

PLANNING BOARD  
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, March 15, 2016

7:05 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

H. Theodore Cohen, Chair

Catherine Preston Connolly, Vice Chair

Hugh Russell, Member

Tom Sieniewicz, Member

Steven Cohen, Member

Louis J. Bacci, Jr., Member

Mary Flynn, Member

Ahmed Nur, Associate Member

Thacher Tiffany, Associate Member

Iram Farooq, Assistant City Manager

**Community Development Staff:**

Jeff Roberts

Swaathi Joseph

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7:00 PB#309, 95 Fawcett Street, Special Permit to demolish the existing building and construct a new 44 unit residential building with 48 below grade parking spaces, totaling approximately 52,852 square feet of Gross Floor Area pursuant to Section 20.73 Flood Plain, 20.90 Modifications in the Alewife Overlay District and 4.26.1 multifamily Special Permit. A Board of Zoning Appeal dimensional variance will also be required.  
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8:00 p.m. Sage Cannabis, Inc. Zoning Petition, c/o Michael Dundas, Executive Officer, to amend the Zoning Ordinance of the City of Cambridge in Section 20.700 Medical Marijuana Overlay Districts by creating an additional medical Marijuana Overlay District (MMD-3). The new MMD-3 District would be coterminous with the business B-2 base zoning district on the northerly side of Massachusetts Avenue between Dana and Ellery Streets. The amendment would also create a new section 20.705.1  
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H. THEODORE COHEN: Good evening, everyone. Welcome to the March 15th meeting of the Planning Board. We will start with the update from the Assistant City Manager for Community and Development.

IRAM FAROOQ: Thank you, Mr. Chair. It's good to be back here after a couple weeks away.

Last week we were at the -- a few of us were at the National League of Cities with several city staff and city councillors. So it was an interesting experience, and I will say one of the nice things about going to those kinds of gatherings is that it -- you come back feeling -- we come back feeling better about all of the great work that we and all of you do out here.

H. THEODORE COHEN: Where was it held?

IRAM FAROOQ: It was in Washington, D.C.  
And the weather was brilliant, much like here.  
Councillor Devereux may want to add what her  
perspective was on this.

Just in terms of today's meeting, this  
is -- we have two hearings: 95 Fawcett Street,  
which is a 44-unit residential project in the  
quadrangle in Alewife.

And then there's a hearing on the Zoning  
change for Sage Cannabis which is modifications  
to the Ordinance that controls the location of  
medical marijuana dispensaries.

And then the next meeting will be March  
22nd where the main agenda item is Planning Board  
rules and regulation discussion, continuing that.

We are still -- so that's the -- there  
will be no meeting on the 29th of March. Our  
next meeting will be April 5th and we're still

trying to plan a walking tour for that meeting most likely focussed on Kendall Square area. And also in April we will be aiming to bring the -- bring to the Board an update of the Envision Cambridge citywide planning process. Most likely targeting the 26th of April, but that might move.

In the meantime, we have three public workshops for that project that are happening in different parts of the city. It's the same content at all three workshops. So there's one on March 24th and then another on March 31st. Those are both evening workshops. They'll go six to eight.

The 24th is at Kennedy Longfellow School, and then the 31st is at Tobin School. So east and west part of the city. And then we have a Saturday afternoon workshop on April 2nd that goes 1:30 to 3:30, and that will be at the senior

center.

We also have a survey on our website for those who are -- for folks who are interested in telling us what topics they would like to focus on at those -- at the public workshops, because these are targeted towards hearing from folks about what their issues and concerns are and what the focus of the plan ought to be. And so, so anyway, for those who are interested in shaping the workshops, that's an opportunity as well.

The other things that I'll mention. Oh, I neglected to mention that the Ordinance Committee hearing on the Sage Cannabis hearing rezoning will be on March 24th.

We also have an RFP out to select an urban designer to assist Planning Board staff with review of projects and also with any -- well, it's broader than that, because even if

there is some work that's needed to think about planning and rezoning for different areas, that person can help with some peer review. So that -- if anybody knows folks who might be interested, we hope that we will forward that on to them. Proposals are due on the 31st of March. So it's only open for three weeks.

And the final thing, I think folks have probably read the articles in the newspaper, on social media, and I just wanted to mention to folks that the City manager Rich Rossi has mentioned that he will be retiring when his contract ends at the end of the year -- I mean, at the end of June. He has expressed that he will work through the summer if the Council would like him to, just to help with transition, but the City Council will be initiating a search process for new City Manager. So once again if

folks have thoughts, that would be good to share. The Council will probably have some kind of process that engages the broader community to get input from folks, but that has yet to be determined so stay tuned.

Thank you.

H. THEODORE COHEN: Thank you.

Liza there?

JEFF ROBERTS: No.

H. THEODORE COHEN: Jeff, do you know if there are any -- there are no transcripts. Okay.

So we will proceed, then, to the hearing and Planning Board case No. 309, relating to 95 Fawcett Street which seeks a Special Permit to demolish the existing building and construct a new 44-unit residential building with 48 below grade parking spaces, containing approximately 52,852 square feet gross area that's pursuant to



Section 20.73 relating to Flood Plain and 20.90 related to modifications in the Alewife Overlay District and Section 4.26.1 multi-family Special Permit.

It's our understanding that the proposal that's being presented would also require dimensional variances from the Zoning Board of Appeals, that is not within our purview.

Although, you know, it is conceivable as we do on other matters, we might make a recommendation one way or the other about granting of the variances. So, if you would just start, that would be great.

ATTORNEY JOSEPH HANLEY: Great, thank you, Mr. Chairman, and thank you to the members of the Planning Board and the staff of Community Development as well as Planning Board and their Planning Board role for the guidance on what we would suggest is an appropriate and well planned

residential proposal for this site. I'd like to just introduce you first to our team.

For the record, my name is Joe Hanley. I am an attorney with McDermott, Quilty, and Miller at 131 Oliver Street in Boston. And I will lead you through an introduction and then hand it off to our development architect, David O'Sullivan and Don Garrity who is here as well as our landscape architect Blair Hines from Blair Hines Design, Steve Sawyer who is our civil engineer. And you see here we have -- the traffic study that you have in your report in the application was prepared by Tom Bertulis from Design Consultants, and Steve Sawyer is here to answer questions. And finally Sean Curran and from Waterville Consulting has done a lot of work in helping us gather community feedback, work with the neighborhood and the abutters, and get an

understanding of the issues and how this development can fit into the community. So Sean will describe the very positive process that we went through at the end of the presentation.

Here's the site just to orient you. And I should say as well, Ed Doherty, Ed Doherty over here is the developer. He's the principal of 95 Fawcett Street, LLC. I've had the pleasure of representing Ed on a similar development in the City of Boston. He's very community minded and has specific experience in developing residential home ownership in urban in-fill areas and the like. So, again, the site here, you'll see this is a bird's eye view. We are at the elbow of Fawcett Street as it curves here, and next to Longleaf Lumber, across from the Atmark. And this is 68 Moulton in the back, which is actually our abutter as it runs up the side. Global

Organics is a company that purchased that property about a year ago, and we've met with them recently to discuss this and look forward to continuing to work with them as we go forward.

I will just give you an overview before I hand it over to David. This development that you're gonna see is very much the product of the neighborhood and the community. We're -- Ed in particular and his team is inspired by the opportunity to be part of something special here. This is the southeast quadrangle that we're in. It's an Alewife Overlay District, which is a Flood Plain Overlay, and we're also in an Office I subdistrict which allows residential uses, but we need a Special Permit for 12 or more which is one of the items that we're seeking approval for from you.

We, and then Sean will indicate and go

through for you, spent a significant amount of time listening, going out to the community, readings the Concord/Alewife plan and trying to get an understanding of the goals and objectives which is a requirement for the Special Permits and would suggest to you that this development the introduction of residential at an irregularly shaped lot, as you'll see, it's hard to determine what the rear yard would be necessarily in a triangular site like this.

The existing conditions are such that you have a building there that's now two-story vacant warehouse. It's also non-conforming and with respect to dimensions. And the remainder of the site is unimproved asphalt. So it's certainly not contributing at best it can at the moment. And our proposal to introduce residential home ownership that fits with the community, is

sustainable, not just in terms of environmental but for long-term housing. We have an inclusionary zoning, affordable housing component on-site, five units, which will be home ownership as well. These units are also good for young families and not just single people. We are averaging 1200 square feet per unit. We have four, three-bedrooms and then a mix of two and one bedrooms.

We have more on-site bike parking than is required by the code. And we've also worked with the Transportation Department, which you'll see in your memo, to support the initiative that the neighbors have worked so hard on and the City, the planning study for the pedestrian bridge to connect to, to the Alewife train station and to fund a Hubway station. So we're very much committed to this as a development that fits with

the goals and objectives that the neighborhood residents association has articulated and that the Alewife/Concord plan prescribes.

And I would also say that this development, and Blair will kind of go through this, has been very carefully looked at as to how we can integrate and connect this site with the development to the public realm.

You'll see in your packet we have more than two and a half times the open space than is required. And we've done a lot of measures to introduce wider sidewalks, complete streets, and really make way for the future appropriate growth that we anticipate will occur with the leadership of the community and this Board and the City.

So, just finally as was read in the record, we are requesting four Special Permits all of which we would suggest are appropriate in

conformity with your guidelines for issuing that relief.

The FAR is -- we're seeking a Special Permit to go 2.6 FAR from 2.0 which would normally be allowed. We're proposing 2.58, and again, that allows us to navigate this irregular shaped lot in order to have an appropriate structure with that abundant open space and also provide for home ownership and affordability.

We also need a Flood Plain Special Permit, and we've spent a lot of time with a city engineer and Community Development to make a lot of design measures that respect the future Flood Plain and the term of that and what's been articulated with the plan as well.

We also need a Special Permit with respect to the multi-family dwelling which I referenced, 12 residential units are allowed, and



we're proposing 44 which we think is an appropriate scale especially considering the ample size of square footage and the need for affordability.

And finally, we worked with Mr. Roberts and you'll see a comment in your Planning board memorandum. We are going to need to amend our application to ask for a waiver for FAR for the parking garage which you'll see in David's presentation. Due to the Flood Plain, this is a two-tray parking system, structured parking, and one of the trays is above ground and so we're open to suggestions on that and also how we can make it more transit-oriented which is a key component for us.

So with that, thank you, Mr. Chairman. I will hand this off to David O'Sullivan.

DAVID O'SULLIVAN: Thank you. David

O'Sullivan, O'Sullivan Architects.

One of the aspects, it's probably easier to see on this plan, when Atmark was put in there, there's a boulevard here, and part of the Alewife study envisioned some kind of boulevard that's gonna connect this part with Fawcett Street. So we did try to address that in coming forward in our project.

Pretty much this is our site. You can see the 68 Moulton.

This is all the Raytheon property up front.

These -- this is Atmark.

This is our present building that's partly one story, partly two story.

This is looking down Fawcett at our building kind of towards Concord Ave.

This is kind of the corner of Fawcett.

Back over at the buildings behind.

Sorry you can't see that side too much but the corner of Atmark.

And so, I think that's fine. I don't know if you guys need more light to see.

So the lower level of our building has a garage underneath it. There's 23 of the spaces there, and it's accessed by egress stairs, and we have a lift in the back to get to the lower level. We specifically did not put a ramp down to the lower level because of flood issues. We don't want the -- a ramp that would basically, as soon as the area flooded, have the water go into the basement. So by doing this we have an entrance off of Fawcett here to our garage. We have a main entrance to the building here, entrance into the bike room. So we have a large bike room with a bike repair area, etcetera, in

here that's out here in front of the building.

We have this exterior courtyard that engages the street so as people come along, there's some landscaping here, there's the main entrance, and then this courtyard with seating in it, and a kind of meandering ramp up through there.

The lobby is up above grade because of flood. We basically looked with Planning Department and with Public Works on the 2030 issues and the 2070 issues for resiliency. So by doing the entrance here and having it go up and then going down to the garage, you don't have that water potentially going into the basement which is a concern.

The building has basically four residential floors. So the first floor is elevator lobby, lobby entrance, bike room, and

some parking. There's 25 spaces on the second level up. We have a provision for trash here for the building and an access out to Fawcett so they can collect the trash without any problems.

We also provided a walkway along the edge here, and a secondary entrance that's kind of has more emphasis than you'd expect with the intention that if this boulevard was ever created, we wanted to make sure that we had a presence on that as well. So we've designed that into the building to kind of fit with some of the goals of the Alewife plan.

The upper levels, pretty simple. They're basically a central corridor with elevator.

The three-bedroom units are in purple here. The one-bedrooms are in blue, and the brownish colors is the two-bedrooms.

This is the typical -- that was kind of

typical floors, two through four.

On the fifth floor what we did is we cut out the top of the building here on the fifth floor. So this became a public for residents roof deck, an outdoor amenity space and also a club room with toilets and space for the residents. So we're trying to give the residents a nice community space and an outdoor space, and this kind of gives you a view down Fawcett. It's over towards Fawcett out to the street so it doesn't impact other neighbors. The -- and then this is the secondary stair.

To let you know, we are on a 20,000 square foot site. We are 2.58, as Joe said, for FAR. The height allowed in the district is 75, we're 60 to our main floor. And if you count the very top stair that must go up beyond the roof, it's 73. So we're well within the height

setbacks.

We are -- basically because of our odd-shaped site, we cannot really get -- we need to relief on setbacks. And if you look, think back to that parking plan, we basically have two layers -- to rows of parking with a lane in the middle and that pretty much fits the geometry to the site and causes the problem with the setbacks.

The Planning Department kind of said that we probably have two sides and a front and not a rear. We haven't had anybody weigh in from Zoning in the Building Department yet on that.

The building itself has kind of a masonry base, hardy plank panels and siding up above. Tried to do break up with a variety of windows and balconies. From -- this is the side that would face the new boulevard. So you see we

tried to make an element here that was very -- that was entry. We didn't try to make it look like the side.

This is the back side kind of towards 68 Moulton right in through here and kind of in the distance is our courtyard piece beyond the courtyard. We'll skip to -- these are just -- we tried to do some bays, some break down. You can see how the roof steps down and steps lower here for the roof deck.

We have an entrance canopy to kind of highlight the front. Probably better seen here. This is looking from -- we're kind of standing on the big building at Atmark, but the building to the right is the other small building of Atmark. Looking down Fawcett to wrapping the conner there. So this is our entrance canopy leading you into the building, the bike room with all the



windows here, the secondary entrance here. So that side paid particular attention.

This is looking back down Fawcett towards Concord Ave. The courtyard you can see kind of in there. The front canopy. And this is our garage entrance here. And then kind of wrapping around the corner we've got some stone accents and some masonry panel detailing.

That side again in kind of 3-D so you can understand how we wrapped the corner.

And this is probably the most telling. We really wanted to engage the street. So we basically cut out the middle of the site here so that you can have that outdoor courtyard and seating, seating near the street, seating back in more private, the glass entranceway of the vestibule, and the lobby there. And then upstairs, this is that clubroom up in here and

the outdoor amenity space. And then on the upper roof we are doing some green roof elements, and the building will be LEED certifiable based on the requirements. We're trying to get LEED Silver at this point is what we're aiming for.

And I will kind of pass it on to Blair for landscape.

BLAIR HINES: For the record, my name is Blair Hines. I'm the principal for Blair Hines Associates, and some of what I will be saying is repeating what David had mentioned but maybe with a little bit more detail.

So in thinking about this site and how the landscape, we really think of two primary concerns: One is how this site's going to appear to the public or driving by or walking by or on their bicycles.

And secondly, how to provide and support

residential living on the site.

So, what -- as David mentioned, there's this, you know, generous -- we think about it almost like a pocket park or a garden space that really serves both for the public walking by.

There are places -- there's some seating adjacent to the sidewalk if someone did care to stay, but the idea is to create a pleasing outdoor space for both passer-byes and for residents as well as in terms of the living here to create a nice little highlight garden space for all the residents, as they come and go. The pedestrians are on their bicycle, they have a nice little garden entry portion. In addition we will further develop a response to complete streets, we see some opportunities for some street trees and we will follow up, you know, the guidelines as we're set forth along this Fawcett Street

edge.

As David had mentioned earlier, we also tried to create some landscaping that would be responsive to a boulevard if it indeed gets created along this edge.

I think, also, as you noticed in some of those 3-D perspectives, we have a series of these kind of narrow kind of type of tree along the back. We need to get something in between our property line and our building. And we're also thinking that perhaps when this site up here gets developed, that this might be a natural corridor for some kind of a path or a drive for the development that goes up in the air. And we wanted to have a landscape that was going to be responsive to that.

So, as David mentioned, one of the height of residential living here is the development of

a rooftop garden area to support the residents that are living here. As David said, there's that common activity area room here which has direct access here. There's also access off the elevator. The development of this rooftop garden included both shade and wind attenuation because sometimes you're going to be in the sun and other times you want to be in the shaded space. There would be a series that would be largely paved with little clusters of outdoor furnishings so, again, it breaks down into smaller social groups. We have both planters with plants in them as well as extensive plantings along -- above the roof structure. And then, again, a series of like two outdoor kind of living room spaces that would overlook into the Alewife Park land off in the other development off in this direction as well as off to the east towards the city of, you know,

the Cambridge as well as to the city as well. We think this will be a very high point of for the residents who live at this building.

STEVE SAWYER: Steve Sawyer with Design Consultants, Inc. The senior engineer with Design Consultants. As far as civil engineering aspects with this project, there's ample utilities on Fawcett; water, sewer, and private utilities.

With storm water impacts, we've provided an underground storage chamber system underneath the entry into the, into the parking area. This -- we've already sized them to mitigate the 25-year build out back to the two-year event of today. That's required, that would be required by the DPW.

