

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE PLANNING BOARD

IN RE: GENERAL HEARING

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Roger Boothe, Director of Urban Design
Susan Glazer, Deputy Director
Stuart Dash, Director of Community Planning
Liza Paden

- held at -

City Hall Annex
Second Floor Meeting Room
344 Broadway, McCusker Building
Cambridge, Massachusetts
Tuesday, April 7, 2009
7:30 p.m.

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P R O C E E D I N G S

WILLIAM TIBBS, CHAIRMAN: Welcome to the April 7th meeting of the Cambridge Planning Board.

We have one public hearing tonight for Lesley University's petition to amend the zoning map and we'll talk about that in a few minutes.

But before we get started, we have an update from -- I guess not from Beth, but an update from the Community Development.

SUSAN GLAZER (Deputy Director):
Good evening. Can everybody hear me clearly?

The next meeting of the Planning Board will be on April 21st, and following that in May, there will be meetings on May 5th and May 19th.

Right now, there are no public hearings scheduled for any of those meetings although, there have been several petitions

given to the City Council which may result in some public hearings on zoning changes later in May.

So that is the schedule for now and I'll let you get on with the public hearing.

WILLIAM TIBBS, CHAIRMAN: As you said, we have one public hearing tonight. I'll go over some of the -- we have a lot of people here, so maybe some of you may not be familiar with our public hearings. And we have a public hearing and the proponent will be making their case for the petition. It's for Lesley University's petition to amend the zoning map and ordinance to create the Lesley Porter Overlay District.

The proponent makes the case and the Planning Board will review the issues there, but you should know that the City Council is the entity that actually makes the final decision. We just advise the City Council on

zoning purposes, so that we're not the final decision in this case. We will send the City Council our advisory comments and then they actually end up making the proposal.

As far as how the process works, they will make a presentation, I will ask the Board if they have any clarifying questions and then we will open the hearing for public comment. There's a sign-up sheet for public comment, and if you don't get a chance to sign the sign-up sheet, I will still give people an opportunity to speak even if they haven't signed up once the people who have signed up is finished.

We like people to be -- you can see there are a lot of people here, so we would like people to keep their comments to around three minutes, and my colleague, Charles, has a timer, and we'll alert people when they are getting close to their time.

And before the proponent starts, I also want to say that this is a -- what we're acting on tonight is the change for zoning.

The proponent has and probably will show their ideas about what the project can do, but at this point that's illustrative of what the zoning change will allow, and we do find -- particularly in the past, we found that people get very confused about the difference.

Should the zoning pass and should the City Council pass a zoning, the proponent will have to come back for a public -- to get a Special Permit, and at that time, we go into more detail about the project itself and the issues around the project.

And so, I want to just alert everybody here that we really are looking at the issues around zoning.

Obviously, this project -- the

request for zoning is to make changes to zoning that will allow for the project, and so we'll be looking at it from that perspective, but we are not looking at the project for details about the project itself and a lot of times people get confused, and I'm hoping that in the presentation that the proponent is going to make, they will emphasize that point and not add to the confusion.

AUDIENCE MEMBER: Can I ask a procedural question?

WILLIAM TIBBS, CHAIRMAN: Go ahead.

AUDIENCE MEMBER: I am one of us who have been working for two years. All of Lesley's publications, which I have, their website, their special working group that was appointed by the City Manager, we have been talking about a plan, a grant that there are schematic plans, they're not architectural

drawings, but I think it's terribly important that one looks at the potential of the foresights and how they might be shifted given the Overlay District, and I believe most people tonight are going to comment on the proposal as we have seen it, unless you stop us, because we really feel that's so central to understanding what could be done and what some of the risks and benefits are of Overlay District.

WILLIAM TIBBS, CHAIRMAN: Again, I think that's illustrative of what the zoning will allow, but we really are focusing on the zoning. If you have comments to make about how the zoning should change to make some shift or to do something or not do something, then that's the approach to take. But we're not looking at the actual plan itself, and we will do that when the time comes for a Special Permit, if that should happen.

So, unless the Planning Board has any comments, we'll start with the proponent's presentation.

BILL DONCASTER: I'm Bill Doncaster. I'm Director of Public Affairs at Lesley University.

With me tonight are Stan Trecker, the Dean of the Art Institute of Boston; Marylou Batt, Vice President of Administration; Attorney Jim Rafferty from Adams and Rafferty; Dennis Carlone from Carlone and Associates; and, from the architectural team of Bruner/Cott, Jason Forney, and founding principal, Lee Cott and also Sandy Dorin, general counsel at Lesley University.

Before we again -- and I'm going to turn it over to Mr. Rafferty in just a moment -- I just wanted to say a few words.

First of all, just so people do know

we have recently -- our Board of Trustees has recently adopted a long-range campus plan.

We were here a short time ago discussing this at the annual Town Gown report, and a lot of work has been done particularly with the Brattle campus which is a new presence for us on the campus of the Episcopal Divinity School and has solved an awful lot of our long-term needs in growth while remaining in an institutional campus and using institutional buildings.

I want to talk just for a minute about the process thus far. We have been discussing this seriously for roughly three years. The City Manager appointed a working group of neighbors representing Agassiz Neighborhood 9 and the Porter Square Neighborhood Association. We've had a total of, I believe, 18 meetings beginning in December of 2006. We have had a series of

community meetings in the evening, we have been on the agenda at the Agassiz Neighborhood Council and Porter Square Neighborhood Association probably more than a dozen times, and in addition, have had previous public hearings on the previous filing of this zoning application both here and with the Zoning Ordinance.

Before I turn it over to Jim, I mostly wanted to just pause for a moment to say thank you, particularly to the members of the working group. It's been very, very productive. We have learned a lot. It has done a lot to shape the proposal that's before you this evening. It has been an awful lot of work, early morning meetings with very little thanks for the participants beyond some very excellent doughnuts. And so, to all of them -- and I know many of them are here and will speak tonight -- and they

came with a very wide range of views, some of them still have a wide range of views, and it has been illustrative of how things can work when universities and neighbors sit down to talk together essentially to realize what the issues are and work towards solutions for all of them.

So, with that, I'm going to turn it over to Mr. Rafferty.

JAMES RAFFERTY: I'm James Rafferty, an attorney with the law firm of Adams and Rafferty and I'm appearing this evening on behalf of Lesley University. Lesley has filed a petition with the City Clerk concerning the rezoning of this area.

A brief history procedurally of where we've been and why we're back here.

I believe we were last here on January 6th, and on January 6th, the first Tuesday in the new year, the Planning Board

held a public hearing on the Lesley rezoning petition. As it happens, that is not the petition we're here on tonight. There has been a successor petition.

As you know, with the zoning petitions, they have a certain shelf life. That zoning petition needed to be enacted by the 11th of March, if my memory serves correctly, and we were making reasonable progress. We had met here with the Planning Board, we had met with the Ordinance Committee, we had been working for many months with our working group appointed by the City Manager, and we were in the process of crafting a series of amendments that we would presume to be bringing back the second time we came to the Planning Board.

And when you last saw us on January 6th, the hearing was held open for that purpose. And we, at that time, hinted

at what some of those amendments might be.

A few things happened in the interim, chief among them was the unanticipated departure of the Co-Chair of the Ordinance Committee, Mike Murphy, who left, resigned his position, we were unable to create the necessary scheduling, and as a result, the time for the petition was expiring, or it became clear it wasn't going to be able to be enacted prior to March 11th, so on February 26th, a successor petition was filed, and a silver lining in that from Lesley's perspective was that that provided us the opportunity in the re-file petition, the petition that you have before you tonight, to include not in amendment form, but in the chief language of the petition, issues that had been the subject of discussions for several months that we had anticipated coming in with an amendment form.

And we did provide to the Board a couple documents that I hope you will find helpful, one of them is a Red Line version of what the original petition was, and then showing the changes of the additions, and they are largely additions, and they focus in a couple of areas, and these were areas that were of significant discussion in the working group that you've heard Mr. Doncaster refer to around issues of open space, and primarily, a better understanding of some of the gross floor area numbers and what all the implications were for the petition.

So, I would like to, at this moment, just walk you through the petition, and in doing so, point out differences as to the advocacy of why this is a good thing.

Mr. Carlone, the planner for Lesley, who's been involved in many efforts of this nature for several years, will give you a

presentation on that.

You might recall that there are two components to this petition: They are the extension of the Business C District, which currently is the primary zoning district for Porter Square, but today stops at Roseland Street -- at Mass Ave and Roseland Street.

So, this petition has always been about trying to craft zoning that would allow for the development on what's the church site, the North Prospect Church site, for the Art Institution of Boston.

And you will hear a little bit more about the artist a bit later, but suffice it to say that has been the driving force behind the desire to see if we could create zoning that would accommodate that in a way that was compatible with surrounding uses of the current zoning.

So what we've proposed in the

petition, both in the original petition and this re-filed petition, the first step is merely to extend that Business C District to -- across Roseland Street to include the block that you see there where the church is located.

The Business C District actually extends on the other side of the street to Arlington Street, so it includes on the Mass Ave edge, the multi-family apartment building known as Oxford Courts.

So, both across the street on Mass Ave and across the street on Roseland Street is a Business C District.

Current zoning on that site from about Roseland Street down beyond Newport Road, I think it could go as far as Prentiss Street is unusual in that it's a Residence B and the only stretch of Residence B on this current corridor. Mass Ave runs from the

Charles River to the Arlington line, it passes through Cambridge's three prominent squares, Central Square, Harvard Square and Porter Square, all of which are served by Red Line transit.

In the two other squares that Mass Ave passes through where transit is located, they are business zoned districts, in fact, some of the most intense business zoning permitted.

You come here and within about 600 feet of the T Station, the RES B District has what's arguably the most restrictive zoning in the City. It has an FAR of .5 and when the lot size is increased beyond 5,000 square feet that FAR even drops to .3 times. The permitted uses are single and two-family houses.

