

1  
2 PLANNING BOARD FOR THE CITY OF CAMBRIDGE

3 GENERAL HEARING

4 Tuesday, May 4, 2010

5 7:00 p.m.

6 in

7 Second Floor Meeting Room, 344 Broadway  
8 City Hall Annex -- McCusker Building  
Cambridge, Massachusetts

9 Hugh Russell, Chair

10 Thomas Anninger, Vice Chair

William Tibbs, Member

11 Pamela Winters, Member

H. Theodore Cohen, Member

12 Ahmed Nur, Member

Steven Winter, Member

13 Charles Studen, Member

14 Beth Rubenstein, Assistant City Manager  
15 for Community Development

**Community Development Staff:**

16 Liza Paden

Les Barber

17 Roger Booth

Susan Glazer

18 Stuart Dash

Iram Farooq

19  
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**P R O C E E D I N G S**

1  
2 HUGH RUSSELL: We'll start with the  
3 Zoning Board cases.

4 LIZA PADEN: The applicant for the  
5 Fawcett Street was asked to revise the  
6 application and she is here to show you what  
7 they came up with in response to the Zoning  
8 Board appeal hearing.

9 ATTORNEY ANN GRANT: Good evening my  
10 name is Ann Grant and I am here on behalf of  
11 Clearwire. I'm going to hand you out a new  
12 set of photo sims and plans for 10 Fawcett  
13 Street.

14 As the Board may recall, we were here  
15 about a month ago. And what Clearwire is  
16 looking to do -- actually Sprint actually has  
17 a wireless facility on the building, and  
18 they're looking to modify it now by adding  
19 three wireless back hall dish antennas at  
20 this meeting a month ago and it came up again  
21 at the BZA meeting a few weeks ago. We were

1 looking to try to consolidate where the  
2 dishes were located and make a better design  
3 so it was less visible. The mounts was  
4 another issue that came up at the BZA  
5 hearing; trying to make them smaller so they  
6 were blended in better with the bidding. So  
7 we revised the plans and also got new and  
8 clearer photo simulations from different  
9 angles to sort of show each side. There were  
10 three dishes that were all to be  
11 facade-mounted on the penthouse. And what  
12 we've done for two of them instead of having  
13 them off on their own not near the antennas,  
14 we've moved them in the middle of existing  
15 antennas to consolidate where the locations  
16 are. And then the third one, which was on  
17 the side of the penthouse that didn't have  
18 any antennas on it anyway, we just reduced  
19 the size of the mount so that it's hidden as  
20 best as possible behind the dish and less  
21 visible to the public. So the photo sims I

1 think may be the best indication of what they  
2 will look like. There's three different  
3 views this time instead of just from behind  
4 the building. I'm happy to answer any  
5 questions the Board has about the free design  
6 or any thoughts.

7 THOMAS ANNINGER: Can you walk us  
8 through the pictures and make us see what you  
9 just said? The pictures to the words.

10 ATTORNEY ANN GRANT: Sure. I have  
11 copies of the old photo simulations. Would  
12 that be helpful?

13 BETH RUBENSTEIN: Maybe just walk  
14 through.

15 CHARLES STUDEN: If you could show  
16 us what you're proposing, that would be very  
17 helpful.

18 HUGH RUSSELL: The fourth colored  
19 sheet is the proposal and the third colored  
20 sheet is the existing?

21 ATTORNEY ANN GRANT: Right. So the

1 first one is a view from -- it doesn't show  
2 the distance. This one shows you what's  
3 existing from the first picture. The second  
4 one says proposed conditions on the top,  
5 shows the dish being located in between the  
6 two existing antennas which are mounted on  
7 the facade of the penthouse and also on the  
8 left side, and then on the -- there's an  
9 additional dish all by itself right above --  
10 it looks like some sort of grading on the  
11 penthouse. The mount is hidden behind the  
12 dishes. And everything would be painted to  
13 match the facade of the penthouse.

14 CHARLES STUDEN: Excuse me, on the  
15 proposed conditions there are two vertical  
16 antenna in the little photo, set to the left  
17 of the those are existing. And what you're  
18 installing, is that something that's in the  
19 middle? It's kind of hard to see what it is.

20 ATTORNEY ANN GRANT: Right. It's a  
21 back hall dish antenna. It's about two foot

1 in diameter. And that would go in between.

2 And the insets show a close up of the

3 proposed dishes.

4 CHARLES STUDEN: I see.

5 ATTORNEY ANN GRANT: The antennas

6 themselves are existing.

7 THOMAS ANNINGER: I don't see a big

8 difference between existing and proposed on

9 the left side other than there seems to be

10 something more between the two cylinders.

11 There seems to be something else going on in

12 the middle.

13 ATTORNEY ANN GRANT: Right. That's

14 the dish. The dish antenna is what we're

15 proposing before. Those are our antennas

16 that are already up there, because Sprint

17 already operates a wireless facility on this

18 building.

19 What we did -- initially that dish had

20 been off to the left of those two antennas

21 and not in between it. So it would look a

1           little bit less uniform. We moved the dish  
2           in between the two antennas themselves.  
3           That's all that's been added is the antenna  
4           and the one on the right side by itself.

5                     And then the next photo is the existing  
6           conditions, show that side of the penthouse  
7           where the individual dish on the last picture  
8           was located without it. And then if you turn  
9           the page to the proposed conditions, again,  
10          that's a different angle with that same dish  
11          by itself. And then to the right shows sort  
12          of the side-view of the other dish in between  
13          the two existing antennas. That one is  
14          actually not very visible at all from this  
15          angle, but it's the same look if you were  
16          looking at it straight on in terms of if it  
17          was on the other side.

18                    And then photo location 3 is the  
19          existing conditions. The second is --  
20          actually, it just shows the side-view.  
21          There's no dish being proposed on that front



1 facing -- the side that's facing us, but it  
2 just shows the side-view of what the proposed  
3 dish would look like on that angle. And,  
4 again, there's not a whole big change there.

5 THOMAS ANNINGER: In this last view,  
6 are we looking at somebody else's equipment,  
7 that's not yours?

8 ATTORNEY ANN GRANT: On photo  
9 location 4 or photo location 3?

10 THOMAS ANNINGER: Photo location 3.  
11 Those are not yours?

12 ATTORNEY ANN GRANT: Those are not  
13 our proposed antennas. If you look to photo  
14 location 3 in the proposed conditions, on the  
15 left side of the penthouse is actually just  
16 the side-view of --

17 THOMAS ANNINGER: That's yours. But  
18 the one we see frontally, those are somebody  
19 else's?

20 ATTORNEY ANN GRANT: Right. And  
21 then finally photo location 4. The same

1           thing that we did on the other side where  
2           we've got two existing antennas on that side  
3           of the penthouse, we're proposing to locate  
4           the dish in between the two of them so that  
5           it sort of blends in with what's already  
6           there. Previously this had been off to the  
7           left. And this way we figured it would make  
8           it look more uniform and less cluttered.

9                    HUGH RUSSELL: This is where I say  
10           well, you know, it's not very nice. It's a  
11           minor improvement to something that's still  
12           not very nice, but if we want to have our own  
13           cell phones, we've got to do this.

14                   THOMAS ANNINGER: I think part of  
15           the problem is what we were just talking  
16           about which is they really don't control a  
17           lot of the clutter up there which is making  
18           it hard to digest. You know, if this were  
19           just -- if you were all alone with just what  
20           you're showing us, it wouldn't be too bad.  
21           But we've got a lot of stuff to contend with

1           that even isn't yours. To whom does that  
2           belong?

3                    ATTORNEY ANN GRANT: I'm not sure.  
4           Let me see if they have it on there. It just  
5           says existing antenna by others. It could be  
6           T-Mobile or Verizon. I'm not really sure who  
7           else is up there.

8                    PAMELA WINTERS: Tom, I'm wondering  
9           too if because it's outdated antenna and it  
10          was put up like years ago and I'm just  
11          wondering, you know, if they have newer and  
12          better stuff that would blend in now, and I  
13          don't know if there's any way that we can  
14          make the building owner, you know, change it  
15          or go to the companies and ask them to make  
16          it blend in a little better. I don't know if  
17          that's possible. I mean, it looks like it's  
18          outdated, the other antenna that's there. I  
19          could be wrong. I don't know.

20                   ATTORNEY ANN GRANT: The other  
21          carrier's?

1 PAMELA WINTERS: Yes.

2 ATTORNEY ANN GRANT: I'm not sure.  
3 I don't know enough about their technology to  
4 know.

5 HUGH RUSSELL: So if you wanted to  
6 be radical, what you do is go to the building  
7 owner and you say okay, no more until you  
8 install a fiberglass screen that is  
9 transparent to the wavelengths that are  
10 involved, hang it out four feet and it's  
11 uniform all the way around the penthouse.  
12 And we'll add that -- and you can put as much  
13 behind it as you can sell.

14 CHARLES STUDEN: Well, I think the  
15 logic behind that you can be sure that this  
16 is just -- this is not the end. There are  
17 going to be many, many more requests before  
18 us in the coming years to install more on  
19 that rooftop. Not just that building, but  
20 every building in Cambridge. Our insatiable  
21 desire to stay connected. So, yes, I mean, I

1 don't know.

2 In fact, I wondered why something like  
3 that hasn't been proposed. Maybe because  
4 nobody's thought of it. You know, if there  
5 was some way to screen this. I don't know,  
6 is that practical? Is there something that  
7 you can put in front of these antennas that  
8 allows the wave?

9 ATTORNEY ANN GRANT: They have  
10 transparent material and we've definitely  
11 done that in different situations. I mean,  
12 it depends -- there are structural issues  
13 that I couldn't say for sure what you can put  
14 up on this particular building. And we  
15 thought of that and we've done it in certain  
16 situations. Here we have control over only  
17 our leased area. If we done that to our  
18 tones, which we could do, possibly, I don't  
19 know if that would make it look more or less  
20 uniform. And we were trying to blend in as  
21 best with what we had to work with. That's

1           certainly a possibility that we could, you  
2           know, work with. I just don't know how  
3           uniform that would help.

4                   HUGH RUSSELL: I worked on a  
5           building in New Haven, Connecticut, that was  
6           14 stories tall and about six blocks from  
7           Yale and the entire roofscape with multiple  
8           layers were used, were covered with antennas.  
9           And it was producing an income of \$500,000 a  
10          year. So it meant that the building, which  
11          was an elderly privately owned Section 8  
12          elderly, actually had an income strain that  
13          supported the antennas. The owner was  
14          embarrassed about how ugly it was and he  
15          asked me to figure out a way to make it  
16          prettier. And I said why don't you ask the  
17          original architect whose office was three  
18          blocks away to come up with a solution. The  
19          solution was the answer was \$600,000. And,  
20          you know, it looked significantly better.

21                   CHARLES STUDEN: I'm sure it does.

1           HUGH RUSSELL: So, and maybe what we  
2           need to do is when somebody builds a new  
3           building that looks like it's going to be a  
4           great antenna site, we say, okay, 100 Binney  
5           Street, you have to design into your building  
6           a place for screened antennas or else we are  
7           not going to let you put any antennas on  
8           there.

9           THOMAS ANNINGER: We've actually  
10          done that in a way. We've talked about it.  
11          And they've all sworn they'd never do it,  
12          they wouldn't put an antenna up there.

13          HUGH RUSSELL: But, I don't know.  
14          Here, this one is getting close to that  
15          border for me.

16                 Steve.

17          STEVEN WINTER: You brought up an  
18          issue that I've been thinking about for a  
19          long time, and that is, I believe we've got  
20          some ways to screen and look at these and  
21          make decisions about it, but I think we're

1 absent a larger policy piece that guides and  
2 directs us about what to do. I'm not sure  
3 where that policy piece comes from. The  
4 second piece that you mentioned that it's  
5 something I've also thought about a great  
6 deal, which is these structures are  
7 generating a lot of income for somebody. If  
8 the city is reviewing them, if the city's  
9 spending time on them, if the city's  
10 addressing these in any way, part of that  
11 revenue stream should pay for the work that  
12 the city is doing to address these issues or  
13 to mitigate them. So, I just put those two  
14 things on the table and I'm not quite sure  
15 where to go with them.

16 CHARLES STUDEN: The other thing I'm  
17 actually struck by when you look at the cover  
18 photo here, I know we're concerned with these  
19 antennas, but quite frankly I think with the  
20 Shell Gas Station and the signage associated  
21 with that, is far more offensive than these



1 antennas on the roof of the building. Just  
2 my personal sense. I mean, look at the  
3 clutter at the street level which is where  
4 you really look. Very few people driving by  
5 are going to be looking up at that roof line  
6 and looking at the antennas.

7 THOMAS ANNINGER: There, Charles,  
8 I'm not so sure. I go by there all the time  
9 and I do think this building is designed so  
10 that your eye does go up high. There's a lot  
11 of setback up there which I think is actually  
12 very effective, and it's lighter colored so I  
13 do think -- I see it all the time. Well  
14 maybe it's just that I'm sensitive to these  
15 things, but I think this building is a major  
16 building along Concord Avenue and sort of  
17 gateway to Alewife. I don't know what to say  
18 here. I wish we did have some leverage over  
19 the landlord, the owner, to try to have some  
20 discussion about rationalizing and  
21 decluttering. I don't know whether this is

1 the occasion to do that. I do think that  
2 what you've done is tried to improve things,  
3 and I think you've -- you or your engineers  
4 have done better. And I think we're always  
5 reluctant to hold somebody up for a larger  
6 issue, but this is starting to get as you  
7 said, borderline. So I'm with you, I don't  
8 know what to do with it.

9 WILLIAM TIBBS: Tom, I tend to agree  
10 with you on this. I think the architectural  
11 detail up there is one that is done that way  
12 to -- it's done that way for a purpose. It's  
13 not just a building that has an edge or some  
14 stuff on the roof. And I guess I feel kind  
15 of we're at the point now where we're seeing  
16 a lot of buildings that came before us, I  
17 don't know if this was one, but came before  
18 us where this is definitely an area where  
19 we've been very interested in. And this kind  
20 of stuff has a tendency -- if we saw that  
21 beforehand, we wouldn't like it. And just

1           like we do at Harvard where we -- Harvard's a  
2           different kind of owner. We said to Harvard  
3           hey, you as owner has to work with the --  
4           you're getting revenue for this, and it's  
5           providing a service for your folks, you have  
6           to work and come up with a solution, in which  
7           case they did. And I agree with you, I'm not  
8           sure that this is the project, but I think  
9           it's the owner's responsibility if they ask  
10          us to put another one on, they have to work  
11          with all the providers for the leverage on  
12          the various individual providers can only do  
13          what they're limited to do. But I think we  
14          are -- we can say to the owner, hey, can you  
15          work with the folks that you're getting  
16          revenue for to make this a better solution.  
17          And, again, whether or not this is a trigger  
18          for it, this particular project, I'm not  
19          quite sure. But I definitely think that's a  
20          strategy that we should consider.

21                   H. THEODORE COHEN: Well, I think

1 dealing with the owners at this point is  
2 going to be very difficult because I think  
3 they all have contracts that are probably 20,  
4 30 years in length that relate to what the  
5 antenna owners can do and where they're  
6 located. You know, it's closing the barn  
7 door after the fact with regard to the  
8 owners.

9 I would suggest apart from this  
10 building that it would be appropriate for us  
11 either to set-up a subcommittee or ask staff  
12 to actually investigate and see if we can  
13 draft an amendment to the Zoning Ordinance  
14 that would give either us or ZBA or whomever  
15 it might be the power to, you know, really  
16 pass upon these with some meaningful input  
17 from some Board because, you know, we've  
18 approved several buildings in the past six  
19 months, a year to two years that we know  
20 they're going to come back after they're  
21 built and they're going to start putting up

1 antennas all over facades. We talked about  
2 not liking or we want to see modifications  
3 to, and we want to wring our hands and say  
4 well, that's not within our purview, we can't  
5 do anything about it except for some moral  
6 persuasion to the ZBA. I think we've all  
7 reached the point where we're not happy with  
8 what's going on and that it's time for, you  
9 know, us to plan for it. We can take some  
10 action about it. So, I would recommend, you  
11 know, either that it goes to staff or a  
12 subcommittee or however zoning proposals are  
13 instigated, that we do do that and, you know,  
14 have people rationally look into the issue  
15 and see what could be devised to give us some  
16 power to allow for appropriate development.

17 WILLIAM TIBBS: And see how other  
18 jurisdictions and -- forward thinking, some  
19 other jurisdictions, get some ideas and  
20 direction on how they do this.

21 HUGH RUSSELL: Pam.

1 PAMELA WINTERS: Yes, I don't know,  
2 if my memory serves me, were you and Tom on a  
3 rooftop mechanical committee some years ago?  
4 And if so, was there some sort of an  
5 Ordinance or camouflaging brought up? Is my  
6 memory serving me right?

7 HUGH RUSSELL: Right. And there was  
8 some tweaking to the criteria of the new  
9 projects that resulted from that, but we  
10 steered away from cell phones installations.

11 PAMELA WINTERS: Okay.

12 THOMAS ANNINGER: That's right.

13 PAMELA WINTERS: I would agree with  
14 Ted that something needs to be done because  
15 this is going to be, you know, an ongoing  
16 thing. And, you know, the difference between  
17 what's proposed to us tonight and what is,  
18 you know, in photo sim 4 there, the mess  
19 that's to the right of it, I mean, there's a  
20 huge difference there I think. And, you  
21 know, if we can avoid that mess and, you

1 know, at least try to camouflage it the best  
2 we can or, you know, as somebody suggested,  
3 put some sort of a screen up, you know, I  
4 think there should be -- it should be  
5 mandatory. Or something should be done about  
6 it, because it's going to be a lot more.

7 WILLIAM TIBBS: And there is a  
8 balance. I have my cell phone and my iPhone  
9 and I love the fact that I can, you know, go  
10 roam around the city and say hey, this is  
11 great, I'm getting service. But there has to  
12 be some kind of -- I think a committee really  
13 needs to look at that and see -- it might be  
14 that we have a more municipal approach to  
15 this as opposed to this individual people  
16 looking for -- we might have to, you know, on  
17 city property put something up that's a  
18 little more acceptable like towers that can  
19 broadcast and service an area and move away  
20 from this model that says the individual  
21 providers, talk to individual building owners

1 and do whatever. I'm just not sure. I think  
2 looking at it, I agree it's a very good idea.

3 CHARLES STUDEN: In the meantime,  
4 what are we going to do with this applicant?

5 PAMELA WINTERS: This poor woman  
6 here.

7 HUGH RUSSELL: This installation,  
8 the solution to this problem is not in her  
9 hands.

10 PAMELA WINTERS: Right.

11 WILLIAM TIBBS: Correct.

12 HUGH RUSSELL: So I think in  
13 fairness we should accept what's being  
14 proposed here, because if we deny, the  
15 building would not be, you know, just about  
16 the same as it is. It's still going to be a  
17 problem.

18 CHARLES STUDEN: I agree.

19 HUGH RUSSELL: But I think that  
20 maybe we should ask Beth to think about what  
21 kind of a group or a forum, that there's some



1 sense to actually sitting down with some of  
2 the providers who, you know, when you sit at  
3 a table with providers, you learn stuff and  
4 you make better decisions. And maybe we get  
5 somebody from the Zoning Board who can, you  
6 know, bring their perspective they're  
7 wrestling with on these. And get our points  
8 of view and maybe, you know, ask members of  
9 the public and spend six years studying it.  
10 Although Beth is pretty good about keeping  
11 those things under control.

12 THOMAS ANNINGER: Well, can I just  
13 respond a little bit to what you're saying  
14 and what I've been hearing? Everything you  
15 say makes a lot of sense. And what Ted said,  
16 and others in terms of process. In a case  
17 like this, it seems to me that we still have,  
18 like with Harvard, a chance to ask the owner  
19 to come and talk to us about the integrity,  
20 not only of his own building, but the  
21 integrity of the view that we have of his

1 building or her building. And I don't think  
2 it has to be only materials, transparent  
3 materials that hide something. I think that  
4 de-cluttering could simply be taking some of  
5 this and putting some symmetry to it rather  
6 than having it look like a disorderly rigging  
7 of a ship. If it looked like somebody had  
8 tried to think about something other than the  
9 needs of the cellular phone's reception, they  
10 might have come up with something better,  
11 just like rooftop mechanicals. We talked  
12 about not hiding them so much as ordering  
13 them. And while I certainly don't want to --  
14 and I agree with you about fairness -- I'm  
15 not sure I like the idea of having Clearwire  
16 pay the price of a denial for this, and I'm  
17 not suggesting we do that, but I do think  
18 it's an occasion to start asking owners to  
19 come talk to us because I -- I'm not entirely  
20 convinced that in spite of these 20 or 30  
21 year contracts, an owner can't say, you know,

1 the time has come to restructure given new  
2 technology and new sensitivities what you've  
3 done on my building because it's starting to  
4 become offensive to people with whom I do  
5 business and they're part of the community.  
6 So I'm not sure this isn't an opportunity to  
7 take a step -- a small step while we're  
8 thinking of taking that bigger step for -- in  
9 terms of processing and so on, that you've  
10 asked Beth to think about.