Let's see. So as far as the Flood Plain here, we're in -- it's a FEMA elevation 7, AE-7,

the Flood Plain actually intersects with the existing building. There's a loading dock here, runs against the face of the loading dock, and then comes off the other side of the existing building. The area hatched in red is an area where we'll be slightly, there will be a slight amount of fill in the Flood Plain. Only about three or four inches will be filled here. In this area in green will be areas that we're actually removing building and structure from the Flood Plain. We would actually be creating about six -- average of six inches of height or in this area. The overall -- I'm trying recall, we're creating about 400 cubic feet of flood storage.

Now, one important item is this is one of the first -- this is probably the first project that's subject to the 2030 and 2070 predicted flood elevations. Regarding compensation, the

existing building, this whole area as the flood area rises, our compensation will increase. So we'd actually be prodding with a future build out, our benefit for flood compensation increases with this project.

Some of the flood mitigation and building resiliency, the 2030 is at 20.5. We originally had our first floor I think roughly a foot. I think it was a foot above flood, but this new, I think it was the Kleinfelder report came out and redesigned, we actually raised the first floor up to 21.8 to get it above the 2030 elevation of 20.5. Some items regarding the 2070, the 22.5 which is slightly above the first floor elevation, there's items -- resiliency built into the building.

If you have additional questions I think David can talk about that, but there's some of



the summaries here. Mechanicals, would be raised above it. In particular that's the most important, all the mechanicals would be above that elevation.

There would be advanced warning for any cars in the basement and so on.

Regarding the transportation study, it was a highly involved full transportation study coordinated with the Cambridge Parking and -- Traffic and Parking. This is our site here. We analyzed the intersections Fawcett and Concord, Moulton -- Moulton, Concord, and also Fawcett and Smith. At all of these locations there was very minor insignificant changes in delay. In no cases were these intersections raised to a level F. They're all, they're all in good working order here.

As far as the demand, parking demand, I

think the study showed -- had shown that the average demand in this area I think is 0.54 vehicles per dwelling unit. So, you know, as per zoning we're providing well above that.

This is just a level of service summary at all of the intersections. I think one of this intersections is the overall runs from a B to a C regarding the build out condition. And that's just a minor insignificant change at that intersection.

There was -- there's a transportation demand management to encourage biking, walking, and transit and public transportation. That was all coordinated with, with the Cambridge Parking -- Transportation Parking Department.

There was a very involved report and was closely coordinated with Cambridge Traffic and Parking.

Safety analysis. The areas are all extremely safe intersections, some minor fender benders, no fatalities. I think there was roughly two crashes per year that was at Fawcett and Concord 2.67. And Moulton and Concord was four, but they're all non-fatality, just minor fender bender crashes there. So it is a relatively safe area.

SEAN CURRAN: So my name is Sean Curran. I'm a consultant. We work with the community at the outset of this project, and the philosophy that we brought to the table was -- and this is something that was consistent with Ed Doherty's kind of history of doing projects of this size and scope was to engage the community in the pre-file stage, before we filed anything with the City, we wanted to sit down with the Fresh Pond Residents Alliance to hear from them what their

concerns were for the area. And what you see in the plan that's been presented to you is something that fundamentally is responsive to a lot of the feedback that we got during that period of time.

I would say that we have done it exceptionally well with many of the residents and many of the abutters. One of the things that was missed and we had begun to deal with as of this morning, was Global organics who's an abutter, a direct abutter behind us, wanted to have more of a sense of where this project was heading. We met with them this morning. Just for the record and to the Planning Board, we will continue to meet with them, to communicate with them, and work in collaboration to hopefully allay concerns about what the design ethic is going to be especially facing their property.

We have an interest in continuing this process of engaging the community. I think you have in your packet a memo from Fresh Pond Residents Alliance. They have been very, very transparent with us and have shared all of the communication back and forth. I won't read through all of this for you, but it is pretty exhaustive and we intend to continue not only with Fresh Pond Residents Alliance to discuss this and work in common cause around some of the things that we think will be very mutually supportive not only for the quadrangle but also for the project like the pedestrian bridge, and also in updating of the Table of Uses in this particular area as the planning process starts to roll forward. And we will, as I said, continue to work with Global Organics to talk to them about any concerns that they've got as it relates

to the project, the timing of construction, and things along those lines.

Thank you.

ATTORNEY JOSEPH HANLEY: Thank you, Mr. Chair and Members of the Board, that concludes our presentation.

H. THEODORE COHEN: Thank you.

Do members of the Board have questions right now or do you want to wait until after we hear from the public?

Hugh.

HUGH RUSSELL: I would like an explanation as to how the cars get from the elevator to their parking spaces? Do they have to back up the aisle or what? Do you turning studies?

DAVID O'SULLIVAN: So the cars would come, come into the building here and pull into

the thing, into the lift at the end, and then when they do go downstairs, they would back out on -- out of the lift and go into the parking spaces. So there is backing involved with it. It's not --

HUGH RUSSELL: So you have to come out of the garage and then back all the way down the aisle into a space?

DAVID O'SULLIVAN: Well, I don't think you back all the way down. You can pull down and depending on which space, every space is occupied to get way down here, you probably could do a three-point turn on the street -- on the aisle, but basically also you could actually come in here and if these spaces aren't taken there, you can pull into there and back on to the thing. I think people will adapt to it. It's kind of becoming more and more common with these lifts.

They do take up a lot less space. And in this case it helped us with all our resiliency and everything else so that's why we went for this thing. There is an inconvenience for the drivers. But I think people do adapt to their space.

If this was a public garage, I would be very concerned, but it's going to be owners and they'll learn their own methods to do it.

H. THEODORE COHEN: While you're there and talking about parking, given the shape of the lot, is it feasible to have your garage door in some other facade?

DAVID O'SULLIVAN: We had actually looked at Traffic and Parking on kind of where we originally thought of it here is the best place. We looked at it over a little farther because of kind of the corner here, but they did look at



this corner of the bidding and where the Fawcett Street is and thought that the site lines were fine. So this was kind of the collaboration between traffic site lines and us to make the garage the most efficient and locate it in what seemed to be the best place for the project.

H. THEODORE COHEN: But I take it you couldn't turn the corner and have it come in from the other side?

DAVID O'SULLIVAN: Well, any closer to here would be too much on the corner here, and we don't own any of this property here. This is all the abutter and an abutter. So we really only have this one frontage.

H. THEODORE COHEN: And you've talked about home ownership, so that this is intended to be condominiums?

DAVID O'SULLIVAN: Yes.

H. THEODORE COHEN: Tom.

TOM SIENIEWICZ: Thank you, Ted. Just a quick question on the garage and your strategy for resiliency.

I understand you ramp-up so the elevator shaft doesn't cause a deluge in the event of a flood. This is an egress stair down in this corner; is that right?

DAVID O'SULLIVAN: Right. So this egress stair will probably kind of be -- go up and then back down into the basement so that it's -- so basically we -- we haven't worked out all of the things with this. But we basically are planning on basically having a -- having the -- there would be water that could go into the level here --

TOM SIENIEWICZ: Right.

DAVID O'SULLIVAN: -- but we're planning

to go up before we go down so it doesn't go down to the basement.

TOM SIENIEWICZ: Okay.

H. THEODORE COHEN: Steve.

STEVEN COHEN: Could you run us through quickly on the variance; what matters do you need variances for? I think it was setbacks.

DAVID O'SULLIVAN: It's basically --

STEVEN COHEN: And what standards would be applicable to the granting and why you believe that you would be in entitled to receive that variance?

DAVID O'SULLIVAN: The front setback is set in the Alewife at 15 and we're asking for 10 at this point and this point. So that was what -- basically the setbacks are kind of determined when you look at the geometry of this trying to get those legal parking space, a legal

drive, and a legal parking space, you can see it kind of takes up the whole width of the building. So as far as the reason for it was kind of the geometry of getting parking in.

ATTORNEY JOSEPH HANLEY: Yeah, and, again, for the record, attorney Joe Hanley. I would say that there's ample legal basis under the variance standards for the grant of relief. You have a regular shaped, you know, triangular lot that really is difficult to discern side yards. It's a structural relief, not an FAR, not a density issue. The existing structure is also non-conforming and it's to accommodate a use that is allowed, the residential use. So we think that, you know, based on prior decisions of Cambridge Zoning Board as well as case law, that there's, this is on point for the grant of the variance.

H. THEODORE COHEN: Steve, that's up to the ZBA to determine.

STEVEN COHEN: Certainly but A, we have to make a recommendation.

B, you know, you never want to spin your wheels unduly if you think that the project might not pass muster on --

H. THEODORE COHEN: Well, that's the next question, whether you have a plan B in the event you don't get the variances?

DAVID O'SULLIVAN: Not presently.

H. THEODORE COHEN: Not at the moment?

DAVID O'SULLIVAN: Not at the moment.

H. THEODORE COHEN: Okay.

TOM SIENIEWICZ: What worries me is the application proposes in excess of the parking that's required under base zoning. So if you eliminated those additional spaces, then you

actually could meet the setback in the parking is the actual constraint and not the dimensions of the housing above. Taking four spaces out, then you can simply slide that back to five feet. I'm confident you could do that.

DAVID O'SULLIVAN: Probably you could get the front, but I don't think you ever get this area here. So it's, it's a general thing for all setbacks is the variances. They don't differentiate between front and side and whatever. I think you are right. We could reduce the footprint of the building and probably get 15 along here, but it still would not alleviate there and there, and presently the building has a footprint right out to the street here, right up to the property line, and wraps the property line. So we're actually taking non-conforming and making it more conforming and

not meeting current zoning.

H. THEODORE COHEN: And your setbacks on the boulevard side in the back you would need what, 10 feet -- I'm sorry, 15 feet?

DAVID O'SULLIVAN: Really the sides are based on length of building and height, etcetera. So it's, kind of is a moving target. As you shrink the building, it gets less but it's somewhere around 17 feet is kind of what we're saying.

H. THEODORE COHEN: And what is shown there?

DAVID O'SULLIVAN: For the side yards.

ATTORNEY JOSEPH HANLEY: Yeah, the side yard, according to -- this is actually in your packet.

H. THEODORE COHEN: Yeah, I know.

ATTORNEY JOSEPH HANLEY: You'll see the

dimensional chart is 17, 6 to -- is that right?

DAVID O'SULLIVAN: Yeah, well, if you look at their setbacks from rear yard, it would actually given this site would be a 40-foot setback on this zone.

ATTORNEY JOSEPH HANLEY: Which essentially with an FAR of 2 and a height of 60 would result in a very oddly shaped, impractical --

DAVID O'SULLIVAN: If this were considered the rear --

ATTORNEY JOSEPH HANLEY: Development.

DAVID O'SULLIVAN: -- the setback would be somewhere around here. So you'd end up with like a 12-foot strip, 18-foot strip of building.

ATTORNEY JOSEPH HANLEY: You need circulation for driving units especially when you're trying to meet good size affordability and



home ownership.

JEFF ROBERTS: Mr. Chair, maybe I can just clarify the setback issue a little bit more.

H. THEODORE COHEN: Okay.

JEFF ROBERTS: So this zoning, I talked more about this more generally, but the zoning regime in this area has a set of base zoning requirements and then the over -- the Alewife Overlay District allows the Planning Board to provide certain types of relief by Special Permit. It allows for the increase in FAR, increase in height, increase in units and allows a waiver in setbacks. The one thing that is stipulated in the Alewife Overlay District is that the Planning Board can modify any setback requirements except in the front, the Planning Board can only reduce it to a minimum of 15 feet. And the reason why the variance is needed is

because, again, due to the shape and configuration of the lot, it's been designed to have a 10-foot setback.

If the front setback were 15 feet, then the Planning Board could grant the relief from the base zoning to allow a 15-foot front and whatever setbacks are needed on the sides and rear.

And as they noted, this particular lot has essentially two sides; one front and two side yards because it's a triangular lot.

ATTORNEY JOSEPH HANLEY: Thank you. I just might add, too, again, attorney Joe Hanley. If you look at the variance law and the standards, it's also the minimum relief that's needed to achieve a purpose. We're syndicated ten to five, it's not a gross deviation.

DAVID O'SULLIVAN: And it's really only a

two portions of our front elevation, not the entire front elevation.

HUGH RUSSELL: So are you looking for us to give you the relief on the side yards and so that you would only be looking going to the Zoning Board for the front yard?

DAVID O'SULLIVAN: It's kind of defer to Jeff on that.

H. THEODORE COHEN: I don't think that's part of the application actually. Though it -- Jeff, to be clear, there's been an allusion to it that there needs to be an amendment to the petition?

JEFF ROBERTS: Right. There needs to be some additional material added to the application because there are particular criteria in findings that need to be made in order to waive the FAR requirements for above-grade parking. And that's

actually allowed in two different sections of the Zoning Ordinance, but in either case there are specific criteria that need to be met and those were not demonstrated in the application materials. We discovered that after this public hearing was advertised. Our advice to the applicant was to continue with the hearing to receive any kind of feedback, advice from -- through the public hearing from the Planning Board, and that they would prepare any additional materials along with amended application cover sheet and enumeration of those criteria and then that would come back before the Board at a future date.

H. THEODORE COHEN: So the application before us does not include requests for those Special Permits relating to the garage?

JEFF ROBERTS: That's correct, it

doesn't. But the other -- the other Special Permits for dimensional relief in the Alewife Overlay Districts are more general. They say that the Planning Board can grant a Special Permit upon making findings that related to conformance with the Concord/Alewife plan. So that those Special Permits encompass FAR, height, dwelling units, and setbacks, but there are more specific findings that need to be made with regard to the waiver of FAR for parking.

H. THEODORE COHEN: So on the application as it stands now, do I understand that we could reduce the setbacks to 15 feet in the front yard?

JEFF ROBERTS: If the proposal were for a 15-foot front yard setback, then that setback relief could be granted by the Planning Board. But because it's been proposed with a 10-foot setback, that requires a variance from the BZA.

H. THEODORE COHEN: No, I understand that. I guess Hugh's question is could we reduce the setback to 15 feet so that then when they go to the ZBA, they're only seeking a five-foot variance?

JEFF ROBERTS: Conceivably, yes. I think that, I guess I'm maybe I'm just a little bit lost in the semantics of it, but essentially the Planning Board can grant relief to 15 feet, but since the proposal's not 15 feet, it's 10 feet, it requires BZA relief.

H. THEODORE COHEN: It requires -- right, I understand that.

JEFF ROBERTS: Yes. So I guess effectively it is just a five-foot difference that the BZA is approving.

STEVEN COHEN: I guess if we were to recommend granting the variance implicitly, we,

you know, would have approved the 15-foot setback?

H. THEODORE COHEN: Right.

Lou, you had a question?

LOUIS J. BACCI, JR.: No.

Well, actually, yeah. Looking at the parking garage, the flooding issue I'm surprised at.

CATHERINE PRESTON CONNOLLY: Lou, can you turn on your mic?

LOUIS J. BACCI, JR.: Sorry.

The flooding issue I see where you ramp up, how does it stand? I agree with Tom, how does it stop getting into the stairwell? But also could you walk us through the access and so forth, how you get into this lift? So you come in on Fawcett?

DAVID O'SULLIVAN: You come in on

Fawcett, come down to the center aisle, and go into the lift here.

LOUIS J. BACCI, JR.: And then?

DAVID O'SULLIVAN: And then you would be here and you back either into your space or one of these spaces. If you're down here, there is potential -- if you don't feel comfortable, you would back down to one of these spaces or you would try to, you know, any of them were empty, you would pull into it and turn around and pull in your space.

LOUIS J. BACCI, JR.: No queuing?

DAVID O'SULLIVAN: Well, this is part of the reason where -- why it's located where it is, because our thought was by putting it all the way down there, the queueing inside this garage to the lower level is within here and not having an impact on Fawcett Street.



LOUIS J. BACCI, JR.: It would all be internal?

DAVID O'SULLIVAN: Internal.

LOUIS J. BACCI, JR.: But you have a lot of internal.

DAVID O'SULLIVAN: A lot of cars here.

LOUIS J. BACCI, JR.: I'm just thinking you have several people in the bottom of the garage trying to get out while someone's trying to get in.

DAVID O'SULLIVAN: Yeah. Most people are going to be leaving in the morning when they come in and going out. And there are times when you might have a queueing issues. But we do have, and this is a double width and a car can park here and another car can get by it. The driveway is wide enough for two cars.

LOUIS J. BACCI, JR.: Double row?

DAVID O'SULLIVAN: Yeah, two cars could pass. If there's one here waiting while somebody is coming up on the lift, they can drive by them without interfering.

LOUIS J. BACCI, JR.: But they have to back by them, correct?

DAVID O'SULLIVAN: Depending, so you can back --

LOUIS J. BACCI, JR.: You can back in from Fawcett?

DAVID O'SULLIVAN: Well, no. I mean -- I'm saying you can back out of the lift at the lower level and pull straight out. It's -- it really, you know, people are pretty inventive when they decide what's their most comfortable way. You have some weird driveways all over the place in the inner city.

LOUIS J. BACCI, JR.: And I guess while

we're there, this lift can be tied into the emergency power I guess?

DAVID O'SULLIVAN: Yes.

LOUIS J. BACCI, JR.: And how do you extricate a disabled vehicle in the basement? In the lower level of the garage?

DAVID O'SULLIVAN: I don't know our heights, I have to look at our heights to see and check with a tow truck. I'm not sure how it would really work. A lot of garages have trouble executing cars.

LOUIS J. BACCI, JR.: Right, well --

ATTORNEY JOSEPH HANLEY: We'll find out.

STEVEN COHEN: You can push it.

LOUIS J. BACCI, JR.: It's a long way to push.