So, it's not surprising there's very few, if any, structures in that stretch of

Mass Ave that are currently zoned RES B that meets the current RES B standards.

So, the first questions were: Why did we need to rezone; and the short answer is: Well, we couldn't attempt to put this use on that location without changing the Resident B zoning district.

So, the first step extends the Business C to that area. The second element of the petition in many respects was the result of a lot of discussion about Lesley's plans beyond this particular site. And Lesley was encouraged to look not simply at this site, but to help the community in understanding what the long-term development might be because in addition to this site, Lesley also owns a number of other properties surrounding the Sears building. The Sears building is now known as University Hall. Depending on how long you've been here, you

might call it the Sears building, or you might call it Porter Exchange, but it has an interesting history.

I was prompted by Mr. Russell's comment last time to try to understand where it stood and all that, and I found some interesting articles about Mr. Wasserman and the real radical facadectomy, it was brought back to the steel and we have some interesting photos that we'll share with you.

When Sears first left, you might recall, this was envisioned as somewhat of an entertainment/movie, a very ambitious plan that did not come out, I think, as originally intended.

It has now settled comfortably into this sleepy academic use that everyone is so enamored with, with active retail use at the ground floor.

Lesley owns the two parking lots

across the street and they're on the westerly side of Mass Avenue, and people rightly ask: "Well, what do you see happening there in years to come?"

And then in doing so, the property in the back of the parking lot was talked about: "Must that always have its fate sealed as a surface parking lot of a former retail store?"

And so ideas and discussions began to think about, 'Well, what could happen here that might give this more of a campus-like setting,' particularly with the arrival of the AIB and what opportunities it might present.

So we created a proposed district called the Lesley Porter Overlay District.

In the original petition, the Red Line boundary of this district extended across the railroad right-of-way from an

office building on Somerville Ave that Lesley owned.

I know oftentimes petitioners come before you, proponents, and they mention how difficult it is to get a response from the MBTA, it's a big bureaucracy and you never seem to be able to get a reaction.

Well, I have some advice for people: Try rezoning their property. You'll hear from them right away.

They were here on January 6th, we met with them, they said, "What are you doing to our property?"

We said, "Gee, we never really thought about your property, we were only thinking about our property."

The more we got into it, we said, you know what, "We're not going to take that thing, we don't think we need to go across Somerville Ave. We were trying to encapture

all of the properties owned by Lesley and think about them collectively, and as important as that building is, it really is an outlier, it doesn't have much from an urban design perspective, and someday, who knows what might happen across the tracks and Lesley might like to be a part of that.

As you may be aware, they did study that extensively a few years ago and that opportunity doesn't appear on the immediate horizon for Lesley or perhaps for anyone else.

So, we scaled back the Porter Overlay District, so the other change you'll see in the re-filed petition is that the Overlay District now does not go beyond the rear property line of University Hall.

One of the other questions, or one of the advantages that that also provided is a question asked by the Chairman as we looked

at some of the elements in the petition. The petition -- so the expanded BC District, as you know, the BC -- the FAR permitted in the BC District is 1.25 for commercial issues and 2.0 for residential uses.

In this proposal, we introduced a couple of concepts in the Overlay District that would allow for transfer of some development rights that would allow for a development on the AIB site that was larger than 1.25 of that particular site.

One of the ways that was achieved was the ability to transfer certain development opportunities from one side of the avenue from other parcels to that location.

When we started doing the math and sorting things out, believe it or not, there was a lot more development in the earlier petition that Lesley wanted or that, frankly,

we thought was appropriate in terms of just the raw application, the gross floor area of the FAR form, to what it yielded by way of FAR.

So we made a few other changes to the petition with regard to FAR. The first thing we said is that for the lots on the west side of Mass Ave, the two lots, surface parking lots opposite the University Hall/Sears building, we're proposing a different FAR. This is a 2.0 FAR in that location, not a 2.5 FAR, and, secondly, so there's no -- and there's no development rights that can be transferred from that site across the street. And that does a couple things.

First of all, Lesley today, under the current zoning in the Business C District, could build a dormitory to a 2.0 FAR in those sites, that's what the

residential zoning would allow.

A private housing developer could do 30 percent more than that under the current zoning as its height as much as 55 feet on the current zoning.

What we tried to consciously work with in the Overlay District is to ensure that nothing -- that there is no enhanced development opportunity on those sites so that no one could come in and say, "Oh, there's something afoot here," and we drilled down and we found some language that this could happen." And sometimes that happens unintentionally, and I suppose in someone's view of the world intentionally, but in this case we really went through this and said, "Okay, this is limited, this Overlay District, this Special Permit, that would allow Lesley, or only an educational institutional use, to avail themselves of

this increased FAR can only be done by a Special Permit, can only be done for educational institutional uses, so a private office building, a private housing developer, could not avail themselves of what is in this Overlay District language.

And we also said that two of the entitlements in the current zoning, one around height that would allow 55 feet in height, would be reduced on those lots to 45 feet.

Secondly, the dormitory use, which had been a strong desire for Lesley, would not be a permitted use in this district once a Special Permit in the Overlay District was applied for.

And part of the reason Lesley was able to make that commitment, you heard in the presentation that they've actually acquired a portion of the Episcopal Divinity

School and much of the housing pressures that had been on the university are now being shifted a bit to that campus.

So, Lesley's vision for these two buildings are -- these two locations are: Three-story academic offices with ground floor retail, and we said in those buildings it won't exceed 45 feet in height that we're proposing there.

The difference between what the 1.25 FAR might yield in the Business C District, and what we're proposing at AIB site, is about 40 percent of the building. And as was observed by Mr. Russell, when we were here in January, that 40 percent is largely below grade.

So from a massing perspective, we're looking at 100,000 square foot program on that site, but what is envisioned is a portion of that is within the current church,

the balance of that is in a building, and we won't be talking much about a particular building, but admittedly, there is a concept that we have been discussing because there are some fixed characteristics of this site, chief among them, the presence of the church, the historic church, and we have been working with neighbors and others in the historical commission on thinking about a redevelopment and how the church would get dealt with.

But in the remaining change to the petition, since it was filed, is that we had a blanket exclusion for retail space on the ground floor and basement level to not include it in the gross floor area. And it was admittedly expansive, it grew out of a desire to ensure that these ground floors do remain retail.

Lesley just had gone through an experience down at Wendell Street where their

dormitory is currently under construction now where -- in working with the neighbors, there was support for a variance to actually put the additional GFA elsewhere in the building but to get a commitment for ground floor retail along Mass Ave.

When we did the calculations of the entire first floor of University Hall in the basement level that, again, was yielding a number that we thought was beyond what people had contemplated.

So, the petition does two things: It no longer includes an exclusion for below grade or basement space. So, for retail space were to have to storage, as they typically do, that would be included in the GFA phase provided it didn't have to have equal heights is only required.

Secondly, we put a cap on the limitation of 25,000 square feet for the same

reason because we felt that it needed some limitation, and to avoid a criticism that this is, again, some run-away benefit that can be used in a way that was never anticipated.

What it all means and leads to, a response that's been asked legitimately was, 'Okay, when this is all done, we kinda -- it's kind of easy to conceptualize what's happening on the AIB or church site, what do you have left over on that back site,' which is GFA, that's not there today, that the current zoning wouldn't allow the lot, frankly, is built out under current zoning, and Lesley had always talked the 85,000 foot square foot range. So we ran those number, and Mr. Carlone has them for you.

It comes out -- as we step back and made modification, it's comes out to about 89,000 square feet would be the remaining GFA

for some type of development, a building, or buildings, in the back of University Hall someday.

And I have to confess that's led to a range of concerns as to how immediate that's coming, what's that all about. Can't we see it now. Lesley hasn't even begun to think about it, but we did put language in the petition that talked about the characteristics of that space.

One of the things that there is clear consensus on is that that space should not be developed in the sense of an above-ground structured parking facility. That would be a lose-lose, Lesley doesn't want it, the neighbors have been very clear they don't want it, and for Lesley's purpose to go from a surface parking lot to an above-ground parking structure, there simply wouldn't be any incentive to do and it

wouldn't work at all.

So, Lesley has said, and we spent a fair bit of time on this concept, and you will see some language here that wasn't in the earlier petition around the characteristics of the back lot. So, we have said and perhaps we haven't gotten there as clearly as we like or perhaps further language or modifications are needed, but we put in specific language that really discourages that. And I'm directing you -- if you have the petition handy -- under Section 20.203.5, Parking and Loading, we really tried to set the bar high, set the expectation that there won't be any structured parking, there shouldn't be anywhere else.

But the one thing, and I'll take responsibility for not going for the easy answer here, but making it tough on Lesley,

but just thinking way down the road is, that some day there could be an opportunity to do something here and you could envision a building with something well-screened and architecturally-detailed that might be a floor down and a half-floor above, it could be the difference between there's something happening there and something not.

As I said, I have been coming here long enough to know that it's probably in the City's interest, the neighbors' interest and Lesley's to preserve a small opportunity, subject to approval by you, or your successors, to some day evaluate that.

And I have to tell you the tempting and easy thing is to say "no above-ground structured parking," and I have been counseling people in the working group on both sides of the table that I think that's -- as appealing and as easy that sounds, you

might want to think that through because what is the difference between something happening and something not happening with something that was particularly well-screened.

We have all seen some examples where it has been done effectively. So that's there, it's an admitted loophole, if you wanted to use what might be considered a pejorative. But it's there intentionally and we'll leave it to your judgment as to whether good planning would suggest that some opportunity along those lines remained.

There's a new section there following that under 2303.6, and that's open space. And it has been an issue that we have been spent a fair bit of time on.

The prior petition had no language around open space. This district, the Business C District, doesn't have an open space requirement. The uses -- the academic

and educational uses similarly don't have a useful open space requirement.