11 STEVEN WINTER: I concur. I think  
12 we do need to hear from the owners and from  
13 the providers both. But I'm not sure this is  
14 the form for it. I think that an offline  
15 committee would be more comfortable and you  
16 get a better picture of what was happening.

17 CHARLES STUDEN: I agree. I'm  
18 troubled by the notion of holding this  
19 particular building owner and this applicant  
20 hostage to a much larger question right now.  
21 Which I agree needs to be looked at

1           comprehensively. I would like to see it take  
2           place in some sort of a subcommittee rather  
3           than getting this particular applicant and  
4           the owner before us.

5                        THOMAS ANNINGER: Yes, I mean those  
6           are strong points, and I think I'm ready to  
7           yield to all of that. I do think we do have  
8           a little leverage from time to time. We have  
9           done it in the past, and I see no reason not  
10          to at least consider using it here. Although  
11          you're absolutely right, this is a much  
12          bigger picture. Sometimes when we have a  
13          small fire burning, we do better than when we  
14          have this long-term burn that nobody seems to  
15          really know how to get their arms around.  
16          And so I see some advantage to looking at it  
17          that way, too.

18                       HUGH RUSSELL: I think you have more  
19          leverage with an owner whether they're making  
20          their first installation because they haven't  
21          actually executed a contract.

1           So, shall we proceed on to the rest of  
2           the agenda now?

3           THOMAS ANNINGER: Well --

4           HUGH RUSSELL: And I guess we did  
5           comment on this before?

6           LIZA PADEN: Yes.

7           HUGH RUSSELL: We should comment  
8           again about this particular proposal. And  
9           maybe it's good to tell the Zoning Board that  
10          we are recommending that a larger process be  
11          set-up and invite them to participate in that  
12          when it's thought through. It's done in sort  
13          of a generic sort of way to cover everything.

14          THOMAS ANNINGER: And I think you  
15          also were saying that we acknowledge that  
16          Clearwire has made an attempt here to improve  
17          things, and we think it would be fair to move  
18          forward on this particular case, but we have  
19          a bigger problem that we need to deal with  
20          and this is probably not the time to try to  
21          make a bigger case out of it.

1 LIZA PADEN: Okay.

2 ATTORNEY ANN GRANT: Thank you.

3 HUGH RUSSELL: Are there four or  
4 five other cellular cases on the agenda?

5 THOMAS ANNINGER: We have four more  
6 antennas to deal with?

7 LIZA PADEN: You want to do them  
8 now?

9 HUGH RUSSELL: Let's do them now.

10 LIZA PADEN: Okay. The next BZA  
11 cases involving telecommunications are four  
12 locations, one of which actually is Fawcett  
13 Street and the carrier is T-Mobile. And what  
14 they're proposing to do is remove two of  
15 their transmitting boxes which hold the  
16 equipment that then switches the signal and  
17 they're replacing two of those boxes with one  
18 box. So, what happens is there's less on the  
19 roof. I will say that the location of the  
20 boxes has been to keep the boxes on the  
21 center of the roof or in the building itself

1 or in the parking so that the boxes rarely  
2 are visible from the street.

3 THOMAS ANNINGER: Is one box twice  
4 as big as two small ones?

5 LIZA PADEN: I've not been able to  
6 find out from T-Mobile. I have requested  
7 that information on what the size of the old  
8 box and the new box is. All I can get is the  
9 load.

10 WILLIAM TIBBS: And they have no  
11 sims or anything like that?

12 LIZA PADEN: Pardon?

13 WILLIAM TIBBS: Do they have any  
14 photo simulations for us to get a sense of  
15 that?

16 LIZA PADEN: That's what they have.  
17 Based on the location of the antennas,  
18 for example, at 51 Brattle Street, the boxes  
19 are in the middle of the roof, so I don't  
20 even know that you would see them from the  
21 sidewalk.

1                   HUGH RUSSELL: I would see them  
2 because I look at the roof on Brattle Street.

3                   LIZA PADEN: Well -- well, this is  
4 51 Brattle, not One Brattle.

5                   HUGH RUSSELL: 51 is also in my  
6 view. That's the continuing ed one.

7                   LIZA PADEN: Right.

8                   HUGH RUSSELL: And they built a very  
9 extensive mechanical system there and now I'm  
10 sure the cell phone cabinet is insignificant.

11                   So maybe we need to simply say that the  
12 Zoning Board, on all these cases, something  
13 like it sounds like it's no more intrusive  
14 but we couldn't determine that for ourselves,  
15 and that would be a standard reply.

16                   THOMAS ANNINGER: What's standard?

17                   HUGH RUSSELL: That whatever is  
18 happening is no more obtrusive than what is  
19 there now.

20                   THOMAS ANNINGER: If possible.

21                   WILLIAM TIBBS: Yes, if possible.



1                   LIZA PADEN: Are there any comments  
2                   about the two cases that are not involving  
3                   telecommunications? One is a room for a  
4                   piano. And the other is for a mud room.

5                   HUGH RUSSELL: That seems to  
6                   generate planning issues.

7                   LIZA PADEN: I think we should  
8                   support the arts and neatness.

9                   STEVEN WINTER: I concur.

10                  HUGH RUSSELL: You remember that  
11                  case where somebody was converting his garage  
12                  for a grand piano? That was one of the  
13                  biggest zoning cases. It was awful.

14                  (Whereupon, a discussion was  
15                  held off the record.)

16                  HUGH RUSSELL: Okay. Then let's  
17                  proceed to the next item which is Beth's  
18                  report.

19                  BETH RUBENSTEIN: Thank you, Hugh.  
20                  Not too much new to report. We'll be meeting  
21                  again on May 18th when we'll have a public

1 hearing on the Green Zoning recommendations  
2 put together both by a committee and city  
3 staff. And on the 18th we'll also have an  
4 opportunity to review the draft decision on  
5 Alexandria, which a number of us are working  
6 very hard on. And we will have a draft for  
7 you in advance before that meeting. I'm not  
8 going to promise it's a full week before, but  
9 you'll certainly have it a few days before  
10 the meeting to take a look. And then a  
11 couple of other smaller items on the 18th.

12 In June we're meeting June 1st and June  
13 15th. On June 1st there will be a public  
14 hearing on a proposed change to Zoning  
15 related to the MXD District, Kendall Square;  
16 that's a property owner petition, Boston  
17 Properties is interested in adding space to  
18 the Broad Institute potentially, and they're  
19 out of GFA other than residential use and  
20 they need to change the Zoning.

21 And there is also a proposed petition

1 that the staff wrote at the request of the  
2 City Council on making some amendments to the  
3 5.28 section of the Ordinance that governs  
4 the conversion of non-residential buildings  
5 to residential use. In this case they've  
6 asked us to look at buildings that were  
7 originally built to be residential then were  
8 institutional use and might want to come back  
9 into residential use and might want to extend  
10 some of that flexibility that you find in  
11 5.28 to those cases. I think the subtext is  
12 church properties or university properties  
13 that are residential in nature, but have been  
14 institutional use. Since they're  
15 institutional use, the amount of units are  
16 small and they would like to see more  
17 flexibility to have more housing in those  
18 cases.

19 That's what's going on in the Zoning  
20 world. And, again, we have agenda items on  
21 the 15th, they're pencilled in. There are

1 folks who need extensions and so on. And  
2 just for everybody's information, again, as I  
3 think I noted last time, if you're interested  
4 in attending the Ordinance Committee meeting  
5 on these petitions, Thursday evening at five,  
6 the Council will be hearing public testimony  
7 on the 5.28 section of the Ordinance. And  
8 then at six o'clock they'll be hearing public  
9 comment on the Green Zoning. And on next  
10 Tuesday at five, that's May 11th, the  
11 Council's Ordinance Committee will be hearing  
12 the MXD Boston Properties petition.

13 And for those who are really interested  
14 in city affairs, this is budget time of year,  
15 so budget hearings again tomorrow morning at  
16 9:30, that's the 5th. And again on May 13th  
17 also at 9:30. And those generally go most of  
18 the day. So we're very busy on many fronts,  
19 but especially with Zoning petitions right  
20 now, you know, coming from a lot of different  
21 places that will keep us all very busy for

1 the time being.

2 And I think that's most of the big  
3 stuff.

4 HUGH RUSSELL: Okay. Thank you.

5 The first public hearing on our agenda  
6 tonight is a City Council Zoning Petition  
7 relating to Section 20.70, the Flood Plain  
8 Overlay District.

9 LES BARBER: The Petition before you  
10 essentially is a technical amendment to this  
11 article which was actually adopted in 1982,  
12 and there has been in the recent past a  
13 detailed study of the Mystic River Watershed  
14 which includes Cambridge's Alewife Brook and  
15 there has been a remapping and re-designation  
16 of the flood plain in that whole area,  
17 including in Cambridge. And the changes  
18 proposed here are simply to make appropriate  
19 reference to those new maps. And in taking  
20 the opportunity at the same time to make up  
21 dated references to some of our policy plans

1           which have been created or modified since  
2           1982. And then one section makes special  
3           notification requirements essentially to  
4           state and federal agencies when there are  
5           changes to the relocation of a water course.

6                     All of these changes have to be adopted  
7           by June 4th, by the City Council in order for  
8           the City to continue to comply with the  
9           federal flood plain requirements and to make  
10          property owners who are in the 100-year flood  
11          plain eligible for flood insurance. If we  
12          fail to do that by June 4th, we drop out of  
13          the program, and there's a process by which  
14          we then have to get back into it.

15                    If you're interested, the map is over  
16          here produced by Public Works Department in  
17          some elegant colors which are hard to read,  
18          illustrates the change in the flood map.

19                    HUGH RUSSELL: Could you point out  
20          the old boundary? Because that's very hard  
21          to see I think.

1           LES BARBER: The colored areas, the  
2           pink is the new 100-year flood plain. It's  
3           now called the one percent flood plain. The  
4           blue is the new designated flood way, which  
5           in the old map used to be just the river and  
6           is now a much more extensive area. And that  
7           area has more elaborate requirements with  
8           regard to building in that area. The area  
9           extent has actually increased, but the actual  
10          flood level has gone down. And the increased  
11          areas, mostly as a result of better and more  
12          detailed knowledge about the topography.

13                 The existing 100-year flood is  
14          indicated in the hatched area which is here.  
15          There are about 200 more properties included  
16          in the 100-year flood plain now.

17                 THOMAS ANNINGER: Could you locate  
18          the streets on there so I can understand?

19                 LES BARBER: Sure.

20                 LIZA PADEN: So this is Acorn Park,  
21          okay? Here is Concord Turnpike. Here's the

1 T station. Here's Cambridge Park Drive going  
2 out this way. This is the railroad tracks  
3 right of way here. This is coming down to  
4 the Fawcett Street. This is Arlington. This  
5 is Alewife Brook Parkway. See Grave Road,  
6 Columbus Avenue, Weber Avenue and Rindge  
7 Avenue is down here.

8 PAMELA WINTERS: Where there is the  
9 Grey site?

10 LIZA PADEN: The WR Grey site is  
11 right here. And here's the T stop right  
12 here.

13 CHARLES STUDEN: Thank you, Liza.

14 Les, I have a question actually. I see  
15 that the City Manager is recommending that  
16 the City Council approve this amendment to  
17 the Zoning Board and he says that it meets  
18 the requirements of the national flood  
19 insurance program regulations and that  
20 failure to enact these regulations will  
21 suspend Cambridge in participation in the



1 national flood insurance program. What I'm  
2 struggling with, I'm assuming there's very  
3 little flexibility here, it is what it is. I  
4 mean --

5 LES BARBER: We are not arguing  
6 about the flood plain. It has been adopted  
7 by FEMA. There are procedures by which an  
8 individual property owner can ask for their  
9 property to be taken out, but the process by  
10 which these maps have been created and  
11 finally adopted, is passed, the city  
12 participated in that process to the extent  
13 that they were allowed. So we're not here to  
14 argue about any of that on the map.

15 WILLIAM TIBBS: We saw some of that  
16 in the process.

17 LES BARBER: We did.

18 WILLIAM TIBBS: We had an  
19 opportunity to react.

20 LES BARBER: The significant point  
21 is that if you have a federally black

1 mortgage, which probably would be most  
2 mortgages in the country, and you can't get  
3 flood insurance and you can't get the  
4 mortgage. So there's a significant  
5 consequence to not being eligible for the  
6 flood insurance program.

7 So here -- essentially we're dealing  
8 with technical matters, making the right  
9 references to reflect the newly predated  
10 maps.

11 CHARLES STUDEN: And again, the  
12 requirements of the national flood insurance  
13 program, which I assume have changed or have  
14 been refined in some way?

15 LES BARBER: They may have. We  
16 aren't changing an awful lot of the language  
17 which we adopted in 1982. This has been  
18 reviewed by the state and federal authorities  
19 and they're perfectly happy with it.

20 CHARLES STUDEN: Thank you.

21 HUGH RUSSELL: Shall we go to the

1 public testimony portion of this hearing?

2 Who would like to speak? Steve? I'm  
3 assuming you wanted to speak since you  
4 submitted a detailed letter.

5 STEVE KAISER: Yes, my name is Steve  
6 Kaiser, 191 Hamilton Street and I testified  
7 before the Ordinance Committee last Thursday.  
8 I was the only member of the public there and  
9 that may be the same tonight. We just had  
10 two very large floods, major impacts to  
11 Alewife. You would think the public would be  
12 riled, and apparently they're not. They seem  
13 to be quite satisfied, otherwise they would  
14 be turning out and wishing you to take action  
15 on maybe a stronger sort about flood plain  
16 zoning.

17 The way the Manager has stated his  
18 letter which is printed over there, I think  
19 you all have copies of it, doesn't say  
20 whether the city agrees with any of this or  
21 opposes any of it. It simply says we look at

1 the rules, we look at what we're being told  
2 and we've got to do it. So it relates to the  
3 question how much flexibility you have.  
4 Clear application is in the vernacular in the  
5 guns that you have, the Manager and the  
6 Planning Board. As a citizen, I'm in a  
7 little different situation. If I don't like  
8 it, I can say so. If I do like it, I do. In  
9 the letter I wrote to this Board, I came up  
10 with a rather unusual conclusion which is the  
11 mapping is better, but the technical analysis  
12 that goes into the study is severely  
13 defective. It's not all or nothing. For  
14 some peculiar reason, I could explain it in  
15 detail, but I won't of the analysis which  
16 says oh, the flood level of the 100-year  
17 flood is going to go down by seven inches.  
18 That's what the model says. Totally lacking  
19 in credibility in my book, particularly with  
20 all the flooding impacts that we've had. By  
21 the time you take that, put it together, put

1           it on a map and draw it, draw it out, the  
2           flood plain area actually is larger. So  
3           unless there's 200 more properties that are  
4           included in the flood plain, you say how can  
5           the flood plain get wider this way when the  
6           100-year flood is going down? It's just a  
7           quirk with the way FEMA works. And yet the  
8           net result is better. Very peculiar. The  
9           maps are more accurate and more useful. And  
10          I think in this game if you can find  
11          something that's slightly better, that's the  
12          direction you want to go in. So, I would  
13          say, you know, that the maps are worth  
14          approving, but the analysis is not. So  
15          that's a challenge for you to deal with. And  
16          I tried in my letter in four short paragraphs  
17          why the analysis is bad, particularly because  
18          of the flooding over the past 16 years and in  
19          two paragraphs why the maps are better. I  
20          won't elaborate too much on them because my  
21          time is limited as always. But the key thing

1 in here is I think there's some flaws in the  
2 existing language in the Zoning which have  
3 been carried over. And in particular, I  
4 think it's 20.74 refers to the floodway. It  
5 says oh, refer back to 20.73 which is also  
6 consistent. And in 20.73 there's no mention  
7 of the word floodway. What they should have  
8 said was flood plain. And usually the  
9 floodway is only two-thirds of the area,  
10 typically two-thirds of the area of the flood  
11 plain. So I would urge that in 20.74 that  
12 the word floodway be changed to flood plain.  
13 And now you would have the two sections  
14 consistent with each other.

15 The other thing is a registered civil  
16 engineer's required to analyze to show  
17 there's no impact on the 100-year flood  
18 elevation, and he submits that to the  
19 Planning Board. There's no consequent  
20 finding by the Board that that is indeed what  
21 has happened in a legitimate conclusion. So

1 I would urge that wording be put into the  
2 section. I believe it's 0.75 that would make  
3 that finding.

4 And just one other question, this  
5 analysis for flooding and the mapping  
6 includes only conditions as they're seen  
7 today. It includes no changes or  
8 improvements or alterations to the flood  
9 plain which could come from the Town of  
10 Winchester. Winchester wants to do major  
11 changes on that river which could have  
12 impacts on Alewife Brook. And the City of  
13 Cambridge wants to make changes in drainage  
14 at Alewife which would increase the flood  
15 levels at Alewife Brook. So both of them  
16 claim to be exempt because of public purpose,  
17 public health requirement. Just so long as  
18 everybody understands what those rules are.  
19 It's a rather unusual situation. And as my  
20 initial comment said, I do not see any great  
21 public dissatisfaction with the FEMA flooding

1 situation at the moment. Almost everybody  
2 seems to be prepared to accept the maps and  
3 any other they have. The primary concern I  
4 think that most citizens have is I don't want  
5 to be in the map of the flood plain. Okay?  
6 It's a very personal thing.

7 PAMELA WINTERS: Thank you.

8 STEVE KAISER: Okay. Thank you.

9 HUGH RUSSELL: Thanks.

10 Does anyone else wish to be heard?

11 (No response).

12 HUGH RUSSELL: I would move that the  
13 public testimony portion of the hearing be  
14 closed.

15 I would ask, Les, if you considered the  
16 bordering recommendations that Mr. Kaiser  
17 made and whether that's something we can do?  
18 We can recommend whether it's wise to do so?  
19 Whether it would upset the apple cart in  
20 terms of having the document that's been now  
21 reviewed and approved by other people?



1           LES BARBER: I actually didn't catch  
2           Steve's second recommendation, but with  
3           regard to the first one which he gave me a  
4           head's up on earlier today, I think the  
5           reference is appropriate, because what he was  
6           suggesting that in 20.74.3 where there's talk  
7           about demonstrating that encroachment on the  
8           floodway does not result in an increase in  
9           the flood levels. What they're referring to  
10          is encroachments such as described in Section  
11          20.73 which is buildings, filling and the  
12          like. And I think the reference is  
13          appropriate and you don't have to change the  
14          matter.

15                 I did, as I said, I didn't catch  
16          Steve's second recommendation. I wouldn't --  
17          this has been working for 30 years. It's  
18          been reviewed by federal agencies. The  
19          language essentially comes out of the federal  
20          regulations certainly as they were in 1982.  
21          And while there might be some virtue in

1 refining the language, it seems to me it's  
2 probably unwise to introduce anything that's  
3 going to require further discussions by  
4 people. And realizing that this is only one  
5 of two processes, the other is before the  
6 Conservation Commission, who has essentially  
7 the same jurisdiction, and it was my hope  
8 that we could get the Planning Board out of  
9 this business, but that was thought not to be  
10 wise. So we're still in the business. And  
11 we mostly depend on the Conservation  
12 Commission to do the heavy lifting and the  
13 technical analysis.

14 HUGH RUSSELL: Okay. Thank you.

15 Yes, Ted.

16 H. THEODORE COHEN: Les, with regard  
17 to Steve's second point, which as I  
18 understand it, is simply that we make a --  
19 that the Board in granting Special Permit  
20 would conclude that the requirement of 70.43  
21 was met which would, as I understand it, and

1           70.43 we're requiring there be certification  
2           and documentation from a professional  
3           engineer demonstrating that there won't be  
4           any increase in flood level during the  
5           100-year storm. So what he proposes is we  
6           simply make a finding. And it seems to me  
7           that's duplicative because all we would be  
8           doing is saying, you know, we've received  
9           this information and we make the finding  
10          that, you know, that we've received it and  
11          presumably we're not going to review it for  
12          its accuracy unless there were a challenge to  
13          it, at which case I think we might take that  
14          into consideration. But I understand what  
15          you're saying. It seems to me it's already  
16          covered.

17                   LES BARBER: Yes, and we're  
18                   perfectly free to make any findings that we  
19                   feel appropriate at the time.

20                   THOMAS ANNINGER: Les, maybe you can  
21                   just help me on this insurance point because

1 I'm a little confused by it. I'm in the  
2 flood plain and therefore I want to buy flood  
3 insurance. As a matter of fact, therefore, I  
4 must get flood insurance in order to get a  
5 mortgage. It is not just a simple matter of  
6 my going to my private insurer to ask them  
7 for flood insurance?

8 LES BARBER: You do get it from  
9 private insurance.

10 THOMAS ANNINGER: Where is this  
11 requirement that it be somehow in the  
12 Ordinance and in sync with federal mapping  
13 have to do with my getting private insurance?  
14 How do those things mesh? I don't get it.

15 LES BARBER: The Federal Government  
16 I guess says we will not back a mortgage that  
17 is for property that is located in a flood  
18 plain as mapped by FEMA unless that mortgagee  
19 --mortgagor/mortgagee holds the required  
20 insurance. And then there's also a subsidy  
21 from the Federal Government.