DAVID O'SULLIVAN: Push it.

LOUIS J. BACCI, JR.: You want to push it

up the ramp?

DAVID O'SULLIVAN: The lower level isn't any ramp, it's all flat. So, yeah.

LOUIS J. BACCI, JR.: Actually it does appear to be a ramp.

DAVID O'SULLIVAN: No, the lower level is not a ramp.

LOUIS J. BACCI, JR.: No. Looking at your elevations looks to appear a ramp.

HUGH RUSSELL: The section shows a ramp.

DAVID O'SULLIVAN: This -- so this is --

LOUIS J. BACCI, JR.: Your elevations.

A-42.

DAVID O'SULLIVAN: Yeah, it drops here. That's right. I'm sorry: It matches the one above, correct.

LOUIS J. BACCI, JR.: That's all I have.

H. THEODORE COHEN: All right.

Do board members have other questions right now?

(No Response.)

H. THEODORE COHEN: All right, then why don't we go to public comment. So.

Far only one name is listed, but everyone who wishes to speak will have an opportunity to speak. Please come forward and speak at the podium. Please give us your name and address and spell your name for the stenographer. And please only speak for three minutes.

Peggy Barnes Lenart.

PEGGY BARNES LENART: Hi, Peggy Barnes Lenart. I live at 115 Fayerweather Street, Cambridge, which is near to the area of -- the emerging area of the quad. I'm speaking actually off of a four-page memo that I don't know as you have received yet. It was just submitted this

afternoon on behalf of the FPRA Board. We've been going through transition for the passed few months with Jan Devereux being elected City Councillor and the board members' change of status and being out of town, myself included. I'll try to keep this brief and I hope you will see it and consider the entire memo.

The memo covers four sections: One is the project benefits. The other is the project concerns. Third. Questions still to be answered we feel. And fourth, additional municipal concerns.

As Sean has indicated, importantly we thought they did a great job with engaging with the community reaching out to the neighborhood, and very often being transparent and we're most thankful for that and we hope that will proceed as a model going forward. Unfortunately the

timeline for this overlap with the winter holidays and the transition of the FPR Board and leadership, so we would appreciate a bit more of an extended time frame to consider this project which is actually present setting coming into the quad after some new green building rules and regulations are trying to be folded into the city plans and the fast tracking, we understand, of the Alewife master plan which we, that will be a theme of this memo.

Project benefits. Briefly, it is residential in nature. We think it's visually interesting. The open spaces are open in front of the building. We like that. It's owner-occupied. Other bicycle parking facilities, three-bedroom units, relatively large size of units, and we do hope they hit the LEED Silver standard. And the -- I think those are

the main -- the developer's willingness to contribute 50,000 towards the completion of a pedestrian crossing feasibility study is appreciated also. This works out to about \$1136 per unit.

Getting to project concerns, we have concern about the lack of active ground floor usage -- uses. Approximately 90 percent of the ground floor is consumed by auto and bicycle parking, the balance is devoted to trash, lobby entrance areas, leaving almost no space for more active uses. As CDD has commented, there are some areas where the proposed layout does not quite achieve the level of visible innovation desired on Fawcett Street.

Secondly, we don't see the need to exceed current setback requirements except to enable them to exceed current FAR requirements in the



district. Setbacks are required for a number of reasons, limiting the spread of fires and dense urban areas, providing visual relief to neighboring properties including a future pedestrian path behind the building limiting the impact on residents of sound pollution from nearby industrial operations, other residences to be built, and allowing for permeable green space better control storm water on-site.

Eliminating setbacks may present an undesirable precedent in this neighborhood.

Thirdly, regarding an increase in FAR, the proposed design is interesting, but if we are to allow an FAR increase while above any limit imposed by the current zoning, and even above the largest abutting properties, then the project must be a home run in almost every other way.

H. THEODORE COHEN: Ms. Lenart, we do

have your memo. And rather than you're reading it to us right now, we did get it late, and I haven't had an opportunity to read it, I will and I know the other members will. If you just wanted to quickly summarize some of the other points you wish to make, we would appreciate that.

PEGGY BARNES LENART: Right, good point. I'm sorry, I just came back in town and I haven't -- I haven't put it together myself other than my contributions.

Some of the summaries are hitting -- we like to reinforce the traffic and parking proposals. One of the questions we had is, is the one-month T pass enough incentive to residents given its distance to the T?

We request more information regarding the unobtrusive location of the main power

transformer for the building. And then please accept the following additional comments, not necessarily specific to the project, but relevant for the emerging neighborhood and for, I think, we feel evaluation of future projects here. The project is requesting a range of permits and variances and while it's not relatively large, it may well set precedents for how permits are decided going forward. Such precedents may include regulations for a green building, how the integrative or projective studies are evaluated, climate change, permitted building heights, volume setbacks, site planning, etcetera.

Because the proposed project we feel that it's important for the amenities proposed in the Concord/Alewife plan that we do see these amenities finally happen, or we see the path towards how they're gonna happen. In particular

connections across the tracks, connections across the parkway, substantial open green space, ground floor retail, better mobility infrastructure, etcetera. And unless we start fulfilling some of these promises with each new project pretty soon, it may end up what happened in the triangle. So we think it's important that Cambridge do everything in its power to not repeat the outcome. This is the plug for having an updated Alewife master plan. This project has been referred back to the 2005 Concord/Alewife plan and it appears from that plan that 95 Fawcett Street is actually located in that plan where there's a public open space storm water management feature or, and/or that was the priority infrastructure suggestion in 2005 or 95 is where there's a new connecting road which was part of the additional infrastructure of the 2000

plan. These were strong and are strong community desires. If this project goes forward then, what is the City's alternative plan to realize these long discussed desires?

There's a challenge of integrating the flood resilient infrastructure in this area, the living with land study that was done by the urban land institute a few years ago does propose some dramatic raised roadways, etcetera, and I guess that's up for the city engineers and our new climate protection study to see what, what is advisable to make this area truly resilient and liveable.

H. THEODORE COHEN: Okay.

PEGGY BARNES LENART: I think that hits the highlights.

H. THEODORE COHEN: Great, and we do have your memo and we will be reviewing it.

PEGGY BARNES LENART: Thank you for your time.

H. THEODORE COHEN: And my understanding is, Jeff, that this project does have to go before the Conservation Commission which it has not yet done. So there are other permitting issues that it still has to address.

PEGGY BARNES LENART: Okay, thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?  
Councillor Devereux?

COUNCILLOR JAN DEVEREUX: Hi. Good evening, everyone. Jan Devereux, 255 Lakeview. And I really just want to be here in support of Peggy and Doug Brown who authored this memo. I only saw it late this afternoon minutes before it came to you. He did a good job of sort of synthesizing what CDD put in its memo, the

traffic study, and our conversations. And I do want to echo what Sean said about our process. You know, before I was elected to the Council, I was a resident and I met -- we met several times together and we did talk about how with that point, you know, the master plan had been agreed upon and we talked about how this process and also the new rules that you guys are discussing for early community engagement, that this -- conversations we were having with them, really was sort of a pilot of that process, and I think it was productive and certainly very -- I think we all learned a lot from it. You know, and in seeing the plans on the big screen, you know, it is a really challenging lot. And, you know, it's hard to fit what they want to fit on that size of the lot with the dimensions it has.

One thing I can say about the garage

architecture is maybe it will discourage people from making short trips in their cars if they have to figure out how they're gonna navigate the lift. So that could be a good thing. And I know that originally I think CDD had wanted a 0.75 parking ratio, and I can kind of understand when you're taking about ownership, wanting to give each unit a deeded parking space which is kind of a different calculus of what we looked at with some of the large rental buildings where I think we've discovered that in fact many of the tenants are not using the spaces and are, you know, almost overbuilding garage spaces and it's expensive and it's driving up the cost of construction. So, you know, with ownership maybe it's different, I don't know. I do hope that those four additional spaces will be useful for guests and that they can accommodate some ZipCars



or electric car things and so forth.

So, overall I think, you know, I really just want to sort of speak to the process and I think the process was a good one and I hope that, you know, the macro issues that have been raised time and again about planning in Alewife and the quad and the triangle, you know, they really are urgent to address with this planning project, because not only do we have this project, but Sean or one of the team alluded to the Raytheon land. Well we also met with the developer there and so something may be happening there. And, of course, there's the former Bank of America site on Concord Avenue that you'll be getting very soon. So, you know, the pieces are falling into place and we still haven't really started in earnest the conversations about the Alewife plan.

So, thanks and I look forward to

continuing these conversations.

H. THEODORE COHEN: Thank you.

Just one second. I just wanted to comment on the process that you've raised. That, yes, we're hopefully in next week adopting our new regulations. I do appreciate the architectural plans that color coded the different types of units, that made it easy to understand, but I also think this is a project and a site that really would have benefitted from a model, at least a massing model, so that we could see it. And presumably you will be back before us again with an amended plan and I think at that point a model will be mandated, but certainly would expect to see a model at that time.

COUNCILLOR JAN DEVEREUX: Yeah, I think that's a good idea. You don't need me up here?

H. THEODORE COHEN: No. If you have more to say, please feel free.

COUNCILLOR JAN DEVEREUX: Thanks.

JAMES WILLIAMSON: Thank you. James Williamson, 1000 Jackson Place.

A childhood friend of mine is an architect in La Hoya and as a joke, I said, well, you didn't do Mitt Romney's car elevator, did you? And he said, well, actually, as a matter of fact, I did but I would never vote for him. So if anybody needs a car elevator consultant, you know, let me know.

I had experience in this area some years ago when I had belongings in storage at a place called Mom's on Moody Street just like, you know, never go to a restaurant called Mom's, never leave your stuff in storage at a place called Mom's. It all went missing a few years ago. But

I've become reacquainted with this area in recent months driving there as a companion with somebody who frequents this area. It's quite congested as most of you know, and I think it's sort of touched on some of the documents. I wonder just as a matter of logic how it is that there's an interest expressed in some of the documents for reducing parking -- the vehicle trips are apparently found to be de minimus and yet there's a request to increase the parking spaces. So I'm just curious what the logic is there. If you're gonna try to -- we want to reduce car trips, there aren't gonna be a lot of car trips supposedly, I'm not sure about that, but then why an additional four parking spaces? I have a -- when I saw the Atmark buildings, I was horrified. And I hope that this is gonna look better and be part better, contribute to an urban fabric than I

found that to when I first saw it.

The bus/pedestrian environment at Concord Ave., and let's talk about the bridge over to Alewife. The bus/pedestrian environment over there is quite, I think, impoverished and could use some attention. And I think it would be nice to think that not all of the -- if there are gonna be contributions, they don't go just toward the Alewife side and to Hubway, but also there's some intention to the Concord Ave. and particularly the bus. There is a bus shelter there, bus stop there, and I've waited there for busses.

As far as the Hubway contribution if that's still amended, \$25,000 additional subsidy for Hubway, I've raised the issue in the past, and I'll raise it for the Planning Board. The subsidy for low income people for Hubway, if

Hubway is such a great idea, if this is such a wonderful thing to have, and if we want to get young people and lower income people involved in bicycling, if that's such a wonderful thing, why can't we have some of this money go to support subsidizing low income memberships for Hubway?

And so that's essentially it. I don't -- again, I don't understand the logic of there aren't, you know, there aren't supposedly a lot of vehicle trips. We don't want a lot more vehicle trips out there. It's quite congested, but yet they want another four parking spaces. So I hope you'll be considering that.

Thank you.

H. THEODORE COHEN: Thank you. Is there anyone else who wishes to be speak?

(No Response.)

H. THEODORE COHEN: None appearing.

Let's start speaking amongst ourselves.

Tom, would you like to start?

TOM SIENIEWICZ: Well, I have some questions based on the presentation. The architect referred to the base of the building as kind of a masonry base, and I want to understand what that is just to begin a discussion a little bit about the way the building is built.

DAVID O'SULLIVAN: So that the exterior cladding on the building is considered to be, it's going to be a masonry base along the bottom here.

TOM SIENIEWICZ: Precast or concrete block or clay brick?

DAVID O'SULLIVAN: Probably maybe a manmade stone or a stone base on it: But maybe precast.

TOM SIENIEWICZ: Okay, so it's yet to be

determined?

DAVID O'SULLIVAN: It's not totally finalized. But a masonry product you on the bottom.

TOM SIENIEWICZ: And so the openings into the garage, the parking spaces, are those glazed or will those be screened or open?

DAVID O'SULLIVAN: So these are into the bike area here and the clear glaze. The ones at here would probably be blacked out glass or stand-alone glass so that these along here would be probably more like spandrel glass in there.

TOM SIENIEWICZ: So the garage is mechanically ventilated?

DAVID O'SULLIVAN: Yeah. We can't get it from the bottom. It doesn't make enough sense to get openings at the top.

TOM SIENIEWICZ: Okay.



The renderings showed a garage door. Is it your intention to have a garage door or is that just for illustration?

DAVID O'SULLIVAN: No. We intend to have a garage.

TOM SIENIEWICZ: Okay.

H. THEODORE COHEN: I'm sorry, I didn't understand your answer.

DAVID O'SULLIVAN: Yes, so it would be a garage door.

H. THEODORE COHEN: It will be a garage door?

TOM SIENIEWICZ: Okay. So my question -- my concern, really, relates mostly to the way the garage functions. There seems to be -- or doesn't function. It's really hard for me to imagine how this works without, without a lot of problems in the maneuvering, the geometry of it

just looking at it looks strange and difficult to me. Probably okay if you have a Smartcar, but if you drive an F-150, I don't know how that's going to work.

DAVID O'SULLIVAN: You shouldn't be driving that in Cambridge.

TOM SIENIEWICZ: My favorite car.

So that's where I am. I also am concerned about, you know, it seems like we could fairly -- in a fairly straightforward way meet that 15-foot setback on the front. And I'm -- also relative to the setback question, the point being raised about, you know, future amenities, the conversion of the rail line behind to a pedestrian or a bikeway and a boulevard are also sides of the building but now don't appear to be particularly important, but in the future, relative to the overall planning efforts as was

referenced by the public here, those are areas that we should imagine in a much more positive way, and so I'm concerned about the setbacks there, too. Do we really want to be pushing up against those future public spaces?

DAVID O'SULLIVAN: Just, on this side along here, if that alignment were to be in line with the Atmark thing, there's actually from the edge of our property about 25 feet before you hit the edge of the board --

TOM SIENIEWICZ: Excellent, thank you.

DAVID O'SULLIVAN: That may help to clarify that one.

The back right now we're presently abutting the parking lot at 68 Moulton, and presently our building goes right up to the property line. So I think one of the conditions here that we're actually creating a buffer that

can be served to help enhance that parking lot. And the other thing that does happen here is right now the present building has drains, gutters that basically dump all of its water in the parking lot behind us and this will be controlled and taken care of so that the present kind of flooding of the parking lot behind that happens, would be mitigated by our building that would now have some landscaping to absorb rainwater, plus all the roof water that's on this building is controlled and gone out elsewhere instead of creating the problem that exists now.

TOM SIENIEWICZ: And so, one last question, and maybe the attorney can answer this, you're obviously asking us to consider relief of consideration of the parking garage as FAR, so the statistics we're looking at you're asking for 2.58 FAR on the site, does that include, does

that statistic include the FAR in that part of the garage or does it presume already that you would have the Special Permit?

DAVID O'SULLIVAN: It would presume we already have the Special Permit.

TOM SIENIEWICZ: So the FAR we're looking at in terms of the bulk of the building can somebody give me an idea of what that might actually be? What are we looking at prior to the relief?

DAVID O'SULLIVAN: If I can find....

ATTORNEY JOSEPH HANLEY: The FAR area of the garage?

DAVID O'SULLIVAN: Yes. I'll look at and see if I can find that for you. It will take a minute.

TOM SIENIEWICZ: That would be great. A rough calculation of what the actual FAR that

we're looking at in the proposal as it stands.

ATTORNEY JOSEPH HANLEY: If I may, too, again, attorney Joe Hanley, just to clarify because we mentioned the public as well. We are not seeking relief for the amount of parking. What is allowed and required in the zoning is one per unit. So we have 48 spaces for 44. And if you look at the waiver section, there are two ways to do this:

One is to reduce it to 44 parking spaces under that amended waiver Special Permit.

And the other is to allow the 48, but perhaps as was read -- indicated, look at maybe some ways to further incentivize car sharing with that and the like which we would welcome.

DAVID O'SULLIVAN: We're still looking. Go ahead.

ATTORNEY JOSEPH HANLEY: And I think also

on the parking for the rationale, it -- and I think this is in our traffic report, certainly our traffic engineer can speak to it, but the councillor was correct, and there's real science for that. That ownership demands for vehicle ownership are very different than for rental buildings. And there is no precedent, as this Board knows, in zoning and in planning, every site is unique, and this one is certainly unique in its shape and its opportunities. The Atmark building, by contrast, is 429 units of rental housing which is a pretty big impact and we think that this type of program with home ownership will enhance the diversity of the neighborhood going forward especially being across the street from such a large rental program.

H. THEODORE COHEN: Do you know, is it the intent that the sale price of a unit will

include one parking spot or will the parking spots be sold separately?

ED DOHERTY: Ed Doherty. I'm a developer. The parking is included with the unit. Parking is deeded to the unit, is included in the price.

ATTORNEY JOSEPH HANLEY: The other thing I would say, and it was that gentleman spoke very eloquently about the car sharing and Hubway incentives, one of the things we can look at is to also incentivize our residents with the Hubway program to provide initial membership and transit education and the like to really integrate with that. So we're making these contributions as was read in, I think, Cambridge standard formula is something like \$350 a unit. We're well over 1100 and we're not doing that to pound our chest necessarily, but we're doing that because we



believe in this neighborhood and we're inspired by what you heard from the neighborhood and from the Councillor as a resident and a leader and we want to be a part of that. And in addition to that, we're very encouraged about the study that is happening that we're hoping to fund for the pedestrian bridge which we see as integral for the overall area and how we fit into that.