But it's clear that this represents an opportunity to do a lot here along Mass Avenue, and not just along Mass Avenue, but to think about the back site as well.

So if there was to be any development someday on the back site, there ought to be a reasonably high bar around open space, and we had a discussion about percentages. We actually landed on a minimum contiguous open space requirement for two of these locations -- and you will hear a little more about it -- but it's 3,000 square feet for the AIB site along the avenue and we have some characteristics set forth in the criteria that that space should embody and should be welcoming and should be pedestrian-friendly.

We've got some limited imaginary of

how to envision that, but that represents a requirement in the zoning that wasn't in the prior submission.

The other issue around zoning is on the back parking lot, and we had, again, a discussion about percentages, and we kind of landed in a place that says, well, percentages can be manipulated, we think location and effectiveness of open space, particularly as it might promote and enhance pedestrian connections through the neighborhood to T Station would be as important. So we suggested a minimum contiguous space of 5,000 square feet for any development on that lot.

That happens to be the minimum lot size requirement in the RES B District, so it had a certain resonance with us in terms of trying to let people understand what it means.

And then the balance of it -- and that's the minimum contiguous of the 20 percent number actually probably yields -- and Dennis probably knows -- 10,000; nearly double that amount.

But, again, rather than get locked into a hard percentage, and then the question became 'A percentage of what,' what we're really talking about is a percentage of the area of the parking lot as opposed to the whole lot, so there's a lot of language.

If you look at No. 2, the lot bordered by Roseland, MBTA right-of-way, parallel to line, parallel to 250 feet, a lot of metes and bounds type language. But what's intended and what it's describing is that parking lot in the back. So 25 percent of that parking lot needs -- 20 percent of that parking lot need to be open space.

AUDIENCE MEMBER: 25 percent.

JAMES RAFFERTY: That's Mr. Diamond, he's taking advantage of my slip of the tongue, because he's been the advocate for 25 percent, and what we've said is 20 percent with a minimum of 5,000 and maybe we can do better, but if we're gonna have a minimum that's what we'd like to suggest the minimum go.

We have one last concept that started to percolate and that is some people apparently have been studying actuarial tables, and they're concerned that they might not be around to see this open space someday because Lesley doesn't have any real immediate plans for to develop back there, so could we envision a phasing of the open space and actually have in the AIB criteria some commitment associated with a percentage of delivery of that space in the back and we think that's a good idea.

Candidly, the big challenge there is, can we do it without impacting the parking because, as I'm sure you will hear about tonight, as you are so accustomed to hearing, parking is a challenge, the proposal does not include any new parking spaces.

We have done some extensive parking studies and we're confident that based upon better parking management, the relocation of certain functions that are now in University Hall down to the Episcopal Divinity School location, and the fact that a high percentage of these students will be living on campuses that the existing parking supply can accommodate this use, and we look forward to going through all those numbers at a permanent hearing because we're not asking for any particular change here beyond the fact that the language at the Overlay District would provide and grant you, as

Section 6 does already in the ordinance, the ability to waive parking requirements. So, we didn't say today in this zoning, 'Here is what the parking is,' but we did say a few other things. We said that any development that displaced parking with structures that that displaced parking that needed to be accommodated going forward. So, if those two lots -- someday when those two lots on the westerly side of Mass Ave were to be developed, that parking would need to be replaced, and obviously, what we would envision happening is down below and probably down below behind University Hall, so when the day comes and the investment portfolio provides for it, and it's -- it could happen, but it's not happening any time soon, and I think, admittedly, people suggested that we might want to consider looking at open space a bit earlier.

So that isn't in here. It could arrive in here, but as I say at this point it's not the only thing that isn't here. We have a Lesley commitment letter that's part of ongoing relations between the neighborhood and Lesley, which I haven't included here, but if you are interested, we could go through elements of that, but suffice it to say, Lesley has been engaged with all of its neighbors over a long period of time around a range of issues, you know from the Town Gown presentations what they're doing on the their main campuses, you know what they're doing at ABS, you know that they're looking to collaborate with a whole range of programs, so that type of connection between the university and the neighborhoods is set forth with some specificity in that.

So, certainly from my perspective, and I believe I made this perfectly clear so

I will conclude at this point, appreciate your time. Hopefully, I've identified for you what is in the petition and what's different about the petition.

My memory suggests that everyone who's here was actually here on January 6, but I couldn't swear to that.

I think now we got Stan. We thought we would do just a few minutes and tell you the fun part of this project because I think even the people that have caution and concern really appreciate what AIB could mean for Porter Square, and we've accepted the challenge that what this is about. It's trying to make it come here in a way that it can be successful and compatible and Lesley remains committed to doing just that.

WILLIAM TIBBS, CHAIRMAN: Thank you, Mr. Rafferty, we do have a question.

STEVEN WINTER: Just one very brief

question.

Could you help me understand what the text refers to in the back of University Hall when you're talking about the possible exception of the area bordered by Roseland Street, the MBTA railroad right-of-way and line parallel 2 and 250 feet easterly of the easterly street line, could you just put like a little mark around that?

JAMES RAFFERTY: Yeah.

Dennis actually has that, but what it's saying --

STEVEN WINTER: No, if Dennis has it, we can get to it when he comes up. That's okay.

DENNIS CARLONE: We'll explain it.

STEVEN WINTER: Okay.

JAMES RAFFERTY: But what it's intended to say is -- and it's a bit -- it says no abutting -- back to this issue about

no parking.

Basically, if you were to read it in a pure non-legal way, you'd say, you can't put any structured parking on those lots westerly, and the only place you could even consider, and don't give it a lot of thought, but you could possibly consider, would be in that location and then only subject to all these other criteria.

But thank you for the chance to point that out. It's, again, just an attempt to identify and we do have that image.

Thank you very much and we look forward to your comments.

STAN TRECKER: Thank you for the opportunity to speak to you again. I appreciate being able to come back. I will try to make this as quick as possible and take any questions.

As Jim said, I have the great job of

talking about the real meat of the issue here which is an arts institution which is proposing to move to Cambridge. And, in fact, it's a 100-year-old arts college. It would be Cambridge's first art college. And we think that its arrival in Porter Square creates an opportunity for a whole new vitality and vibrancy in the arts community of Cambridge.

To me, the most exciting aspects of the plan move of AIB facility to Porter Square are the benefits to be gained for all of us, the City, Cambridge citizens, AIB students, faculty and staff by bringing a cultural institution with lots of programs to Porter Square.

Our goal, it's always been that AIB would become a new focal point for the arts on Massachusetts Avenue, specifically on Massachusetts Avenue, available and open to

the public, our galleries and our library as you will see.

We expect to join the existing Cambridge community of arts to create a new and dynamic environment for the arts in Porter Square, to help Porter Square realize the vision and potential made possible when it became a transportation hub in the City.

Even though the relocation is a few years away, we have been in discussions with a few local groups to talk about what was possible, including the Cambridge Arts Council and its director, Jason Weeks, the North Cambridge Artists Association, and more recently, we had a long productive meeting with the entire arts faculty at Cambridge Rindge and Latin High School and we've also had discussions with Maud Morgan Center.

Having said that, the Art Institute of Boston has two basic missions, one is

educating tomorrow's artists and designers and illustrators and sculptors and those kinds of fields.

Second, is we present programs for the benefit of the public. We have year-round schedule of exhibitions, we have a visiting artists lectures, performance of gallery talks and other programs for the public.

We were founded in 1912. We offer a Bachelor of Fine Arts to approximately 500 students, a Master of Fine Arts to 90 students, we have dual degrees with Lesley University in art education and expressive therapies, and you can see our majors and, again, and we talked about the public programs.

The one thing I would like to point out there is we do have a longstanding and very sound program offering classes to high

school students, especially in the summer months.

We wanted to show you a little bit about what the vitality is of what an arts institution can bring to a streetscape.

So these two shots are from Rhode Island School of Design in Providence, Rhode Island showing some of the activity there.

This is an AIB classroom. Another AIB classroom that is offering computer, and this is a gallery. In our main gallery that's the kind of activity we would have during openings. Another exhibition. Another exhibition.

And as I said, we offer art talks twice a year.

This is a young artist from Bulgaria, illustrator/designer. She happened, by the way, to be selected to be part of an exhibition during President

Obama's inaugural in Washington, DC. She came to give a talk for us.

This is one of our students in a public setting doing art with music and other activities around.

We often do murals in public spaces, sometimes they're in schools or in a community centers or health centers and we will do that as a volunteer effort.

This is one of our high school programs. All of these students are high school students who came to study at AIB.

By the way, we have a number of students every year from Cambridge in those programs.

The final slide is a lecture by Xu Bing, one of China's most prominent contemporary artists. It was held in North Prospect Church, a capacity crowd and a wonderful lecture that he gave.

So, I'd just close by saying that is the kind of activity that we expect to bring to Cambridge working with the kinds of institutions that I've mentioned.

I'll turn it back to --

STEVEN WINTER: I have a question.

STAN TRECKER: Sure.

STEVEN WINTER: I've always enjoyed the level of integrity that you bring to the institution. I wanted you to know that we appreciate that and we're looking forward to some of the things will happen there.

You mentioned that you had a discussion with a number of partners, arts partners, Cambridge schools, et cetera, et cetera, and my question is: Are there secured partnership outcomes that you could point to that you could tell us about tonight?

STAN TRECKER: There's nothing in

writing yet, but I will give you a few examples of what we're talking about.

Once ABI is here, we could very easily provide visiting artists, our own faculty, to come and lecture or meet with students over at the Cambridge Rindge and Latin High School. It wouldn't be a problem at all. We could also make available some of our facilities; if they don't have the right print-making press, we might have it available to them during a certain time period where their students could use that, as an example. Those are the kinds of things we're talking about.

With Maud Morgan, we've made a commitment to have them with us as part of our program space in the design of the project. Does that help?

STEVEN WINTER: Yes.