1                   THOMAS ANNINGER: In the end this is  
2                   federal insurance that we're talking about  
3                   because they're backing private insurers.

4                   LES BARBER: It is insurance  
5                   required by the Federal Government and there  
6                   is a subsidy for that in some part. And I'm  
7                   not an expert on the insurance and how it  
8                   actually works, but it's, it's a mandate of  
9                   the Federal Government when they are insuring  
10                  mortgages.

11                  H. THEODORE COHEN: I can talk about  
12                  it a little bit. Essentially the Federal  
13                  Government, when they adopted the firm maps  
14                  and the whole flood insurance program is  
15                  insuring coastal property is allowing there  
16                  to be insurance for coastal property so  
17                  people who live in Florida and the Gulf of  
18                  Mexico and their condominiums can get  
19                  insurance. And the only way you can get  
20                  insurance is if you were in the federal  
21                  program. And you can only be in the federal

1 program and you can only be in it if your  
2 community has adopted the federal maps. If  
3 we don't adopt the map, we can't be in the  
4 federal program. And then anybody who needs,  
5 who is in a flood plain as shown on the map,  
6 will be unable to get the insurance which  
7 they need in order to -- for their own  
8 purposes, but also because their mortgaging  
9 bank will require it.

10 LES BARBER: It actually isn't all  
11 that cheap even if it is subsidized. Anyone  
12 can buy the insurance. You don't have to be  
13 in the flood plain to buy the insurance, but  
14 it's the only place where the purchase of the  
15 insurance is required in order to secure the  
16 mortgage.

17 HUGH RUSSELL: Ahmed.

18 AHMED NUR: You're not off the hook  
19 yet. Steve's first question with regard to  
20 the depth of the flood, 100-year flood, you  
21 know, spreading out now, the flood is not as

1 deep. Is he saying it's due to fill?

2 LES BARBER: The explanation of the  
3 City Engineer is that there isn't -- there is  
4 a lowering by something like six inches of  
5 height of the flood as determined in 1982 and  
6 in 2005 or whenever they did the study. But  
7 the expansion of the area is not as a result  
8 of any change in flood level, but is a result  
9 of more detailed and more accurate  
10 topographic information. So there are areas  
11 that are thought to be higher in 1982 have  
12 now been determined to be lower and below the  
13 level of the flood. So they are now within  
14 the flood. It's a technical matter unrelated  
15 as explained by the City Engineer with regard  
16 to the amount of water that's flushing  
17 through the system.

18 AHMED NUR: Right. That makes  
19 sense. The bigger the area, the less depth.

20 LES BARBER: I have no idea what the  
21 relationship is.

1 AHMED NUR: Okay.

2 LES BARBER: If that is in fact the  
3 case.

4 AHMED NUR: Okay.

5 WILLIAM TIBBS: What you're saying  
6 we have a better idea of the land underneath.

7 LES BARBER: Yes, we now know that  
8 Site A is at 8.2 feet rather than 8.7 feet  
9 because of the topographic information  
10 because of satellite photos and so forth is  
11 more accurate.

12 HUGH RUSSELL: It seems to me that  
13 at the level is reduced and the  
14 responsibility of any given land owner to  
15 deal with it is reduced by that same number  
16 of inches, and so there will be less efforts  
17 required to deal with the water as a result  
18 of this new height. And I'm not going to  
19 substitute my judgment on these matters for  
20 the judgment of the FEMA, state or city  
21 engineer, but I'm sympathetic to what Steve



1 is telling us, that there's a -- it doesn't  
2 make sense. But since I'm not a civil  
3 engineer specializing in this, I feel like it  
4 has to make sense to me. What does make  
5 sense is that we need to take action in the  
6 city by the 4th of June. And I think  
7 whatever else makes sense is what Les has  
8 said, which is it's not broken so let's not  
9 fix it except as we have to to change the  
10 references. So I would love to stop talking  
11 about this and go on to the next agenda item.

12 So I would make a motion to make a  
13 recommendation to the City Council.

14 AHMED NUR: So moved.

15 HUGH RUSSELL: And what  
16 recommendation -- what's your recommendation?  
17 You can say yes, no, maybe or nothing.

18 STEVEN WINTER: You should say that  
19 we're in accordance with the flood plain  
20 mapping by FEMA, the new zone designations  
21 and the updated reference to relevant

1 Massachusetts Regulations.

2 WILLIAM TIBBS: No, no, I think we  
3 just have to recommend that the City Council  
4 adopt the new zoning.

5 STEVEN WINTER: Okay. We can do  
6 that, too.

7 WILLIAM TIBBS: I don't think we  
8 have to comment on being in accordance with.

9 HUGH RUSSELL: You treat that as a  
10 friendly amendment. Is there a second?

11 PAMELA WINTERS: Yes.

12 HUGH RUSSELL: Pam.

13 All those in favor in the  
14 recommendation?

15 (Show of hands).

16 HUGH RUSSELL: Everyone votes in  
17 favor. We can go on to the next piece of  
18 business.

19 (Russell, Anninger, Tibbs, Winters,  
20 Cohen, Nur, Winter, Studen.)

21 (A short recess was taken.)

1           ATTORNEY DEBORAH HORWITZ: Thank you  
2           for your patience with my technological  
3           incompetence. I'm Debbie Horwitz, I'm with  
4           Goulston and Storrs and I'm here representing  
5           MIT. We're here asking for a modification to  
6           the Article 19 Special Permit that was issued  
7           for the Ashdown House graduate residences,  
8           generally known as, I think referenced in  
9           your decision, your prior decision is 235  
10          Albany Street.

11           So in your packet, the first thing that  
12          you have is sort of a Google, it is not sort  
13          of -- it is a Google map that shows the  
14          location of the property and the existing  
15          Ashdown House property. The real reason  
16          we're here, though, isn't related to Ashdown  
17          House, it's related to the property next-door  
18          which is known as 281 Albany Street which is  
19          also owned by MIT. That building is  
20          currently, and has been since the 1950's,  
21          improved, if you can call it improved, with a

1 two-story building that was originally built  
2 as a warehouse. It's been most recently used  
3 for office and lab purposes and is currently  
4 vacant. But for which MIT has entered into  
5 an agreement with a perspective tenant, also  
6 an office and lab tenant for which it needs  
7 to do certain improvements to the building at  
8 281.

9 One of the improvements is relocating  
10 the loading dock. And that relocated loading  
11 dock, the existing building, as you'll see on  
12 the plan that you have on the Google plan  
13 that you have is right there, that little  
14 building there on the left. It's at the  
15 property line. So in order to move the  
16 loading dock over to the eastern side of the  
17 building, we have to put it onto property  
18 that is where the new Ashdown House is.

19 CHARLES STUDEN: I'm sorry, I'm very  
20 confused as to what you're talking about.  
21 Can you go back to the Google map and point

1 to what we're talking about on the map?

2 MAUREEN MCCAFFREY: This is the  
3 building that we're actually talking about  
4 here and that's the dormitory. You don't see  
5 the circle driveway yet it was under  
6 construction when Google took the photo.

7 CHARLES STUDEN: That's helpful.  
8 Thank you.

9 ATTORNEY DEBORAH HORWITZ: Here you  
10 can see the circle that was approved. This  
11 is space between 281 Albany on the left and  
12 Ashdown House on the right, and that circle  
13 driveway that was permitted, what was  
14 approved in the Article 19 Special Permit for  
15 Ashdown House.

16 WILLIAM TIBBS: Again, for clarity  
17 the property line, even though the both  
18 properties are owned by MIT, that's where the  
19 property is right up against the building.

20 ATTORNEY DEBORAH HORWITZ: Right.  
21 Up against the building. I may be a few feet

1 off in places you can see a little bit. So  
2 that's the existing. That's what this Board  
3 previously approved.

4 This is the plan view what we were  
5 talking about. If you remember back here,  
6 this area is currently -- there's a little  
7 bit of driveway on it and there is some  
8 grass. And what we're proposing is to take  
9 an access drive to the new loading dock here,  
10 to put the new loading dock here, and do some  
11 replacement additional landscaping. And  
12 this, again, as you can see, is on -- this  
13 all is on the Ashdown House parcel.

14 This is it in site plan view so you can  
15 see where the drive comes off of the existing  
16 drive. Can you see the loading dock. You  
17 can see the new trees and landscaping that's  
18 proposed and also here.

19 And this is a rendering of the view  
20 from Ashdown House looking toward the 281  
21 building as it's renovated with the loading

1 dock back behind those trees.

2 Let me just back up a minute so you see  
3 this area here is already used for loading  
4 for the Ashdown House property. So it would  
5 be used for exactly the same purposes for the  
6 281 parcel, not creating any traffic  
7 conflicts or any conflicts with, you know,  
8 the day-to-day use of the Ashdown House  
9 parcel. And it's on the area that's on the  
10 other side of the driveway from Ashdown House  
11 and one that really is currently used by the  
12 residence at Ashdown House.

13 So, as we said in our application, the  
14 changes to the Special Permit really involve  
15 a slight reduction in the open space on  
16 Ashdown House and the additional loading dock  
17 use. The slight reduction still leaves open  
18 space on the Ashdown House parcel at about 49  
19 percent. So well over anything that would be  
20 required. And it doesn't change any of the  
21 findings that this Board made about the

1 Ashdown House Special Permit in terms of  
2 traffic impacts or other impacts on the city  
3 or on the residents because it's the same  
4 use.

5 CHARLES STUDEN: It does, however,  
6 result in a reduction of parking from 10 to 8  
7 cars; is that not right?

8 ATTORNEY DEBORAH HORWITZ: It does  
9 not. We're not touching any of the existing  
10 parking on the Ashdown House parcel.

11 CHARLES STUDEN: If I look at the  
12 maps, the existing map shows P.1 through 10.  
13 And the proposed shows parking P through 8.

14 ATTORNEY DEBORAH HORWITZ: Yes, it  
15 does. And I -- all I can tell you is that --  
16 it's my understanding that they haven't --  
17 that they haven't actually labelled those  
18 spaces, but that's generally what they park  
19 there today is, you know, up to eight cars.  
20 So we're not reducing their existing parking  
21 use even though additional spaces were



1 permitted.

2 CHARLES STUDEN: There was no zoning  
3 requirement that there be 10 spaces in that  
4 location?

5 ATTORNEY DEBORAH HORWITZ: They're  
6 over their requirement for -- and actually  
7 there probably is anyway, so they're over  
8 their requirement for this use.

9 WILLIAM TIBBS: I just want to  
10 follow up on that. It could be the graphics  
11 that you're using, but the -- in the Ashdown  
12 side of the drawing is just very different  
13 than the Ashdown side of the drawing that  
14 we're doing. I understand you're focusing on  
15 the loading dock, but I want to make sure  
16 that this diagram does not describe the  
17 description. Because if you look at what  
18 appears to be the curb cuts, it's smaller  
19 than what's shown on the other plans. I just  
20 want to make sure that you're clear about  
21 what you said, which is we're not making any

1 changes, but it looks like changes have been  
2 made from at least that diagram.

3 ATTORNEY DEBORAH HORWITZ: I think  
4 what happened honestly, and you guys heard  
5 this story before, they're both owned by MIT,  
6 the Ashdown House is owned and operated by  
7 the side of the house that's the MIT  
8 institution, and the 281 Albany is owned by  
9 MITIMCo which is the investment arm. So what  
10 my understanding, because we of course  
11 noticed some very obvious things there, like  
12 the shape of the green space in the middle,  
13 is that during the process of going from  
14 this, which is what's approved, to this,  
15 which is what really exists today. That was  
16 just done in conversations with ISD and DPW  
17 and the fire department as they progressed.

18 MAUREEN MCCAFFREY: Dennis is  
19 mentioning as well as a concern for bicycle  
20 racks there's a bicycle racks.

21 DENNIS COLLINS: There's bicycle

1 racks.

2 ATTORNEY DEBORAH HORWITZ: Right,  
3 Dennis is with MIT facilities?

4 DENNIS COLLINS: Housing.

5 ATTORNEY DEBORAH HORWITZ: Housing.

6 DENNIS COLLINS: Additional bike  
7 racks was requested and additional bike racks  
8 was changed.

9 HUGH RUSSELL: Dennis, could you  
10 give your name to the for the record.

11 DENNIS COLLINS: Dennis Collins, I'm  
12 the director of housing. C-o-l-l-i-n-s.

13 HUGH RUSSELL: Are there more  
14 questions from the Board or shall we go to  
15 public testimony?

16 CHARLES STUDEN: I just had one  
17 other. Could you describe the nature of the  
18 servicing for the new building that you're  
19 creating this loading dock for, and as it's  
20 distinct from the loading that goes on from  
21 the Ashdown property? I assume the Ashdown

1 property is primarily what, is that the food  
2 service?

3 ATTORNEY DEBORAH HORWITZ: There is  
4 some food service. As we understand it,  
5 there are one to two big truck deliveries of  
6 furniture and equipment a year probably  
7 replacing common area stuff, and then high  
8 season students moving in and students moving  
9 out, there are three or four a day. That's  
10 existing use. And the proposed use would be  
11 daily office and lab use.

12 MAUREEN MCCAFFREY: One delivery a  
13 day.

14 CHARLES STUDEN: That's what I was  
15 getting at, thank you. The frequency of the  
16 servicing the potential for conflicts and  
17 you've looked at that and there is none.

18 HUGH RUSSELL: Any other questions?

19 Is there a sign-up sheet?

20 The first name on the list is Terry  
21 Orlando. Please come forward and give your

1 name and address and speak in the microphone  
2 and you have three minutes.

3 TERRY ORLANDO: I'm Terry Orlando.  
4 I live at 235 Albany Street. I'm a professor  
5 at MIT and I'm the house master in Ashdown  
6 House. I am in the faculty and residence  
7 there. And I'm here to represent the  
8 residence of Ashdown House and I wanted to  
9 thank the City of Cambridge for informing us  
10 and the residents of the proposed changes at  
11 281 Albany. And with the submission of the  
12 loading dock, this is terms to the agreement.  
13 This was an agreement that was worked out  
14 with the students basically, and facilities  
15 concerning times of deliveries and, you know,  
16 small items like that. And it's going to be  
17 included with the easement as registered with  
18 the county. And we have no objections to the  
19 proposed changes.

20 HUGH RUSSELL: Okay. Thank you.

21 Does anyone else wish to be heard?

1 CHARLIE MARQUARDT: I just had a  
2 quick question. Charlie Marquardt  
3 M-a-r-q-u-a-r-d-t, 10 Rogers Street. With  
4 the transition of use to bringing in that one  
5 delivery, have the students or the city  
6 covered the fact that I believe that delivery  
7 is going to be compressed back and it has  
8 some unique potential hazards? Having had a  
9 tank follow me, it sort of becomes a well  
10 south out projectile going in whatever  
11 direction it wants. And that's a new use  
12 going into that building in a close proximity  
13 to a lot of students. That's it, thank you.

14 ATTORNEY DEBORAH HORWITZ: I have  
15 two, maybe more than two, but a couple things  
16 off the top of my head.

17 One is that the loading is actually  
18 behind that screen wall, so hopefully that  
19 won't happen. I understand that stuff  
20 happens, Charlie. And also just to,  
21 remember, we're not here to permit 281.

1 We've got ISD and we're working with ISD,  
2 DPW, Traffic right now to make sure that  
3 we're covering everything on the 281  
4 building. We just needed to deal with  
5 whether we were going to get this amendment  
6 to deal with the loading dock before even  
7 solving those other issues.

8 HUGH RUSSELL: Thank you.

9 Does anyone else wish to be heard?

10 (No response).

11 HUGH RUSSELL: I see no one. So,  
12 shall we close the hearing for oral testimony  
13 and leave it open for written before we make  
14 a decision? Which might actually be  
15 something we might move to immediately. Does  
16 anyone want to opine on this?

17 WILLIAM TIBBS: Yes. Since this is  
18 a Major Amendment to the Ashdown Special  
19 Permit, I just want to say personally I have  
20 no particular problem with the actual request  
21 that's being made, but I just want to say for

1 the record that I have a big problem with the  
2 way information is presented. I found it  
3 very hard to understand when I got it. So I  
4 literally had to wait for you to explain it  
5 to me, because what I saw was not at all  
6 helpful. And to have these two diagrams,  
7 this is what we approved and this is what  
8 you're showing without making -- telling how  
9 the transition from one to the other  
10 happened, it makes it even more difficult to  
11 understand. So I wasn't sure if in making  
12 this change you were making all these other  
13 changes, too. So I just think that -- I  
14 guess I expect better of my alma mater MIT.  
15 And just explaining it, this diagram looks  
16 very different than this diagram. And  
17 typically we expect to see this diagram and  
18 the changes, and then obviously the changes  
19 occur during construction which you did  
20 explain. But even then you said it in a way  
21 with not a lot of focus of what happened as





1 absolutely right. You're absolutely right.  
2 We apologize for that. I'll take the  
3 responsibility for that. I think for  
4 whatever reason we just got caught up in  
5 knowing too much and not getting everybody  
6 else from point A to point B. And so I  
7 apologize for that.

8 HUGH RUSSELL: Are there other  
9 discussion? Comments?

10 AHMED NUR: I think a little  
11 different take on the -- I think that we're  
12 here probably just dealing with the loading  
13 dock and that's why the diagram is not  
14 concentrating outside of the loading dock.  
15 Having said that, I'm having a hard time  
16 thinking about the loading dock without the  
17 consideration of the traffic impact, the  
18 direction of traffic flow, whether it's  
19 Waverly Street is where the traffic is coming  
20 in and so on and so forth. You know,  
21 personally I just need a little more

1 information to consider whether I'm for or  
2 against what's in front of us without knowing  
3 -- I'm not sure exactly if this is going to  
4 Waverly Street. Where's the traffic coming  
5 from? So on and so forth.

6 ATTORNEY DEBORAH HORWITZ: It's  
7 actually Albany Street. And it's one, the  
8 traffic impact is one truck a day because  
9 this is not gonna be the main entrance or the  
10 parking for the tenants of 281. It's only  
11 loading. So parking is likely to be on the  
12 other side. At least in part on the -- this  
13 is the 281 building, this is that drive that  
14 we're talking about now. And parking is  
15 likely to be at least in part over here.

16 AHMED NUR: I'm sorry, did I say  
17 parking? I meant traffic impact coming to  
18 the loading dock.

19 ATTORNEY DEBORAH HORWITZ: One truck  
20 a day.

21 AHMED NUR: One truck a day. Okay.

1 MAUREEN MCCAFFREY: It's important  
2 to know that the loading dock is currently on  
3 Waverly Street.

4 HUGH RUSSELL: I recollect that  
5 Waverly Street isn't actually continuous.  
6 It's pretty informal.

7 Yes, Ted.

8 H. THEODORE COHEN: Well, I just  
9 wanted to comment. I was not familiar with  
10 Ashdown House at all until I went and took a  
11 look at it and saw it's quite lovely and it  
12 has quite lovely open space. And then you  
13 get to the end where the loading dock is and  
14 it's a pretty undistinguished space with 281  
15 next to it. It's a pretty undistinguished  
16 building. And so I think improving the  
17 building has to be a benefit to all people  
18 who are in Ashdown House. And then Albany  
19 Street and Waverly come together in some  
20 strange almost dead end and one way that  
21 basically have to turn around and go back out

1 to Albany Street. And so if really, if we're  
2 talking, you know, one, maybe two, maybe half  
3 dozen trucks a day, I can't imagine the  
4 traffic will be any issue. And I based on  
5 what the space looks like now, if we end up  
6 with something that looks like what we have  
7 proposed, I think it will be an improvement  
8 over what there is now and certainly not a  
9 detriment, and so I have no problems with it.

10 HUGH RUSSELL: Steve.

11 STEVEN WINTER: Thank you, Hugh. I  
12 must say I'm also -- I'm very confused with  
13 the way the information was presented and I'm  
14 never one reluctant to say that I'm still  
15 confused. And there's still pieces that I  
16 just don't get about this. So what I'd like  
17 to ask my colleagues is, do we see a  
18 reduction of the green space based on these  
19 dimensions that we have here?

20 HUGH RUSSELL: There's a modest  
21 reduction.

1                   STEVEN WINTER: The one percent. I  
2 did read the text. But are these drawings  
3 done in scale, is that what's going on?

4                   CHARLES STUDEN: They're not in  
5 scale. They're different scales.

6                   HUGH RUSSELL: They're different  
7 scales. With my Harvard training, I didn't  
8 notice that.

9                   STEVEN WINTER: I'm just -- you  
10 know, I'm happy to move with the wisdom of  
11 the group having done that before, but I do  
12 want to say very clearly that this is a very  
13 confusing batch of information and not  
14 appropriate for decisions that I want to  
15 make.

16                   HUGH RUSSELL: Well, I think that  
17 the characterization of what's going on is  
18 actually quite accurate, because there's a  
19 very small change. And discussed with  
20 Ashdown House there are conditions that have  
21 been set up about the operation of this that

1           were minimized, the impact to Ashdown House.  
2           And it will be a somewhat improvement to an  
3           area simply because I think it's being  
4           tentative. And I think all of that's clear.  
5           Just don't focus in on the drawings which are  
6           confusing.