DAVID O'SULLIVAN: Just to go back to your question, it's about 8,000 square feet of garage. The waiver would be for about 8,000 square feet of area.

H. THEODORE COHEN: Mary.

MARY FLYNN: There's been obviously discussion amongst staff and also within your discussions with the neighborhood about trying to --

JAMES WILLIAMSON: Is your mic on?

MARY FLYNN: It is. Sorry, I guess I'm just not projecting well enough.

Anyway, discussion about activating the ground floor a little bit more. And I was wondering if you had given any thought to moving the community space, the room maybe to the first floor area somehow or also had you investigated any sort of retail options, you know, like small convenience store or whatever?

DAVID O'SULLIVAN: Well, we had looked at maybe an enlarged lobby area to try to do it, but we didn't really see that as being a way that would engage it much more. I mean, because if you just have a bigger lobby, the key to getting the upstairs was the roof deck area, and I think that having that indoor/outdoor connection on the roof that's more private and away from the pedestrian street, was important to make that

space work. I think if we just did a larger lobby that, you know, took more space, it's not necessarily going to enliven it any. We thought by doing this courtyard in the front and trying to do that seating that was right off the sidewalk, it would help basically everybody to have a space outside to wait for people or to have a little pocket park that is kind of a public domain, because how I saw it looking at Atmark was they kind of got the sidewalk and they're building and there's no real interaction or even coming into the building on it. It's kind of the way they landscaped it. It's not kind of trying for that kind of interaction.

MARY FLYNN: Right.

DAVID O'SULLIVAN: So -- and we did look at, the problem with retail on this location is just that the site is so small and I don't think

you get anything significant for retail would be there, you know, other than to maybe a small little convenience store or something. And that's kind of hard to do with -- at the present time in the quadrangle with so few residents.

ATTORNEY JOSEPH HANLEY: Okay. Can I just say again, attorney Joe Hanley, the retail component, we actually share the concern that was outlined in the correspondence from the residents association, especially since and making an investment in this neighborhood, you need, you just can't have a community of all residential. And Ed actually has experience in developing very similar buildings, one that's under construction now with retail space.

You read the residents' association letter, it also talks about the challenges of your existing zoning that doesn't allow certain

retail uses. That needs to be kind of explored. And we spoke with a retail consultant, because we took the input very seriously, about whether retail would work. Not just to say that you would only attract something small or it's not what we want to do, because again Ed has experience with it. And what we were told after they studied this was the area on this location is just not ready for it and we have to do something much larger. And retailers are not interested in being pioneers in general, in being the first person in. So you need sort of a cluster, if you will. And so that leaves us with maybe a destination restaurant that would take up the entire floor plate to try to draw someone there, versus what you would think would be a small retailer who weren't interested. So it really is kind of a catch it 22. And of course

if you did that, you would have very different parking issues and other aspects.

MARY FLYNN: Thank you.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: I have several comments.

The exterior elevation design is kind of cartoony and so what I think our response to that -- we have two possible responses:

One response is to say, okay, right now you've got to make it less cartoony so we can understand what it really looks like.

Or, alternatively you have -- it -- should we grant this permit, we could grant it with a condition that we'd have to come back to this Board at a later date after they work with staff for a final review of the exterior design. I think there are enough elements going, the materials proposed are not unreasonable, it's

just, it's not developed to that stage yet, and I personally would like to see it before we sign off on it, but I don't care whether it's now or later.

I question, does federal fair housing apply to condominiums?

DAVID O'SULLIVAN: Basically the -- it's both ADA does and -- ADA applies to common areas. Federal housing applies so that we are required to have all these units being handicapped adaptable. We do not as condominiums have to have the five percent fully accessible handicapped.

HUGH RUSSELL: Okay, so you've got considerable work to do because about half the interior doors in the units do not comply with federal fair housing side.

DAVID O'SULLIVAN: No, that's not on

public areas you have to have that. But inside the units you don't need that.

HUGH RUSSELL: I'm sorry, I know in rental housing you have to have for every single door.

DAVID O'SULLIVAN: In the fully accessible, right.

HUGH RUSSELL: No, no --

DAVID O'SULLIVAN: Group one and group two units.

HUGH RUSSELL: In all group one units. I thought that was the case until 10, 15 years ago when a handicap consultant came up to me and said, no, the way it's written in the Massachusetts Regulations applies to all doors. So I think that's something you need to check out.

DAVID O'SULLIVAN: I've never run across



that in 30 years of doing work, but okay, I'll do it.

HUGH RUSSELL: Well, we have very talented accessibility people at the Building Department who will --

DAVID O'SULLIVAN: I've worked with them before in the city on other projects.

HUGH RUSSELL: Right.

DAVID O'SULLIVAN: I can talk to them.

HUGH RUSSELL: I don't think it invalidates the concept, but the realization might be different.

So on the elevator access to the garage I really think there's only one thing that you have to do to make it work, and where's the basement plan? You've got to make it possible to back out of the elevator.

DAVID O'SULLIVAN: I mean I think what

you're saying is basically being able to back out of the elevator and having the spaces to turn around.

HUGH RUSSELL: Right. But not where you pointed.

AHMED NUR: Go to the corner left-hand side.

HUGH RUSSELL: You need to back out and create some more space. You've got to enlarge the footprint of the basement.

DAVID O'SULLIVAN: I would be off our site I think.

HUGH RUSSELL: No. Well, not if your plans are correct. You need to create a little recess in here so you can back this way --

DAVID O'SULLIVAN: Okay, I'll look at that.

HUGH RUSSELL: -- and then turn around.

I don't know how deep it has to be. I suspect the stairwell has to be reworked slightly, which will be very annoying, but probably possible.

No, because it goes all the way up the building.

But if you do that and then, you know, on the first floor you drive in, you back out, you drive, you have normal access and then you can back out of your space, drive down here, but instead of going to the elevator, you're going to this niche, back into the elevator, and then you're on the first floor, you come straight out. That to me is a very straightforward plan. This corner may end up being a little underground extension, but, but I think it's -- I think you can do that.

DAVID O'SULLIVAN: From what people have made comments I was already trying to think of different solutions to help out that situation.

HUGH RUSSELL: So I would really like you to examine that so that you can do it with a -- I guess we call it a three-point turn?

The Flood Plain I think you've explained.

Setback, front setback, that's an interesting question. Why is that in the Ordinance? What's the intent? And it seems to me there are two possible intents:

One intent is to allow enough space between the building and the street for adequate landscaping, and the other is to pull the mass of the building away from the street. And it seems to me that clearly your average front setback is probably 25 feet because of the generous gesture you're making at that point. I'd be willing to trade that off against the five feet that you not -- that you're short there. I mean, I think on the first floor you can take that five feet

away and you'll use ample sparking spaces and you'll lose a couple of bike parking spaces. And so that's not really the problem. It's on the upper floor, because to accomplish that what you have to do is we can't take it all out of the corner units, you have to squeeze every single unit by a foot or two or 18 inches, and while I think that makes a significant difference particularly in a for sale project, that you need to have a certain amount of generosity for somebody to put down a tremendous amount of money for a long-term commitment. And so making the sort of most of the units in the building, you know, the living room squishier or the bedroom squishier, that wouldn't be a bad idea. If you compare that to the -- what's happening to the street, it's a fairly minor impact on the street which is offset by the design. I'm actually more

concerned about the setback at this point because you're basically --

H. THEODORE COHEN: Where is it?

HUGH RUSSELL: Back in that corner.

DAVID O'SULLIVAN: That's the tightest corner right over here.

HUGH RUSSELL: Yes. Because it's really -- I mean, you've got some windows that are actually closer than five feet to the property line which you can't do. So -- and you're sort of impinging on your neighbor's right to develop their property. And should he develop his property and, you know, build a building that's 15, 20 feet away, it's going to be kind of, kind of yucky for the bedrooms that are in that corner, not that there aren't plenty of bedrooms in the city that are 15 feet from somebody else's window, but -- so that leads me

to thinking that you may have come up with the best compromise and that we might be able to support that. I think they -- the neighborhood comment that you ought to have conforming setbacks, i.e. you're just overbuilding, that would to me is -- and I wanted to -- Jeff, is there any limit on the FAR that can be granted by the Special Permit?

JEFF ROBERTS: Yes, there is. The -- so the zoning regime that was put in place in the Concord/Alewife Rezoning of 2006 creates sort of a two-tiered set of limitations. There's for the FAR and for the height, there is a limit that's allowable by-right which if they were, if they were adhering to that, they wouldn't need the Special Permits from the Planning Board, although they would need a Flood Plain Special Permit I think under any case. And then there is -- and

then the increased FAR and height allowable by Special Permit from the Planning Board. It's sort of like the PUD Zoning where the additional FAR and height is in response to meeting the -- conforming with the objectives of the Concord/Alewife plan. And so in this case the FAR, the base FAR goes up to a maximum of two by Special Permit, I believe from one point -- for residential uses I believe from 1.5 to 2.0.

HUGH RUSSELL: And the affordable bonus.

JEFF ROBERTS: And the affordable bonus then is what increases it to 2.6.

HUGH RUSSELL: So they're maxing out at what we can grant, but under the structure of the Ordinance, we've already predetermined that this kind of density is appropriate provided the objectives of the district are met.

And I guess my last comment is I'm not a



fan of the completely visible noticeably fake windows, and in my parking garages on the ground floor I put in clear glass and venetian blinds and usually make them dark venetian blinds. So the windows could be open, some light can get into the garage during the day which is kind of nice. And it's not as obvious that it's a blind facade. But I think the gesture of putting the openings in is the right thing to do in the places that you've suggested, but I think maybe they should be standard glass.

I have looked through the listing of the district criteria and I suppose we'll want to kind of look through that altogether, but there are -- you know, some don't apply, some you're done with, and the ones that are -- that you're not doing that I've identified are the street level facade with active uses and residential

buildings with individual units on ground floor in front or facing street. And then some more -- and you're not I think contributing particularly to some of the larger area wide goals of bigger storm water management that would combine it and improving the traffic circulation of the quadrangle although designing your building so that if that connection is made, your building has an appropriate presence on it. It seems to me that's a good move, you know, buying 100 feet of land from your abutter doesn't mean the City would be a stronger.

DAVID O'SULLIVAN: One thing I was going to respond to, why I brought this up is this property here goes like this and there it gets very, very narrow along there. So where we are tightest would probably never have a building given the configuration of the adjacent lot, and

we did take that into consideration of the adjacent lot. The lot behind where we bought closest.

HUGH RUSSELL: Yes. I looked kind of briefly what happens if you bend that wing in, make your angle slightly more acute, and it starts doing bad things with a lot of different units.

DAVID O'SULLIVAN: Yeah.

HUGH RUSSELL: I mean, just to make one other comment, the -- it's hard to deal with buildings that have crazy angles, and this is a 45-degree angle apparently, but not a crazy angle, but there are lots of them. And this great ingenuity in the way that the units are created to make -- in many cases make those angles actually a benefit in the rooms that they occur in. So this is -- I'm very, you know, I'm

very impressed with the way in which you managed to work around those units. And I think that's a very good response of this project to the site.

H. THEODORE COHEN: Ahmed, do you have comments?

AHMED NUR: Sure. Very brief.

I'd like to open up by saying I congratulate the developer for working with the abutters and the neighborhood, the consideration that they've given which shows. And then the biggest concern I have is the basement elevator down to that flood zone. If I understand you right, the 100 flood FEMA overlay district that you're in, indicates 2070, about 50 years from now that whole garage will probably be under water. And that's sort of worries me. I'd much rather have the 24 spaces in that basement change that into a community room or something and raise

it or give you the height just for the safety of families. Especially depending on an elevator when the water is rushing down. And if you exhaust it, building some sort of a ramp going down to that basement, it shouldn't be deeper than 15 feet. Coming in from a different angle as well. Pour in a ramp for people to get access and get out fast. That's the biggest concern that I have, I'm not really feeling it, feeling to be a part of granting an elevator down to that FEMA flood zone.

STEVE SAWYER: Steve Sawyer with Design Consultants.

Just to clarify that is not -- what we are -- the 2070 is based on a study by Kleinfelder, that has nothing to do with FEMA. Our requirement is build with the current FEMA regulations which we far exceed. The current

FEMA regulation is 18.66 is the 100-year flood elevation.

AHMED NUR: Right.

STEVE SAWYER: And our first floor is at 21-point --

DAVID O'SULLIVAN: -- 0.8 I believe.

STEVE SAWYER: I'm sorry, what's that?

DAVID O'SULLIVAN: 21.8.

STEVE SAWYER: 21.8.

AHMED NUR: Right. So what's the elevation of the basement?

STEVE SAWYER: Well, the water cannot get in there because the water would have to get up and over --

DAVID O'SULLIVAN: And down.

STEVE SAWYER: -- and then back down. So we basically created a protection in that manner.

AHMED NUR: Okay.

STEVE SAWYER: So what's happened now is this Kleinfelder report has come out and it's -- you know, whether this 2070 flood elevation is correct or not, it's, it was a little ambiguous regarding the report. It just said okay, the flood waters will be three feet at this elevation or three feet above grade, but the grade is, you have a curb location, it's three feet above where the curb was or from the roadway. So it's a little unfair. It's a what if, or more of a, very rough prognosticator of --

AHMED NUR: Fair enough. I just wanted to basically -- I think I've heard you say that 2070 that we would be below it. And even if you went up the ramp, if you brought up, I can't imagine you going up more than four feet and water climb out four feet and it's down there even faster. But that's just my own opinion.

I'm not saying that this is scientific. I'm just making my comments. So now I feel better and members hear me out.

Second concern I have is the balconies and that outdoor on the roof. So what seems to be someone's luxury might be someone's existing houses on this facade, a nightmare for people that are up there looking over. I would love to see in the rendering what the neighborhood is like on this side anyway. Are there three deckers? So on and so forth. I've driven in that area and I can't recall.

DAVID O'SULLIVAN: Basically the Watermark building. The rental project of Atmark is opposite.

AHMED NUR: (Inaudible).

DAVID O'SULLIVAN: Basically this building looks out at the residential apartments



of the Atmark building.

THE STENOGRAPHER: Could you please speak one at a time.

AHMED NUR: Okay.

And the last comment I have is the -- just a little explanation as of to the flat compensation increase on the facade that you showed. I didn't understand what you meant by with the compensated. The compensation increases on the flood.

STEVE SAWYER: So, yes, Steve Sawyer with Design Consultants, Inc. So the area that's shaded here is based on the FEMA flood elevation. So what's happening is in this area here is slightly the areas below 18.66 and our building is displacing that volume. This area there in the green is currently where the existing building is, and so we're pulling that building

out and creating landscaped area in here and so we're creating more volume for the flood water to take its place.

AHMED NUR: Oh, so you're doing the cut on the green area?

STEVE SAWYER: Yeah, exactly.

AHMED NUR: And so it shoots out this way?

STEVE SAWYER: Exactly.

AHMED NUR: Thank you.

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

THACHER TIFFANY: No.

H. THEODORE COHEN: No?

Catherine?

CATHERINE PRESTON CONNOLLY: So I guess my first kind of overarching comment is I get very hesitant any time we talk about granting a

Special Permit based on what our anticipated ownership is of the building. I know that everyone on the team right now intends this to be condos, but there's -- since the Special Permit doesn't mandate a form of ownership, it could be flipped tomorrow to a developer who decides it should all be rental. And, again, not saying that's anybody's intention, but it is something that when we start to look at, you know, parking and it has this impact because its ownership and we look at unit size and we need to think about this because it's ownership, the reality is that that's not guaranteed and we can't do anything to guarantee it. And so just in terms of how we think about this, I would say we need to think about it as both and make sure what we're choosing makes sense in either circumstance.

ED DOHERTY: Ed Doherty and I'm the

developer. I've been doing this for over 20 years and I've never built a rental property. It's always been for sale. I've never flipped a project, and I build all my own projects and I sell them. This will be a condo project and it will be sold home ownership.

CATHERINE PRESTON CONNOLLY: Again, I believe you and I have no reason to doubt that's the case. This Board, however, can't base its decision on that.

ATTORNEY JOSEPH HANLEY: If I may again, attorney Joe Hanley. The City actually can, because we are doing an inclusionary development with affordable housing units, we will have an agreement with the City, which you do in any inclusionary component, that has a deed restriction and talks about whether these are rental because the AMI and the income and the

marketing of residential units --

CATHERINE PRESTON CONNOLLY: Yes.

ATTORNEY JOSEPH HANLEY: -- differs  
depending on --

CATHERINE PRESTON CONNOLLY: But that's  
not done at this stage, not at that Special  
Permit granting stage that agreement is not --

ATTORNEY JOSEPH HANLEY: It's done before  
a CO is issued.

CATHERINE PRESTON CONNOLLY: Right.  
Right, but after construction and after this  
permit. That's all I'm saying is that at this  
point --

ATTORNEY JOSEPH HANLEY: I'm just trying  
to give you some assurances that --

CATHERINE PRESTON CONNOLLY: I  
understand.

ATTORNEY JOSEPH HANLEY: -- the City in

fact will not give us CO to market and sell units unless we have an affordable housing agreement that pertains to home ownership.

CATHERINE PRESTON CONNOLLY: I agree.

ATTORNEY JOSEPH HANLEY: And not rental.

And then once you go in the condo area, it's very, very --

CATHERINE PRESTON CONNOLLY: It's very difficult to come back.

ATTORNEY JOSEPH HANLEY: -- then it goes the other way.