DENNIS CARLONE: I am Dennis

Carlone. I'm an architect and urban designer at 222 Third Street in Cambridge.

Jim's assumption is correct, I think; everybody on the Board tonight was at the hearing. Is that right? Good.

Well, the good news is, I'm not going to go into so much detail.

As Jim alluded, we're proposing a zoning petition to allow the Art Institute to come to Porter Square, and in that process, the community spoke up and asked us to look at other Lesley holdings in the square, and instead of it just being a building by building over a long time, look at the entirety of what could happen. Lesley said that on the other sites, worked out 10, 20, maybe 30 years, we call those sites planned now; they're not proposed per se.

As Jim said we want to extend the Business C District on Roseland Street south

of 160 feet.

As I said earlier, we want to allow the Art Institute to occur there, set the floor area ratio under the overlay at 2.0 and 2.5 and allow the transfer of the development rights.

As you know, Lesley has three campuses now in Cambridge. You could walk from one to the other in under 20 minutes. There is a shuttle that connects them.

At Porter, there is the Red Line Station, of course, and the new rail station, which, in essence, means it has greater capacity than either Central or Harvard Square.

This is the area that Lesley owns and that we're talking about tonight. They're the two west side parking lots, the big parking lot behind University Hall, the church site and supposedly proposed the Art

Institute site.

It literally takes -- it's only 580 feet from the T entry there to this site. We think that's important. It means it's right in the middle of Porter Square. There are 272 on-grade parking spaces there and a range of square footage on the building.

University Hall is by and large the largest and it's about 240,000 square feet. This is hard to read, it is in your packet, but this is at a smaller scale, there is the Business C District, the heart of Porter Square, there's the 580 feet I just mentioned from the T Station, but the Business C District goes in this direction up Mass Avenue over 1200 square feet.

So it occurred before the T Station was there and the greater ridership.

Jim mentioned Residential B, which is where the proposed Art Institute site is,

is the lowest FAR and actually lowest in height as well.

Immediately across the street is Oxford Court, six-story building. It's in the Business C with ground floor retail.

Then across the street on Roseland Street, of course, is the old Sears building, University Hall with ground floor retail.

So, we think there's a logic to thinking -- to think of our site, that is the proposed AIB site, as being an extension of that, and further away, in the same Residential B District, is the Newport Road condominium, which has over a 2.0 FAR and is actually I think about a 2.3.

I'm not going to go into the history other than to say that many times people say, "How you can allow an up-zoning; you're adding value to the owner's land?"

Well, in fact, there was some major

down-zoning of the site, and actually the BC as well. It was actually a BB at one time.

This is the existing zoning. The dark orange color is the Business C, which is a 1.25, 2.0, 55-foot height.

It's hard to read, but that lighter orange right there is the Business A-2, another business zone. The yellow, of course, is residential. The lighter yellow is a lower density and the deeper yellow is a higher density.

As Jim alluded to, along Mass Avenue, even though that's an institutional use and in a residential district, this is a commercial use and residence, it's a dental office, at a much higher FAR on the building size that this quadrant only occurs in one other place in Cambridge and that's up at the Arlington border. Now, again, that occurred before the

T Station opened up.

WILLIAM TIBBS, CHAIRMAN: Dennis, could you go back to the history slide and give us an extremely brief synopsis of the change?

DENNIS CARLONE: Thank you for asking.

1924, the beginning of zoning, as you probably know, there was no FAR limit. It was strictly height and setback. Mass Avenue is all 100 feet high, up and down Mass Avenue near Porter Square. On either side -- let me see if I can read this -- that's 40 feet, 60 feet and Residential B is now 60 feet.

20 years later, I guess right in the middle of the war, there was a revision of that, which still the height in Porter Square was 100 feet, but it was more restricted north of Roseland Street, but below it I

believe was 65 feet. Yeah, that's correct.

1972, the zoning that came in then, it established an FAR of 4.0 in Porter Square, and then lowered the FAR in what is now the Residential B to a 1.75, I think.

It's hard to read. Yes, 1.75. But the height, if you look at it, it's 85 feet.

There was a slow reduction in height at FAR. And we're not saying that's a wrong thing. We're just saying that over time it changes, but it's not getting up, up and up over time.

Then finally a year before the T Station opened up, there was a down-zoning that cut the FAR in Business C to half, 2.0, and then it also cut the proposed AIB site down to .5 and 35 feet.

So, the basic intent is not the details per se, but to say that there has been a change and, if anything, we're trying

to bring it back a bit, that's what we're trying to do.

So, as Jim alluded to, there is the existing zoning district, the other commercial lower density AIB site.

And what we're proposing is simply to extend that to include the AIB site. Again, that is Business C, 60 feet high, that is Business C to the north.

And the other reason is it acknowledges that the AIB site is part of Porter Square, an active part of Porter Square, which we feel is very important for Porter Square.

The proposed overlay, funny shape, was funnier before we took out that building. Some of the neighbors initially brought up the idea of an overlay. We had thought about it as well, but we had not brought it up, and it makes a lot of sense, you know better than

all of us, in that you can refine a plan that suits a location much better.

So we agreed to look at the neighborhood request to look at what could happen 20, 30 years out on the other sites, the big parking lot off Roseland Street and the two small parking lots off Mass Avenue.

Initially, as Jim said, we set the FAR at 2.5. It seemed to make sense on the numbers, but as we got into it a little bit more, we realized that we didn't necessarily need it. We had said that on the west parking lot sites, we would bring it down 2.0 FAR because of the lower density housing, wood-framed housing.

At that time we thought we were going to transfer what's left over, the .5, around the site, the Overlay District, but we don't need to do that. So that's why there's two distinct FARs.

We've also restricted the use of the Mass Avenue site to the no dormitories, right there.

We came up with -- although the neighbors asked for it as well early on, the idea of animating the ground floor like Lesley has done at University Hall over the years, and indeed, we proposed arts uses that Jason will describe to you in a little bit of time.

And we've also maintained the transitional setback height limitation at low density zonings. You will see that in a moment.

At one time we thought we might play with that a little bit and try to be creative, and in the end, we said, no, this is the way to do it, and we kept it that way.

And, obviously, anything that happens has to gain a Special Permit from

you, the Planning Board.

This is the Overlay District again, but it's the drawing that the neighbors asked about, what would happen if you could develop the other sites, and simply on Mass Avenue, it would be an administrative building with ground floor retail. I will show you the retail in a moment.

In the back is probably the most complex. Neighbors had asked, and even people at Lesley, who walk up from one campus to the other, if there could be a better connection from Frost Street through the site, and what we proposed is -- an open space, so what we've proposed is a meeting open space -- you will see it in a little more detail in moment -- and a passageway, a future passageway, which could go through the building or it could carry around into the T stop, and, of course, there is the AIB

project that Jason will talk about in a moment.

Almost done.

So this is the back of the building, the back of the parking lot, excuse me. One of the things we wanted to do, and the neighbors again wanted to do this, is to make it more a part of Cambridge, that is, building open space, construction as well as a road. Instead of a big parking lot, what we tried to do is create a road, a sense of a road which would be a drop-off, we've also suggested -- again, this is projected -- that the entry into any parking would be around in this direction. That is, there could be drop-offs here and parking ideally, which is what everybody wants it, it's a matter of cost, getting parking below grade and then having some structures on top of the parking itself.

The open space, this is the about 5,000 square feet, right there (*indicating*), and this is another 3,000 square feet with benches. The idea was to make it more of a campus feel, which, in essence, would make it a better city feel.

There would only be a few on-grade parking spaces, and as you would guess, that would be for disabled people, among other things.

Jason's going to go into much more detail, but he's purposely designed the setback area so it's approximately 3,000 square feet or about the ten percent.

The space I showed you a moment ago, I'll go back to it. This is the 20 percent we talked about. That, plus that, and a little bit of this is up to the 20 percent.

So it's even a possibility that could be more, but without knowing what

program is going to happen there, the 10,000 square feet seems like a good place.

Lastly, this is the retail arts first floor. There's the existing University Hall ground floor retail/restaurant use in that rose color. These are the projected sizes in a future administrative building, three stories high, ground floor retail. And as Jason will go into, these are the arts-related locations, gallery and art library.

I'm not going to take the time now to go through this, but it's included in your package, it's a zoning urban design elements chart that basically -- and I'm happy to do it later, if you wish, but I don't want to bore you -- but it basically lays out the zoning, as Jim has presented, with maybe a little more explanation of why things are the way they are. There's the second sheet.

The community benefits -- this is my last slide -- is obviously the Art Institute in Porter Square, the ground floor retail and arts we just talked about, and perhaps most importantly, a more predictable future development, an idea of what could happen and how open space could be integrated into that, the removal the on-grade parking lots, which was a major goal for a number of the neighbors.

What we were proposing, as far as raising the FAR to about a 2.5, it embodies smart growth, which, of course, the City promotes throughout the City, real usable open space, and even the possibility in front of the Art Institute of having some activities associated with it, and finally, provides an anchor for the economic development around the arts in Cambridge.

Jason Forney of Bruner/Cott is going

to pick it up from here and tell you a little bit about the building.

WILLIAM TIBBS, CHAIRMAN: Before you leave --

DENNIS CARLONE: Yes, sorry.

WILLIAM TIBBS, CHAIRMAN: Could you go into -- could you explain the potential mechanisms of the transfer of development rights so we have a better understanding of it?

DENNIS CARLONE: One of the goals right from the start that Jim talked about is figuring out a way to get enough square footage at this site to make it one entity, 100,000 square feet.

And when we began looking at the numbers, we realized it was around 2.5.

The other thing it did, and what the neighbors asked for, is what's going to happen on the back and nobody wanted to --

what's interesting about this project is everybody realizes the parking is wrong and everybody wants more of a city feel on these sites, and the potential for that is really great.

