

STEVEN COHEN: In any event, I don't know what we can add tonight.

H. THEODORE COHEN: Right, I think it is a good idea. You know, I'm still hung up, you know, partly on the aesthetics but I think more on the, you know, giving this bonus for homeowners for this one particular thing --

STEVEN COHEN: Right.

H. THEODORE COHEN: -- starts us down a path that I don't know where it ends. And if we

do want to go down there somehow or in terms of environmental justice, I think it has to be more fully thought out of who gets this and how do we do it? How does the City do it?

STEVEN COHEN: Well, I mean there are a bunch of things on the table that are interesting. You know, separating the sewer systems, dealing with freezing on flat roofs, more flexibility to homeowners --

MARY FLYNN: Right.

STEVEN COHEN: -- and other -- I mean individually there's a bunch of interesting things here, but I think we have a consensus that this particular proposal doesn't balance it and hit it in quite the right way, and I have no idea what the right way is. And, you know, so I, hopefully I would move that we not recommend in favor of this. But, you know, we should think

about how, how to address some of those other interesting issues that Craig has basically brought to the floor tonight.

LOUIS J. BACCI, JR.: A lot of points are good but need to be narrowly addressed.

H. THEODORE COHEN: Are we all comfortable with that?

MARY FLYNN: Yeah, I think I'm comfortable with it. Although I would like to think of a more specific way of like Hugh was suggesting, you know, recommending a way to move forward, not just saying we should, but saying using a particular discussion. You know what I mean? I'm just throwing this out there. It may not be totally appropriate at all, but is there a working committee in that the environmental -- not environmental, but the Envision Cambridge group that deals with the sticky little details.

Where something like this could be in there. Or is it more appropriate for, you know, another committee in the City that might be working on environmental issues to take a look at what other benefits might be able to be linked in.

STEVEN COHEN: I mean, which environmental issues? The separation of the sewers or solar or blocked drains or --

LOUIS J. BACCI, JR.: Permeable surfaces.

JEFF ROBERTS: Mr. Chair? I just thought I would jump in so the Board doesn't have to speculate too far.

MARY FLYNN: Yes.

JEFF ROBERTS: And Iram is not here but she can provide the details better than I can, but this is what I'm familiar with.

So the Board is aware we completed what was called the NetZero or getting to NetZero

action plan recently which lays out a set of fairly particular measures that are intended to ultimately, you know, get -- ultimately deal with energy, focusing on the issue of energy and reducing energy consumption and improving energy efficiency within the City as well as improving energy production, renewable energy production in order to get to a point over some period of decades where the City can be considered sort of net in terms of its sum greenhouse gas emissions. So that's one effort in which we could look back to and try to provide some insight into what are the -- what is the set of goals or specific objectives that, that lays out with regard to existing buildings because it does, or it doesn't look -- often the Board is looking at new buildings and what requirements are imposed in new buildings, but that plan addresses new

buildings as well in the way that the Board and the zoning doesn't necessarily address at this point. So that's one item.

And then the other item that I think is key to the City's environmental planning at this point is climate change vulnerability assessment which is a three, I believe a three-phase process of which we completed the first phase and the second phase is, you know, well underway to be completed I believe shortly. Essentially it's assessing what the risk is of climate change impacts, you know, mainly having to do with water, also having to do with heat island effects. And that process will also likely produce a set of objectives that the City would like to accomplish. So I think that the -- so the idea, and I'm not necessarily making a suggestion, but just to put it in context for the

Board that there are those study processes underway. And it may be possible for us to try to look at those studies with an eye towards what are some of the goals that we might want to see the City accomplish within those existing residential -- sort of the smaller scale residential buildings. And then what are some potential zoning approaches along the lines of what was suggested. And, you know, where are the areas where the zoning could be more flexible or where relief might be granted in order to advance one of these clearly articulated city objectives. Or possibly a wider range of them than just this one particular point.