CATHERINE PRESTON CONNOLLY: I totally agree with that.

ATTORNEY JOSEPH HANLEY: I'm just trying to add something that the City does have in place.

And also we, you know, this is a true partnership discussion with the leaders of the

community and all of us on this team continue to -- will have a working relationship with them throughout.

CATHERINE PRESTON CONNOLLY: Okay. I'm going to say again, I don't doubt that this is your intention. The difficulty I have is that the Zoning does not make a distinction between residential use that is for rental and residential use that is for ownership, and therefore, when we are thinking about this, we need to think about it as residential use without regard to the type of ownership.

ATTORNEY JOSEPH HANLEY: Yes, I hear you. And just finally the no zoning and no city does that because it would be discrimination.

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: Right, exactly the point. Which is why we need to think

about it to be either.

So with that in mind, I think, you know, the parking, I'm not convinced that we need as many spaces as we have and I think to the extent the parking garage can be made to function better and achieve more of the urban design goals by eliminating one to four spaces, I'd love to see that happen.

I would especially be interested in the exploration of Hugh's suggestion. I had frankly -- the only time I've seen back in elevators for cars work well if they're valet only. If can do a three-point turn right out, in and out of the garage, that changes that discussion quite a bit to me, but if that can't be done, I think we need to look at operational restrictions like it being valet only.

I would also echo the concerns about the



designing at this stage. What I'm seeing I don't think adds very much to the neighborhood. It may be cartoonish, it may not be well developed. I think you've done a lot of good thinking about what will make it a nice place for people to live and good for the residents, but I don't think you've thought enough about what is going to make this a good part of an emerging neighborhood and create a neighborhood where the people who live here want to get out and be a part of the neighborhood. And that's especially evident on the ground floor where we know it's masonry but we don't know what kind of masonry it is. We have blacked out windows and we have no activity. And I get that the Flood Plain in the area really creates some very significant restrictions on what you can do on that ground floor, but right now it's not -- nothing about this says that hey,

we want to be part of a new neighborhood here, except for the one -- and I agree, the facing -- the side that faces what hopefully will some day be a boulevard, you know, is a good nod towards hey, there might be a neighborhood here some day, but overall the design at this stage leaves me cold and feeling like it could be in a suburb pretty much anywhere and people would have the same experience except they'd be able to park their own cars easier. So I am definitely thinking that since we're going to have to see this back anyway because your application's incomplete, I would like to see a massing model, I'd like to see better developed designs, and I'd like to get a better sense that the building is contributing something to the neighborhood, not just creating a place that would be, you know, nice for the residents.

ATTORNEY JOSEPH HANLEY: Mr. Chair, if I may just briefly, thank you, and if I could just give you sort of a motive for the design aspects here. If you read the letter from the residents' association, you'll see in the first five project benefits what we're trying to aim to do and of course the design is fluid in this process anyway, you don't come with the final design, and so we look forward to working with you and the Board and the City on that. But one of the important things that you'll see the neighborhood speaking about is creating something that's different that responds and also differentiates itself from the Atmark and other structures. So if you read this: "The building is visually interesting." "It plays off its neighbor to the east quite well." "The building is respectful of future infrastructure patterns providing an

entrance at the south side." "The building places publicly accessible open space at the front of the building unlike Atmark and most residential buildings on CambridgePark Drive."

So we're serving many masters here, but we're proud that what we're coming to you with reflects design as often in the eye of the beholder. We just need to balance that. And of course we look forward to working more on it. So thank you.

H. THEODORE COHEN: Thank you.

Steve.

STEVEN COHEN: Generally I think it's a worthy project in really a tough site. I have a few comments.

First of all, the white exterior materials it's labelled as stucco. Is that an Eifs system that you're talking about?

DAVID O'SULLIVAN: We've been looking at kind of a variety of stuff whether we do a Eifs system or stucco or where whether we do something with metal panels or whether we do something with other panels. We've gone back and forth on a lot of stuff there.

STEVEN COHEN: Metal panels are always good. I would leave it to my architectural colleagues to opine on the appropriateness of Eifs there.

I'm a little sympathetic with Catherine's comments, about looking a little bit suburban and pedestrian and, you know, I think there are some great elements there, but, you know, I wonder whether a somewhat more aggressive design review by staff and perhaps by the Board and subsequent iterations might add a little bit more texture and sense of quality and distinctiveness. I

agree with Catherine that, you know, it does look like it could be any place in the suburbs. Of course there is kind of a unique location out here and I don't know what, you know, the appropriate or ultimate character of this quadrangle neighborhood will ultimately be, so to some extent I think we're in unknown territory, but I still have the sense that we can do better on the design.

A couple of other quick comments, one based on sad experience, very sad experience in recent -- few recent projects, in the next go round I would urge you to be a careful and accurate -- and I'm not suggesting that you haven't been, be careful and accurate in showing rooftop equipment and transformers and other on grade equipment. I see that you're showing, you know, a number of small HVAC units on the roof

which might be appropriate. Make sure there are no air handlers, general equipment. Just double check it with your MEP consultant and please do show them in the renderings and elevations and not just in plan. As I say, I'm not suggesting you haven't done that, I'm just asking you to double check and then we will confirm next time.

DAVID O'SULLIVAN: Yeah.

STEVEN COHEN: Quick comment on traffic. We're just at the beginning of the development of this area and we all encourage residential in the area, and as the number of units multiply and the number of vehicles multiply in the years to come, I just do wonder whether anybody -- this isn't your job, this is our job, staff and the Board, looking at the future patterns and volumes of traffic especially making left turns from and on to Concord Ave. It's going to be a challenge I

think in the year to come and you wonder whether eventually we're going to need signals or something up there.

And I guess my last comment is on the front setback. You know, the zoning and planning scheme here gives this Board enormous amount of discretion, height and FAR and setbacks and so forth, tremendous discretion, but they did set the one dimension where we did not have that discretion, that's the 15-foot setback. Now I don't know whether that was good urban planning. I don't know whether it was wise or not. All I know is somebody did a study here and somebody made that determination that there is a limit to our discretion and that limit is at the 15-foot setback on the front. So I guess, I don't rule out the possibility that I could be persuaded to support a Variance there, but I guess I'd like to



hear something from staff in the background about, you know, what was the genesis of that limitation in the Zoning, how it relates to adjacent properties on the street, and, you know, I think that we need to be hesitant making recommendations, a change in a dimensional requirement that was so, you know, clearly established in the zoning. I don't know what the basis was, I think I need to know what the basis was and be persuaded before we recommend a Variance to change that requirement. Again, I do want to -- not withstanding some of those concerns, I do think this is a worthy project and I encourage you to, you know, bring it to success.

DAVID O'SULLIVAN: Thank you.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: I also think you're

on the road to a good project. Getting back to something that Steve just said, we've had some issues with transformers and mechanicals. Have you talked with Eversource yet?

DAVID O'SULLIVAN: We have not. We basically located a transformer in about the size that fits all the criteria we've used on the projects.

LOUIS J. BACCI, JR.: This is above grade transformer or below?

DAVID O'SULLIVAN: Yes, above.

LOUIS J. BACCI, JR.: It doesn't show on your landscape plan an elevation.

DAVID O'SULLIVAN: It does.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:  
It's off to the right.

LOUIS J. BACCI, JR.: Yeah, it shows in the plan but not elevations. All the elevations

around the building, it does not appear.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I understand.

DAVID O'SULLIVAN: Yeah, we didn't show that beyond the edge of the building.

LOUIS J. BACCI, JR.: And it's also in a very prominent spot.

UNIDENTIFIED MEMBER THE AUDIENCE: They're all prominent unfortunately.

LOUIS J. BACCI, JR.: So locating this transformer there and so forth, needs to go through NSTAR whether you need a switch or not. This could grow to be a sizable feature. We'd like to get some report. Could someone talk to Eversource?

DAVID O'SULLIVAN: We'll try.

LOUIS J. BACCI, JR.: Thank you.

HUGH RUSSELL: Ted?

H. THEODORE COHEN: Yes, Hugh?

HUGH RUSSELL: My colleagues' comments have stimulated a couple of -- I'm curious, and this is a question sort of for Jeff, does the multiple plain setback calculation apply to the 15-foot setback in this district? And multiple plain setback basically says that you draw a line in the sand, if there's a building volume in front of it, there has to be corresponding building volume behind it.

JEFF ROBERTS: I may be getting myself in trouble by answering that without looking at the text, but generally speaking when it's -- so that multi-plain formula apply generally where you have a formula setback that's based on the length and height of the building. The 15-foot standard in the Alewife district is a strict setback, sort of a form-based setback, and, you know, we can

try to get some material if we had the lead planner in the Concord/Alewife plan, we might be able to talk about why the 15-foot, why that particular number was used. But, you know, generally the idea with having that uniform setback is to, you know, you're anticipating a lot of development along a particular street and you trying to make sure that the buildings will essentially line up along that kind of line.

HUGH RUSSELL: Okay, my second comment is that if we flip to the previous rendering.

DAVID O'SULLIVAN: That one?

HUGH RUSSELL: That's fine.

DAVID O'SULLIVAN: Okay.

HUGH RUSSELL: So some of the windows are obviously operable and some of the windows like say the pair on the right-hand end or the kind of -- those or the -- something that looks like a

futuristic office building on the left-hand end, I think if it's clearer that those are operable windows, and I think -- that makes them look less like a futuristic office building and more like somebody's residence. You know, I can -- that's the stack of living rooms, that amount of glass there might be terrific. Because I guess it looks in between the Atmark buildings pretty much. But it's that kind of detail that would I think help us to -- help the building to look a little more domestic.

TOM SIENIEWICZ: Ted?

H. THEODORE COHEN: Yes, Tom.

TOM SIENIEWICZ: I just have a question, maybe we can resolve right here quickly amongst ourselves, I just would love the opinion of my fellow board members, and it goes back there were four Special Permits required or that are being

sought here. The FAR, the FAR increase and then also the Variance for the FAR for the parking which they're related in my mind, hence my question about did they presume in their application that they were going to get the relief for the FAR for the parking? So the proponent has offered to the 8,000 square foot number for the parking which would then drive the actual building form because FAR relates to the actual mass as we all know in the building 2, what you're looking at is 3. It's not a statistical, it's just actually what you're seeing. Do we care? I'll say this, you know, I really do applaud the proponent to try to eek out absolutely every square foot of value it possibly can out of this tortured lot. I really appreciate that that's what they're doing. They have a really skilled team doing that. And when

we're confronted with that situation here on the Planning Board, of course we're going to naturally say well, what's -- we're going to push back when is it too much? And so I guess that's what my question is, is FAR three on this site something that we have concerns about as a Board or do we not see it this way? It's the back corner of this neighborhood and maybe it's appropriate given its relationship to heavy infrastructure that a higher and bulkier building might be okay.

H. THEODORE COHEN: Okay, I'll hop in there and they're related I guess. There's a big -- two big Atmark buildings across the street.

TOM SIENIEWICZ: Right.

H. THEODORE COHEN: This is facing right now a lot of vacant lots and railroad tracks.



TOM SIENIEWICZ: Yes.

H. THEODORE COHEN: And a lot of big buildings that are going to be built on the other side of the railroad tracks, which now have large parking structures and parking structures being constructed. There's not much there right now and we keep talking about the need for more housing. And we talk about the need for more units, and it seems to me this is an ideal place to have it.

TOM SIENIEWICZ: To max it out.

H. THEODORE COHEN: To max it out. And so I don't have a problem with the increased FAR on this site. And similarly I don't have any real difficulty with the increased setback because there's nothing there that it's dealing with. I think the building is clever, you know, there's a nice open space in the front. I'm not

sure what I think about the facades, the design, you know, whether you want to call it cartoony or, you know, a modern office building or what. I looked into, I'm not so sure. You know, Atmark is sort of a standard brick building on the other side, so it would be nice to have something a little more visually interesting. And I think a lot of, you know, Hugh's comments and Steve's comments all make sense. And I think they have to work on the facade and, you know, everybody has -- as people have already talked about the transformers and the penthouse and the roof structure, I really want to see what it's going to look like from the ground. As Lou pointed out earlier, yes, the people in the Atmark building if they're in the upper floors are going to see stuff on the roof, but you know, that's what's going to happen wherever you live, that if you're

up high, you're going to see the top of some other buildings.

But, you know, in terms of -- you know, I think we're creating a neighborhood here, and just as retail probably won't work in this building because there aren't enough people there yet, we need to bring more people into the area. And, you know, if we can get the bridge sometime, you know, a concern I have is, you know, it's a long schlep from here to the Alewife Station. You know, if you've got to walk all the way down and all the way around and over the bridge, you know, it's a long walk. And I know there's going to be a transportation management plan. I don't know if there's any shuttle that actually takes people in from this area to the train station. And I guess conceivably some future time there might be a commuter rail station in the vicinity.

You know, I don't know whether that will happen before the 2070 flood strikes or not.

HUGH RUSSELL: And the pedestrian bridge --

H. THEODORE COHEN: And the pedestrian --

HUGH RUSSELL: That we're trying to make happen.

H. THEODORE COHEN: That we're trying to make happen, right. Since the T obviously has lots of money to throw around and agree to a bridge.

But, you know, I think it's a nice design. I think it fits that corner well. I do think it needs work with staff, you know, with us. And when it comes back, I'd really like to see material boards and models that will explain things in greater detail. And I agree that we've been trying to cut back on parking and cars

everywhere we have been considering it, and I understand that if indeed it is condos, and I have no reason to doubt that will happen, that owners want to have their own parking space, but I think that's probably then 44 spaces and not more than that. That's what I think.

DAVID O'SULLIVAN: Just as a side, from our knowledge, Atmark has a shuttle that goes over to Alewife. I don't know whether that's something we can join into or not.

H. THEODORE COHEN: Right. Well, Adam, you're here. Before we conclude I was going to ask, we have received a memo from Traffic and Parking, whether there's anything you wanted to add to the discussion?

ADAM SHULMAN: We submitted a memo.

H. THEODORE COHEN: Yes, we have it.

ADAM SHULMAN: Do you want me to comment

or questions?

H. THEODORE COHEN: Just any points that we discussed tonight that you want to emphasize one way or the other? But you don't have to. Not required.

ADAM SHULMAN: Yeah, I think -- hi, so Adam Shulman, Transportation Department. I might actually think -- a lot of the comments in our letter have been discussed so I kind of feel like I don't want to reiterate a lot of things that have already been said. I think the only comment actually I can think of that wasn't brought up from our -- from the Traffic Department comment letter is more of a minor thing, but it had to do with location of short-term bike parking. And so we talked about thinking there needed to be a couple more by the main entrance. Just for the people who are going to come to the building

visitors instead of them parking on the street or on the, you know, park the trees on the sidewalk, a couple more on the front area. And also we made some comments about the access for the people from Fawcett Street in the bicycle parking -- long-term bicycle parking area. The way they have to go now is around the plaza. It's not really a direct route because there are stairs. And so we raised that as a concern and whether or not there is something that could be done to alleviate that more circuitous route for people and would get more people in the parking area. So those are two things in our comment letter.

I mean the other things I think were kind of discussed, but I would be more inclined to answer questions if there are any.

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

AHMED NUR: I just -- about that ramp, I was thinking about instead of an elevator has anybody brought that attention to you by any chance building a ramp going down to the basement?

ADAM SHULMAN: For vehicles?

AHMED NUR: Yeah.

ADAM SHULMAN: I mean that's, you know, I mean that's probably a question for the developer. Yeah, in terms of -- I mean, clearly it's a tight site, so I think there's probably a -- just space constraints about doing something like that. But, you know, I think -- well, we didn't, we didn't recommend -- we didn't say anything about it. We kind of left that as sort of here's what they're proposing.

AHMED NUR: Sure.

ADAM SHULMAN: You know, we raised some



points about the elevator for the vehicles and basically saying that that's something we believe has to be ultimately approved by the Inspectional Services Department, and we also did recommend that we'd like to see more information about how they would maintain that elevator so that if it's not working, what's the plan? What are they going to do and ask if maybe if they would at a minimum inform the City if it's not working and when it would be working. Because if there's a problem, then the concern from the Traffic Department's perspective is is that going to put more cars off to the street, you know, if they can't get into the lower level of the garage. And so that's, you know, a question we've raised about the elevator. If there was a ramp, and you didn't have the elevator, you know, that would resolve that issue but I think it's a space

issue.

AHMED NUR: Okay, thank you.

H. THEODORE COHEN: Okay. Any other comments?

(No Response.)

H. THEODORE COHEN: If not, then I don't think we need to take any further action tonight. We've I think made our comments known and that assuming that the developer is inclined to go forward, I understand that there will need to be an amended application and a re-publication of that and then there would be a further public hearing at that time. I don't know when that may be. I think anybody -- it will be noticed and the public will get due notice of it.

STEVEN COHEN: Ted, one point. We've had a little -- some members have had some casual words about desire for a model. I think we

should give a clear message if in fact we're expecting a model or not.

H. THEODORE COHEN: I think we are. I am expecting a model. And I think if all goes well next week, we will have adopted rules that will require a model.

ATTORNEY JOSEPH HANLEY: We'll bring a model.

H. THEODORE COHEN: So I think that's where we are.

HUGH RUSSELL: And the model has to go out to show the adjacent buildings.

DAVID O'SULLIVAN: I mean, we have basically kind of developed in 3-D, are you looking for a computer 3-D model or a physical model?

H. THEODORE COHEN: There will be new CDD guidelines which will tell you what to do and you

will be required to consult with CDD to determine exactly what format it is.

DAVID O'SULLIVAN: Next week?

H. THEODORE COHEN: I think they can also discuss with you -- there are requirements that -- there will be requirements for early engagement with the neighborhood whether what you've done already will comply with that or not and just something that you could take up.