So if one took a 2.5 of these three sites and a 2.0 on that site, these basically fill out the 2.0. They don't transfer anything now. But this site does transfer, in part because of the retail credit that we proposed.

What that does is it allows this building to be built. The biggest it would be 85,000, it might be smaller than that, and it allows that.

So most of the transfer is coming from the old Porter Exchange site. It actually got much simpler than it was originally. It was much more complicated initially.

JASON FORNEY: Hello. My name is Jason Forney. I'm with Bruner/Cott Architects.

As we know the Zoning Petition is really the matter at hand. We would like to show you some of our ideas about the Art Institute building on the proposed site. Most of these we did share with you on January 6th.

And while you are looking at these, please remember that these are very preliminary, very conceptual in nature and really talk about -- they're ideas around which a building could eventually take shape.

Some observations of the site along Mass Avenue, you have the former Sears building, around 50 feet tall here, dropping down to 35. The white church, the play area for the preschool, the Mansard House, the Newport Road condominiums, all these

buildings are roughly around the same height.

Before we began to think about the design of the building, we worked very hard with Lesley, with the Art Institute, and with members of the neighborhood working group to develop some project goals that we would keep in mind as we embarked on the course of this project.

We also met with the neighborhood, the neighborhood working group, had several open public meetings with hundreds of people and we collected a list of community objectives that we used as we thought about this building.

We spent a lot of time in the art school with Dean Trecker and his colleagues to understand what kinds of things people do in this building. And he's already showed you what some of those spaces are like. That produced a program which is essentially a

recipe of the spaces that go into this building, and what we found was that there are generally spaces used by everybody, a lot of those already do exist on the Porter campus and can be doubly used in those buildings that are already there.

There's a significant community piece to this program. A common, arts common which can host a variety of activities; art collection library; art galleries. We're reserving space for the Maud Morgan Art Center in the building, and another piece of the program was an outdoor space which we heard about from both the school, the university and the neighbors that a place to sit and contemplate life would be nice.

Everyone needs offices, although we still haven't been able to tell Stan where his office is in this building yet, and then the heart of the building really is the art

making spaces.

We spent a lot of time understanding the relationship of these spaces to each other and find that art has become more and more interdisciplinary, and that almost all of the departments need certain spaces which surely makes this art school one of the all-in-one building altogether.

The biggest example of that is the digital work area is where even photographers, instead of traditional darkrooms are often using print labs that are also shared by graphic design illustration and even fine arts. So, the arts are starting to become more and more interdisciplinary.

Our whole design concept really begins with the historic church, which, as you know, was designed in 1845 on a site near Harvard Square by the architect, Isaac

Melvin, as an example of a Greek revival style. It was brought to this site in 1867, whereupon it was placed on a new foundation and new stairs. We've led you up to the church in its new location and new relationship to grade. Some five years later, the congregation grew and added these additions in the rear, and the steeple that exists on the church today is actually its third steeple being replaced in the '60s after a lightning strike.

WILLIAM TIBBS, CHAIRMAN: Just a question: Was the original church building 1845 on a foundation as high as of that or was --

JASON FORNEY: No. I'll show you an image of that in a few moments.

So we began -- our concept begins by relocating that 1845 portion of the church onto the south parcel of the site, the

outlined area.

Public area is all along the Mass Avenue street front. At the beginning we didn't quite know what those were and then an idea of tying those together with an arts commons. Conceptionally, the church, as it stands now, building a new foundation so that we can get more space below ground.

Relocating the 1845 Isaac Melvin portion of the church, which might have looked like this on its original site. There you can see its relationship to grade and its original proportions.

Continuing to build more below grade space to minimize bulk which really leaves us as a new platform for the new building. As we learn more and more about the program, it became clear that the Mass Ave/Roseland corner should be a gallery anchoring that corner, that the arts library would be a very

good fit for the church, both in size and volume, and that they could be tied together by a very -- a space that has a lot of different and good functions.

Along this street front, we've conceived of a public space, a public outdoor space, which I will show you a little more about as we go through.

What might it look like? It might look something like this. The relocated church, a five-story building, which is relative to these volumes coming down the avenue, and the ones across the street stepping down to address the transitional zoning in the ordinance and the neighborhood behind.

So this is a 35-foot building with setbacks that match the Residence B zoning, and this is a 55-foot building here fronting the avenue undercut with the public plaza.

This is what we showed you the first time, and it has evolved a little bit with -- as the zoning language has evolved to address some of those issues.

Perhaps there's no piece more conceptual than the glass of the arts commons which we'll ultimately have to do a lot of things and be a series of trade-offs between how we attach to the church, how we control the sunlight and how we really knit the whole art school together.

WILLIAM TIBBS, CHAIRMAN: Can you show me that transition again, please?

JASON FORNEY: So this is --

WILLIAM TIBBS, CHAIRMAN: No. On the transition photo you showed before.

JASON FORNEY: Oh, sure. This is just a pure five story-block and a three-story block in the back.

AUDIENCE MEMBER: What about the

back end? So you chopped off --

JASON FORNEY: Yeah. This piece is not there anymore, the five stories, and there's another jog here, and then you will see in the site plan there's also a piece missing here that addresses the transitional setback as it relates to these buildings on Roseland Street.

It's important to remember that 40 percent of the program is below grade, which renders the building height and setbacks as the controlling factor for this particular building.

It's also critical that that allows us to get light below grade.

This works pretty well because a lot of the art school programs doesn't need light such as photography, darkrooms, animation studios and things like that.

From a site planning perspective,

again, we have the church, the three-story building in the back, this is along Roseland Street, the transitional setback that I talked about previously. This is about 12 to 15 feet.

There's also a large urban plaza along Mass Avenue, and we think the main entries to the building would be both at the church, which really allows it to become a part of the community again and into the new building there.

Like I said, the church's made the common arts library, which allows its total volume to be used much like the art library at Rhode Island School of Design or the Radcliff gymnasium that Lee and I worked on several years ago that allowed that interior to be preserved as a whole space.

The galleries/arts can really transform communities. This is our work at

Mass MoCA in North Adams. This is a very conceptual view of what it might be like inside that arts common knitting together the church building, the gallery and all the events that happen in that space.

There's precedent for transparent structures that bring light and people below grade. And most importantly the spaces in the building are for the making of the art.

What might the building look like from outside? Well, driving down Mass Avenue from the south, this is what you might see --

PATRICIAN SINGER: From the north.

JASON FORNEY: From the north, excuse me.

-- the relocated church, the new five-story building, the former Sears, now University Hall compared to what it looks like now.

Coming the other direction on the

avenue, the church, the new five-story building, University Hall beyond compared to what it looks like now.

From across the street. From across the street showing the relation of these masses to each other.

And in relation to the church in its current configuration.

I would like to share some ideas about what this open space might be like.

If you can imagine the church being brought down to grade and really engaged, becoming a part of the streetscape again, a place for public art and a place for people.

So, I would really like to leave you with that image and the idea of a new building that can really make Porter Square more vibrant than it's already become.

It's important to remember that this is not a law school or a laboratory building

with closed doors and walls.

Lesley's commitment to being an active participant in the streetscape of Mass Avenue is something that we're looking forward to working with you more on.

Thank you.

WILLIAM TIBBS, CHAIRMAN: What we'll do is start the public comment portion of the hearing. But we should take a short break?

We'll take about a ten-minute break.

(Short Recess Taken.)

WILLIAM TIBBS, CHAIRMAN: All right. We're ready to resume the hearing. If everybody would take their seats they have and settle down.

As I mentioned earlier, we have a sign-up sheet, and if you didn't get a chance to sign the sign-up sheet, that's okay, I'll ask if folks want to speak, if they didn't sign up, at the end.

I would ask you to limit your comments to three minutes, and Charles will time you, and give you a warning that you are getting close to your three minutes.

It's probably a good idea not to repeat what someone else has said before you, you can acknowledge that, but we appreciate it if you could bring some new light to your comments and not just say the same things over and over again.

We do ask, if you can, if you want to speak, to come up to the podium and speak into the mic, and that we ask that you give your name and your address before you speak.

And I would like to acknowledge City Councillor Larry Ward.

In addition to giving your name and address, could you also spell your name for the transcriber.

The first person on the list is

Joseph Mitchell.

JOE MITCHELL: Hi. My name is Joe Mitchell, I live at 40 Mount Pleasant Street on Upland Road.

To the members of the Board, thank you for having this hearing. I'm new to this process and I'm encouraged to see such healthy debate amongst our community. I've lived in the area now for about two years. So I think I'm a relatively newcomer as I look around the crowd.

I came tonight to -- and no offense to anybody, I came tonight to strongly support Lesley University AIB proposal.

First off, thank you for an excellent presentation. I think Lesley has been transparent throughout this process, they have heeded the community's concerns, they've made a number of concessions all of which are positive.

And I would make just two other very brief points because I know we're time constrained.

First is: As you head north on Mass Ave, it's no surprise to anybody that the quality of the structures and the quality of the development starts to deteriorate, and you end at the T stop, which I use everyday, which is, frankly, a mess, and that's none of our faults because it's maintained by the MBTA, poorly maintained by MBTA, I should say, but adding something, responsible development, to that corridor of Mass Ave, I think will improve the T stop, and I think it will improve the general look and feel and energy of the neighborhood. That's first.

The second point is -- and this will be my final point -- is that I don't need to argue to -- I don't need to remind anybody in

this audience that we're going through very difficult economic times, both in the country and the community and in Cambridge and I think to have a responsible tenant who has a master plan for the entire community, who is going to ensure that there's going to be occupancy in a way that makes sense and that heeds the community's concerns, I think this is something that we, as a community, can't pass up on right now. I think that, you know, to pass on this or to make it more difficult for Lesley to accomplish its goals is foolish.

They put together a great proposal for what really would be a cultural and retail and civic anchor for our community.

So, I thank Lesley and I thank the Board for hearing my comments.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

I think it's Marian Darlington-Hope.