7                         STEVEN WINTER: I appreciate that.  
8           And I also think that there's some wonderful  
9           things happening down at this part of town  
10          beginning with Ashdown and beginning with  
11          filling in with green space. I know that  
12          there's still some social services stuff that  
13          goes on down there. This is a really  
14          interesting part of town with a lot of  
15          interesting uses. And I just want to be very  
16          careful with what we do with it.

17                        WILLIAM TIBBS: I just want to  
18          emphasize it's not about the graphics. This  
19          is an Amendment to create this thing. So  
20          typically what people do is they come and  
21          tell us here is what you approved and there

1 was an open space requirement, and you'll  
2 notice the changes we're making are not  
3 affecting that. And we had X number of  
4 parking spaces. You might see that there are  
5 two lists, but, you know, we were over our  
6 quota and we're under it now. And oh, by the  
7 way, you might notice that there are some  
8 changes from what you approved and some of  
9 those changes were affected. And so I think  
10 it's not just about the graphics, it's really  
11 about the information so that we know what  
12 the change is. What I understand now from I  
13 think, I hope, based on the testimony here, I  
14 understand the change, as I said earlier, I  
15 don't have a problem with what you're  
16 requesting, but I want to be true to our  
17 process. This is a Major Amendment to  
18 something we approved before, so we just need  
19 to know what the change is. And if your  
20 information shows changes that may not be  
21 pertinent to the specific request, we just



1           need to have a clear understanding of what  
2           those changes are. And it helps us so we  
3           don't have to go back and say was there --  
4           were they at the minimum of the open space?  
5           Or is your slight reduction still okay? I  
6           noticed there's less parking. Is that okay?  
7           I noticed that the whole configuration of the  
8           drive there, is that okay? Those are all  
9           things that are changes, some are very valid.  
10          This isn't just a thing about the graphics.  
11          It's really about us trying to get that  
12          information.

13                   ATTORNEY DEBORAH HORWITZ: I hear  
14                   you.

15                   HUGH RUSSELL: Would someone like to  
16                   make a motion on this case?

17                   WILLIAM TIBBS: In light of my  
18                   concerns, I'll be happy to make a motion.  
19                   And that is that I make a motion that we  
20                   approve the Major Amendment requested. I  
21                   don't know if I need to -- do we have to go

1 back into the various criteria?

2 HUGH RUSSELL: We go and we look at  
3 all the findings. We find that those  
4 findings have to be remade because of this --  
5 I actually did that before the meeting. And  
6 the case where we might find the findings  
7 change, then we have to go in and say well,  
8 that situation's different. But there's  
9 three pages of findings in our decision. And  
10 my reading is that they can still apply to  
11 what's going to happen with this change and  
12 that was also represented to us by  
13 Ms. Horwitz. So I think our decision  
14 should --

15 WILLIAM TIBBS: Then I move that we  
16 approve the Major Amendment and we feel that  
17 the findings from the previous approval still  
18 exist.

19 HUGH RUSSELL: Is there a second?

20 H. THEODORE COHEN: Here.

21 HUGH RUSSELL: Ted. Discussion?

1           On the motion, all in favor? And it's  
2           a unanimous vote.

3           (Russell, Anninger, Tibbs, Winters,  
4           Cohen, Nur, Winter, Studen.)

5           HUGH RUSSELL: Okay, we'll take a  
6           break now and pick up as soon after 8:30 as  
7           we can.

8           (A short recess was taken.)

9                   \*   \*   \*   \*   \*

10           HUGH RUSSELL: Okay, we're ready to  
11           proceed now. The case before us is a Major  
12           Amendment No. 4, Planning Board Case No. 38  
13           for One Canal Park. And this is a PUD plan,  
14           so that we had a hearing on this some months  
15           ago. We raised, I believe, seven questions  
16           that needed to be addressed. Now the  
17           Petitioner's back for the final hearing and  
18           they will tell us what they've done in the  
19           last months.

20           ATTORNEY KATHERINE BACHMAN: Thank  
21           you very much, Mr. Chairman, members of the

1 Board, members of the public. We have come  
2 to us this evening, my name is Kathy Bachman.  
3 I'm a lawyer with offices at 60 State Street  
4 and I'm glad to be back before you on this  
5 lovely spring evening. We were last here on  
6 a cold January night and I went over where we  
7 were of course at One Canal Place which is on  
8 the Lechmere Canal immediately adjacent to  
9 the Galleria Mall. We reviewed with you our  
10 application which was to request that a  
11 portion of the first floor of the building be  
12 -- allowed to be used for office use for a  
13 period of 20 years, and that the balance be  
14 allowed to be used for office, of course,  
15 retail if available, but office use without  
16 limitation as to time. And also relief from  
17 a corresponding window treatment review  
18 provision in the 2002 relief that allowed  
19 office use on the first floor.

20 Just to do a very quick recap of the  
21 visual. Remember One Canal Park was

1 developed as part of the overall Lechmere  
2 Canal plan. Now adjacent to over a million  
3 square feet of retail space immediately  
4 adjacent to the building in a setting with  
5 retail across the way, Two Canal Park. This  
6 building only has a little back space here,  
7 otherwise has office use on the first floor.  
8 And so that's the context of where we are,  
9 overall master plan of retail focussed at the  
10 Galleria next-door.

11 This is the first floor plan, and I'll  
12 leave this up here, where we had -- our  
13 application asked that this be reserved for  
14 future use as the neighborhood changes for  
15 possible retail, and that the balance of this  
16 space be allowed to have offices one of the  
17 alternative uses. So that's where we left  
18 off.

19 And when we were last here, the general  
20 category of concerns fell within the first  
21 and foremost, the need to meet with the

1 community, which is something we had not done  
2 and apologized for. Had not understood about  
3 the interest of the community, but we have  
4 done so since that time. A very clear  
5 message from the Board about the need to make  
6 a real effort at marketing, taking into  
7 account the increased residential development  
8 in the area as well as the community's  
9 interest and encouraging local retail and  
10 restaurant business alternatives. And also  
11 the need to have a consideration of how the  
12 building can be a more welcoming presence as  
13 a gateway site in the First Street corridor.  
14 And I think many of the -- there were many  
15 sub-questions to that but those were the  
16 general categories.

17 So at this point I'd like to introduce  
18 John Connelly who is director of retail  
19 leasing at Equity Office Properties for their  
20 Boston area office. He was not able to  
21 attend the January hearing, but both because

1 of his position at the company and because we  
2 wanted to bring his experience to you, he's  
3 here tonight, as well as Sean Gilday a retail  
4 commercial broker with over 20 years of  
5 experience from the Dartmouth Group who has  
6 worked not only for Equity Office but for  
7 many other clients in Cambridge as well as  
8 for local retail and restaurant tenancies as  
9 well as others. So we have worked hard on a  
10 variety of things that John will now share  
11 with you and appreciate the opportunity to be  
12 heard by you again. John.

13 HUGH RUSSELL: Before John gets up I  
14 have one matter I should have started with  
15 which is for the record, there are only six  
16 members here who can vote on this case.  
17 Charles wasn't part of the original hearing.  
18 Is that agreeable to you?

19 ATTORNEY KATHERINE BACHMAN: We  
20 accept that at this point, yes, thank you.

21 HUGH RUSSELL: Proceed.

1                   ATTORNEY KATHERINE BACHMAN: Thank  
2                   you. John Connelly.

3                   JOHN CONNELLY: Good evening. Thank  
4                   you very much for hearing me tonight. As  
5                   Kathy said, I was unable to attend the last  
6                   meeting but, you know, she informed me of  
7                   some of the concerns that were brought to our  
8                   attention that night. And unfortunately the  
9                   person who did represent Equity that night  
10                  wasn't really up to speed on all of the  
11                  efforts that we made to attempt to rent the  
12                  ground floor space to retailers. So a few of  
13                  the criticisms that I've heard over the last  
14                  few months are, you know, one, that Equity  
15                  Office is trying to charge too much rent and  
16                  that's one of the reasons why the space  
17                  hasn't been leased. Another criticism has  
18                  been the fact that Equity Office isn't trying  
19                  very hard, you know, just not putting in the  
20                  effort to try to find a retail tenant. I'd  
21                  like to address that as well. And one other



1 matter was just also the fact that I believe  
2 that Equity Office was not a good neighbor  
3 and member of the community, which, again,  
4 I'd like to address as well as we go on.

5 So, the first thing that -- and I just  
6 wanted to mention was Sean Gilday who again  
7 was not here last time, has been working on  
8 this property for us for about two and a half  
9 years. He has been working on the space when  
10 the East Cambridge Savings Bank vacated  
11 almost two years ago now. He's been working  
12 on it continuously since that time. And I  
13 will let him talk about his biography and his  
14 experience when he comes up.

15 But in the meantime one of the things  
16 that we did do is Kathy Bachman and I met  
17 with members of the East Cambridge Planning  
18 Team to get some input from them. Certainly  
19 trying to get some ideas from them as well,  
20 because we had been racking our brain to find  
21 a retailer to take that space that the bank

1 had vacated. And we certainly got some good  
2 feedback and some ideas that we had followed  
3 up on and I will let Sean talk about the  
4 retail that we followed up on.

5 We also met with the Community  
6 Development Department staff and got some  
7 input from them. And then we've hired a  
8 number of consultants to assist us as well.  
9 And those consultants assisted us in  
10 studying, you know, the current uses along  
11 the First Street corridor; you know, myself,  
12 Sean, the consultants, we've all made  
13 numerous visits at many different times of  
14 the day, at many different days of the week,  
15 different types of weather, just to sort of  
16 understand something that, you know, that I  
17 think people in the neighborhood feel that we  
18 were missing but we just couldn't, we just  
19 couldn't understand ourselves. The fact that  
20 you know that there just was not a lot of  
21 demand for retailers to lease the space. So

1 we, really spent a lot of time besides just  
2 the records of just sitting out there  
3 watching people. What do people do? Where  
4 are they going? Where are they coming from?  
5 Do they have bags in their hands? What time  
6 are they -- what time of the day is busy?  
7 What time of the day is it not busy? What  
8 are the patterns of traffic that they're  
9 going through? Because there are many  
10 different streets, different ways that  
11 someone can get, you know, can take a left,  
12 take a right, go around our building to get  
13 into the mall, etcetera. So we watched all  
14 those traffic patterns. I had a couple of  
15 meetings with the manager of the Galleria  
16 Mall because really they're the dominant  
17 retailer in the market. If anyone knows the  
18 retail market in East Cambridge, it would be  
19 the folks at the Galleria Mall. And, you  
20 know, I also wanted to confirm something that  
21 10 million people a year visit the mall which

1 to me was an astounding figure. But he  
2 confirmed that. But of the 10 million, a  
3 majority of the people that are going to the  
4 mall buying things are driving there. So  
5 it's sort of destination where they're  
6 pulling into the garage, they go in and go  
7 shopping, they're leaving the garage.  
8 They're not getting out and leaving the mall  
9 and walking around, which is an issue for us  
10 because we don't have parking. And we really  
11 need people to exit the mall and walk around.  
12 And the folks that we watched that were  
13 walking around, they were going to the mall,  
14 coming from the, you know, going to the mall,  
15 leaving the mall, they were on a, you know,  
16 on a mission. They were on a destination.  
17 They were not making stops in between. When  
18 they went to the mall, they went to the mall  
19 and they went to the mall they directly left  
20 the mall.

21 We also talked to the original

1 developer who developed a building, put in  
2 the East Cambridge Savings Bank, and I found  
3 out that he was a member of the East  
4 Cambridge Savings Bank Board which I think  
5 helped him convince them that this could be a  
6 good location, give it a shot, and he signed  
7 them up for 20 years. Unfortunately I don't  
8 have any relationships like that with any  
9 local banks nor does anyone else at Equity.

10 We also read the study about the East  
11 Cambridge Planning Team consultant Michael  
12 Burne. And really Michael was emphasizing  
13 that, you know, Third Street was probably the  
14 area that would be most receptive to  
15 successful retail. And he had cited that  
16 there was a saturation of the market due to  
17 the Galleria retail business which is about a  
18 million square feet. I think the other thing  
19 that we sort of, that we heard about quite a  
20 bit is that Alexandria is doing a terrific  
21 job in the permitting of their project and

1           they were going to have about 70,000 square  
2           feet of retail, including their project, but  
3           the overall project is about 1.3 million  
4           square feet. So you know that's somewhere in  
5           the range of five percent of the project. So  
6           certainly when we have 1.3 million square  
7           feet of office and residential, you know,  
8           you're generating some of your own demand  
9           right there. So certainly five percent of  
10          the project is probably not too much, you  
11          know. In the meantime our particular project  
12          is, you know, only 100,000 feet. And at this  
13          point we -- we're required to have about  
14          20,000 square feet of retail. So about 20  
15          percent of the project. So, certainly our  
16          project alone can't generate the type of  
17          demand to satisfy our retail.

18                   And then the other thing I really  
19                   looked at was the, you know, what our company  
20                   does, you know, involving in the City of  
21                   Cambridge. And certainly our property

1 managers are involved in a number of local  
2 charities, and also a number of local groups.  
3 And those things are -- we are a member of  
4 the Charles River Conservancy contributor.  
5 We're contributor to the East End House. We  
6 also contribute to the maintenance of the  
7 Lechmere Canal Park which we know is a really  
8 great asset for the area. We also recently,  
9 at the recommendation of some members of the  
10 East Cambridge Planning Team joined the East  
11 Cambridge Business Association which we have  
12 done. And then we also sponsor a little  
13 league team in East Cambridge.

14 Another thing that was sort of brought  
15 up that we explored as well was the fact that  
16 there's a colonnade, you know, underneath the  
17 property on the ground floor which  
18 unfortunately inhibits a little bit of  
19 visibility from the street. And so one of  
20 the things that we studied was bringing that  
21 all the way out to the street, of how much

1 would that cost? You know, would that make a  
2 big improvement? We think that would make  
3 somewhat of an improvement, but the cost to  
4 add a couple thousand square feet was over a  
5 million dollars. So it was really  
6 cost-prohibitive. So in addition it was --  
7 Mr. Gilday will get into some of the other  
8 challenges in order to attract retailers.  
9 That's not the only issue that we have at  
10 this site. So it was cost-prohibitive but it  
11 also wasn't going to solve every problem.

12 The other thing that, you know, we also  
13 did is we engaged an architectural consultant  
14 called Neoscape to assist us in coming up  
15 with some ideas to make the building a little  
16 more welcoming, especially at night. One of  
17 the things that people had pointed out to us  
18 which, you know, I do agree with, is that at  
19 night that area can be a little dark, a  
20 little foreboding so we have rendered up, and  
21 we will show you later some ideas that we had



1 to brighten that up especially at night and  
2 also to make it a little more engaging. And  
3 then I guess at this point what I'd like to  
4 do is introduce Sean Gilday and have Sean go  
5 through really the steps that he's taken over  
6 the last 18 to 24 months to try and attract a  
7 tenant and the type of feedback that he's  
8 gotten. And also his experience in  
9 Cambridge, you know, areas that he's found  
10 successful and some challenges that he's  
11 mentioned here. Thank you.

12 SEAN GILDAY: Good evening everyone.  
13 My company is the Dartmouth Company. I've  
14 owned the company for almost 20 years. I'm  
15 the president. We have offices in Boston and  
16 Greenwich, Connecticut and Albany, New York.  
17 And when I hear that we've been doing it for  
18 two years, my first thought is well, these  
19 guys aren't really good at what they're  
20 doing. That's what I would be thinking  
21 initially. I can tell you that we have put

1 in a full effort into this project. And we  
2 represent a lot of national tenants like  
3 Barnes and Noble, Crate and Barrel. We  
4 represent Target and Whole Foods. So we do a  
5 lot of big tenant work all over New England  
6 and upstate New York. But we also represent  
7 a lot of smaller tenants, more regional  
8 tenants like Summer Shack, like the Lyons  
9 Group. We have Panera Bread. We know a lot  
10 of restaurants like Kenny Orange. We're  
11 friendly with a lot of chefs in the City of  
12 Boston, and worked on a number of different  
13 properties for landlords in Cambridge and in  
14 Boston. And particularly in Cambridge we've  
15 represented the Polandis (phonetic) in  
16 Harvard Square. We represented One Kendall  
17 Square. We just signed a lease over there  
18 with Friendly Toast. We put in the Irish pub  
19 over there. And we worked for MIT. We put  
20 in Polcari's over there. And we put in  
21 Quiznos and Citibank. We have a number of

1 different tenants that we worked with in  
2 Central Square and Porter Square. I think we  
3 know the city pretty well. And it's not as  
4 if we like doing Barnes and Noble  
5 transactions because they're obviously pretty  
6 profitable, but we work with a lot of small  
7 tenants and a lot of regional tenants. And  
8 in particular on this property when Equity  
9 Office asked us to pay a lot of attention to  
10 it, we did. Because we get paid if we make  
11 something happen. If something doesn't  
12 happen, we don't make any money. So all we  
13 do, 95 percent of what we do is retail  
14 related. And we have probably 25 people in  
15 our office who do that. So we have a lot of  
16 incentive to get stuff done. And so I took  
17 this project and I thought, John had made it  
18 clear to me that this is something that we  
19 really need to get done.

20 So I went over to the area, which I had  
21 been to many, many times. And I thought that

1 if I lived here, I would want life, too. I  
2 would want some action. I would some retail  
3 activity. I would want that because you want  
4 some life where you live. But the consensus  
5 was overwhelming from the tenants that we  
6 spoken to, there's just not enough foot  
7 traffic there. It's an issue. And I took  
8 the time to go talk to a lot of the local  
9 retailers. I talked to the owner of David  
10 Shoes who's been there since 1959, not him in  
11 particular, the store has been there since  
12 1959. A guy named Bobby. He said when it  
13 was Lechmere and there was a big open air  
14 lot, the courthouse was open, lotus was  
15 happening, people were going and things were  
16 happening, it was alive, there was on street  
17 parking. When the mall came in, that sucked  
18 some of the life away from the pedestrian  
19 activity. And there's a consensus that and  
20 there's a feeling I think from customers that  
21 it's not an easy place to go park, get out of

1 your car and -- and David survives I think  
2 because they have a parking lot and Sherwin  
3 Williams is the same story. But I know the  
4 perception in that area, because we talked to  
5 a lot of people in the area, it's a tough  
6 place because you can't park and there's no  
7 easy access. Even though there are a number  
8 of people coming from the subway, from  
9 Lechmere, there's not enough of them. And  
10 retailers have this herd mentality. They  
11 want to go where the successful retailers  
12 are. And in that particular area, I went in  
13 and I talked to the people from Finagle A  
14 Bagel and they said business is not so good.  
15 It's okay, it's not horrible, but it's not  
16 great. And I talked to the people in  
17 Cambridge who do this type of leasing as  
18 well. Annette Bourne from Urban Properties.  
19 Richard Diamond who maybe some of you know  
20 who knows Cambridge better than anybody. The  
21 people from Twining Properties that do work

1 over in Kendall Square. The message again  
2 was that's just a tough place. There's not a  
3 place where there's a lot of pedestrian  
4 traffic and not a place where there's a lot  
5 of vehicular traffic. Most of the traffic is  
6 on the other side of the mall. And so you're  
7 not getting that kind of exposure to  
8 pedestrians and to cars that you'd want to  
9 get. And I've worked with Equity Office on a  
10 lot of different properties, and I -- they've  
11 always been reasonable. I really don't think  
12 they're trying to pull a fast one here. They  
13 would be happy if it was retail space. It  
14 doesn't matter to them. It brings the  
15 building alive. It kind of creates some kind  
16 of activity. It's not a negative thing to  
17 have retail. Personally obviously I'm bias  
18 because that's how we make a living, but it's  
19 -- it's the property that I spent a lot of  
20 time walking around and driving around. I  
21 was there on rainy days. I was there at

1 night. I was there tonight, the sun was  
2 going down, the waterfall thing was going,  
3 and the place looked great. It looked  
4 beautiful. But there was nobody walking  
5 around there. So, I've been doing this a  
6 long time, over 20 years, and we've dealt  
7 with every imaginable kind of tenant in that  
8 period of time. And if we can come up with a  
9 retail tenant, we would do it. We would want  
10 to put them in there. But to get someone to  
11 go there, it's like they're in the vanguard  
12 of a retail kind of movement, and they --  
13 retailers, they think like lemmings. It's a  
14 herd mentality. And we've met with the Gap  
15 before. And what's your strategy? They're  
16 strategy is we go where the Limited is. And  
17 I'm working with a tenant now called Tiddly  
18 Audio which is started by Tom DeVesto, people  
19 from Cambridge Soundworks. I don't know if  
20 you've heard from them. He's got a little  
21 company. He's got a thousand foot concept.