STEVEN COHEN: And Hugh was just alluding, there should be some massing blocks or something of adjacent buildings so we get a sense of how this building relates.

DAVID O'SULLIVAN: We can do better farther away things. We have a lot of that in our model that was there, just the views.

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

ATTORNEY JOSEPH HANLEY: Thank you.

H. THEODORE COHEN: We will take a five minute break and then we have another public hearing about a proposed zoning amendment with regard to the medical marijuana dispensaries. You are all welcome to stay. If not, please take your conversations outside.

Thank you.

(A short recess was taken.)

H. THEODORE COHEN: Okay, welcome back. This is a hearing on a petition brought by Sage Cannabis, Inc. to amend the Zoning Ordinance of the City of Cambridge in Section 20.700 Medical Marijuana Overlay Districts by creating an additional marijuana overlay district in MMD-3 which would be coterminous with Business B-2 Zoning District on the northerly side of Massachusetts Avenue between Dana and Ellery

Streets. And there will also be -- the amendment will also create a new Section 20.705.1 which would have some additional restrictions in this district.

So you understand, this Board does not adopt zoning. What it does is review them, review proposed amendments, and then make a recommendation to the City Council. It is the City Council which adopts Zoning Ordinances and amendments and there will be a hearing before the Ordinance Committee which I think you said was the 24th?

ATTORNEY SEAN HOPE: That's right.

H. THEODORE COHEN: And then the matter goes before the entire City Council. So you have an opportunity to speak this evening with regard to our recommendation, but you will also have other opportunities to speak to the City Council.

ATTORNEY SEAN HOPE: Good evening

Mr. Chair, Members of the Board, for the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of the sponsor of the petition. We have Sage Cannabis, Incorporated. Here tonight on behalf of Sage we have CEO Michael Dundas who is going to talk about some of the operational pieces of the proposed facility within the proposed district. Given the late hour, I'm going to try to reserve most of the time for Michael to be able to talk specifically about the facility, but I would like to go over some pieces of the district.

In addition to our land use and policy rationals, we hope to give you some information specifically in how the medical marijuana program has changed since 2012 when it was adopted by the state. There's been one -- there's been a series

of changes, but one significant change that's really changed how patients are receiving their medical marijuana medicine is regarding the number of licenses. Initially in 2012 there's going to be 35 licenses statewide, and so this means that there is -- they were going to be regional in nature. There are only going to be 35, they're going to serve a larger population. This is now changed. Now there's no cap on the number of RMVs or registered marijuana dispensaries that are allowed in the state, and allowing the municipalities to decide and regulate the number and the quantity and the location. One of the key facets of this proposal this is a retail only proposal. Back in 2012 with 35 licenses, inherently most of these applications were going to be cultivation and retail combined, because if you weren't going to



have just 35, you weren't going to have just one. So this meant that there's probably larger floor plates, you were going to have to do cultivation activities as well as retail activities. So we felt with that change there was an opportunity to be able to look at the zone specifically in Cambridge and to come up with a retail proposal such as this. Just quickly by way of background, Sage is a licensed marijuana distributor. They currently are licensed to dispense medical marijuana in Milford. They have a cultivation facility that is currently under construction and should be completed by late summer. This cultivation facility is being proposed to be -- to supply the retail only location in Cambridge and any other retail facility that they are applying for statewide.

Specifically, and I'd like to actually

turn to the zone. The zone is pretty unique. As you see on this map, we have the two existing MMD-1 and MMD-2. These are further in the outskirts of town and they're actually adjacent to major roadways, 93 and Route 2. As you can see, our Zoning District, the Business B-2 is in between Harvard and Central Squares. And if you get up closer look at the map, this is the district, the Business B-. 2 and so you can also see the red outlines it. This is unique because the district is about 33,000 square feet and it's -- contains three property owners. And so it's bounded by Ellery and I think it's easier -- so this is a view looking from Dana Street down towards Harvard Square. You have the cafe at the corner, you have the Golden Touch Dry Cleaners, the Cellar, and then coming from Ellery Street looking towards Central Square, you have

Cannondale, and you have Ellery Street there.

And if you want to take another look from Ellery Street looking towards Mass. Ave. So as you see, this building here you don't see it as well with the light, there's a small driveway in the back of the proposed building, and there's also a parking lot. Left of the parking lot is the adjacent Residential C-1 neighborhood. And so there is actually a natural buffer between the district and the residential neighborhood behind. But, again, not only the given, not only the size of the district but the fact that this business B-2 is only in this area. So citywide business B-2 is only 33,000 square feet.

One of the -- and this is probably a better view. So this is the district, and Michael will talk more about the facility. One of the criteria -- when we sought out to do this,

one of the things we did is we looked at the existing criteria for MD-1 and MD-2 and we wanted to leave the integrity of those districts and the planning considerations intact. And so the proposal seeks to add additional criteria that's tailor made to fit this commercial corridor. One of the criteria that the proposed facility would be either on the second floor or below grade.

This was important because the Business B-2 is actually outside of Harvard and Central Square and so this is like a -- it's an island to itself in terms of the retail. And so right now there's kind of a nexus of different retail that attracts people to this block of this district. So part of the state regulations is that medical marijuana facilities can't have advertising, can't have signs, have to be shielded from the public view in such a way that if you actually

had it on the street level, you'd end up having an empty storefront. I think maybe in certain other denser parts of the city or maybe in Harvard Square that would work. But I think this would be pretty damaging in this location to have a major storefront.

This building does have below grade space. The location that we're talking about within this district is the former Orson Welles Theatre, and it also is handicapped accessible.

You have a copy of the petition, but I would just like to go through some of the criteria that we've listed out. I just mentioned the use limitation, and this is a retail only and for reasons that I mentioned, this would be very challenging to have a cultivation facility on this location. The other thing is that cultivation facility in this type of environment

would probably raise serious concerns for safety, security for the police. If you imagine if you had a large, the use of dollars' worth of medicine that would be there that it could attract certain elements that we don't want to attract. And so part of the idea of actually incorporating this into a commercial corridor was really taking that in mind. That we would make sure that this wasn't going to attract a nuisance or create any adverse impact on the adjacent retailers, property owners, or other businesses on that strip.

Also, the signs -- the size of the retail -- and so retail inherently, the floor plates are going to be maybe 5,000 or 6,000 square feet. We used a threshold criteria of 10,000 square feet. In the Ordinance over 10,000 square feet is where retail is required to have a

loading zoning. So this is a function of after a certain size, there may be adverse impacts or just additional impacts for loading and off-loading, so we wanted to make sure as a new industry that's being developed, that we would have some control over the capacity, the volume. Michael is going to talk about -- and they've done studies on what the anticipated volume might be on a given day, on a given week, but we felt that the 10,000 square foot maximum size was going to mitigate any concern that you'd have large groups of people in parking garages and patients, large groups of patients because patients are the only ones who can enter these facilities, coming into these facilities. We thought that the 10,000 square foot was a number, it was already a number that already impacts retail zoning throughout the Ordinance.

And then there was the access to public transportation. And so in preparation for this hearing and as we met with neighbors, we actually did a count of within a quarter mile and also within 500 feet of the available street parking spaces, as well as handicap spaces, and there's a slide that Michael will present with some data. But within 500 feet of this location there are approximately 45 parking -- metered parking locations. The idea is that even though that this is in what we think a commercial corridor, there's a No. 1 bus, it's not directly on a transit line. And so one of the things that we wanted to make sure was that our patient population, some of them may be driving or having care givers come to pick up their medicine as allowed by DPH, that there was sufficient parking for that. And so we have evidence that we do



feel that people that are trans -- that are coming to the clinic by car will have available parking as well.

Generally I think conceptually we're thinking that most of the patients, even if they come from other adjacent cities, it's going to be more local in nature. And I think there's some evidence and Michael can talk about and you'll also hear from the patient population. Not that they're all going to come from Cambridge, but they are going to come from closer to the Boston Metro area, and this is different than the original thinking, that there would be people coming from large distances because there would only be so many allowed statewide.

I think there are some benefits to introducing this zoning district to allow medical marijuana. I think one of the challenges when

you have very broad district is that you have often unintended consequences. So we've heard anecdotally from some councillors and others, that, you know, maybe you should expand this to all the business districts or all commercial districts. I think one of the challenges that we noticed is that we've done six months of outreach and still oftentimes challenging to meet everyone and be able to get by. And if you look at these other districts, there's no district that's 30,000 square feet that's one block that's contained. And so this really allows this to be a test case. This is a new industry. There's a lot of potential fear and misunderstanding and misinformation that we have been battling against and just going out and giving people real information that's on the DPH website itself. And so we feel that there's a lot of data that we

could provide. We actually are planning to talk to the police commissioner and also Sam Lipson of Public Health. There's just not a lot of data even in the state:

Who are the people that are coming here?

How are they travelling to the location?

What are the volumes like?

Is it mostly care givers who have these licenses or the actual patients coming themselves?

So this is all data that we think would be helpful to the Planning Board or potentially the Council to decide are there negative impacts? Are they not?

We've also had problems with people comparing this to a wet shelter or a needle exchange, and we want -- we always make it clear, that these are non-profits. This is not --

there's no subsidy. This is a market-based non-profit. Meaning that they have patients that come and if they don't, and they're not viable and they can't support themselves, then the business goes out -- then the business fails. So this is not, it's not a social service. We like the analogy to urgent care. If you think about urgent care people go to get treatment. You don't necessarily see urgent care in, you know, far parts of the city. You actually see them where people congregate and work successfully within the retail environment.

You know, the other challenge that we've had is that they are -- this 500-foot buffer from where children congregate, and that's a very broad term. And so I think CDD did a great map that shows actually the areas that are outside of 500 feet, and this, this -- so yeah, this is a

map here. This includes 500 feet and 1,000 square feet. And if you're slightly color-blind you really can't tell the difference. I think graphically it just points out that there's not a whole lot of areas that would be outside of that 1,000 foot buffer. And our location is within the 500 square foot buffer. We are 700 feet away from the closest location where children commonly congregate and group together.

I don't know if I failed to mention this, but Michael and his group has been searching within the district for two years. Two years ago or maybe a year and a half ago they contacted me, and my first inclination was look near the zone. There's New Street. There's other parts around the zone. They have exhausted their efforts trying to find places within the zone, and really only once they came up with this retail only

model and frankly found a space and a landlord in an existing building that met some of the requirements that we thought was appropriate for a medical marijuana facility within an urban corridor or commercial corridor, which really led us to bring forth this petition.

I think you'll hear from Michael tonight and patient advocates, but I'd like to say, too, that we've been at this a while, not together but the petition, but looking for a space. And there's a very high burden by DPH to have these facilities not just be licensed but the financing piece, and Michael will talk about this specifically these are non-profits, there's no equity shareholders, they can't sell stock, they take on debt. And to be able to build a facility that they have to produce this medicine is very expensive. So they have overcome all those

hurdles. They have a facility that is actually and licensed in Milford and we would just request that you would look favorably on this petition. We hope we can answer any questions you have tonight and I'll turn it over to Michael.

MICHAEL DUNDAS: Thank you, Sean.

Good evening, Mr. Chairman, Members of the Board. I'd like to -- as Sean said, it's a late hour so I'm going to move very quickly. But if any of you have any questions in the middle of my presentation, please feel free to just interrupt.

THE STENOGRAPHER: Excuse me, can you please spell your name for me.

MICHAEL DUNDAS: Yes. Michael Dundas, D-U-N-D-A-S. I live at 15 Moreland Avenue in Newton.

I began Sage Cannabis almost four years

ago. And let me see if I can make this thing move forward.

I'm having a technical issue here. I'm going to restart this thing here.

I'm going to talk about the use. And I know this Board was involved in looking at the original two zoning areas, the MMD-1 and MMD-2 Zone. I imagine many of you were in the board at that. I don't want to go through all the details of the use, but I think there are some elements of the use that are important to shed light on why we're looking at this expansion of the zone away from the original zones that you created a couple of years ago.

Love these new Macs. They just launch so quickly. That's for Apple. Okay. Sort. Here we go.

I'm going -- pretty quick? Right?



I'm going to go ahead and toggle through these without making it full screen mode because I'm afraid that might be why we had a little bit of a crash.

So about the use. Registered marijuana dispensary. For us in Cambridge we're looking to put in a retail only medical dispensary as Sean mentioned. The dispensary is not open to the general public. It's only to folks who have a qualifying medical condition who has seen a Massachusetts licensed physician first and has registered with the Department of Public Health medical Use of marijuana program.

No on-site physician.

There will be no medical marijuana certifications given at the retail facility.

Of course, there's no on-site usage. Go ahead and shut my Wi-Fi off.

No loitering allowed. And we are regulated by a comprehensive body of regulations promulgated by the Department of Public Health.

As Sean mentioned, we are all, all licensed RMBs are non-profit.

We are governed by a board of directors. We have no shareholders, no equity in the business. And we have a -- we conform to all non-profit best practices in the sense that we have policies, we have executive compensation, evaluation policies, and those types of things that govern how we spend our money.

In terms of patient access under No. 1, those are the listed conditions in the law for which medical marijuana patients can qualify. And the question was asked earlier who exactly are medical marijuana patients at the end of the day? And I think the easiest way to answer that

question is medical marijuana patients are anybody that gets sick. It really crosses all, all lines. It crosses racial lines, it crosses gender lines, it crosses age lines. And when we look across the country at the types of patients that we see coming into these facilities, they really defy any type of specific description. It really cuts across a wide swath of the population.

Here you see patients must register with the Department of Public Health and actually have a -- that's a Massachusetts Department of Public Health medical marijuana card. Without that card in your possession, you can't even get in through the front door of one of our facilities. So you can't come with a friend and have them wait in the waiting room. We're having an issue right now among some dispensaries where single parents

can't come with their infant children into the dispensary. We're trying to work with DPH to fix that rule.

Now, minors are never allowed in the facility even though there are a good number of minors who have debilitating medical conditions for which marijuana is a viable treatment option. In this case a parent would be the caregiver and the parent would register with the program and come to pick up the medicine at the dispensary.

All medical marijuana dispensaries are reviewed every year by DPH. DPH has a secret shopper program where they've come in and checked us for compliance, and they also do a comprehensive audit at the end of every year. So we're all required to comply with 100 percent of the regulations every day of every year. And if we're found not to comply, DPH would not hesitate

to take that license away.

Security is often talked about. And this is a new use as we all know, and it's an industry that is in transformation coming from an illicit marketplace into the light, so to speak. And so for that reason we are very well secured in all of our facilities, the cultivation facility of course, but also in the dispensaries. And so we have 24 hour video surveillance. Every door in the facility has zone access control. Employees are given a card that allow them access only into the areas of the facility in which their employment duties present themselves.

And we are also required at the cultivation facility to have what they call seed to sale inventory tracking and control. And this means every seed we plant, we put a bar code on that plant. We follow -- we generate a system

file in our inventory that follows that plant through its lifecycle. The nutrients we give it, the pruning we do to it, when we harvest that plant, we put a new bar code on it and we follow it through the production cycle.

So we're making several types of products from marijuana plants. Some of it is the traditional leafy marijuana product, but there are also many types of infused marijuana products. You may have heard about lozenges and pills and balms and oils. Those things are also produced from the same marijuana plant that at each branch point in the production process we are required to bar code each batch all the way to the finished product, which would appear in an individual packages each with its own bar code. So any product that would end up in a dispensary in Cambridge would all be prepackaged at the

individual level and you could hit that bar code and trace its lifecycle all the way back to the seed that it came from.

This is how we envision the Sage dispensary looking at our proposed location. So it would be sort of like a modern zen look, a doctor's office or a modern office space.

This is how the dispensaries sales floor we envision would look. And all of that is in your package as well.

We would propose hours of operation, nine to nine, six days a week and modified hours on Sunday. We anticipate an average patient count of between 40 and 100 visits per day, and the time per patient visit between 10 and 15 minutes when fully up and operational.

This is just the snapshot of the cultivation facility in Milford, so all of the

medicine that we would sell out of the Cambridge shop would be manufactured here, grown, cultivated, and the products manufactured and packaged in this facility 24,000 square feet in Milford. And I would be happy to discuss more about that if you're interested.

And this is a random sampling of the types of medicine that we would have on offer. And we probably would have more in each of these categories. But the traditional leafy marijuana material we call that cannabis flower. There are cannabis concentrates, which are oils, tinctures, balms. We also offer sprays, patches and then of course edible products as well in a variety of forms, all manufactured in Milford.

Very quickly, to touch on the DPH licensing process. In 2012 the ballot initiative for medical marijuana passed. Statewide it was



63 percent approval. Here in Cambridge it was 79 percent approval. And the DPH received almost 200 applications for licensure. And then after a seven month vetting process, only nine of those groups were selected. And those groups were regionally distributed. And this was -- regional distribution was the original criteria in the DPH selection process. And so as Sean alluded to earlier in the presentation, back when this Board was considering those MMD-1 and MMD-2 zones, one of the primary considerations was that these dispensaries were envisioned to be regional in nature, that they would serve much more than just the local Cambridge community. So at that time it made a lot of sense to put them where they are currently located.

The Alewife Zone with access to Route 2 and the Alewife station and the North Point zone

with access to 93 and other heavy transportation for regional access.

Today -- so this -- these red dots represent a currently licensed medical marijuana facilities. Now only six of these red dots are actually open for business. The balance of them are like us in the final stages of or in some stage of producing their businesses or building their facilities. But we have nearly 160 current applications in with the DPH for additional dispensary licenses. And so as the process rolls forward, we will very likely see at least another 100 of these red dots scattered around the state of Massachusetts. And so the point here is that the licensing process has changed, in August 2015 it changed. And there is no longer a limit on the number of licenses that DPH will grant. They are less regionally focussed. There is more

local control in the licensing process, and these organizations like ours are more community oriented.