MARIAN DARLINGTON-HOPE: Marian Darlington-Hope.

WILLIAM TIBBS, CHAIRMAN: You will have to spell that one.

MARIAN DARLINGTON-HOPE: Thank you very much.

Marian Darlington-Hope, M-A-R-I-A-N, Darlington, like I love you, Darling, but you weigh a ton, Hope, H-O-P-E.

WILLIAM TIBBS, CHAIRMAN: Your address.

MARIAN DARLINGTON-HOPE: 350 Washington Street in Cambridge.

So, I'm here to speak in support of this proposal on two counts. First, I am a member of the faculty at Lesley University and I'm a resident of Area Four in Cambridge.

I'm speaking on behalf of this because Lesley as an employer, but as an

institution has really encouraged us, as faculty, to get connected as part of our teaching, working with the community, and has encouraged many of us to work in -- live in Cambridge and has really encouraged us to connect our communities with the institution.

And even though Area Four is not very close to -- it's closer to Central Square, it's not very close to Lesley, I think that Lesley has been supportive of me as a faculty member and other faculty members who have been involved in the neighborhood. I will give you a couple of examples.

A couple of years ago, I did a needs assessment with the Margaret Fuller Neighborhood House, with a group of students, a couple of them spoke Haitian Creole and we actually did interviews and focus groups with folks who used the food pantry.

As a result of that, we were able to

make recommendations to the Margaret Fuller House and to be able to make some recommendations to the City and how they could better to serve food pantry users.

A faculty member of the science class actually did a study on the Tree of Heaven, which is an invasive plant species, and came and presented to a couple of neighborhood community groups how they might be able to actually get rid of it because it's very invasive, it undermines roots, and they shared what they had learned from their own research group of students at a neighborhood meeting.

As a faculty and as an institution, we have been very supportive, and I can't wait to get Stan Trecker in AIB over here across the river because I would love -- we know that there's an important role that arts play in the achievement of children and their

schooling and their social life and I'm really looking forward to having AIB being closer. The art that we have now is wonderful, we have a lovely gallery on the campus, we have a lovely gallery in University Hall right here in Porter Square, but I'd love the opportunity for us to be able to even connect with our AIB faculty even more and we connect with the neighborhoods.

The second, I'm going to speak also as a resident because we have benefitted from the faculty, the students and the staff that's come to Area Four and has actually done workshops, has participated in service days and other kinds of activities.

But as a resident, I think it's time for the City to really examine --

CHARLES STUDEN: Could you please conclude on your remarks?

MARIAN DARLINGTON-HOPE: Okay. My one last paragraph.

Finally, as a resident, I think it's time for the City to examine the impact of new and expansive development projects on the City as a whole and not just on the abutters, recognizing that those interests and concerns are important and need to be heard. Although in many ways, I sometimes feel that Cambridge thinks it's the center of the universe, we really are a small city and everyone is impacted by development in this city regardless of where we live.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. I have Donna Sheenan, but you didn't indicate whether you wanted to speak or not. Is Donna Sheehan here?

(No response.)

WILLIAM TIBBS, CHAIRMAN: Okay.

Andrea Wilder?

ANDREA WILDER: Hello. My name is Andrea Wilder. I live at 12 Arlington Street in Cambridge.

I'm going to talk briefly about the North Prospect Church, its history, the danger it is in now and trees.

Cambridge was settled in 1630 by the Puritans, a radical Protestant sect rooted in England. Essentially they transplanted themselves to what they called New England, but our iconic white steepled New England church wasn't invented here.

When you walk or drive down Arlington Street, the church is almost always in full view. This is not by accident. What we call the North Prospect Church was moved there in 1867. Anticipating this, the Cambridge Chronicle of December 15, 1866 says: "The new street leading westerly from

North Avenue will hereafter be called 'Arlington Street.' The church will stand on the easterly side of North Avenue opposite the new street."

The name "Arlington" was chosen to honor the Union dead of Arlington cemetery.

It's clear that the church is not just an isolated fabulous architectural object, but an icon memorializing in equity past eras sited now on Mass Avenue across from Arlington Street.

Several weeks ago, I learned that the church was in mortal danger of being seized, move and downsized. There's this plan to chop off the back and move the remaining church southerly on its lot. In place of the church would be built two massive rectangular boxes of three and five stories.

From the view down Arlington Street,

this would be rather like punching out a person's front teeth. The term being used is "restoration." The restoration of a building includes respect for its social and physical context and that is not evident here.

There is irony in the notion of demeaning a church so as to construct buildings for art students when the church could be used as-is for the same purpose.

Unfortunately, the Avon Hill Conservation District, a constituency of over 200 houses and many inhabitants, was not included in the working group, there was no organized outreach to our community.

Now, let me talk about trees and orchards. When the First Lady, Michelle Obama, spades over the earth on the south lawn of the White House to plant a vegetable garden, we know we see change.

I attended a meeting last week in

the Sullivan Chamber to discuss trees and fruit trees in particular.

The City is moving in the direction of increasing its tree coverage and ultimately re-foresting Cambridge may be a reality.

I think the current architectural plans for the church and green space are on the wrong side of history.

The abutters are literally walled out and citizens of Arlington Street are visually boxed in with large buildings.

Orchard Street in North Cambridge really used to have an orchard.

CHARLES STUDEN: Andrea, could you please conclude your remarks?

ANDREA WILDER: Yes.

Robert Frost said, "Good fences make good neighbors." "No, they don't," Frost added, "Before I build a wall, I would like

to know what I was walling in or walling out."

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Let's see. We have a couple of people that didn't indicate that they wanted to speak. James Shea? Okay.

And is it Kathryn Lapierre?

KATHRYN LAPIERRE: Yes, it's.

WILLIAM TIBBS, CHAIRMAN: Would you like to speak?

KATHRYN LAPIERRE: I would like to speak.

WILLIAM TIBBS, CHAIRMAN: So that people can get ready, I'll also announce the person who's going to speak after you and that's Peter Lang.

KATHRYN LAPIERRE: Would it be possible to get the Overlay District up here again for a moment? It would make it much

more efficient.

WILLIAM TIBBS, CHAIRMAN: Can you do that?

DENNIS CARLONE: I have a board you can use as a reference.

KATHRYN LAPIERRE: I'm not sure if people would be able to see a board, though.

DENNIS CARLONE: Thank you. Here you go.

KATHRYN LAPIERRE: Can people see it well enough?

Okay, great. Thank you.

My name is Kathryn Lapierre.

"Lapierre" is spelled L-A-P-I-E-R-R-E, and I live at One Frost Terrace.

Let me show you on the board where that is. We live here. So, obviously we have concerns about -- I don't know how to do this without...

AUDIENCE MEMBER: Do you want me to

point for you, Kathy?

KATHRYN LAPIERRE: You can point for me. That would be terrific. Thank you.

*(Audience member
indicating on blown-up map.)*

KATHRYN LAPIERRE: Okay. So, that's where we live. We would love the AIB come to Porter Square. We think that's a wonderful idea, we think it will add a lot. We do have some concerns, however, about where exactly it will be placed.

There was a lovely presentation this evening, which showed how the present church in its current iteration can be used effectively to highlight the arts, and it could be used as gallery space, it could be used as presentation space.

I have been attending the meetings that Lesley has been having with the community for the past two years. My

experience differs from what Lesley has presented this evening.

We have been hearing the same proposal over and over again for the past two years with little to no changes despite multiple suggestions from the community.

We were also -- I am also stunned that there was no discussion tonight about the Historical Commission staff report, which we all heard last week, and I'm sure that members of this Board are familiar with the recommendations.

Given the uncertainty, I'm a little concerned about what ultimately will occur in that space. I would like you to look at the Area B -- the B zoning area, that whole big block. You can include Lesley -- you can include the church right now.

*(Same audience member again
indicating on blown-up map.)*

And the suggestion that somehow extending the business district down a little bit is obviously a reasonable idea.

What that is doing is that it's essentially taking a little tooth out of that whole section of Residence B and as a segue to teeth, Dr. Gardner's residence, that is not a dentist office building, that is Dr. Gardner's residence. He happens to have an office in his home.

Ultimately, I would just like to say that we have in our community many concerns about what Lesley is proposing this evening and has been proposing without change for the past two years.

We have concerns that --

CHARLES STUDEN: Kathryn, could you please conclude your remarks?

KATHRYN LAPIERRE: Yes, I will.

Respectfully, I would like you to

defer your decision until the Historical Commission has made its formal recommendation and if that delay is not an option, I would ask that you exclude the church and its adjacent lot from your decision about the Overlay District this evening.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Next person is Peter Lang and after Peter is Harriet Ahouse.

PETER LANG: Thank you.

My name is Peter Lang, I live with my wife, Kathryn Lapierre, we are abutters.

I spoke before you in the last meeting opposing the proposal, and I would like to reiterate that I do support the AIB coming to Cambridge, coming to Porter Square, but I am firmly against the current proposal and the proposal for the Overlay District as it now stands.

What we have seen is massing in the

parking lot, which makes it clear that there are alternatives to placing the AIB in the church yard.

I would like to expand on what Kathy said about what the Historical Commission's staff report said for those who are not aware.

The staff strongly recommended keeping the church where it is, as it is. They also strongly recommended keeping the church yard as open space.

I would like to say that I -- in support of their -- of that idea, that I agree with Mr. Rafferty that Mass Ave is a commercial space.

I would also like to tell you of the experience I had before the Historical Commission of walking up Mass Ave from Harvard Square to the Alewife, and it's commercial, no question about it. But there

are three remarkable places on that walk. First, the First Parish Church in Harvard Square, the most urban part of the whole thing, the church is gorgeous, it's an urban church, next to it is an open space which is a cemetery, it's lovely.

On North Mass Ave is the church of St. John, the Evangelist, completely different, big church stark on a lower ave -- a lower -- houses around it, big open space next to it where the rectory is. A different urban setting on a commercial strip.