1 He wants to roll it out over the country.  
2 He's got an internet following. He's got \$50  
3 million in sales. He wants to establish a  
4 retail store and he wants to be where there's  
5 an Apple store. So in particular we  
6 contacted the people from New England  
7 Development who we're quite friendly with.  
8 Talked to Carol Carbonaro who I've known for  
9 a long time. And she said look it, that  
10 Apple store does \$39 million. It used to do  
11 50 million until the store on Boylston opened  
12 up. That's a huge store. That's a huge  
13 volume. And so I got Tom DeVesto to look at  
14 the space. I won't say what he said to me.  
15 No way would I go out there. What are you  
16 talking about? They have to be in the mall  
17 or they have to be in Harvard Square or  
18 Central Square or on Boylston Street or they  
19 have to be on Newbury Street. They have to  
20 be where the action is and they're not going  
21 to go to an area unless there's some



1           compelling kind of reason. And again, I'm  
2           quite sympathetic to the group there.  
3           Because I would like to have nice stuff where  
4           I live. But I live in too small a town, so  
5           tenants don't want to go there. So you can't  
6           twist their arm has been my experience.  
7           There's this notion if you made it cheap  
8           enough they would go. Well, the last year's  
9           been a horrible year in retail as I'm sure  
10          you all know, and we represent Barnes and  
11          Noble. And we've had a number of landlords  
12          say look it, I'll build them a store. I'll  
13          give it to them for percentage rent only. No  
14          rent. I just need to get that tenant in my  
15          shopping center because I'm going to lose  
16          these other tenants. We couldn't get them to  
17          go into a store that was essentially rent  
18          free, because there's more to it than opening  
19          the store, there's operating the store,  
20          hiring people and then is there a profit at  
21          the end of the day? And I truly feel like if

1           this is the space you can't give it away.  
2           When I was talking to Annette Bourne about  
3           the space beside Finagle a Bagel, she said,  
4           you know, it's been empty a year. She  
5           couldn't get anybody to look at it. And it's  
6           right near at the entrance to Lechmere. It's  
7           pretty well located in a sense. She can't  
8           get anybody to go there.

9                        I talked to a number of different  
10           people who kind of knew the area and said  
11           yeah, it's tough. It's tough. No on street  
12           parking, not a lot of pedestrian traffic, not  
13           a lot of synergistic retail. There's not a  
14           lot of impetus to get people to want to go  
15           there to spend money. That's the reality of  
16           it. And, you know, I was thinking last night  
17           I went to the Bruins game, and I was walking  
18           out and I looked and I saw this building at  
19           the corner of North Washington Street and  
20           Causeway Street and it's empty. And it was  
21           owned by Intercontinental and the Polanski

1 Brothers and they said, can you help us do  
2 this? And I said absolutely. We tried for  
3 another two years, another failure I guess it  
4 was. We couldn't get it done. I said, look  
5 it, Peter, I can't get anybody to go there.  
6 This was seven years ago. Six years ago,  
7 excuse me. It was six years ago.

8 And so I went to the Bruins game last  
9 night, I walked out, and the same space is  
10 sitting there. It's empty. It's never been  
11 leased because it's got the same, I think  
12 it's the same phenomenon. You would think  
13 because there's millions of people going into  
14 the Boston Garden or whatever they're calling  
15 it these days, TD Garden, there would be this  
16 energy around this space. They can't give it  
17 away because retailers have a certain  
18 perception of what will work and what won't  
19 work. And that particular property is just  
20 lying fallow there. They can't give it away.  
21 And it made me feel a little bit better

1           because we didn't get it done, but nobody  
2           else has been able to get it done. They've  
3           had two or three other companies trying to  
4           lease it in the interim.

5                        So, I think that there's a lot of --  
6           it's very analogous to this situation. You  
7           would say wait a minute, there's a million  
8           square feet and all those other retailers.  
9           There's a million people going to North  
10          Station. Why wouldn't it work? It just  
11          doesn't. It's not a bad thing, it's just  
12          sort of a market reality. And I would love  
13          to try and come up with somebody -- but we've  
14          given it an honest effort I can tell you and  
15          we just haven't been able to. Thank you.

16                       HUGH RUSSELL: Thank you.

17                       JOHN CONNELLY: I'm just going to  
18          conclude now. One of the criticisms is that  
19          people have said we're only going after  
20          national retailers, and certainly Sean has  
21          gotten across, he's talked to everybody, and

1 I think, you know, just to go back to the  
2 Equity Office is charging too much rent, just  
3 to quickly talk about the East Cambridge  
4 Savings Bank, we sent the proposal back to  
5 them, you know, in 2007 when the market was  
6 much better. It was a market proposal and  
7 they just never responded and they closed the  
8 bank down. So, you know, usually what  
9 happens is you send a proposal, the tenant  
10 gives you a counteroffer, you try to work out  
11 deal. We sent a proposal, they never  
12 responded and that was the end of it. And  
13 since that day it's been vacant.

14 And the other thing I just wanted to  
15 mention is the last two weeks that I've  
16 worked on the retail side where two local  
17 restaurants, one is called Pasta Beach  
18 they're going to Rowe's Wharf. It's a  
19 husband and wife, they have a restaurant in  
20 Newport and they're opening a restaurant up  
21 here. And, you know, it's a small, two

1 people, it's not a big chain. And, you know,  
2 one of the things we did to work with them to  
3 get them into that space. Again, that's  
4 another challenging space, because it's got  
5 the green way on one side, you know. Again  
6 there's a lot of people walking around the  
7 green way, but there's not a lot of people  
8 buying things. The space had been vacant for  
9 about a year. And what we did for them they  
10 at least engaged us. We sent them a  
11 proposal. They countered us. We worked with  
12 them. We ended up giving them nine months at  
13 half rent to get them started. They're under  
14 construction now. They'll open in July. And  
15 they'll have half rent basically from July to  
16 next April to they can ramp up.

17 The other one is a local person who's  
18 parents owned a Chinese restaurant. He  
19 wanted to open up an Asian sandwich bar. So  
20 another person, again, family owned one  
21 restaurant, the place was a terrific place,

1           it was well run, good reputation. So we took  
2           a chance on him. And the same type thing, we  
3           spent some money to build the space out.  
4           He's putting in some money himself. We put  
5           in half the money and we're giving him six  
6           months of free rent so that he can get ramped  
7           up and make sure the place is run well, and  
8           you know, we want him to survive.

9           I just think looking at that floor plan  
10          over there, one of the challenges we have --  
11          Sean is talking about trying to find one  
12          tenant, because right now we have one vacancy  
13          which is the old bank branch site. The way  
14          the building is there's a center lobby,  
15          there's an egress stairwell that's right in  
16          the middle that goes out to the street. So,  
17          the minimum we have is three spaces. So we  
18          need to find three tenants and we're  
19          struggling to find one. So we just feel like  
20          this space is going to languish for a long  
21          time. Again, we would really appreciate your

1 assistance.

2           And what I'd like to do now is show you  
3 some of the boards that we have to hopefully  
4 activate the area. And so the first one  
5 is -- I'm just going to go over here. This  
6 is what is currently is like. So we said  
7 especially underneath the overhang here it's  
8 certainly kind of dark. It's not welcoming.  
9 This is a photograph that was taken at dusk.  
10 And so one of the things that we did here.

11           WILLIAM TIBBS: Can you point to the  
12 corner that you were looking at street?

13           JOHN CONNELLY: Sure. This is First  
14 right here. This is the mall right here.  
15 What we've done here in this photograph we've  
16 done a rendering where we've done some lights  
17 -- the mall is over here. We've added some  
18 lights both on the interior of the wall over  
19 here. We've added some plants to make it  
20 more welcoming. And then we've added some  
21 neon to bring some attention here. And I



1 have a little more detail here on this side.

2 This shows a little more detail of, you  
3 know, the current condition now to a  
4 condition that, you know, we'd like to bring  
5 it to. And, again, you know, we've -- right  
6 now there's blinds and things like that in  
7 the windows. So what we've tried to do is do  
8 some tinting down lower here just to sort of  
9 mask people's work stations and things like  
10 that. But show the activity that's going on  
11 behind it. Add some lighting here. Add some  
12 lighting up here. And then also this is sort  
13 of this is a neon type lighting, and then add  
14 this sconces here and some additional wider  
15 lights here. Just to brighten it up and make  
16 it a little more welcoming.

17 So just in conclusion here, you know,  
18 we will make those improvements, you know, by  
19 the end of the year or sooner and, you know,  
20 we're really ready to go on that.

21 Installation of planters and things brings

1 more of a natural element to the pedestrian  
2 experience. And then, you know, the thing  
3 that -- you know, we certainly know that  
4 everyone is concerned about losing the  
5 retail, you know, in perpetuity. So you know  
6 one of the things that we talked about and,  
7 you know, we certainly hope some day that we  
8 will be able to get a retail tenant there.  
9 We certainly hope that over time that the  
10 area matures more and there is more foot  
11 traffic as Sean mentioned that would be  
12 conducive to retail. Not just the foot  
13 traffic that's out there today, but people  
14 are actually out there walking and shopping.

15 Our proposal instead of the 20 years on  
16 the former bank space, we were going to  
17 reduce that to 10 years commencing on January  
18 2011. So it would then expire on January 1,  
19 2013. And then also the space that -- same  
20 thing with the space that's on the other  
21 side -- 2021.

1                   ATTORNEY KATHERINE BACHMAN: The  
2                   current relief expires.

3                   JOHN CONNELLY: Expires 2013. It  
4                   would only be eight year extension from the  
5                   current expiration of 2013. And the other  
6                   space that's on First Street would also ask  
7                   for that January 2011, while the space that's  
8                   in the back which really is a little more  
9                   challenging just because it will never have  
10                  the visibility and it also -- although it's  
11                  wonderful in the summer, it's a very short  
12                  season for that to be a productive retail  
13                  restaurant. So that one we would look for  
14                  relief in perpetuity. And then as we  
15                  mentioned relief in the window treatment, so  
16                  that we can keep that a little more open and  
17                  a little more inviting.

18                         Thank you very much for your  
19                         consideration.

20                         HUGH RUSSELL: Thank you. In our  
21                         preliminary determination the Board asked for

1           seven answers to seven questions. And you  
2           didn't address a lot of those, but I think  
3           the staff has put together some of that  
4           information. Les, would you be willing to  
5           present your chart up on the wall?

6                       LES BARBER: This is a map, I think  
7           everyone has a copy, don't you, in front of  
8           you? Where we combined a lot of information  
9           as requested by the Board from a variety of  
10          sources and a number of staff people here who  
11          worked on it.

12                      One of the questions was how have we  
13          treated such retail mandates in the past?  
14          And there are, actually as you can see, a  
15          number of Special Permits over 20 or 30 years  
16          we've issued in East Cambridge, most of which  
17          had a condition related to retail in one  
18          fashion or another. And our response to the  
19          fairly frequent request from property owners  
20          to get out of that requirement has varied  
21          over time as we've experienced -- as we've

1 had experience with events. I won't read  
2 what's on the little boxes, but a number of  
3 locations have been completely exempted from  
4 initial retail requirement. Some of the  
5 requirement was that you make the ground  
6 floor retail usable and you let the market  
7 and your own interest determine what goes in  
8 there.

9 Some recent developments, particularly  
10 the very large ones like North Point and  
11 certainly Alexandria, the requirement still  
12 has been a certain amount of retail is  
13 required and has a Major Amendment process  
14 involved if you want to get out of that  
15 requirement. And then a variety of  
16 strategies in between those two extremes.

17 Jeff Roberts, who is here and I think  
18 went around and walked the street as did the  
19 applicants, this is a map illustrating what's  
20 happening along First Street with regard to  
21 retail. They thought it was important to put

1 in the mall since it is such a prominent  
2 retail anchor. But as you can see, there are  
3 a variety of conditions ranging from vacant  
4 to offices and a good number of retail in a  
5 number of locations. There was a question  
6 with regard to on-street parking which does  
7 not exist now on First Street. A plan has  
8 been prepared to put on-street parking onto  
9 six blocks on one side of the street or the  
10 other. I'm not quite sure what -- how that's  
11 to be implemented. Is it scheduled?

12 ROGER BOOTH: It's to be done this  
13 year.

14 LES BARBER: It's to be done this  
15 year so that there will be on-street parking.  
16 And as we've had discussions at Alexandria,  
17 it's not necessarily that that parking will  
18 provide the customer base that will support  
19 any large number of retail tenants, but it  
20 gives a feel for activity and accessibility  
21 as you both walk and drive through. And it

1 has a psychological impact I think being well  
2 beyond the number of parking spaces proposed.

3 So I'm happy to answer any questions  
4 even though there's other things you like me  
5 to talk about. Yes, Bill.

6 WILLIAM TIBBS: First, let me say  
7 this is a great map and it's exactly what I  
8 had in mind when we talked about it.

9 LES BARBER: Jeff Roberts was the  
10 producer of the map. I had nothing to do  
11 with the marvelous graphics.

12 WILLIAM TIBBS: A departmental  
13 effort.

14 BETH RUBENSTEIN: Jeff went upstairs  
15 to get another map.

16 LES BARBER: He's not even here.

17 WILLIAM TIBBS: And it just gives us  
18 a context, because one of the problems that  
19 we always have with all of these is that we  
20 tend to deal with these on a  
21 project-by-project basis and they are

1 cumulative and this does that.

2 I did have one question in terms of  
3 understanding, the red outline indicates that  
4 it's a retail space that was required in  
5 Special Permit and that's clear. And I just  
6 wasn't sure, in a lot of cases like on  
7 Cambridge Street and some of the areas of  
8 First Street where the box had a white  
9 in-fill what that meant. Because a grey  
10 in-fill says it's vacant. Does a whit  
11 in-fill say it's retail space?

12 LES BARBER: That was retail space  
13 required in the permit but is not currently  
14 occupied.

15 WILLIAM TIBBS: It's not currently  
16 occupied. But it's not vacant either. So  
17 it's occupied space which was --

18 LES BARBER: No, no, it's not  
19 occupied. It's vacant. In many cases it's  
20 actually fairly recent.

21 WILLIAM TIBBS: So you're saying



1           that in addition to the dark grey area where  
2           you say vacant storefront, anything that has  
3           a white outline on a red box -- I mean, a  
4           white box with a red outline is also vacant?

5                   LES BARBER: Yes. It's either not  
6           yet built or not occupied by retail. It may  
7           be occupied by an office.

8                   WILLIAM TIBBS: I want to get a  
9           sense of vacancy, I guess. Is the grey area  
10          the only area that's vacant or do I need  
11          to --

12                   LES BARBER: No, the red outline is  
13          a more complicated story than vacant or not  
14          vacant.

15                   WILLIAM TIBBS: Okay.

16                   HUGH RUSSELL: Shall we move to the  
17          public testimony?

18                   Okay, I have a list of people here who  
19          want to speak. There are about a dozen names  
20          on the list. I'll call them in order. And  
21          when you come, please give your name and your

1 address, spell your last name so the  
2 secretary gets it. And we have a three  
3 minute time limit. And Pam will be keeping  
4 track of that and we'll signal you when three  
5 minutes are up.

6 The first name on the list is Heather  
7 Hoffman. And the second is Charlie  
8 Marquardt.

9 HEATHER HOFFMAN: My name is Heather  
10 Hoffman and I live at 213 Hurley Street which  
11 is between Third and Sciarappa and I work at  
12 a building that is on your map here, the  
13 Registry of Deeds and Probate building so I'm  
14 pretty familiar with what this area is like  
15 during the daytime. And how anyone can say  
16 that there isn't foot traffic, I can't  
17 imagine. There is foot traffic. There is  
18 tons and tons of foot traffic. And whether  
19 it's half of the 10 million which would be  
20 five million people or, you know, 40 percent  
21 of the 10 million which is four million

1 people, it's still a lot. There are tons of  
2 people who walk by there all the time. And  
3 we are not going to get a better retail  
4 atmosphere by cutting out all of the places  
5 that are required to have retail. I strongly  
6 oppose this. And I would also point out that  
7 you have a letter from the East Cambridge  
8 Business Association that also opposes it.

9 There are lots of retail places along  
10 First Street that are hanging on. The East  
11 Cambridge Savings Bank was doing extremely  
12 well. In fact, there was almost always at  
13 least one car illegally parked in front of  
14 that building if not two or three, along with  
15 the cars illegally parked in front of Sears  
16 to run in and get stuff. So people have  
17 managed. There's -- and as some of you may  
18 know, the -- a subgroup at the East Cambridge  
19 Planning Team is working on creating an even  
20 better retail area by proposing a public  
21 market for the old Lechmere station property

1           when the new Lechmere station is built. We  
2           expect that to bring even more people into  
3           the area. I don't think it's too much to ask  
4           for a business that bought this property  
5           knowing the requirements to be required, to  
6           stick with them for longer than what's really  
7           a pretty short period of time. You know,  
8           this -- they're asking you to do something  
9           that isn't reversible. Or is really hard to  
10          reverse. And that I'd be shocked if they  
11          ever ask to have it reversed. I don't think  
12          that that is good planning, and I hope that  
13          you will agree with me and keep their feet to  
14          the fire.

15                 I don't think the East Cambridge  
16          Savings Bank is a fluke. I think you can  
17          have good retail here. And it may be that  
18          they have to just look under a couple more  
19          bushes, I don't know. But thank you.

20                         PAMELA WINTERS: Thank you.

21                         HUGH RUSSELL: Thank you. Charlie

1 next. After Charlie is Chris Hart.

2 CHARLIE MARQUARDT: Charlie  
3 Marquardt, 10 Rogers Street. First, I want  
4 to remind everybody that this building was  
5 granted additional FAR because they agreed to  
6 do retail. If we all of a sudden decide and  
7 say okay, you don't have to do the retail,  
8 let's give them more office space, are we  
9 encouraging other developers to come in I'm  
10 going to do retail? You buy off the  
11 community and come back five years later and  
12 say, whoops, we can't bring in a Borders, we  
13 can't bring in this or that, and all of a  
14 sudden you get better, higher rents that you  
15 wouldn't have been able to have before but  
16 you got because you agreed to do retail.

17 I'm also drawn to the fact that we keep  
18 hearing about the outgrowth of this  
19 neighborhood. We hear about the new  
20 connections with the Lechmere train station  
21 move. I remember watching a nice

1 presentation by Stornton team maybe six weeks  
2 ago about the connections from the river down  
3 through First Street and things we can do on  
4 Land Boulevard and things we can do to  
5 connect to the river. But yet we're going to  
6 shut this entire connection off to people  
7 wanting to come down through there and  
8 shopping retail that won't even be there.  
9 We're sort of stuck with the chicken and an  
10 egg thing. What will come first? Will it be  
11 the retail that people come see or will it be  
12 people that retail decides to build there?  
13 And I'm sort of taken aback that no one ever  
14 will go there. I am -- I've eaten at  
15 Henrietta's Table. It's not a good retail  
16 frontage, but it does good business stuck in  
17 a back alley. There are restaurants that  
18 people come to them that only have valet  
19 parking. We have a beautiful, beautiful city  
20 garage right across the street. Perfect for  
21 valet. You can have your car out of that

1 garage and in front of you in two minutes.

2 Not a problem.

3 I would say the real issue we have here  
4 is we have a group here, and no offense, that  
5 keeps bringing new people all the time. They  
6 showed up the first time with absolutely no  
7 preparation and really kind of embarrassing  
8 that they hadn't met with the neighborhood.  
9 Which means they had no work done in that two  
10 and a half year time period, that didn't even  
11 know there was an East Cambridge Planning  
12 Team. That's bad homework. Now all of a  
13 sudden they come in and say we're working  
14 really hard with the neighborhood, but for  
15 only two years only since January. And they  
16 brought another gentleman who met with us and  
17 they asked us what they can do to bring some  
18 more stuff in. Not telling us what their  
19 ideas are, but asking us what our ideas were.  
20 Now we have another new person. And it just  
21 doesn't seem to be making any sense. I just

1 see them do some real work to put some  
2 restaurants in there, to put some other  
3 things in there. And to just to point out  
4 that it can be done, how many people know the  
5 Broadway Plaza right out there off One  
6 Broadway? The old ballroom. Terrible,  
7 terrible place. Probably wouldn't want to go  
8 there. There's a restaurant going in there.  
9 That's going to have patio seating even for  
10 that very short period of time. Not a whole  
11 lot of good parking there. Not a whole lot  
12 of people walking back and forth, but yet we  
13 have a restaurant going in there and it  
14 wasn't one. It was multiple working with MIT  
15 to get in there. Why don't we see the same  
16 effort being put forth by these folks?  
17 Instead they come out and they say we want to  
18 get an extension not for one year, not for  
19 two years but we want to go to 2021. 2021 is  
20 a whole decade away. We're hopeful that by  
21 the time it's done, we'll have Alexandria



1           halfway built. I know I'm almost done.  
2           We'll have North Point almost done and we'll  
3           have a new T station in 2014. That's not a  
4           long time away. We need them to put some  
5           real work in and show respect to the  
6           neighborhood, not just a whole lot of  
7           explanations for people that don't live in  
8           the neighborhood. Thank you.

9                       HUGH RUSSELL: Barbara Broussard and  
10           next Steve Kaiser.

11                      BARBARA BROUSSARD: Barbara  
12           Broussard, 148 Third Street between Hurley  
13           and Spring. I must say, and I'll quote my  
14           mother, "You bought it, it's yours, with all  
15           the caveats. You brought it home, you tried  
16           it, too bad you didn't like it. You should  
17           have thought about that beforehand." They've  
18           already been given an extension.