Sean has mentioned and shown you the slide that is the proposed location. Again, a view from Dana looking down Mass. Ave. -- I'm sorry, that was a view from Ellery. No, I'm sorry, Dana. This is Ellery. And then this is the back of the lot.

So this is the front of the building, front facade. And our particular proposed location, the front door is right there. It's a little bit difficult to see, but this is one of the buildings where you have a below grade access. You walk in the front and you can down in the left or the right, down a flight of stairs. We're down on the right and our floor plate is directly beneath the Bo Concept

Furniture Store. And so we are, as Sean mentioned, we are below grade off of street level.

And so this talks a little bit about the parking situation and the public access situation here. You can barely make out on the top left corner and the bottom right corner, you see the Harvard Square and Central Square Red Line T stations. Each of those are just about exactly a half a mile away from our facility. We are right in the middle there. And then can you see that within a quarter mile zone, which is the bigger of the two white circles, the smaller one is 500 feet, the larger one is a quarter mile. There are nine handicapped spaces or 165, two-hour spaces and 15, thirty minute spaces, and seven loading zones.

So, I have ripped through that

presentation and if anyone has any questions, I would be more than happy to entertain them.

Thank you very much.

H. THEODORE COHEN: Thank you.

Do we have any questions now or shall we hear from the public?

(No Response.)

H. THEODORE COHEN: Why don't we hear from the public. And when your name is called, please come forward to the microphone, state your name and spell it for the stenographer, and state your address. And we ask that you speak only for three minutes. And if you haven't signed up, you will still have an opportunity to speak.

Everyone will have an opportunity to speak.

Carol O'Hare.

CAROL O'HARE: My name is Carol O'Hare,  
172 Magazine Street.

I'm here to not oppose a medical marijuana dispensary being located in a business district relatively close to transportation as the proposed location is, but I'm taking this occasion to express my concern that Sage Cannabis's Zoning Amendment application is yet another instance of expedience trumping sound holistic planning and zoning.

The City has known about the problem of actually citing such a beneficial and pretty benign use for some years, so now what's been devised, because the problem hasn't been solved, is a designer tailored zone especially for this use and this user in narrowly designated space. And as I said, I'm not opposed to this. I just think that, that zoning, this use in a 33,875 square foot zone, which isn't actually the zone, it's the 10,000 square foot maximum that's within

that three parcels that is the zone, is a funny way to zone. And I would suggest not, not -- these people have struggled to make this work, and I support them in this location, but if we want some competition and if we want some of these dispensaries elsewhere in the city, let's have CDD and whoever else should be involved convince the people who should be doing this to create a reasonable way of approaching this. But if pharmacies and liquor stores can be located in business districts, why not highly controlled medical marijuana dispensaries which I assume have their -- which he said have their own heavy duty restrictions and requirements.

So bottom line, I hope the Planning Board encourages CDD to develop more holistic zoning for such uses.

Thank you.

H. THEODORE COHEN: Thank you.

Francis Donovan.

FRANCIS DONOVAN: Good evening. I'm Francis Donovan, 42 Irving Street, Cambridge. That's D-O-N-O-V-A-N.

I'm here tonight to speak solely on my own for a cause which I believe can provide major medical benefits to thousands of Cambridge residents. Massachusetts legalized medical marijuana in 2012. Since then the Massachusetts legislator broadened those laws to allow a far greater number of dispensaries, but to this day there's not one single dispensary in the entire City of Cambridge. Well over 2,000 Cambridge residents qualify for medical marijuana to treat a range of diseases all the way from -- all the way up to brain cancer for which marijuana has been shown to be surprisingly effective, but they



must travel an average of over an hour from Cambridge to obtain the legally provided relief at one of the few dispensaries in our region.

I will confess of having been totally ignorant of all the facts I just stated until Michael Dundas CEO of Sage Cannabis contacted me in my role as presiding officer of the Mid-Cambridge Neighborhood Association and asked to come speak to our coordinating committee on the issues. I'm probably in the miniscule percent of my generation who have never even had a puff of the stuff, but several of us visited the proposed site at 1001 Mass. Avenue for over an hour last December and our entire coordinating committee met with Michael for over an hour a week later. It was an impressive education for all of us. And everything I have read since that time supports the same conclusion. The

Mid-Cambridge Neighborhood Association does not have a policy on this issue, again, I'm speaking only for myself.

My major takeaway was that thousands of people need this relief, it is legal for them to get it, and the controls against violations are tighter than you would find at a Fifth Avenue diamond merchant. As I told the City Council in a previous hearing, I've never seen such meticulous controls as Sage Cannabis has set up. It would be easier to smuggle a bar of gold out off Fort Knox than to take one unauthorized grain of medical marijuana out of Sage Cannabis dispensary.

Cambridge is famous for taking the lead on progressive issues, but it is sadly behind in this one. You can play a major role tonight in insisting the legally qualified medical patients

of Cambridge in obtaining the relief

Massachusetts statutes have provided them.

The two areas of Cambridge previously zoned for medical marijuana under the old legislative limitations are at far extremes of the City and virtually inaccessible to those who need it.

The additional new site proposed at 1001 Mass. Avenue is ideal for transit accessible, discrete dispensing of this important medical treatment to Massachusetts certified patients. The sooner the proposed dispensary is allowed to open, the sooner these Cambridge patients could obtain the relief provided them by law.

Thank you for your time.

H. THEODORE COHEN: Thank you.

Nicole Snow.

NICOLE SNOW: Thank you. I'm from 190

Bridge Street, Salem, Mass. I'm the Executive Director of the Massachusetts Patient Advocacy Alliance. We're the non-profit that passed Question 3 and we're charged with implementing the medical marijuana program in Massachusetts. I've been a patient advocate for over five years in Massachusetts, and honestly three minutes does not do the story justice.

This weekend a little girl, an inspiration to us all in the northeast, Sunday passed away. Sidney May was a little girl from Connecticut who had to leave Connecticut to go to Maine so that she could seek refuge and find medicine. Sidney suffered from Duret Syndrome. She had hundreds of epileptic seizures a day. She sat in a chair comatose staring, you know. When the family finally decided to move her to Maine with her mother, you know, it split up the

family so she could get her medicine. She was at death's door. She started using cannabis and they started to see their little girl come back. The difference obviously was from death to life. She colored, she sang, she danced. The entire community lined the entire highway from Maine to Connecticut with signs and balloons today. She was the inspiration to change the Augusta, Maine, Ordinance so that Cannabis could be allowed on school property.

They're being -- there are incredible advances in other states and we are so very far behind. And it wasn't her story that broke me, it was the outpour of parents and mothers that reached out to me the days after.

When are our leaders going to pay attention and listen to us when allow our children to get their medicine? What will it

take?

And when Lisa Cole, mother of Maddie Cole who's seven-years-old suffers from epilepsy and lives in Massachusetts, has barely any access -- she said -- she was one who was supposed to make it. She was the one who was getting care. She was the one who had medicine around her and she was receiving consistent access. So this is absolutely horrifying and torturous that we have to wait and struggle through these meetings. I just hope you think about the families that are waiting for access in a more central location like Cambridge. We're so progressive here on -- in this area.

Thank you very much.

H. THEODORE COHEN: Thank you.

Mary Beth Degray.

MARY BETH DEGRAY: Hi, Mary Beth Degray,

D-E-G-R-A-Y. I'm Mary Beth Degray, owner of Cannabis Consultants, LLC. I am an educator of the endocannabinoid system. I educate people on how to medicate with medical marijuana. I am a resident of 291 Huron Ave. in Cambridge, Mass. I'm also the office manager for Inhales MD Health and Wellness, which is a cannabis specialty practice in Cambridge on Massachusetts Avenue.

We have clinic hours one day a week. We're hoping to have more clinic hours. We have clinic hours in Brookline one day a week. So I speak to very -- a lot of patients. I'm also a graduate of the Northeastern Institute of Cannabis in Natick, and basically born and raised in Cambridge, Massachusetts, right outside of Harvard Square. I do park my car in Harvard Yard.

So here's the thing, I'm here today to

support cannabis. I'm here today to support Sage Cannabis and medical dispensaries and to allow the zoning to happen that will allow this facility to move forward. This project is important to have safe access. If you really want to get rid of the black market and the other drugs that are out there, you have to have safe access. People get safe access to OxyContin. They get safe access to alcohol. I think that's very important.

As a cannabis consultant and an office manager of the cannabis specialty medical practice, I am in constant contact with a growing population of people that require safe access and want therapeutic cannabis instead of the pharmaceutical toxic waste that has been given to us in western medicine. I feel that this establishment will be a benefit to the community



without posing a risk because of it's retail designation rather than cultivation designation for a few reasons:

Cultivation has safety issues because of the growing, you know, the more electricity, more heat, more chances for fire, things of that nature. So I would suggest not having a type of facility in such a small, you know, confined, you know, really condensed area. But as a retail space, you're gonna have less, less problems with safety as far as fire and, you know, explosions of, you know, certain infusion processes could cause explosions. So, you know, that's something you have to think about this not being cultivation, this is a retail place. It's going to have less marijuana on-site. So it's gonna have -- and more of the product is gonna be in a form that the black market doesn't want. It's a

medicinal product. It's not a product that can cause psychoactive behavior or euphoria. But to tell you the truth, I don't know what's wrong with a little bit of euphoria nowadays, everybody is so depressed and sad and anxiety and we're all taking Viagra and we're taking this and we're taking that because our lives are so stressed. So I'm all for a little bit of euphoria. It's never killed anybody.

More people die from peanuts. More people die from falling out of bed than from cannabis.

These facilities are here to serve some of the most vulnerable people in Cambridge, and these patients do not deserve to be discriminated against and cast out into the outskirts of the community. Medical marijuana patients deserve safe access. Not just safe access to the

medicine, but safe access to the medicine to the facility. I've seen some of the proposed locations. The one over in Alewife, I don't know how many times a day -- good luck to those people that are making that Carnival Cruise boat ship that they're making there in that quadrangle, because, you know, I can't tell you how many people are get attacked in that area. So I don't think I'd want to go to that area to go get my medicine.

Safe access, you know, in locations where health facilities are, that's where I want to go get my medicine if I was to get my medicine. That's what I hear from patients. You know, we certify them. We find that they're sick. They have a qualifying condition. And let me tell you the process to get certified is people aren't just walking in off the street and getting cards.

There's a big process that goes through that you have to go through, and it's a difficult one. And if you're not computer savvy, God forbid you'll never get that license from the DPH.

H. THEODORE COHEN: Ms. Degray, could you wrap up, please.

MARY BETH DEGRAY: I'm almost done.

In conclusion, cannabis is not an entrance drug, it's an exit drug from pharmaceuticals and narcotics. It is not radioactive plutonium.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

While James is coming forward let me say that -- I'm staring at John over there. In 2012 I think it was when this Board last took this up. I think we were unanimous in feeling that there ought to be medical marijuana dispensaries in

Cambridge but felt enormously constrained by the state regulations as to where they could be located, and I think ultimately the two zones we adopted were about the only two places in the city that met the state regulations, so I can't speak for the current report. Several of the members here are hostile to this idea or are in support of the idea that this should be safe and appropriately located medical marijuana dispensaries in the city.

STEVEN COHEN: What about euphoria?

H. THEODORE COHEN: I'm all for euphoria, too. I'll vote for that.

JAMES WILLIAMSON: James Williamson, 1000 Jackson Place. I have a friend in Maine who has a -- is certified to have medical marijuana. He's a peace activist and he suffers from depression so there you go. I guess up there

there's also able to grow six plants but that's a different question.

I also remember Laurie McKinney who used to live in Cambridge who went to Harvard College, Harvard Business School who founded the Cannabis Institute of America and Cannabis Corporation. Gave stock to Harvard, they sat on it for six months, gave it back. He owns still I think the patent for a cooker that he developed with a GE appliance engineer to cook marijuana to the right temperature to decarboxylase it to maximize -- it was called -- marketed as the maximizer to maximize the TLC pharmaceutical grade and maybe now he's in the business again, I don't know.

But it was the paraphernalia law that was an obstacle for quite a while. And I'm very sympathetic as others have said.

A couple sort of logistics questions kind

of that come to mind. The security question, is the security -- are the security features mandated by law? I'm not authorized necessarily to ask you questions directly, but these would be the questions I would have.

The security measures, which of them are mandated by the regulatory regime?

Which of them, you know, are add-ons?

How much many of what kind of product is going to be stored? Is that also regulated on-site?

What is the experience around the country with people breaking in? And that was commented on. What kind of evidence may there be already about that?

I'm a little confused, it's unfortunate this seems to be the only one moving forward in Cambridge. What other ones may there soon be in

Cambridge? I think this is an acceptable location. I actually think a location out near Alewife might not be such a bad idea. I'm a little bit confused about that in terms of the argument for changing the zoning perhaps.

But then the final thing, I'm not sure about the nine o'clock hours. And maybe that warrants maybe a little bit of explanation so people can understand the sense of that.

And the last thing is, I take the No. 1 bus a lot. The stops for the No. 1, there's one back at Putnam, there's one across the street at just passed Trowbridge, and heading the other way, there's one right in front of the dispensary heading towards Harvard Square. There's one in front of Cambridge College heading towards Boston. That stop is apt to be quite congested. There are people coming out of classes at



Cambridge, it's packed. There's a tiny little narrow sidewalk because of the way that so-called bus shelter was placed. And so I think -- I don't know how this might be part of what the Planning Board or the proponent could work together on, but to think a little bit perhaps a little careful -- more carefully about the public transportation aspect, perhaps with the Cambridge transit advisory committee, the MBTA to try to accommodate whatever the daily traffic quote/unquote people coming to use the place. By the way, people -- if you don't know people who are already spoking marijuana outside the bars along Mass. Ave., and there's a bar right next-door to this called The Cellar, and I'm not saying people smoke marijuana outside The Cellar but I know they smoke it outside a place just a couple blocks away on a regular basis, so this is

a pretty benign use that's being considered.

Thank you.

H. THEODORE COHEN: Thank you.

Someone else? Heather, you'll be next.

Ma'am, did you wish to speak?

MEREDITH LESHKOWICH: Hi -- oh, I have to  
come up?

Hi my name is Meredith Leshkovich --

H. THEODORE COHEN: Can you speak into  
the microphone, please?

MEREDITH LESHKOWICH: Meredith  
Leshkovich.

THE STENOGRAPHER: Can you spell your  
last name, please?

MEREDITH LESHKOWICH: Oh.  
L-E-S-H-K-O-W-I-C-H and I live on Mass. Ave. And  
like the gentleman I never smoked marijuana. I  
voted for it to be legalized, and I think people

if they need it, they should be able to have it.

And as my daughter would say, I just feel upset about it being in our neighborhood, because first of all, on Mass. Ave. people make u-turns, they don't even think twice. The bus, the college is there, and then we have that wonderful school that you just built on Putnam. It's just, it's the best school I've ever seen in my life, and I was a school teacher and so I look at schools and the love that they can give to the kids. You have the library. You have the high school. You have all these kids walking back and forth from the college. You have all this congestion.

If -- I don't know, I feel that we talked about people needing help, I so agree with that, but -- I know there's a liquor store there, there are two of them, there are bars. As I said, I never smoked marijuana. I don't know what it does to

you. I need a high especially with the way life is for everybody. I don't know what to say because I never done this. But please think about it. You have such a beautiful community. We're just getting out of -- you know, we have the school. And we have the Hubba Hubba on the corner, too. But I mean we have all of these things that kids can be exposed to. And, you know, it's -- you all have done such a job on making Cambridge a wonderful place to live. The schools are wonderful and I don't know why, but I just feel in my heart that maybe you could find another place.

Thank you.

H. THEODORE COHEN: Thank you.

Heather.

HEATHER HOFFMAN: Hi, Heather Hoffman, 213 Hurley Street and I'm one of the signers of

this petition and I'm here to speak in favor of it.

As was mentioned earlier, I think it's too bad that the City hasn't dealt with the fact that the law changed and the regulation should change. Really, I think that this ought to be a much broader petition to make this use available in more places. I would not ask this petitioner to do that. That's something that the City ought to do, and I hope that the City will get around to doing it. As far as the question of siting such a facility is concerned, as I told Mr. Dundas, I would be happy to have one next-door to me except for the fact that I would get very upset over bulldozing my neighbors' houses. However, half a block from me is a facility that would have been great for this. The corner of Third and Hurley Streets is the

former Jenny gas station body shop, welding shop that is now a dentist office. And I do believe that in a dentist office they probably have stuff that is a lot more potent and potentially harmful than medical marijuana. So I -- and certainly we have -- we don't seem to have any trouble with having Skenderian Hypothecary across the street from the high school, and they have significantly more dangerous stuff there than this.

I think we're -- we are still trapped in reefer madness. And I will join the others of my generation and say that I've never had any either. So you've got Cambridge full of people, and it's practically legal in Michigan when I was at Michigan State, but I --

JAMES WILLIAMSON: Naturally high.

HEATHER HOFFMAN: I get high off yarn.

H. THEODORE COHEN: So that's why you're

always knitting here?

HUGH RUSSELL: And what fiber is in the yarn?

HEATHER HOFFMAN: No, I don't use hemp. But that's my source of euphoria.

Anyway, so I am here to say both that I think that this is merely a first step and that I hope that your comments on this will strongly suggest that the City carry out what those of us who voted for this, voted for, which is to make this available in all of the places in the city where it would be appropriate.

Thanks.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

NICOLETTA THODOSIOU: I didn't plan to speak and I'm not prepared to speak, but I brought a petition that is signed by many members

that live on the street.