And, finally, there's the North Prospect Church, the church that we're talking about, urban setting, a gorgeous white church, next to it a church yard and in this case, neither cemetery, nor rectory, but functionally as a playground for children for the past 40 years of the Agassiz community school.

And that what I would like to say is that these are -- this is commercial, this is urban and this is what the Planning Board should be looking at, how to maintain all of this.

To conclude, before I get the warning, I do support the AIB, I support the design concepts that are being put up by your architecture firm, and I would firmly support the Overlay District if the Overlay District excluded that area and recognized the value of the church in the open space as expressed by the Cambridge Historical Commission.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Harriet Ahouse, and following Harriet will be Howard Speicher.

HARRIET AHOUSE: I'm Harriet Ahouse, A-H-O-U-S-E, 4 Newport Road, Unit 2.

Thank you for the opportunity to

speak.

I am an active member of the Lesley City and Community Workshops. I am not an abutter, but my back view would clearly be affected by the new construction and I, as one, am just one lot away from the construction.

I am a supporter of the Overlay District zoning proposal and believe that the Art Institute of Boston belongs on the avenue. I am aware there are issues of traffic, parking and open spaces that still need to be resolved. I am confident that they will occur in the final design of Bruner/Cott and will meet most people's needs. I look forward to the new beautiful buildings on the avenue.

Why do I support the Overlay zoning? Changes. First, I moved to Cambridge from the suburbs. I moved to an urban area, and I

was aware of -- that my neighborhood would change. Economically healthy cities do not have vacant lots on their avenues, and I knew that house in my backyard would some day change, so I bought into change.

Change bringing an Art Institute into my neighborhood is good change. But what if Lesley doesn't get the zoning change? What do we have now? And what are the possible scenarios? Two open parking lots on the western side of the avenue shown zoned at 55 feet. Lesley can build two five-story buildings and use the dormitories, classrooms or office spaces. This would add to the canon look of the avenue. Nobody on the working committee wants this.

The zoning proposal has reduced these buildings to 45 feet, no dormitories and retail on the first floor.

The church in the big lot, both

zoned for two-family housing; the vacant lots are not -- will not remain vacant. Adding more housing to the avenue doesn't make good planning decisions. More retail and institutional needs could bring the City more jobs and more revenue.

The land is just worth too much to build a two-family house, the land would probably be worth more than the housing. Either way there would be development on the land in the near future.

The church is now in need of external repairs and looks shabby. The architecture does not belong on a one-story pedestal. It has lost its beautiful steeple which can be restored.

What will happen to the church? Lesley has already determined that they do not need such a large open space. The rear lots are too much speculation to even

consider in this short time. Meanwhile, I'm looking forward for landscaping and open space to hide the parking lot.

CHARLES STUDEN: Harriet, could you please conclude your remarks?

HARRIET AHOUSE: One-third I have left.

The parking lots and the lots in the open space, it could be a great lot worse than the modern beautiful Art Institute.

Lastly, the joy -- one of the joys in this part of Cambridge is the variety of architecture. Can you imagine living in Porter Square and saying I live by the new AIB instead of the old Sears building? Can you imagine walking down the avenue and seeing the small mid-19 century white church as it was designed next to a 21st Century, classic building framed by two 1920s yellow art deco building. The only thing more will

be when the housing is purchased and returned to its original delegates.

I'm proud to have the Art Institute of Boston on the avenue and for all to admire and I support the change for the neighborhood.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Howard and then after Howard, it's Peter Cardellichio.

HOWARD SPEICHER: Thank you very much. Before I step to the podium, my name is Howard Speicher, and I represent the Oxford Courts Condominium and I would like to show you, first of all, of where they are.

This is the Oxford Courts Condominium building along Arlington Street and Mass Ave, and it faces right up to the westerly -- the lots owned by Lesley that are intended to be included in the Overlay

District, which are westerly of
Massachusetts Avenue.

This is a view from one of the
parking lots right here towards the Oxford
Courts building, just to give you an idea of
the proximity of the two to each other.

The Oxford Courts Condominium is
generally supportive of the proposal. I
would like to, given the brief time
available, just confine my remarks to the
very, I think, simple and direct concerns
that the owners at Oxford Courts have.

I submitted a letter to the Planning
Board which states all this in detail, and
some other items I won't get to tonight. But
briefly our concerns are related to height,
setback and conditions for the Special
Permit.

And I think these are concerns that
can be addressed in a way that meets the

requirements and needs of Lesley as well the residents of Oxford Court, but they haven't yet been met as the proposal stands before you tonight.

We think that a 35-foot height limit as opposed to the 45-foot height limit that's been proposed is appropriate and deficient. I've spoken to Mr. Rafferty. I know there are concerns about the need for a 15-foot first floor for retail. We think that can be accommodated especially given the slope of this property up from Mass Ave, we think that the height should be measured from the back of the sidewalk on Mass Ave and not under the typical mean grade definition that's in the zoning code generally. We think this would take into account their height requirements would allow a little bit higher height at the Mass Ave sidewalk and allow the building to slope back towards the rear, towards the

residence district in the rear.

Similarly, we think that it's important to protect the residents at Oxford Courts to have at least a 20-foot setback from their property.

On that photo I showed you, there's nothing but a very narrow driveway between the parking lot and the existing building. You got people living all along that driveway.

With the FAR limitation that Lesley is willing to agree to, they're not likely to be able to occupy the entire parcel in any event, and we think it's appropriate that when they consider where the setbacks should be --

CHARLES STUDEN: Howard, could you please conclude your remarks?

HOWARD SPEICHER: Yes, I will.

Thank you.

That the setbacks should along the side where the residents live.

We've also addressed in our written remarks construction and traffic impacts that we think are important to include.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Peter Cardellichio and after Peter, it's Franklin Reece.

PETER CARDELLICHIO: Thank you.

My name is Peter Cardellichio, that's C-A-R-D-E-L-L-I-C-H-I-O, I live at 7 Oxford Courts and I would like to make two comments. The first one about height. I don't think it's repetitive, but I would just like to expand a bit on what Howard said.

As it's currently stated in the petition, it's 45 feet from grade. I think we can probably keep a room full of lawyers busy for a day discussing what "grade" actually means.

Initially, we had specified from the sidewalk of Mass Ave from grade, as I understand it, lists the height to about five to eight feet, as I've measured it, based on perimeter measurements, which would take the height to about 50 feet from the sidewalk. This is a picture of our building (*indicating*). 50 feet takes you to about the concrete decorative elements here. That's at the top of our fifth floor.

So, to accommodate Lesley's request for a three-story building with retail on the bottom and two additional floors, it takes us to the top five floors, what we have at Oxford Courts, one of which is retail as well.

So, in light of that, we think the request for 45 feet from grade is excessive.

And my second comment concerns the issues concerning construction. As you can

tell from this plan, it looks to be like about a three-phase plan across the street from us, in back and next door. We'll be living with construction for quite a long time, and so, we would like to see the construction mitigation plan that we spelled out in a letter to the Planning Board gets included in this petition.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you. Franklin, and after Franklin is Gisella Ashley.

FRANKLIN REECE: Hello. My name is Frank Reece, spelled R-E-E-C-E, I'm not the peanut butter guy. I live at 45 Garden Street and I have been in Cambridge for almost 40 years.

I enthusiastically endorse and support Lesley's Overlay Zoning District in Porter Square. As someone in the education

world, I feel this will now help make Porter Square not only a great business district for Cambridge, but another center of educational excellence that we in Cambridge are so proud of.

There are a number of other positive measures that we'll do for our neighborhood and I'm hoping that I'm not redundant here. First, it will balance the development across its campus bringing in a new major art school to Mass Ave. The school's presence on Mass Ave will give it a prominence it needs to be part of the Porter Square and greater community.

Secondly, Porter Square is the only subway and commuter rail hub in Cambridge and this -- excuse me, I lost my place.

And this education-oriented zoning district is what should be near this kind of a transportation tub. The Mass Ave at the

Porter Square is the widest retail business street in Cambridge. With a new AIB on the east side and new Lesley buildings on the west side of the avenue, they will fill in what have been open and unfriendly vacant spaces for too many years.

Lesley has historically been a wonderful neighbor and this Overlay District reflects the positive moves Lesley has made integrating itself into our neighborhoods without overwhelming it as some other universities I know in the area have done.

Again, I wholeheartedly support Lesley Porter Zoning Petition.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

The next person after Gisella is, I think, Adrian Bishko. Am I pronouncing that right?

GISELLA ASHLEY: My name is Gisella

Ashley, G-I-S-E-L-A, A-S-H-L-E-Y and I live at 7 Arlington Street at Oxford Courts. It's a 104 residential units and three commercial, and I support the AIB coming to Porter Square.

We have our concerns in writing and so not to waste any additional time, we're mostly concerned about having all of those issues addressed.

WILLIAM TIBBS, CHAIRMAN: Thank you.

After Adrian is Steven Diamond.

ADRIAN BISHKO: Hi. My name is Adrian Bishko, B-I-S-H-K-O. I live at 5 Arlington Street, which is part of Oxford Courts, and I would just like to emphasize what Howard said about the side setbacks. I think we're generally very much in favor of the AIB development, but if what is built is really flush to our building, it's really going to impact people's quality of life,

their light, their air coming in the summer and it's basically going to be looking like an air shaft.

So, consequently we're proposing that the side setbacks along the southern most parking lot will be at 20 feet.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Steven Diamond, and after Steven, it's Kelley Chance.

STEVEN DIAMOND: My name is Steven Diamond, D-I-A-M-O-N-D. I live at 61 Frost Street, F-R-O-S-T.