19                      According to the mall Steve Karp told  
20           us that there were approximately a little  
21           over 10 million people, 75 percent of which

1           came by the T. All you have to do is take  
2           your car drive down First Street, try to take  
3           a right-hand turn to get onto McGrath Highway  
4           and you know there are hordes. Why would  
5           they stop there? There's nothing for them.  
6           They walk by. You could put something. I go  
7           to places that are offbeat because they have  
8           something I want. I go to the mall for  
9           things that I want. I don't need another box  
10          store. All we've seen in East Cambridge are  
11          developers who promise us everything, and  
12          once they get what they want, it's very hard  
13          for them to be able to fulfill their promises  
14          for ground floor retail. They did it in  
15          Brooklyn. They gave it away. I don't know  
16          why we can't do it in Cambridge.

17                    Thank you.

18                    HUGH RUSSELL: Thank you. Steve  
19                    Kaiser. And after that Carol Blue.

20                    STEVE KAISER: Yes, again, my name  
21                    is Steve Kaiser, 191 Hamilton Street. And I

1 appreciate that Sean Gilday used the word  
2 failure in his presentation. It's a very  
3 tough word for people to use. And if you  
4 extend that, he's really talking -- the group  
5 is really talking about a failure of policy  
6 on the part of the Planning Board. So this  
7 is a very sensitive issue. And how do we  
8 decide, is it a failure of policy by the  
9 Board or a failure of implementation by a  
10 developer or a group of developers? It's a  
11 -- quite a challenge. Let me just say that  
12 there's a general concept here, a principle,  
13 that worries me that even more broadly than  
14 Charlie explained. Which is if the Board  
15 passes and approves something with  
16 conditions, can the applicant come back and  
17 say oh, we find this condition onerous,  
18 please relieve us. Once you do it, when do  
19 you stop? So that's a real challenge for the  
20 Board.

21 Secondly, could you look at this as a

1 specific problem? Oh, the problem is all  
2 Equity, they didn't try hard enough. I don't  
3 know about Equity, but I do own an Edsel and  
4 I do know about failures. They have  
5 problems, bad luck, bad timing incompetence  
6 and sabotage. All of those factors can come  
7 in here. As I say, I don't know Equity, but  
8 if you want to get into specific problems  
9 here, I'm going to step back from that and  
10 say let's look at the generic problems  
11 because One Canal Park is not unique. We're  
12 having this problem all over the place. The  
13 first floor retail that does not work. And I  
14 would take it one step further, first floor  
15 retail that does not work in modern  
16 buildings. And so my challenge is to the  
17 architects. Is the difficulty in leasing  
18 this space of an architectural nature? And  
19 I've expressed this concern in the past, and  
20 nobody's really investigated. And we haven't  
21 heard from Equity. Has architecture, with

1           just the design of the building played a  
2           problem in being able to lease this space?  
3           And let me just cite some other places:  
4           Kendall Square, again, instead of active  
5           streetscape we have dead streets. Kendall  
6           Square, University Park, again an effort to  
7           have retail on the first floor, they put  
8           offices on the first floor. All the streets  
9           are dead. City Hall plaza in Boston,  
10          classic. They actually did what's called a  
11          red spot map. They built a big map like this  
12          with all the red spots where all the doorways  
13          are. And all the older successful retail  
14          spots were lots of red spots. Lots of doors,  
15          lots of activity. City Hall Plaza was dead.  
16          It was fascinating.

17                    So I really hope that you can as a  
18                    Planning Board can deal and be successful  
19                    with this issue, because if you won't, you  
20                    won't be able to handle an even bigger ones  
21                    like a failure in nature like North Point.

1 Thank you.

2 HUGH RUSSELL: Thank you, Steve.

3 Carol Bellew.

4 CAROL BELLEW: Carol Bellew, 257  
5 Charles Street. I guess my concern is that I  
6 understand that nationally we're having a  
7 problem with retail. You can drive anywhere  
8 and see this is an issue. This is not our  
9 favorite developer. He has a problem on  
10 Third Street and we're fully aware of that.  
11 We never saw these guys. We never saw them  
12 until you asked that they see us. We have a  
13 pretty intelligent group of people who live  
14 in East Cambridge who work with developers.  
15 We make a really hard effort to sit down,  
16 take our time, take our time off of our jobs  
17 to sit with them if they need that. And they  
18 did nothing on their own. So I don't have a  
19 lot of pity for them. I understand the  
20 market is tough. I look at Helmand's and I  
21 look at Osmond's down there and he's in a

1 worse place and he does just great. So  
2 something is wrong with the building. You  
3 don't want to walk down there at night. It's  
4 so dark, and I think architecturally it is a  
5 problem, but I hate to see these given to  
6 developers. This is a -- I'm amazed at how  
7 many people show up for this one for such a  
8 small little space. But I really feel this  
9 is important for us as a neighborhood to make  
10 an effort to stay true to what was asked.  
11 And I request this of the Planning Board. I  
12 hate to bend over too many times for some of  
13 these developers. I don't think they really  
14 made an effort. Thanks.

15 HUGH RUSSELL: Mark Jaquith and next  
16 Patrick McNeal.

17 MARK JAQUITH: Good evening. My  
18 name is Mark Jaquith, J-a-q-u-i-t-h, I live  
19 at 213 Hurley Street. I'd like to thank Jeff  
20 Roberts for putting this map together. One  
21 thing I notice on a lot of the little squares

1 with arrows pointing to retail space is  
2 amended, amended, amended. It looks like  
3 enough to me. Another thing, I'd have to  
4 echo what Barbara Broussard has said. We've  
5 had lots of communications with the folks at  
6 the Galleria Mall regarding their traffic.  
7 And from Equity this is the first time I've  
8 ever heard a suggestion that more than half  
9 the people actually drive there. Anecdotally  
10 you can go in the garage and I've never seen  
11 anywhere near a parking problem in there.  
12 There's always tons of space. There is  
13 tremendous traffic between there and the  
14 subway station that is right between the mall  
15 and the subway station. So all that traffic  
16 tends to go right by them and into the mall.  
17 That's part of the problem that Finagle A  
18 Bagel has because everyone else is on the  
19 other side. I sympathize and go in there for  
20 coffee whenever I can.

21 What else do I have here? I love their



1 before and after picture. My guess, a couple  
2 of things, I bet they haven't -- they didn't  
3 show that space obviously with the after  
4 picture to perspective tenants. That might  
5 make quite a bit of difference to show a  
6 bright colorful space as opposed to kind of a  
7 dark something setback into a hole. And all  
8 I heard from their consultants was big box  
9 stores and food outlets. It doesn't send --  
10 and fairly natural food outlets. It didn't  
11 seem like they really made a great effort to  
12 reach out to local people, entrepreneurs for  
13 this particular area. I just haven't seen  
14 that. I'd also like to be having this  
15 discussion right at the bottom of retail  
16 market, of course it's going to make what  
17 they're saying look good. But given six  
18 months or a year, we could see quite a  
19 different market and quite a different  
20 situation. So, on that basis I would ask you  
21 to at least on the First Street side keep

1           that retail commitment there. They developed  
2           the building knowing they had that commitment  
3           and please hold them to it. Thank you very  
4           much.

5                     HUGH RUSSELL: Thank you. Patrick  
6           McNeal. Next Allen Greene.

7                     PATRICK MCNEAL: Good evening. My  
8           name is Patrick McNeal, M-c-N-e-a-l. I live  
9           at 112 Spring Street, Unit No. 2 between  
10          Fifth and Sciarappa. As a new person, I  
11          still call it Fourth Street, though, I'm not  
12          much of a community activist, this is my  
13          first time attending a meeting like this.  
14          And I came tonight because I wanted to  
15          express my concern as a new resident to both  
16          Cambridge and the East Cambridge in  
17          particular. When my partner and I decided to  
18          move to East Cambridge, we looked at many  
19          different places and we chose East Cambridge  
20          because there's a sense of change and hope.  
21          Saw lots of opportunity for improving the

1 neighborhood, for having a family, raising  
2 our kids here. Part of that is having a  
3 vibrant neighborhood. I heard people mention  
4 that tonight. The Cambridge community is  
5 there and I want to make sure that the  
6 business community is there, too. The  
7 gentleman who spoke earlier from the  
8 developer put it very well, he used the  
9 phrase "Sucked the life out of the  
10 neighborhood when the mall went in." I don't  
11 want to see that continue. And I'm afraid by  
12 given these perpetuity modifications we're  
13 just allowing that life to continue to be  
14 sucked out of East Cambridge as opposed to  
15 trying to improve it. They already mentioned  
16 some possible changes; on-street parking,  
17 changes to architecture. Let's give it a  
18 chance. Let's see what they can do to  
19 improve the neighborhood. So, I strongly  
20 oppose this modification and I hope you do,  
21 too. Thank you.

1                   HUGH RUSSELL: Thank you. Next  
2 Allen Greene. After that Alec Wysoker.

3                   ALLEN GREENE: My name is Allen  
4 Greene, G-r-e-e-n-e. I live at 82 Fifth  
5 Street. And it's very hard for me to see you  
6 all at once, so I'm going to step aside a  
7 little bit just to view you. I was here in  
8 January because I was against this proposed  
9 change for office space on First Street. I  
10 live in East Cambridge. Just like what was  
11 said now, I'm, I'm basically there witnessing  
12 desolation every day, okay? I was there on a  
13 Sunday three weeks ago watching hordes of  
14 people going to the Galleria Shopping Mall.  
15 Literally hordes coming from the Lechmere  
16 station, okay? And basically they were  
17 approaching this building and basically  
18 avoiding it. And I want to echo what  
19 Mr. Kaiser said because there's something  
20 here in the design of this building which is  
21 hideous. It looks to me like something

1 designed by Joseph Stalin. Okay? People do  
2 not want to approach that building.

3 PAMELA WINTERS: Sir, can you take  
4 your mic and just move it away a little bit.

5 ALLEN GREENE: Move it away? Is  
6 that okay?

7 PAMELA WINTERS: Yes. Thank you.

8 ALLEN GREENE: It is not a building  
9 which says please enter me, there's retail  
10 here. And I have to say that I appreciated  
11 some of the changes for some of the office  
12 space as given, given lighting, given let's  
13 say halfway up frosted windows. But those  
14 suggestions that were suggested here should  
15 be applied to retail. There has been  
16 absolutely no support for retail here. I  
17 mean, I'm gonna -- I want to submit this to  
18 Mr. Russell and also to Beth Rubenstein here.  
19 Basically I have two pictures which compare a  
20 strip mall which is at the Twin City Plaza in  
21 Somerville compared to this First Street

1 possible retail space. Okay? There's a  
2 strip mall, strip mall at the Twin City Plaza  
3 which is perfectly functioning. If you look,  
4 there are street signs there. Every retail  
5 establishment is allowed a huge sign. Now,  
6 here it's said that, you know, they can't  
7 afford to do this, but these retailers that  
8 are moving in, they're responsible for these  
9 signs. The retail as given in the example of  
10 the East Cambridge Savings Bank is this tiny,  
11 tiny sign that's tucked away inside the  
12 walkway. You can't even see it. Whereas,  
13 the Twin City Plaza, all of these street  
14 signs are there bold, visibly seen. I would  
15 submit this tonight and ask you to put this  
16 on record for me.

17 So really I can't see why we can't have  
18 retail here. If you say that this is this  
19 big vacuum and sucking all the retail. All  
20 over the America here we've had this large  
21 shopping center and right next to it what do

1           you have? You have a secondary strip mall.  
2           Okay? So why -- if we have millions of  
3           people coming from Lechmere Station, we have  
4           people moving into North Point, a future  
5           development, why we can't have that down the  
6           road, you know, they asked for eight years  
7           from now. I'm ready to go there. People in  
8           East Cambridge, people who are moving into  
9           these new apartment buildings, are all there.  
10          I see them walking around with nowhere to go  
11          because there's nothing there. They don't  
12          want to enter that building.

13                    HUGH RUSSELL: Thank you. Alec  
14                    Wysoker. And after Alec, Jesse Barakhan.

15                    ALEC WYSOKER: Hi. I'm Alec  
16                    Wysoker, W-y-s-o-k-e-r. I live at 131 Spring  
17                    Street and I work at Broad Institute at 320  
18                    Charles Street. I moved to this neighborhood  
19                    about a year and a half ago from Central  
20                    Square and when people ask me what it's like,  
21                    I say well, if you would like pizza, it's

1 great. But, you know, compared to Central  
2 Square, the, you know, the number of non-big  
3 box businesses that you can walk to that sell  
4 something other than pizza or an tattoo are  
5 fairly limited. I can also tell you that the  
6 people I work with at 320 Charles Street are  
7 desperate for someplace to go to lunch. You  
8 know, we're thrilled that the Friendly Toast  
9 moved in, but, you know, it is jammed and,  
10 you know, it's clear that there's -- that  
11 there's pent up demand for people to go have  
12 lunch.

13 You know, I've been to so many of  
14 these, you know, BZA and Planning Board  
15 hearings where a developer comes in and says,  
16 I'm not making enough money essentially. Can  
17 you please help me out here? And, you know,  
18 the last I checked, being a developer was a  
19 risky business. And, you know, if you're not  
20 willing to take the risk maybe you shouldn't  
21 be in that business. This kind of reminds me



1 of the discussion that's going on with  
2 Washington and Wall Street these days where  
3 these guys want to make these big bets, and  
4 if they pay off well, then they're happy.  
5 And if the bets don't pay off, then they want  
6 to be bailed out by the government. You  
7 know, I think these, you know, these  
8 developers bought this building with the  
9 understanding of this requirement and it  
10 doesn't seem to be working all that well for  
11 them now. And, you know, why should we as a  
12 community pay the price for that? You know,  
13 if we agree to this, this is probably going  
14 to be there forever. And I think that it's  
15 their problem and it's not our problem and  
16 they should be able to fix it. Thank you.

17 HUGH RUSSELL: Thank you.

18 Jesse Barakhan and then Joseph Maguire.

19 JESSE BARAKHAN: Good evening.

20 Jesse Barakhan, B-a-r-a-k-h-a-n. I'm the  
21 Vice President of Twining Properties. I

1           oversee all of our retail development in the  
2           Cambridge market specifically. I worked  
3           extensively with some of the folks here the  
4           East Cambridge Planning Team on retail in  
5           Kendall Square. I can confirm Sean reaching  
6           out to someone on my team recently. We've  
7           had a lot of these conversations as an  
8           organization with the neighborhood, with  
9           various stakeholders in Kendall Square in  
10          Cambridge generally. There's no doubt in my  
11          mind that retail is challenging in Cambridge  
12          and in Kendall and everywhere right now. I  
13          can say, and this comes from everyone on our  
14          team, we own the Watermark Building, a couple  
15          other assets in Kendall Square with financial  
16          partners out of Des Moines, Iowa. We're all  
17          committed to retail. We want to see more  
18          retail. And we want to see the enlivening on  
19          the first floor throughout Cambridge, and  
20          we're particularly interested in seeing that,  
21          seeing those spaces occupied by small local

1 and operated owned businesses. So to the  
2 extent that's helpful to the Board, I submit  
3 that testimony and I appreciate it.

4 HUGH RUSSELL: Thank you. And  
5 Joseph Maguire and next is Donna Keefe.

6 JOSEPH MAGUIRE: Good evening. Joe  
7 Maguire. (Inaudible.) I just want to say  
8 that we're committed to retail in our  
9 development. We'd expect to be held to that  
10 over a longer term as we go about developing.  
11 Retail on the ground floor on street front  
12 that is strategic is important to the quality  
13 of life in the neighborhood and I just wanted  
14 to make that statement.

15 HUGH RUSSELL: Thank you.

16 DONNA KEEFE: Hi. Good evening.  
17 Donna Keefe, 263 Hurley Street, K-e-e-f-e.  
18 There has been a lot of change that has been  
19 happening in East Cambridge neighborhoods as  
20 we know it, and I remember being in Cambridge  
21 15, 20 years ago living in the East Cambridge

1 neighborhood and being told that Kendall  
2 Square is a big wasteland, nothing can happen  
3 there and it's done. And it was bad planning  
4 and everything else. But I have seen over  
5 time, especially now, they've got two  
6 restaurants, they've got a third one coming  
7 in. There's the canoes at the park. And I  
8 know it's on Third Street and down the other  
9 end, but it's not that far from one end of  
10 Third Street -- First Street down to the  
11 other street. And a lot of people cross back  
12 and forth to the Lechmere, Green Line, and  
13 Kendall Red Line are people that work and  
14 live in that area. So I think looking at  
15 what is going on down there, is something  
16 that we shouldn't just decide now not to try  
17 to develop that kind of a community down the  
18 other end because you do -- it's being  
19 short-sighted right now to put -- okay, we  
20 won't have retail there and we'll look at how  
21 things are and move it into office space.

1 Well, it's never going to develop if we keep  
2 deciding to just, you know, crash the bus and  
3 move on. Because you do have a whole lot  
4 that's coming on in the future. We just got  
5 that new apartment building over there,  
6 Archstone that just came up. North Point  
7 will be there at some time. You still have a  
8 lot of things that are being built in the  
9 area. One source is there. We have a great  
10 resource. And the river and the canal and  
11 that area that has been really developed over  
12 the last couple of years, too. And you have  
13 a planning group that -- how the change  
14 should be made on the river right now in that  
15 area. So I see people all day on Saturdays  
16 and Sundays out there going by. And they're  
17 not people that are just going to the mall.  
18 They're not going to the mall. A lot of  
19 people that live in the neighborhood aren't  
20 going there just for the mall. We're looking  
21 for places in our neighborhood where we can

1 go and enjoy ourselves and get together.

2 So, I know a lot of people have talked  
3 about the building. I don't need to go into  
4 that area, but I think that shouldn't be so  
5 short-sighted right now. It's one of the  
6 toughest economies that we've had in 45 or 50  
7 years and decide to change the rule. I think  
8 we need to keep moving forward and looking on  
9 how to make it a better community and expand  
10 what's going on down at the Kendall Square  
11 area all the way down to where Lechmere is.  
12 Thank you.

13 HUGH RUSSELL: Thank you. This is  
14 the end of the list of people who signed up.  
15 Are there other people who wish to be heard?  
16 Show of hands?

17 (No response.)

18 HUGH RUSSELL: I do not see any.

19 SEAN GILDAY: Can I address one of  
20 the points that was brought up?

21 HUGH RUSSELL: Sure.

1                   SEAN GILDAY: I don't remember the  
2                   gentleman's name, but he did reference Twin  
3                   City which is a good point, they do well  
4                   there, but there's a critical difference  
5                   there. And that is there's a critical  
6                   difference there, and that is that there's a  
7                   60,000 square feet Shaw's Supermarket there.  
8                   There's a 30,000 square foot Marshals there.  
9                   And those businesses are the type of  
10                  businesses with a huge deal with parking that  
11                  bring in traffic, and that's the difference  
12                  is that feeling that there's a lot of parking  
13                  right there. So I just thought he made a  
14                  good point, but it's not really apples and  
15                  apples because of the parking issue. So, I  
16                  just thought I'd offer that.

17                  HUGH RUSSELL: Thank you. We don't  
18                  actually debate, engage in debate between  
19                  people in the audience. So if no one else  
20                  wishes to be heard and no final remarks from  
21                  the Petitioner.

1                   JOHN CONNELLY: I appreciate the  
2                   opportunity just to comment on a couple of  
3                   the comments. I certainly appreciate when it  
4                   came up, you know, and I guess I would say  
5                   for the last few months I've heard the same  
6                   things over and over again: You haven't  
7                   tried hard enough, you haven't tried hard  
8                   enough. You know, it's one of those things I  
9                   don't know what to say. I certainly think  
10                  that Sean displayed that we did try. Again,  
11                  I heard only going after national tenants.  
12                  Sean's company works with every tenant. So  
13                  that certainly is, you know, it's far from  
14                  the case. You know, now someone's saying  
15                  Finagle A Bagel is on the other side of the  
16                  street. They're right across from the train  
17                  station. I certainly understand everyone's  
18                  frustration. But I just think -- and, you  
19                  know, I think there was someone here that  
20                  said, you know, let them live with it. It's  
21                  not our problem, it's their problem. But I



1 just think, you know, if we're not granted  
2 some relief, I think it's going to be  
3 everyone's problem because this space is  
4 going to sit vacant. We'll obviously try  
5 hard to fill it, but I think it's everyone's  
6 problem. So thank you.

7 HUGH RUSSELL: Thank you.

8 At this point I think we'll close the  
9 hearing to oral testimony and leave it open  
10 to written testimony until we make a  
11 decision.

12 I guess I'd like to start off sort of  
13 to tee this up, we gave the permit for this  
14 building in 1984. We said -- we found that  
15 the city's principle urban design objective  
16 of active retail uses on many edges bordering  
17 the park to Cambridge Street. So I think I'd  
18 like to ask here today is to say is that  
19 objective different? I believe in my own  
20 view that we've accepted that the frontage on  
21 the Lechmere Canal is different than we

1           expected it to be. The way that space used.  
2           And I think our real question, then, is  
3           really is there objective on First Street to  
4           have retail, has that changed or is that  
5           objective still in place?