H. THEODORE COHEN: You know, following up on what you were saying about other areas that do this were mandated, you know, Title V septic systems, mandated that everybody have their

septic systems inspected and updated if
necessary --

STEVEN COHEN: And they had a certain
number of years --

H. THEODORE COHEN: A certain number of
years, right. But simply that is something that
we had to pay for.

STEVEN COHEN: And that was a lot of
money. Right.

LOUIS J. BACCI, JR.: And usually these
things are treated by some kind of building
permit application or a permit application.

STEVEN COHEN: Title V was --

H. THEODORE COHEN: If it's failing.

HUGH RUSSELL: And in Vermont if you sell
a property, you have to sell it with approved
septic system better than what you've got that
cost \$35,000, and I wasn't even planning to sell

but the guy was more into my field fell into the septic tank which was made out the sheet metal and put in in the late 40s.

I think Jeff's comments are very important to this discussion because it is a bigger picture. And if your ultimate goal is to try to have energy efficient environmental sensitive structures and getting them upgraded and then -- and so when I -- about, maybe it was 40 years ago, the Cambridge Redevelopment Authority was given the task of upgrading the neighborhood from Prospect Street east to the railroad tracks, and they did that relatively quietly without a lot of fanfare. There were two parts, but one part was moving businesses that were mixed in with the residences out to the main streets, but the other piece was working with homeowners to get them access to funds, to make

improvements to their structures that you just didn't -- because this was a -- these were neighborhoods that were occupied by people who did not have a lot of resources. And hundreds and hundreds of renovation projects were done. And they had a whole staff doing it. And I think something like that is probably the kind of effort that's going to be necessary to get people to make the energy conversions. I know what the bad parts on my house are. But well who would I find to actually fix those parts, you know. And if somebody, you know, working for some city agency came to me and said okay, here's the analysis and here's how we're gonna do it and we're gonna manage it for you and we just signed the paper and sign some checks and it's going to happen. I mean, I think that's -- we're all so busy and we don't generally want to be

contractors. And so that may be ultimately what the model looks like, but we can't today say that's going to be a model.

H. THEODORE COHEN: Well such does exist. Other cities have hired these companies to come in and do energy evaluations of, you know, of residences and then to make proposals, and I don't know whether the city grants assistance in paying for this or whether it's somehow they're forcing the public to do it.

HUGH RUSSELL: And I think the way the city assisted in paying for a lot of the stuff in the redevelopment authority was just access to low income, low interest loans. And the people, because of their income or other circumstances, couldn't have access to it. So that it didn't actually -- it wasn't necessarily a grant program or a grant aspect for people with very low

income.

JEFF ROBERTS: Mr. Chair, not to dig into too many bits of information, but the City does have home improvements programs that are at this point operated by I believe HRI and Homeowners Rehab and Just-A-Start and they could be slightly a little -- they're income eligible homeowners and particular types of properties and that's a still very active type of program around the City. And they do consider -- in fact we had a meeting with HRI to talk about some zoning issues related to energy efficiency improvements being made to these types of buildings.

STEVEN COHEN: So your income isn't low enough to help you out?

HUGH RUSSELL: If I would just retire.

STEVEN COHEN: You've got a shot at it then.

H. THEODORE COHEN: All right, so --

COUNCILLOR CRAIG KELLEY: Could I just jump in one last time?

H. THEODORE COHEN: Sure, certainly.

COUNCILLOR CRAIG KELLEY: Thanks.

To give you two non-hypothetical Cambridge-specific examples, we did just pass the shared car rezoning, which was allowing people to use their property in a different way. I didn't like the fact that there wasn't what I thought to be a reasonable review of the new use of the property, but I liked the idea in general.

And another non-hypothetical one that we're still in the process of dealing with is our urban agricultural ordinance and how people can keep chickens and bees. We have a task force on it. I'm not exactly sure what the status is. It hasn't been undated since I think October. But

nonetheless, it's an issue that's bubbling along and people are approaching that from an environmental and food security issue. It is a much bigger issue than just this strain. And I encourage you whatever you think about the drains, keep thinking about how the process might be better handled for other similar issues.