JAMES WILLIAMSON: Use the mic.

H. THEODORE COHEN: Please. Come forward and tell us your name.

NICOLETTA THODOSIOU: Nicoletta Thodosiou T-H-O-D-O-S-I-O-U, 931 Mass. Ave., and we are very concerned. We are all in favor of what you are doing. We are all in favor of what you are doing, but we feel that this is the wrong spot. As the lady before mentioned, we have two schools. We have an elementary school brand new. We have a high school totally renovated. We have a beautiful public library. I couldn't identify the parking spot that you put up because there's such a congestion of parking spaces. I couldn't identify the number of handicap parking that you mentioned, but we feel that it's going to really affect the traffic. There's both M-2 and No. 1



that go by that are just packed. It's just, it's just we feel it's not an appropriate spot. The little businesses that are around are small businesses and it's mostly residential, and above that it's a feeling of a true neighborhood which you don't get on the other side on Broadway. So in a hurry without preparing I obtained many signatures to petition to please consider not to have this zoning changed. There are places in Cambridge like Alewife or Cambridge Galleria area, I think that's North Cambridge, that probably will be better locations. So I don't know who I should give this to.

H. THEODORE COHEN: Thank you.

JAMES WILLIAMSON: How many signatures? .

NICOLETTA THODOSIOU: I didn't count them. I just got them tonight.

H. THEODORE COHEN: That's all right. Is

there anyone else? Do you have anything further to add?

(No Response.)

H. THEODORE COHEN: No, I'm sorry, you've already have spoken.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: All right, none appearing. Then, Board Members, who would like to start?

TOM SIENIEWICZ: Yes, I have a question for the petitioner, and I did sit on the 2012 case and I am absolutely sympathetic to my fellow citizens that need these drugs to relieve suffering, notwithstanding a role as a traditional planner, planning thinking. But one of the concerns that was raised in 2012 was some of the constraints that you have to operate under

as this particular and unusual business which related to banking problems, related to the fact that the business necessarily was cash basis.

Is that still true?

MICHAEL DUNDAS: It is -- there's a complicated answer to that.

Here in Massachusetts we have been fortunate that a state chartered bank has stepped up and is now banking all marijuana businesses. So we actually do have business banking accounts and we will be making business drops everyday. It's not fully cash. We don't have to store any cash on-site like they do in some states out west.

Regarding cash only, we do take debit cards and we take credit cards for which folks use a pin. So it is still true that Master Card, Visa, and American Express do not permit

marijuana transactions on their networks.

However, debit card networks -- you turn over the back of your debit card, there's a whole list, usually little icons, on the back. There's a number of debit networks. The debit networks will take marijuana transactions, and we encourage folks to use debit cards when they can. And interestingly to me I've learned quite a bit about a lot of different -- a little bit about a lot of different things as I move through this business, and one of them is that credit cards, when you use a pin, it treats it as a cash advance and those transactions are also handled on the debit networks and not the credit networks. You could in fact use a credit card with a pin and that would work as well.

So as I say, it's a complicated answer but the situation has improved since the time

that you passed the original zoning.

TOM SIENIEWICZ: Right, because the concern was a policing concern that the sites would be cash rich and, you know, it was not only the narcotic it was an attractive thing but also the -- there was sizable amounts of cash. What you're saying now that transactions are happening electronically in your experience?

MICHAEL DUNDAS: Well, we still certainly take cash, but there is a sizable number of transactions that happen with debit cards as well.

TOM SIENIEWICZ: Thank you.

H. THEODORE COHEN: Mary.

MARY FLYNN: Can you address the loading and delivery on the product, how often does that happen and do you have a loading space for that?

MICHAEL DUNDAS: So as Sean mentioned,

there is a driveway behind the building and there is rear access to the building. And so we would make deliveries through that rear access. And, you know, marijuana product, all of our products are not, not big and bulky. They're relatively small in size, so I imagine we probably would make two to three deliveries per week and they would be relatively inconspicuous, enter through the back. Obviously -- maybe not obviously. DPH mandates the transportation of marijuana product. They've got a comprehensive body of regulations surrounding just that. So we have to have two agents in the car at all times, they have to have contact with the home cultivation facility at all times. When they move, they have to be manifested, GPS'd. Only one agent is allowed to leave the car at any given time if there's still marijuana product in there. So comprehensive

delivery protocols and two to three times a week I would say.

MARY FLYNN: And one other question. If I were a certified patient, would I be able to stop by at any time or do I need an appointment?

MICHAEL DUNDAS: If you're a certified patient, you can come in at any time, yes.

MARY FLYNN: Okay.

H. THEODORE COHEN: I have a question. Maybe it was shown in the plans and I didn't see it. Obviously many of the patients have motion and disabilities. Is there an elevator?

MICHAEL DUNDAS: There is. There is an elevator on the Dunkin' Donuts side currently, and we are required by DPH regulations to make our dispensary ADA accessible in every way. And so even if we can't use that elevator, we would be required to put in an elevator of our own, but

I believe we have access to the elevator that exists.

H. THEODORE COHEN: Steve.

STEVEN COHEN: Yes, as a businessman, I just have one question, you said that this is a non-profit?

MICHAEL DUNDAS: Correct.

STEVEN COHEN: What do you do if God forbid your revenues exceed your expenses?

MICHAEL DUNDAS: So DPH has mandated as, you know, Massachusetts has a very well developed body of non-profit law. If we have revenues that exceed our expenses, those revenues must be used for our non-profit purpose. Our non-profit purpose in turn is provision for marijuana for patients in Massachusetts with debilitating conditions. And so the first thing we would do is probably reinvest those funds in the business



to the extent we could, but after that we would -- and it's far from clear parenthetically that these companies will be throwing off a whole bunch of extra profits. I think there were a bunch of early participants that sort of took for granted that would be the case. I've had to learn the hard way as I've moved through the space that that is actually not a foregone conclusion at all. But if it were, we would be required to give those profits back to the non-profit purpose. That would be probably in the form of some sort of charitable giving, starting some kind of a foundation related to treatment of conditions for which medical marijuana is a viable treatment option.

STEVEN COHEN: Fair to say that salaries could be adjusted so that there's no profit?

MICHAEL DUNDAS: Salaries could be

adjusted, but salaries as is true with all non-profits in Massachusetts are subject to the reasonability and comparability analysis. So all of our executive salaries have undergone comprehensive reasonability analysis studies to make sure that we are not outliers in the space. So, what that means is -- I don't know if you're familiar with non-profit comparability study analysis, but you look at other non-profits doing comparable things of comparable size and you can't take salaries that far exceed what the average salaries are in those spaces. And DPH has been very explicit in their guidance for non-profit corporations like ours, that we are under extreme scrutiny and they will not permit what they call excessive private inurement from these businesses.

H. THEODORE COHEN: Do you currently --

STEVEN COHEN: Alice in Wonderland

thinking.

MICHAEL DUNDAS: Well, I would simply add to that that, you know, the reason that we are non-profit is because was part of the statute by ballot initiative in 2012. And so that was put in there for a reason. I think the folks, you know, the people of Massachusetts have spoken. They didn't want these things to be profit generators run wild. And so DPH has taken that mandate very seriously.

H. THEODORE COHEN: Does Sage or you and some other entity currently have a functioning marijuana dispensary in Massachusetts?

MICHAEL DUNDAS: We do not. We are currently in the process or the final stages of building the cultivation facility. We plan to plant the first seeds in that cultivation

facility in May and we hope to have that dispensary in Milford opened by October 1st.

H. THEODORE COHEN: Any other questions?  
Comments?

MARY FLYNN: Yes.

Just, I'm just thinking in terms of, you know, the number that you put in between 40 and 100 clients a day which is, you know, a fairly big range, I mean it's not a huge number, it's a, you know, a wide difference. Getting back to my question about appointments, I'm just wondering if that is a way of controlling some of the traffic impacts or, you know, concerns about congestion? And if you're aware of other facilities that do that and what are the pros and cons in terms of doing it both in terms of patients as well as the surrounding area?

MICHAEL DUNDAS: Sure. I think

intuitively it seems to make sense that by appointment only would, ameliorate traffic and congestion concerns. I think in practice what we've seen is that these dispensaries are of a relatively moderate patient flow or customer flow relative to other retail uses. So we were looking at several other facilities in other towns and we were sort of replacing -- once placed we proposed to replace a Cumberland Farms, for example, and it turned out that our patient estimates were something like 25 percent of what the Cumberland Farms were. You'll see 7-Elevens, Tedeschi's, have hundreds of people coming throughout the day. So I think that while, again, it may be intuitive that by appointment only would be helpful, the actual number of patients coming does not really present a problem.

We looked at other dispensaries, there are six other dispensaries that are operational today, and that's how we get our patient estimates because, of course, this a brand new industry in Massachusetts. It's very difficult to find hard data on this type of thing until we actually get a chance to operate, but that's the volume that they're seeing on average. And so they haven't experienced any congestion problems of the type you describe.

MARY FLYNN: Thank you.

H. THEODORE COHEN: All right. Maybe I'll kick things off. I'm old enough to recall that this was the Orson Welles Theatre. It was a Chi Chi's Restaurant. It was a 1001 Plays.

LOUIS J. BACCI, JR.: 1001.

H. THEODORE COHEN: Yeah. And it was a wonderful Italian restaurant which was mostly

populated by Cambridge police and firefighters who ate there all the time.

STEVEN COHEN: What was the name?

H. THEODORE COHEN: It's escaping me at the moment. I am old.

So I think 40 to 100 people a day in this location is just a drop in the bucket compared to everything that's been there, that these are retail sites. If this is not here, presumably it would be another retail site. There's a Dunkin' Donuts right there. I presume they have more than 40 to 100 people a day.

You know, I think the state -- people of the state voted for medical marijuana dispensaries, the citizens of Cambridge voted for it. I believe that the difficulty with the Alewife and the North Point locations is that we have landlords who are not willing to rent space

and I think, you know, there should be a facility in Cambridge. I know someone who is a licensed person who has difficulty getting it, and it is very ameliorative of his condition.

So I think the issue is is this an appropriate location? And while I guess we can't expand upon what's already been proposed, we could, if we thought appropriate, recommend to City Council that, you know, that we and CDD investigate whether there should be other areas in the City which could have other medical marijuana dispensaries. We saw the map that CDD prepared. There are very few places that could comply with the requirements, the 500 and the 1,000-foot requirements, that they're always in most any place in the City, there will be a nearby school, there will be a nearby playground, a nearby park, and, you know, unless the state



regulations change again, it will be hard to find a location.

I personally think that this is a reasonable location. Perhaps closer to an actual subway stop might be more beneficial, but it's not that far and there are busses and there is parking in the vicinity. And we are trying to keep people and certainly euphoric people off the streets. It seems to me it is a rational location.

LOUIS J. BACCI, JR.: Do you have access to the parking in the rear?

MICHAEL DUNDAS: Currently within our current LOI we do not have explicit access to parking in the rear. We would like to explore that. We haven't explored it yet. We don't know that it's not possible, but it very well could be possible.

LOUIS J. BACCI, JR.: It seems like it would make some sense.

MICHAEL DUNDAS: It does.

H. THEODORE COHEN: Steve?

STEVEN COHEN: No further comments. I certainly support, I think the regulations are a little bit strange. I mean, it sort of it treats it like it's toxic waste and, yeah, I mean, obviously there needs to be some degree of reasonable regulation, but I think perhaps presumably for political purposes they've gone a bit overboard. But be that as it may, it's legal in this location. Before I heard the presentation I was concerned about putting it at street level precisely because it would not look, you know, like a normal retail storefront, and I thought it would compromise the streetscape. Putting it below grade like this certainly

addresses that concern on my part. And that being so, I think it's an appropriate use in an appropriate location and that we should strongly recommend passage to the City Council.

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: I don't have anything to add. I agree with both your comments and with Steve's. I think this is an appropriate use in the right place.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: So my house is next-door to a non-residential use that 400 people a day come to, some of them are quite loud and noisy and disruptive. It's the Longfellow School across the street, and I've lived next to it for 47 years. I'm not inclined to move, so I think in that sense the schools are actually more disruptive.

STEVEN COHEN: The schools should be permitted within 500 feet.

HUGH RUSSELL: The other comment is that I get my health services at Harvard Vanguard Medical Associates which is kind of across the street from the high school. I don't think I'm a threat to the high school if I get sick. So I support this. I think there could be other appropriate locations and it might serve the City at some point to have more, but this one I think is going to be innocuous and reasonably located.

H. THEODORE COHEN: Tom, Mary, Thacher?

MARY FLYNN: I think that it's a perfectly reasonable proposal. I would agree that I think it bears, it gives us some thought for looking at other districts as well, but you know, this is a good first start. Yeah, like probably many people in this room, I think we all

know people who need medical marijuana, and as you said, the citizens have approved it and I support this idea, yeah.

TOM SIENIEWICZ: So the one concern I have actually relates to the first public comment, which is the process and the planning process. And the attorney wonderfully eloquent about the scale of this particular district which made it unique. I also think that might be the liability with the proposal which is that it means, you know, relative to competition, relative to a process where -- which might share a perceived burden across a broader district or with more citizens, that hasn't been thought through actually, and so that's my only hesitation here is actually on a, you know, sort of a planning basis and a basis of sort of fairness. And, you know, in my worst imagination

the Cannondale store turns into the next -- we have a whole block that's just, you know, seven different dispensaries and because it's the only place that has a landlord that's sympathetic to the use. So that's my only hesitation which is a planning and a policy hesitation. I think this -- we need a dispensary so I'm torn.

H. THEODORE COHEN: Steve.

STEVEN COHEN: Just picking up on Tom's point for a moment, I assume that what's being proposed in the Zoning Amendment is a use as of right and/or is it not -- is there some sort of Special Permit?

ATTORNEY SEAN HOPE: So there is a Special Permit. Once the use is allowed, we'd still have to come to the Planning Board and there's a host of criteria and application requirements, site plan. So you would have the

right to say it's -- even within the zone you have the right to deny an applicant if you felt there was something about that applicant or the site that was inappropriate.

The only thing I would like to add, this is not the only below grade space in that area that could be used. There is actually two below grade spaces, and there's also a second story space above Cannondale. So the idea that this is zoning all about one particular location is actually not true. But I understand the point, though, that it is a smaller district, and so that hopefully this can be the catalyst for further discussion and some data to support that.

STEVEN COHEN: But what prompts my question is perhaps that addresses your concern, Tom, that it isn't just a free for all, that we can still use our discretion as to, you know,

concentration of uses.

TOM SIENIEWICZ: Yeah, it's late but thank you, Steve, I think that that to some degree addresses my concern. But I think doubtfully.

CATHERINE PRESTON CONNOLLY: Well, just to build on that as I'm going through the petition here, one of the special permit criteria is that the -- any new registered marijuana dispensaries seeking a Special Permit is located to serve an area that does not currently have reasonable access to one. So it really would be totally within our purview to say that it was not appropriate to have a second or a third.

TOM SIENIEWICZ: And we'll give Sage an monopoly.

CATHERINE PRESTON CONNOLLY: Well, I mean there are two other zones in the city where right



now it's allowed. So you don't necessarily give them a monopoly with just this zone. And, you know, I think Ted's comments, and appropriately stress that we would like to look at broad areas of the City where it would be appropriate. But I don't think that what's being proposed necessarily either gives them a monopoly or says that there could be seven or eight in this block.

STEVEN COHEN: Even if they get a monopoly, they're not allowed to make any money.

H. THEODORE COHEN: Well, even, you know, if they are successful, it may convince other landlords in the other districts that this is not something that they need to be concerned about and that they're just another retail facility that they would be willing to rent to. So I -- you know, personally I think that it's worth proceeding and, you know, it will be somewhat of

an experiment but we'll see what happens.

So I guess --

CATHERINE PRESTON CONNOLLY: Thacher?

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: I agree with everyone's support and comments.

H. THEODORE COHEN: So then I guess are we in agreement that we would favorably recommend this petition to the City Council with a comment that it would be appropriate for us or CDD to consider whether there should be other districts within the City where this would be an appropriate use?

STEVEN COHEN: Express our euphoric support.

LOUIS J. BACCI, JR.: We support euphorically, yes.

HUGH RUSSELL: So moved.

H. THEODORE COHEN: Second?

CATHERINE PRESTON CONNOLLY: I'll second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Thank you all very much.

Good luck to you.

We have one more piece of business we have to do. You're welcome to stay. If not, please leave and have your conversations outside.

Jeff, do you want to --

JEFF ROBERTS: The applicant Bruce Borsky (phonetic) for -- has submitted an application I believe it was back in August when I was on vacation, for a proposal of a residential building. It's 1718 Massachusetts Avenue, and the -- before the hearing began the applicant had requested that the hearing be postponed. I think

at least twice that request was made. So the hearing was never opened and the applicant has submitted a letter requesting simply to withdraw the application. So the Planning Board would need to take an action to essentially close the case by accepting the withdrawal of the application.

H. THEODORE COHEN: Right.

I will point out that under the Zoning Ordinance a withdrawal after the notice of the public hearing is considered an unfavorable action. However -- and that it cannot be brought back within two years unless this Board were to vote that there are significant changes from the original proposal that makes it appropriate to for us to take it up again.

I assume the proponent and his attorney, who is Mr. Rafferty, is well aware of this and

not concerned.

So, I guess all those in favor of  
granting the request to withdraw the case?

(Show of hands.)

H. THEODORE COHEN: Anyone opposed?

(No Response.)

H. THEODORE COHEN: It's unanimous also.

And we are adjourned.

(Whereupon, at 10:55 p.m., the  
Planning Board Adjourned.)

\* \* \* \* \*

## ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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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 29th day of April, 2016.

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

My Commission Expires:  
April 29, 2022

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