6                       WILLIAM TIBBS: I think it's funny.  
7           I'm looking at the map and I'm looking at  
8           where we have made permitted changes. And I  
9           think first, let me say that I've been -- I  
10          think we always listen to everything people  
11          say, but I'm really listening because I have  
12          -- I'm conflicted on this one. I understand  
13          both the views of both folks. And I'm  
14          looking at it, and I think that -- so to  
15          answer your question, I think yes. I think  
16          First Street has to be -- I think that retail  
17          objective on First Street is not only should  
18          be our objective, but it needs to be a strong  
19          objective. I think the real issue happened  
20          when we allowed such an internal mall. This  
21          idea that the mall is sucking the, you know,

1 is sucking the life out of the retail  
2 neighborhood, I think that's very, very true.  
3 As a matter of fact, it's interesting just  
4 looking at that diagram, we missed the  
5 opportunity to have two parallel streets, one  
6 internal, one external. We let the mall turn  
7 its back on First Street. The Best Buy and  
8 Sears do not -- even though they're nice, big  
9 red blocks on that plan, do not represent the  
10 kind of plan -- and when I think about the  
11 kind of thing, just the kind of retail spaces  
12 that I've had -- maybe back in 1984 and when  
13 we did the mall, we weren't thinking in those  
14 ways. But now a days it's not unreasonable  
15 if you have, if you have exits and interior  
16 circulation in the mall going out onto that  
17 street, it is very viable for that map. And  
18 so the real question is have we boxed  
19 ourselves into a corner where it can't  
20 happen? And that's what I'm scratching my  
21 head about on this one.

1           To get to some of the more specific  
2 things that we talked about, pickling  
3 ourselves and the seven points, the one I was  
4 looking for is the tailored strategies, and  
5 that's one where in my mind, and I'm not a  
6 retail person, I'm not a specialist, in my  
7 mind that that space should be able to work  
8 but it is not a retail space by a normal  
9 retail space. And what I didn't hear tonight  
10 -- I heard a lot of reasons about why it  
11 doesn't work. But I didn't hear any reasons  
12 that said or this -- for this place to work,  
13 what are its qualities and what is it kind of  
14 retail do you need to get there. In fact,  
15 the Cambridge Savings was there for a long  
16 time. It's a destination. And I think this  
17 whole destination trend, we actually talked  
18 about this when we did this initial thing, we  
19 talked about the shoe store as a destination.  
20 People go there because they know it's a  
21 store and they go there. What's the

1 strategy? You have a lot of people walking  
2 by and what's the strategy for people walking  
3 by and go in a store? It's not here's a  
4 space and go look at it and tell us whether  
5 you like it or not. It's a strategy that  
6 says here's a space, here are its good  
7 points, here are the bad points, how do we  
8 emphasize the good points? You did a first  
9 half of that when you looked at how you  
10 changed the architecture at some point. And  
11 I would agree the cost of doing that doesn't  
12 seem to be all that feasible, but that's what  
13 I -- so in terms of the targeted strategies I  
14 just didn't hear that.

15 And I guess my one, I have two issues  
16 here. One is that a lot of -- you know, I  
17 think while Steve talked about the policy, I  
18 think the policy -- the policy's okay that  
19 could make First Street a strong street, but  
20 I think our incremental approach to making  
21 change has made it so that we've kind of

1 failed ourselves in a planning perspective.  
2 And I would like to see in the future a real  
3 earnest look at really trying to make that  
4 First Street work. And that's how I think  
5 about it. I see that -- and this is normal.  
6 I mean, I'm glad, Hugh, you mentioned this is  
7 1984. It is normal for you to then step back  
8 and say we've had all these years of  
9 development, now let's look at that  
10 neighborhood and let's look at the retail  
11 issues there and really see how it works. So  
12 I'm going on. So then I say well, okay what  
13 about this specific project, this specific  
14 building that's before us? And one question  
15 is how important is this building to the  
16 overall retail picture here? I would say  
17 that if we want to -- if we want to live with  
18 the existing picture, this building is not  
19 important. I can tell you that. But, I --  
20 my tendency is not to say -- that I don't  
21 want to live with this retail picture because

1 we already knocked out some opportunities, I  
2 would agree with Hugh, that one of the things  
3 we did, and particularly around the canal was  
4 we looked at what was there and determined  
5 you know what, no matter what our grand ideas  
6 were when we were doing this, it's just not  
7 working. And I look at the little space in  
8 the Esplanade, and that was amended to  
9 changes and yeah, that doesn't make a lot of  
10 sense either, particularly what was there.  
11 But, boy, we have the bones on First Street  
12 to still make it work. I'm a little  
13 reluctant, and we now permanently amendment  
14 One Canal Park so we don't have that bridge  
15 to the Lechmere piece. So my tendency is to,  
16 is to say that I don't want to give it up  
17 right now and do it permanently, but I'm  
18 perfectly willing to look at getting some  
19 short term relief so to speak. But I just  
20 think in the long term with Lechmere  
21 happening and North Point happening, I just

1 don't want to give up First Street. At least  
2 on the First Street side. I think to me it's  
3 really important for us as planners to keep  
4 that option and we have this big bohemian of  
5 a mall and it's obviously doing very well.  
6 And it's obviously getting space, and it's  
7 not doing much for First Street in terms of  
8 making it work. But that doesn't mean 10 or  
9 15 years from now that that might not happen.  
10 And I'd love to see a real study saying what  
11 can we do to activate that street? What are  
12 the kind of things can we do? And what kind  
13 of planning changes we do to that street to  
14 make that happen to our original plan can  
15 stick together. That's my rambling somewhat.

16 HUGH RUSSELL: Did Bill particularly  
17 cover the territory?

18 H. THEODORE COHEN: I'll jump in now  
19 because I think, Bill, your ramblings were  
20 very interesting and right on a lot of  
21 things, but I think, and since I wasn't on



1 the Planning Board when it happened, I don't  
2 know if any of the people now were. I don't  
3 think you should beat yourself up or we  
4 should beat ourself up about the  
5 Cambridgeside Galleria. I moved here in '72  
6 and I remember what the canal looked like and  
7 the old Lechmere Square store. And quite  
8 frankly, you know, I've been going and  
9 shopping in the First Street and eating in  
10 that area for a long time, but it was not a  
11 really pleasant place to go to. I mean,  
12 maybe there was an old neighborhood and the  
13 people lived there and loved it, but I don't  
14 think it attracted a lot of people from out  
15 of the area. And I think the Galleria has  
16 done a lot of things, and maybe it was an  
17 80's design that, you know, we don't like  
18 that much anymore in 2010, but I think it has  
19 done a lot for the area. And I, you know, I  
20 think we have to move on. And, you know, I  
21 think you're correct that the idea of First

1 Street being a viable retail street and  
2 walking street really needs to be promoted.  
3 I think having parking, short-term parking on  
4 the street will be a big help. I mean, I  
5 went to just look at One Canal again last  
6 night, and great, it was after six o'clock.  
7 So I could find a parking spot on Thorndike  
8 Street. But I mean, it's just very difficult  
9 if you want to stop very short term and not  
10 go into the mall and go in underground and do  
11 the whole routine.

12 So I really think that the vision is  
13 still very valid and should be supported.  
14 And I realize at the same time that the  
15 economy is really horrible. And I don't buy  
16 the concept that the owners, you know, it's  
17 just their problem. I think just like  
18 bailing out the banks is something the whole  
19 country had to do to prevent the economy from  
20 collapsing completely, that we have to do  
21 something if there is a valid thing to do to

1 help the owners of the building so that they  
2 can get through a very difficult economic  
3 times to allow us to be economically viable  
4 in the future. And that, yes, we approved a  
5 lot of other properties that are going to  
6 come online, but is that five years, 10  
7 years, 20 years? You know, the whole North  
8 Point, you know, at least a 10 or 20 year  
9 build out.

10 So, I too am very conflicted because I  
11 think I would not like to give up the retail  
12 permanently. And I also agree that the  
13 building is not really welcoming to retail,  
14 and the people walk by it all the time. And  
15 the only reason they walk under the arcade is  
16 if the weather is horrible and they want to  
17 get out of the rain. And so, you know, maybe  
18 there is some alternative to make it a more  
19 retail-friendly, pedestrian-friendly place.  
20 And, again, you know, we really haven't heard  
21 anything about that, you know, this evening

1           again. But I, you know, Hugh, my feeling is  
2           that yes, the retail on First Street and  
3           maintaining that as a main shopping area and  
4           pedestrian area for the area really is  
5           viable. Is what we should be striving for,  
6           and I think it is viable but I think it is a  
7           very difficult economic time right now. It's  
8           not just here.

9                     You look all on Mass. Ave, you look all  
10           over the city, there are a tremendous amount  
11           of vacancies. And, you know, nobody's moving  
12           in anywhere in the city. And I think you,  
13           know, if there is something that we can do to  
14           help, we ought to seriously consider it. But  
15           I would not like to give it up on a permanent  
16           basis.

17                     HUGH RUSSELL: Pam.

18                     PAMELA WINTERS: So, I was just  
19           wondering if it's at all possible to split  
20           the building up so that the area along First  
21           Street remains retail and then give you some

1 -- an opportunity to rent out the other part  
2 of the building for office perhaps on a  
3 temporary basis? You know, that would give  
4 you a little bit of -- perhaps a little bit  
5 of leeway there. It's just a thought that I  
6 had. I don't know if that's something that  
7 you considered.

8 And also I was wondering if you  
9 currently have a tenant in mind for office?

10 WILLIAM TIBBS: I'm going to say one  
11 of the things that I found very interesting  
12 was the amount of vacant office space we  
13 still have on this map. So that is a very  
14 good question. Thank you.

15 JOHN CONNELLY: Sure. Currently if  
16 you look at the, you know, the way the  
17 configuration is, the three suites -- except  
18 for the yellow, the three suites currently  
19 have tenants in them. So, you know, we can  
20 -- we would -- that's the one vacancy is the  
21 yellow where the bank was. And the other

1 suites have office tenants. So, you know,  
2 our thought on that would be even though  
3 there's vacancy around we could renew those  
4 tenants. At this point we can't renew them  
5 because they may want to go on beyond 2013.  
6 So I feel like we can certainly keep some  
7 people in there.

8 You know, again, I just want to stress  
9 the fact that, you know, we would -- we  
10 welcome retail. We have a project in  
11 Burlington that's an office project. It's an  
12 office park. And because of its location the  
13 fact that retail works well, we're --

14 HUGH RUSSELL: I don't think you're  
15 responding to Mr. Tibbs' question. I want to  
16 get back in the theory. I don't want to hear  
17 about Burlington.

18 JOHN CONNELLY: Sure. To answer  
19 your question. I believe that we can keep  
20 those three spaces full with the existing  
21 tenants. And then just to answer

1 Ms. Winters' question, while I was sitting  
2 here, I, you know, certainly again I have  
3 great respect for everyone in the room both  
4 in the audience and the Board, and, you know,  
5 I talked to Ms. Bachman briefly. And I think  
6 one thing that would bridge us through this,  
7 you know, through time would be if we can  
8 extend the front First Street for an  
9 additional five years from the expiration in  
10 2013. You know, and again we would continue  
11 to look for retail tenants, but that would  
12 certainly bridge us to just a time when the  
13 area will mature more. I don't know if it  
14 will. It may mature more, but it would give  
15 us an opportunity. The back is still  
16 challenging. Again, certainly out of respect  
17 for everyone's opinion, I think if we can go  
18 to ten years on that one, you know, we  
19 certainly would, it would get us through this  
20 time. And I don't know if that space will  
21 ever be a desirable retail location only

1           because of the fact it doesn't have extreme  
2           visibility around the back of the building,  
3           but certainly ten years would not prevent us  
4           from renewing these existing tenants in  
5           place. And then again, who knows what ten  
6           years from now, who knows what's going to be  
7           around us. Maybe it would work.

8                        THOMAS ANNINGER: Can you spell out  
9           what you mean by extend for five years?

10                      JOHN CONNELLY: Yeah, so -- I'll let  
11           Kathy -- she's the technical person.

12                      THOMAS ANNINGER: I'm trying to  
13           understand what he just suggested.

14                      ATTORNEY KATHERINE BACHMAN: Yes.  
15           Right now, the current relief expires on  
16           January 1st of 2013 as to the whole first  
17           floor. So I think John, from the notes that  
18           you shared, was to suggest that as to all of  
19           the first floor spaces there which are three  
20           suites, two in bright yellow and one in  
21           orange, that the expiration date would be



1           January 1st of 2018. So give five years from  
2           its current expiration. And then in the  
3           back, to extend the current expiration of  
4           January 1, 2013 to January 1, 2023. So five  
5           in the front and ten in the back.

6                   THOMAS ANNINGER: Can I just pursue  
7           a little bit so we understand what is on the  
8           table here?

9                   HUGH RUSSELL: Sure.

10                   THOMAS ANNINGER: If you're trying  
11          to make a go of it with retail, Sean the  
12          expert, how much time do you need for a lease  
13          to give somebody time to make a serious go of  
14          it or is that just some kind of a weak  
15          proposal that can't work from the start  
16          because it's too short? In other words, you  
17          understand the question?

18                   SEAN GILDAY: Right, I think I hear  
19          what you're saying. A tenant to make a big  
20          investment in a space wants term.

21                   THOMAS ANNINGER: That's right.

1 Five or seven years --

2 SEAN GILDAY: It depends if we can  
3 find a bank to take over that space, it is an  
4 existing bank.

5 ATTORNEY KATHERINE BACHMAN: Just  
6 for clarity if I may, you're talking about if  
7 there's an extension to allow office space  
8 because retail is a continued desire and  
9 allowed use. We're just talking about  
10 allowing office use for the additional period  
11 of time.

12 THOMAS ANNINGER: Okay.

13 ATTORNEY KATHERINE BACHMAN: So  
14 there's no restriction on retail. If we can  
15 find a good retail tenant, that would be  
16 terrific.

17 HUGH RUSSELL: I guess I'd like to  
18 put myself another deal on the table which is  
19 give up the bottom part which is it looks  
20 like it's about two-thirds of the total space  
21 in perpetuity, whatever, and not give any

1 relief to the front. That's to say let it be  
2 retail with the exception that the portion of  
3 the right can stay office until 2013 because  
4 we already approved that. That to me is  
5 where we should be going based on what we're  
6 hearing here. And that does give substantial  
7 relief to the building and sort of a  
8 permanence to, you know, what is about  
9 visually looks like it's 60 or 70 percent of  
10 the space on the first floor. It doesn't  
11 preclude them finding some fabulous  
12 restaurants, and at some point putting it  
13 back there, but I think, you know, that would  
14 -- I think that's what we should do here. We  
15 certainly have the authority to do that,  
16 grant the request in part.

17 CHARLES STUDEN: Hugh, I think  
18 that's an interesting proposal, and while I'm  
19 not actually going to get to vote on this  
20 tonight, I'm going to share my thoughts  
21 because what I'm afraid of, and by the way, I

1 think this map that's prepared by the staff  
2 is really incredible. It's been very helpful  
3 to me in understanding what's going on here.  
4 And what I see right now is an enormous  
5 amount of vacant retail space on First Street  
6 and other locations partly due to the mall.  
7 But I think also perhaps partly due to the  
8 economy in general, and maybe just simply  
9 because it's too much retail. I think  
10 fundamentally what's happened, when you look  
11 at our gross domestic product in this  
12 country, consumer spending was approaching 70  
13 percent. I think we're going to see a major  
14 shift in that in the coming years. We simply  
15 got to find another way to support our  
16 economy other than people going shopping as  
17 desirable as that might be. And the thing  
18 that I'm afraid of with your proposal is that  
19 we're going to wind up if -- and I believe  
20 the testimony I heard tonight was very  
21 compelling to me, the applicant's testimony,

1 white out which is vacant space on First and  
2 to me that is not an advantage at all. I'd  
3 rather see office space in there temporarily  
4 which is what they're asking for with the  
5 hope that some day in, is it 2018?

6 PAMELA WINTERS: '13.

7 CHARLES STUDEN: No, '18. They're  
8 asking for five year extension. That perhaps  
9 with these other developments taking place in  
10 this area, residential developments and so  
11 on, is that retail could take place there. I  
12 believe the applicant when they say they  
13 would really like to have retail there. I  
14 think they're really struggling with -- like  
15 a lot of places and that's why we see so many  
16 vacancies. What can you put in there and  
17 make it viable? It's very, very difficult.  
18 So I guess and, again, I'm not going to get  
19 to vote, but I would like to do what the  
20 applicant's is asking for tonight and I think  
21 that that's a reasonable compromise because

1 we're not precluding retail as an option  
2 ultimately.

3 HUGH RUSSELL: I guess I read the  
4 map a little differently, and between  
5 Thorndike and Charles Street, according to  
6 this map there's one retail vacancy. That's  
7 the core. Between South of Charles Street  
8 there's a lot of retail vacancies and some  
9 retail. And there's virtually no retail  
10 north of Thorndike Street. And in part  
11 that's because some of the buildings haven't  
12 been set up for retail. It's not required  
13 for some. So this is a critical flaw.  
14 That's how I read that map.

15 JOHN CONNELLY: May I address the  
16 Board?

17 HUGH RUSSELL: I think I'd rather  
18 have us discuss it.

19 THOMAS ANNINGER: I guess I have no  
20 choice but to weigh in here at one point. I  
21 agree with Bill who I think said it best is

1           that both -- that all the testimony we heard  
2           with a few exceptions was very persuasive,  
3           and I really found it credible on both sides.  
4           We have a dilemma here and it's a tough  
5           decision for us. I think what turned me in  
6           the direction that I would like to go was  
7           really the testimony from two people who were  
8           neither from the residential community nor  
9           from the applicants, and namely, from Joe  
10          Maguire from Alexandria and Jesse Barakhan  
11          who seems to be involved with the Twining  
12          Building. They didn't come here to oppose or  
13          to promote, but they did say that they were  
14          here to commit to retail. And I think what  
15          they were saying is that's what it's going to  
16          take. That there really is no way to do this  
17          in a half-hearted way. And I therefore am  
18          prepared, and I think that what they're  
19          saying is the future for them in this  
20          neighborhood, to which they have committed  
21          themselves, is to try to make that retail

1 work hard as it is. And I think that's why I  
2 think we have to go down that path as well  
3 here and why I would support what Hugh has  
4 suggested. The dilemma is there's really no  
5 way for us to require you in a sense to make  
6 it a larger effort to not let that building  
7 lay fallow which is a very legitimate concern  
8 of yours and ours. How do we not let that  
9 happen? Or what do you have to do? What can  
10 we help you with? What can we require you to  
11 do? I don't know the answer to that. I do  
12 think you haven't done enough  
13 architecturally, which I think is sort of the  
14 consensus on one of the major problems here  
15 is that it's just an awkward building with  
16 big columns that have hidden you away, and  
17 you haven't taken that step which you call a  
18 million dollar step to go outside those big  
19 columns and try to promote yourself on the  
20 street front. Bu I see no way around that.  
21 If you don't do that, it will never happen.



1           And if we don't ask you to do that, it won't  
2           happen. So I guess faced with a tough  
3           dilemma, I'm prepared to go down the path of  
4           letting this expire and putting you in the  
5           position of having to make it work on a  
6           retail basis.

7                       WILLIAM TIBBS: I look at it in two  
8           ways because, again, I look at the map which  
9           I think is helpful, and one of the things  
10          that the map clearly says, and we acknowledge  
11          from a planning perspective, that the  
12          Lechmere Canal just doesn't work on a retail  
13          basis. And we have already amended almost  
14          all the viable spaces there that would work.

15                       I think Hugh's idea of actually just  
16          releasing that one and saying release the  
17          canal side and just let you -- just take that  
18          restriction off of that, we've already done  
19          that to the other major properties that would  
20          give life to that. So I would tend to feel  
21          comfortable doing that, but also keeping the,

1           keeping the retail commitment there. I think  
2           it's so -- one of the things we talk about a  
3           lot, because this comes up on so many  
4           projects that we have is that, you know, we  
5           want retail and we want it to work, that  
6           commitment is really important. And it's not  
7           just having a space and asking other outside  
8           retail people to come in as I said earlier,  
9           look at it, it's really -- how do you -- what  
10          do you do to make it work? And what I was  
11          hearing from the residents is there's stuff  
12          there, at least from their perspective,  
13          they're not technical people, but you know, I  
14          forgot your name, when you said there's not a  
15          sandwich shop there, and boy, if there was  
16          one, we could actually get to -- we would use  
17          it. It's just really coming up with some  
18          creative idea of what are the qualities  
19          there. But either -- that commitment is  
20          really important, and I think it's a very  
21          important linking property as we look at the

1           idea of the Lechmere Station being something  
2           much more elaborate. It may take some timing  
3           to do that. If anything, I'm torn about  
4           giving them that little bit of relief for a  
5           short time, but I think you've convinced me,  
6           Tom, that I'm always one that has been saying  
7           in the past the commitment is really  
8           important and I could go there.