STEVEN COHEN: Well, I, I would move that at least on the proposal that's before us that we not recommend approval. And I'm certainly open to any friendly amendments, Hugh, as you threw some things in here. But I'm not sure what to say or where to go and how to evaluate the other issues. I mean, I certainly agree -- believe in principle that we should be pursuing these other manners. Whether we're the ones who should be doing it, you know, rather than the Envision -- some committee in the Envision Cambridge process.

HUGH RUSSELL: Or what Jeff has described.

STEVEN COHEN: Exactly. Jeff has heard from us that we're interested in this.

H. THEODORE COHEN: So do you think you have enough to write this up?

LOUIS J. BACCI, JR.: Make some sense?

JEFF ROBERTS: So it sounds like there's a motion or possibly going to a consensus that approval should be recommended but that approval would not be recommended by the Board, but that the Board is interested in exploring a broader issue of -- and the Board may have to help shape this -- what I'm hearing is the general topic of ways to allow or encourage home -- residential building improvements that serve some environmental goal of the City.

Does that sound generally like what the

consensus was?

And there were some -- we could try to fill in some more detail based on notes that I have. But it is a large -- I will say it's a large topic.

HUGH RUSSELL: Yeah, that's one piece of it. And I think then you pull in the other efforts in the City that try to figure out what those goals really are, and with respect to our own feeling that this particular piece is -- seems a little out of balance given the larger problems that are out there. But the point that Ted brought up about being -- about if you reward people for doing stuff they ought to be doing already, where do you stop? I structure something like that. I really think about that.

And then the other thing that I thought -- this proposal allowed somebody who

wanted to get some additional living space, a mechanism to do it, that had public benefit as well as private benefit. And to the extent that -- and that it's -- that we would see people improving their houses and making them more liveable for their own uses is something that we would look favorably upon provided the interest of neighbors could be taken into account. So that's why it's a complicated issue. There's different kinds of issues.

STEVEN COHEN: Well, that gets to, that's a totally separate issue of, you know, allowing greater flexibility but we need some sort of mechanism, you know, like the Mid-Cambridge Conservation District. It's another fruitful conversation.

HUGH RUSSELL: It's more motivations behind this was to try to take the homeowner's

desire to fix some problems in his house and do it in a way that would have some environmental benefits. That's -- of this proposal ties into that notion. And I don't think we want to say that people shouldn't improve their houses. We don't want to say that people shouldn't make their houses more environmentally sensitive. And so to the extent that those are the goals of this petition, the general goals were in support of it.

H. THEODORE COHEN: Right.

And, Jeff, are you comfortable with that now?

JEFF ROBERTS: Yes, I can write a report based on the discussion and you could review it as always.

H. THEODORE COHEN: I'll get to review it.

HUGH RUSSELL: You get to sign this one.

H. THEODORE COHEN: All right. So are we all in support of that?

MARY FLYNN: Yes.

LOUIS J. BACCI, JR.: Sure.

H. THEODORE COHEN: So, we're all unanimous in that position.

COUNCILLOR CRAIG KELLEY: Thank you for your time. I appreciate your --

LOUIS J. BACCI, JR.: There's a lot in one package.

COUNCILLOR CRAIG KELLEY: I'm sure we'll be talking about this or something like this. Something I did want to mention, because it blurs things even more, with an aging population I'm sure we'll see more people thinking well, where do I put the elevator? You wouldn't have done that 15 years ago when your house was worth a

third of what it is now, but the value that these houses have allows folks to pull into the equity and do stuff that just was inconceivable years ago. And I don't want you and the Planning Board to just be constantly dealing with these multitudes of one ups. You need to find more systemic ways to concentrate on the bigger picture things.

H. THEODORE COHEN: Thank you for bringing this before us. It's rare that we get to actually have a discussion like this.

COUNCILLOR CRAIG KELLEY: Well, invite me back.

Thank you so much.

H. THEODORE COHEN: You're welcome any time.

COUNCILLOR CRAIG KELLEY: Thank you.

H. THEODORE COHEN: And we are adjourned.

(Whereupon, at 10:05 p.m., the
Planning Board Adjourned.)

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BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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My Commission Expires:
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