9                        HUGH RUSSELL: I would like to make  
10           a comment about the Lechmere Canal frontage.  
11           It's actually very lively out there. And I  
12           think what we're saying is if retail frontage  
13           in these other buildings isn't necessary to  
14           create that life, it's very lively entry to  
15           the mall. It's the liveliest spot there.  
16           And with a bit of history, I believe when the  
17           mall came in, they were going to be like no  
18           entrances on the street. And the city worked  
19           extremely hard to come up with this concept  
20           of linear mall that had in strong both ends  
21           strong connections. And so I think that's

1           what worked on the canal end. And that's  
2           why, you know, it's not a wasteland. It's  
3           full of people. I ride down there with my  
4           bicycle and people are all around.

5                     Ahmed.

6                     AHMED NUR: I think most of the  
7           points that I wanted to talk about has  
8           already been mentioned, so I'll be very  
9           quick. I too think that the canal side --  
10          I'm willing to go on the canal side for a  
11          five year extension on non-retail and office.  
12          So from '13 to '18, but on the storefront on  
13          the First Street.

14                    WILLIAM TIBBS: It's 2010 concept.

15                    AHMED NUR: It was expanding on the  
16          '13 and they wanted to add five. Yes, ten.  
17          So '18 on the canal side and letting it  
18          expire on the storefront on the First side.  
19          And I think that area should definitely be  
20          kept at the retail for the reason being that  
21          there is this space available in every block

1           pretty much from the Lechmere train station  
2           down to Rogers Street. So every one of those  
3           storefronts can come down here and say why  
4           don't we have the same break that these other  
5           folks got? And so, that's what I'd like to  
6           see happen.

7                         STEVEN WINTER: Can I ask a  
8           clarifying question of Ahmed? I just want to  
9           make sure -- were you indicating that the  
10          retail on the First Street side should be  
11          preserved and cultivated and maintained and  
12          the retail on the canal side could be -- you  
13          tell me.

14                        AHMED NUR: Right. So I was saying  
15          that on the canal side it's really hard for  
16          people to see as a retail, it's hidden in the  
17          canal and the canal is lively as Russ talked  
18          about. So I would give that five year  
19          extension for office, not for retail. And on  
20          the First Street side, the storefront side,  
21          let that expire and show for retail for

1 public use.

2 HUGH RUSSELL: Let me make sure my  
3 proposal is on the canal side to let the  
4 market make that decision. And if it can be  
5 retail, it can be retail. If it can be  
6 office, it can be office and stop regulating  
7 that. I would hope that, you know, it would  
8 be an interesting frontage and maybe some day  
9 they're going to put a restaurant in there,  
10 but I'm willing to let the market make that  
11 decision.

12 AHMED NUR: I agree.

13 HUGH RUSSELL: Okay.

14 H. THEODORE COHEN: I'm sorry,  
15 Ahmed, when you say you agree, he was talking  
16 about a permanent elimination of the  
17 requirement for retail on the canal side.  
18 And I understood you were saying the five  
19 year.

20 AHMED NUR: Right. Thank you for  
21 that clarification. I understand.

1                   STEVEN WINTER: Mr. Chairman, I have  
2 a couple of comments.

3                   HUGH RUSSELL: Please.

4                   STEVEN WINTER: I concur, Tom, that  
5 there's component testimony on both sides and  
6 I really appreciate both of these  
7 perspectives. Is Anderson Kreiger one of the  
8 tenants in Canal Park?

9                   FROM THE AUDIENCE: Yes.

10                  STEVEN WINTER: One of the things I  
11 wanted to point out, that this -- the  
12 proponent has a tremendous collection of  
13 office tenants and I know we're talking about  
14 retail. I know that's what we're up to, but  
15 I want to say that the proponent has, you  
16 know -- it's part of the strength of the  
17 greater Boston economy what's happening  
18 there. There's legal help for  
19 municipalities, for real estate and for  
20 airports. There's one of the most famous  
21 business consulting groups in the world

1 monitor group. You know, there's the  
2 Washington Group which is formerly Raytheon,  
3 one of the biggest engineers in the world.  
4 There's people working on a mobile broadband  
5 and all kinds of things bringing broadband  
6 where it's not been before. There's MIT  
7 businesses that have incubated into this  
8 building. It's a wonderful place. So I just  
9 want to start from that point that this  
10 proponent has been really successful in  
11 putting in a very good economic engine and  
12 holding businesses to Kendall Square. We've  
13 got to recognize that.

14 And, Hugh, I think I would be willing  
15 to go where you are with the canal side to  
16 let the market dictate that. And I trust  
17 this proponent to do that. There's no  
18 conspiracy going on to eliminate retail from  
19 Cambridge. The only -- I mean, I would go  
20 with the wisdom of the group and whether or  
21 not it would be 2013 or 2018 for the front



1           where we would insist that I would be willing  
2           to talk about that and go there. But I also  
3           -- so, you know, I think that on the First  
4           Street side there's something we need to give  
5           them some relief on it, but not in  
6           perpetuity, okay? And I also think that the  
7           city has to say okay, what do our public  
8           sector responsibilities to make preconditions  
9           for economic development on that piece? Do  
10          we have infrastructure responsibilities? Are  
11          they going to be expensive? Do we have  
12          policy responsibilities? Are they going to  
13          be difficult? I don't think we can just say  
14          get out there and get some retail. This  
15          proponent has demonstrated due diligence, and  
16          I don't question it. So I think that in  
17          asking the proponent to maintain a commitment  
18          to retail, which I believe in on the front  
19          side, I do. I think we also have to say are  
20          there other things that the public sector,  
21          i.e. our city needs to do to help them do

1           that?

2                   HUGH RUSSELL: Well, I guess the  
3           biggest example is the addition of parking  
4           that the city is planning to do this year  
5           through a recognition that is something that  
6           we can do and should help this.

7                   I mean, I guess my feeling is they've  
8           got two and a half years on the tenant side  
9           of the first floor to work. And they've been  
10          here four times over the last 20 years. They  
11          can come back again and talk to us more about  
12          efforts they've made. My own feeling is that  
13          they haven't -- that they're looking for  
14          strong tenants, well known, well done people.  
15          That may be -- you may have to go beyond that  
16          to tenants that aren't quite so, you know,  
17          they're different. You know, people who are  
18          eating in the kinds of places that -- where  
19          there's a lower economic entry strategy to  
20          move in. They're essentially smaller  
21          businesses. And that may be a very tough

1           thing for them to do, but I think that may be  
2           what is necessary in the short run. I think  
3           once it gets established, once the street  
4           really starts functioning, then that can  
5           change.

6                         STEVEN WINTER: That's true.

7                         WILLIAM TIBBS: And looking at your  
8           expression, Ted, so I'm interested in what  
9           the thought that's going through your mind.  
10          You look thoughtful.

11                        H. THEODORE COHEN: No, I am  
12          conflicted, but I, I think I'm really tending  
13          towards Hugh's point of view. I hate giving  
14          up the concept of the canal never being  
15          retail, but I -- because it's gorgeous and  
16          glorious right now. But I realize when we  
17          first heard this in January, it was wind  
18          swept and unpopulated. And a fabulous  
19          restaurant with windows out on the canal  
20          would just be a terrific thing. But I can  
21          understand that may never happen. And I do

1 think that may be enough, and holding -- I  
2 don't want to say holding their feet to the  
3 fire, because it's tough times all around,  
4 but that we don't need to concede the giving  
5 up the retail right now that, you know --  
6 they have it until another two and a half  
7 years. And I understand that if they knew  
8 now, they could enter into a long-term lease  
9 for another seven or eight years rather than  
10 two and a half year lease. But I think  
11 Hugh's concept is a valid compromise for  
12 right now. And I think I can easily support  
13 that.

14 PAMELA WINTERS: I also like Hugh's  
15 idea of looking out to -- and I think a  
16 member of the public also mentioned this,  
17 looking out for reaching out to local  
18 entrepreneurs and local business people,  
19 maybe smaller business people, something a  
20 little bit different than the larger  
21 corporations. So I think that might prove to

1 be beneficial.

2 SEAN GILDAY: We have done an awful  
3 lot of that within walking distance of that  
4 particular property and all the way to  
5 Central Square and all the way to Porter  
6 Square. Because the national tenants, they  
7 don't want it. That was the easy part. You  
8 can't get them to go there. We were only  
9 left with the smaller mom and pops is what we  
10 call them. And this is little less of  
11 mainstream type of retail. We haven't  
12 ignored it. I want you to know that.

13 ATTORNEY KATHERINE BACHMAN:

14 Mr. Chairman.

15 HUGH RUSSELL: Yes.

16 ATTORNEY KATHERINE BACHMAN: Just as  
17 another approach to try to get to closure  
18 here. We are concerned that if one goes the  
19 approach of no office in the front period,  
20 that it will be vacant. Another approach  
21 here to try to strike the right balance is to

1 say that from the date of your decision the  
2 -- let me put the map up. So have the bank  
3 space, which is the place that had the retail  
4 activity, not be able to have office, so have  
5 this immediately go back to being retail. So  
6 they have their feet in the fire immediately  
7 in this space. To allow this space the five  
8 years so that you have activity, there's a  
9 balance, but they have to work hard because  
10 -- we'll be -- that is a commitment there.  
11 Here, my own view is that the right answer is  
12 to let the market operate, but to get -- to  
13 strike this balance, you know, we'd like 10  
14 years, we'd like 20 years. The better answer  
15 is perpetuity but to try to give to  
16 compromise. Today retail, give up the  
17 ability to restrict it at five years to 2018  
18 and then the 10 years back here, perpetuity  
19 if you wish. But that feels like a balance  
20 that is a better one from this side.

21 WILLIAM TIBBS: Who is in the orange

1 space?

2 ATTORNEY KATHERINE BACHMAN: Who is  
3 in the orange space, the tenant?

4 JOHN CONNELLY: It's biotechnology  
5 development company called Stromedics  
6 (phonetic).

7 WILLIAM TIBBS: And the yellow space  
8 right beside it, is that physically  
9 disconnected from both of those?

10 JOHN CONNELLY: That's currently  
11 vacant.

12 HUGH RUSSELL: It was part of the  
13 bank, right?

14 ATTORNEY KATHERINE BACHMAN:  
15 Employee rest area.

16 WILLIAM TIBBS: So it's a space that  
17 could go either way? It could go to the  
18 space too?

19 JOHN CONNELLY: There is an egress  
20 hallway so it could never be connected to the  
21 yellow space.

1 WILLIAM TIBBS: It could be  
2 connected to the orange space?

3 JOHN CONNELLY: Correct.

4 HUGH RUSSELL: Well, I hear what  
5 you're saying and you want three-quarters of  
6 a loaf, I'm offering you two-thirds or  
7 seven-eighths of the loaf. And I think the  
8 principle there is that we ought to keep feet  
9 to the fire on the retail frontage.

10 STEVEN WINTER: Can you make a  
11 proposal? Put it in a sentence?

12 HUGH RUSSELL: The relief that's  
13 been sought we would grant only the removal  
14 of restriction on the canal side with  
15 perpetuity. But we would not grant the  
16 relief sought on First Street which means the  
17 former bank space has to be retail now and  
18 the other space in two and a half years has  
19 to go to retail. My own feeling is they come  
20 back in two years and they show essentially a  
21 stronger effort. I mean, they brought in a



1 very strong retail person today and he said  
2 I've done my best. Well, I think you got to  
3 go beyond that. I mean, I'm convinced you  
4 did your best and that -- so try something  
5 else. If you come back in two years and say  
6 we've tried, you know, we maybe can rent the  
7 other one, maybe we have to look at it again.  
8 But I hate to give that up for eight years,  
9 seven and a half years on the orange side.

10 THOMAS ANNINGER: Let's just at  
11 least, if I may --

12 HUGH RUSSELL: Ted.

13 H. THEODORE COHEN: Well, I've  
14 talked a lot.

15 THOMAS ANNINGER: I think we ought  
16 to at least think about what they've  
17 proposed. I might add some -- suppose we did  
18 slice it the way -- in other words, the canal  
19 would be a permanent change and we've given  
20 up on that. On the First Street side it's  
21 roughly a 50/50 split whether that small

1 yellow piece goes one way or the other, we  
2 can talk about that. What I would like to  
3 see is suppose we did some compromise along  
4 the suggestion that we have here. What I  
5 would like to see is a real effort to promote  
6 that corner that was once a bank by making it  
7 look like it's trying to attract somebody to  
8 come there, which by my lights has not  
9 happened yet. I don't want to be specific  
10 about it because I -- I'm not sure my ideas  
11 are the right ones, but I would like to see  
12 you spend some money to take the space out to  
13 the street level, perhaps glassing it in with  
14 signage and whatever else it would take to  
15 make, to animate that space and make it as  
16 attractive as possible to show I think a  
17 greater commitment than we've seen before.  
18 And that might be a way for us to test it.  
19 And let them have another five years on the  
20 other side while we take a look at what can  
21 happen there. And I would hope that that

1 effort might prove to everybody that it can  
2 be done all the way along. But I think we'd  
3 have to see some greater effort yet than what  
4 we've seen. And I know you've tried to tell  
5 us that you've done all you can. I have to  
6 admit that's the part that I haven't found as  
7 persuasive as all that. That might be a fair  
8 way to look at it.

9 HUGH RUSSELL: I'm just concerned  
10 that to say I got eight years, I don't have  
11 to do anything for eight years. I can even  
12 live with having a couple dozen vacant for  
13 eight years and is simply isn't strong  
14 enough. Ted.

15 H. THEODORE COHEN: Well, I  
16 certainly understand your point, Hugh, and I  
17 agree with that. And I don't care for the  
18 last proposed compromise because I think if  
19 we're permitted to retail on the front, I  
20 think we are, that there has to be a  
21 contraception, a new contraception of the

1 building and what the building is going to  
2 look like. And the idea of doing it on only  
3 half the front, I don't think it's going to  
4 work. I think there's got to be a plan for  
5 the entire front facade, the entire retail  
6 area. And I'd like to see that happen sooner  
7 rather than later. And if, you know, the  
8 loss is for some reason just stayed empty  
9 then yes, they can come back and talk to us  
10 again. But right now I don't think I want to  
11 give it up.

12 HUGH RUSSELL: Bill.

13 WILLIAM TIBBS: I just want to say  
14 that I think I agree. I think with this  
15 compromise I look favorably on it. But my  
16 concern would be that space would be big, it  
17 would just be vacant. And they would have  
18 enough revenue coming in from the other stuff  
19 that they could just leave it. I think it's  
20 not enough to -- it's too small to be an  
21 incentive.

1                   STEVEN WINTER: Are we ready to  
2                   move?

3                   ATTORNEY KATHERINE BACHMAN: Point  
4                   of order, may I? Forgive me, Mr. Russell,  
5                   but I think we were moving towards accepting  
6                   for --

7                   BETH RUBENSTEIN: Would you mind  
8                   stepping over to the microphone, please?

9                   ATTORNEY KATHERINE BACHMAN: Sorry,  
10                  just as a point of clarification, we're  
11                  trying to get to the place where you would  
12                  like us to be. There is a -- in the orange  
13                  space there is the biotech tenant. It is an  
14                  occupancy until January 1st of 2013. So, if  
15                  the proposal on the table would be to allow  
16                  that tenancy to remain until the current  
17                  expiration to -- in the bank space required,  
18                  not allow office anymore as of the date of  
19                  the decision, and then to remove the  
20                  restriction in the back in perpetuity, that  
21                  would be acceptable to us.

1 HUGH RUSSELL: Okay. Thank you.

2 WILLIAM TIBBS: That's what you were  
3 proposing?

4 HUGH RUSSELL: Yes.

5 H. THEODORE COHEN: Could you  
6 summarize that again?

7 HUGH RUSSELL: Okay. The way I look  
8 at it is there was a request to change the  
9 status of the prior first floor in various  
10 ways. And what we're saying is we'll grant  
11 -- we'll go beyond what they asked for along  
12 the canal side, and grant that in perpetuity  
13 and then won't do anything on the other side,  
14 it will be status quo. So the yellow's  
15 retail and the orange can be office for the  
16 next two and a half years.

17 THOMAS ANNINGER: I think Kathy  
18 actually --

19 HUGH RUSSELL: Then it reverts to  
20 your previous decision.

21 PAMELA WINTERS: Right. Which is

1 retail.

2 HUGH RUSSELL: And basically it  
3 reverts to the original plan for the  
4 building.

5 THOMAS ANNINGER: If I understand  
6 you correctly, Kathy, I think you were saying  
7 that you were prepared to commit to retail in  
8 the old bank space immediately?

9 HUGH RUSSELL: It's not a change.

10 THOMAS ANNINGER: I thought that was  
11 also --

12 ATTORNEY KATHERINE BACHMAN: We  
13 would do that, Mr. Anninger.

14 THOMAS ANNINGER: I thought that it  
15 was also --

16 ATTORNEY KATHERINE BACHMAN: In  
17 other words, there would be a -- to the date  
18 of the -- as of the date of the decision,  
19 this would be -- office would be precluded.  
20 In these areas the restriction against office  
21 would only come into play as a January 1st of

1           2013. And here as the date of the decision  
2           it would be....

3                   HUGH RUSSELL: Right. And make a  
4           slight change because of that little yellow  
5           square, and it doesn't bother me to have it  
6           be office space for two and a half years. I  
7           don't think that's going to affect the  
8           overall.

9                   PAMELA WINTERS: It's vacant now  
10          too?

11                   ATTORNEY KATHERINE BACHMAN: Yes.

12                   HUGH RUSSELL: You want it for two  
13          and a half years. That doesn't bother -- I  
14          think that's not going to interfere with the  
15          whole picture. If that helps.

16                   H. THEODORE COHEN: Can I ask for  
17          clarification from whomever. Currently the  
18          bank space, is that only retail or was that  
19          also given an opportunity of office space  
20          until 2013?

21                   BETH RUBENSTEIN: I believe all the



1 spaces are in a reprieve or off the hook  
2 until 2013.

3 H. THEODORE COHEN: That's what I  
4 thought.

5 THOMAS ANNINGER: So it is a change.

6 H. THEODORE COHEN: So the change  
7 would be that the office space immediately  
8 must be retail. The bank space.

9 ATTORNEY KATHERINE BACHMAN: The  
10 bank space.

11 H. THEODORE COHEN: The bank space  
12 must immediately come retail. And the  
13 remainder in the front would continue to have  
14 the exemption to 2013, and the back would be  
15 coming permanent without the restriction.

16 HUGH RUSSELL: Okay. Those are  
17 clarifications.

18 Okay. So --

19 LES BARBER: Could I get one  
20 clarification from everybody, too? Quite  
21 frankly I don't know the history of the bank

1 site, but the bank is not a retail use. It's  
2 actually an office use. So the if the bank  
3 is acceptable, we should probably say the  
4 bank is acceptable so that we have that in  
5 that space.

6 HUGH RUSSELL: I would think that's  
7 fair.

8 LES BARBER: There may have been  
9 some exception, I don't remember, way back in  
10 the permit, I just can't remember back 24  
11 years.

12 HUGH RUSSELL: There are also --

13 LES BARBER: I just wanted to  
14 clarify that.

15 HUGH RUSSELL: There are other kinds  
16 of uses that, you know, may not be all this  
17 as retail, but on an active street on the  
18 street that we might, you know, feel was a  
19 good solution, we might have to grant some  
20 other specific tenant to make that happen.

21 LES BARBER: Things like doctor's

1 offices and real estate agent offices?

2 HUGH RUSSELL: Yes.

3 LES BARBER: They're not perfectly  
4 desirable, but they do have an aspect of  
5 retail than a software company does.

6 ROGER BOOTH: But probably a retail  
7 bank but not office. Some bank office.

8 PAMELA WINTERS: Something that  
9 serves the public.

10 LES BARBER: We don't make that  
11 distinction in our Ordinance. We could in  
12 the permit.

13 HUGH RUSSELL: My sense is that we  
14 get this proposal and say a bank use anywhere  
15 along that frontage is okay. I think when  
16 you go beyond that, it's better to actually  
17 have to come back and say we've had this  
18 tenant and at some -- maybe we can write this  
19 decision to -- that could be done by Minor  
20 Amendment in the future.

21 BETH RUBENSTEIN: I'm sorry what can

1 be done by Minor Amendment?

2 HUGH RUSSELL: To approve a tenant  
3 that would be like a walk-in public access  
4 tenant that might not be in the retail column  
5 on our chart, but we have -- that's a  
6 substantially easier procedure.

7 Okay, I think we all know what the deal  
8 is. Somebody needs to state it.

9 WILLIAM TIBBS: So moved.

10 HUGH RUSSELL: Is there a second?

11 H. THEODORE COHEN: Second.

12 HUGH RUSSELL: All those in favor?

13 (Show of hands.)

14 HUGH RUSSELL: Six members are in  
15 favor.

16 (Russell, Anninger, Winters, Tibbs,  
17 Cohen, Winter.)

18 HUGH RUSSELL: We want to see this  
19 work.

20 Thank you.

21 (Aat 10:55 p.m., the meeting adjourned.)

**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a  
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**IN WITNESS WHEREOF**, I have hereunto set  
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Catherine L. Zelinski  
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