I'm speaking in favor of this proposal. It's with a lot of concern about some of the ways that it will be carried out. I believe -- I'm a member of the working group and I have been working on this for about three years. And during that time, I've seen the general proposal evolve and

develop in a way that has been very responsive to some of the concerns of our neighborhood. But we still feel that Lesley is requesting a change. A great change in the zoning of the present two lots, two church lots, and in return for that, and it will have to rethink that we have to find some recompense, something has to be given with the City and neighborhoods have to get something back in return for that great change.

The two kinds of things that have been developed of most importance to the neighborhood, through a survey that our neighborhood took, were parking concerns and open space concerns.

I personally have been requesting at least 25 percent of the area behind University Hall be made open space.

That parking lot is about the last

chance that our neighborhood has to have some usable accessible open space. I think it's good for the neighborhood, but I also think it's very good for the university.

And looking at the little site plan that we saw, if that triangular building were missing in that space, we would really have some accessible usable open space.

I believe that you folks should carefully consider the parking study that's been done by Lesley to be sure that this new facility, this new AIB facility will not produce more need for parking because our neighborhood is already tremendously overcrowded with parking and then you should also consider the additional request that we, as a community, have put into what we're now calling a memorandum of understanding.

There's some other things that we're looking for in addition to Making the new

parking underground --

CHARLES STUDEN: Steven, please conclude. Thank you.

STEVEN DIAMOND: Our community will be giving up a low density zoned area, and in return, we should receive substantial open space offered by a nearby residential street with parking underground and other more immediate community city benefits.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Kelley? And after Kelley, it's Wendy Prellwitz.

Is there a Kelley?

(No response from audience.)

Wendy Prellwitz. And after Wendy is John Klensin.

WENDY PRELLWITZ: My name is Wendy Prellwitz. I will have to spell that, P-R-E-L-L-W-I-T-Z. And I live at 3-1/2

Wendell Street, which is right next to the new dorm being built by Lesley which is doing very well.

So I'm here as a representative of the Agassiz Baldwin Community Board, and I'm also a member of the Maud Morgan Visual Arts Advisory Committee. I have been involved with Maud Morgan Center since the early days. And we want to say that we feel that we bringing AIB to Porter Square is really great. It's great for the arts.

Just a word about the Maud Morgan Center, since it was bought up earlier. For those who don't know, this is a long-time coming project. We're building a citywide visual arts center FOR the children and artists of Cambridge primarily to serve the City through an arts-based after-school program. So we feel that establishing an arts district in Cambridge, along with a

partnership with the Maud Morgan Art Center will be great for the City, and so we wholeheartedly support the Zoning Overlay District Permit that would allow that to happen.

I just want to say that we are, in fact, in the process of forging a partnership with Lesley and THE AIB, and we've been discussing locating two studios in the AIB, as was previously talked about by Lesley.

I will say that our discussions are still preliminary and we don't have any written agreement as yet, such as a memorandum of understanding for either the partnership or the business relationship, and we're actively interested in drafting that so we can support the continuing regulatory process and bring the AIB to Cambridge.

I will say just on a note, as an architect and an artist, that when it comes

time to talk about the building design through the Special Permit process, I'll have other thoughts to share about the building, but I'll do that later.

WILLIAM TIBBS, CHAIRMAN: Thank you. John Klensin. And after John, the next person who asked to speak is Susan Farrington.

AUDIENCE MEMBER: Sarah.

WILLIAM TIBBS, CHAIRMAN: Sarah. I'm sorry, Sarah Farrington. You're right.

JOHN KLENSIN: Hello. My name is John Klensin, K-L-E-N-S-I-N, and I live at 138 Elm Street behind the Porter Square Shopping Center. I've lived in the Porter Square area since 1968 having moved to Cambridge in 1962.

During that period I've watched the neighborhood evolve over those 40 years. Some good changes and some not so good. The

Red Line came in, street changed directions, buildings went up and changed functions, zoning changed, businesses and residents have moved, and so have traffic patterns and other kinds of activities in the neighborhood.

Each change has been met with opposition from those who having been -- gotten themselves established in the neighborhood, often in buildings which could not be built under today's zoning, have turned around and opposed other changes on the ground that they broke (*inaudible*).

Someone commented earlier that we choose to live in cities and cities evolve and cities behave like cities.

These oppositions to changes have often been associated with an attitude which I've seen in Cambridge, but in very little else of the country, which is an attitude of if you want this change, what are you going

to give me. It is not a good way to develop the City, it's not a good way to do urban planning or develop our zoning.

I also note that the neighborhood efforts to block some less than optimal projects in the Porter Square area and throughout the City have led to some serious bots on the City itself.

In the context of this neighborhood history, Lesley's proposal comes as a refreshing breeze. It is comprehensive. It brings a much needed amenity to the neighborhood, countering a long history of zoning and exceptions in the area which have applied to only a few buildings at a time without a comprehensive plan about neighborhood involvement and participation and amenities.

It corrects part of an anomaly along Mass Ave, which appeared to me at the time to

be an overreaction to some other things, creating a very restrictive residential zone in what was formerly and it's generally recognized as a heavy traffic commercial area.

And it solves the potential problems of lots across Mass Ave on the west side which have been of great concern to the neighborhood for a long time.

I urge the Planning Board to report favorably on this proposal.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Sarah is next, and after Sarah is Susan Brand.

SARAH FARRINGTON: Thank you. My name is Sarah with an "h", F-A-R-R-I-N-G-T-O-N.

I live at 18 Frost Street. My family has been in that neighborhood since the 1950s when my parents started a small

rental property business that my brothers and I now manage on our father's behalf. Three generations of my family live on the same block. The two properties that are east the North Prospect Church and churchyard are numbers 20 and 22 Roseland Street, and next to Peter and Kathy at One Frost Terrace -- thank you, Kathy -- they're owned -- were inquired by my family in 1966, so we are direct abutters to the site of the proposed AIB development.

Furthermore, the house at 20 Roseland, as well two other Farrington properties at 28 Roseland and at One Frost Street directly abut the lot behind the former Sears Roebuck building. That's what I choose to call it, Jim.

So clearly we'll be affected by Lesley's ultimate development in both locations and we're affected both as small

business owners and as a Cambridge residents.

As a life-long resident of the Agassiz/Porter Square neighborhood, I do recognize that there is tremendous value to the neighborhood in Lesley bringing the AIB here and in developing its properties in general.

For one thing, it seems that in the near future the Porter Square area is very likely to be extensively developed, and I agree what another gentleman said that Lesley is likely to be -- has shown itself to be a responsible developer and probably a better neighbor than many other potential developers.

For another thing, I feel extremely lucky to live where I do on a fairly quiet residential street with amazing shops and wonderful restaurants within walking distance. This is something incredibly

valuable to me personally and for which I feel it's worth great efforts to preserve. This is an area that is already quite vital, but it does need people to keep the shops open, and it needs commitment from commercial landlords to help keep the independent business owners because that's what makes it unusual.

I generally support the notion that development in Porter Square and the AIB coming here will provide important support to these businesses and will add vitality to the square and down the avenue.

And I would also add that as a parent of children in the Cambridge Public Schools what Dean Trecker had to say was very appealing to me as another benefit to the AIB coming. However, I do have concerns about Lesley's proposed plans and having to do with the quality of life for me and my neighbors

and my tenants.

My first concern is about the not so good stuff that comes with more people. More people will mean more noise, more traffic and more difficulty getting around both as pedestrians and as motorists, and these are real inconveniences that we already contend with regularly on our streets and as we move or try to move around and through our neighborhood.

I'm sure that residents will be willing to live with even greater inconveniences of these sorts in exchange for the benefits that Mr. Carlone and others have noted, but only to the point where the balance is tipped between inconvenience and nuance and though I do --

CHARLES STUDEN: Sarah, please conclude.

SARAH FARRINGTON: Okay. So I would

just finish by saying that as a -- what I haven't had a chance to say is that the views from the properties at 20 and 22 Roseland will be significantly changed by any large development on that lot, and we favor keeping that lot, Lesley building it as some kind of a sculpture garden and perhaps putting the AIB behind Porter Exchange building.

The other point that I haven't had a chance to make, but I hope someone else will, is that 252 parking spots will be -- all of them will be relocated into that lot or into the area beneath new development behind the Porter Exchange, and that's going to cause a lot of traffic for us on Roseland and Frost Street and it's very serious concern.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.
Susan Brand, and after Susan is John Howard.

SUSAN BRAND: Thank you. My name is

Susan Brand, B-R-A-N-D, and I live at the Oxford Courts Condominiums at 7 Arlington Street.

Generally, I'm very supportive of the AIB coming to Porter Square, I think it's very exciting to think that we'll have this in our community, and as long as it can be done right, I think it will be an addition -- a good addition to Porter Square neighborhood.

We've focused a lot on the two westerly parking lots, which are probably the less sexy part of the proposal. But we're looking at it because it really abuts right up against the side of our building, and there are a number of our neighbors who will be impacted as some of my neighbors have already spoken, by the height and also the setback of that building.

One of the things in addition to

what has already said, and I won't repeat what my neighbors have said, is that as the Board knows, the height does not include the height of the rooftop appurtenances, you know, the air conditioning equipment, elevator head houses, that type of thing, so there will be a number of people who will be basically looking out their window, not just at a building, but people up at the higher floors at these additional appurtenances, and we would propose and it has been set forth in our attorney's letter to the Board, Attorney Speicher, that there ought to be some provision in the zoning for additional setbacks for those types of rooftop items and also a limitation on the area that those items cannot go on the roof. And I won't go into detail, it's all set forth in the letter that's been submitted to the Board.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Next is John Howard and after John is Carol Weinhaus.

JOHN HOWARD: Good evening. My name is John Howard, I live at 8 Cogswell Avenue, North Cambridge. I am president of the Porter Square Neighbors Association and a member of the Advisory Committee for the Lesley project.

You have in your files a letter from me expressing Porter -- PSNA's official position on this, which is a result a complete consensus as far as I can tell amongst those of our members who chose to express an opinion at all about this.

Speaking, and more as an individual, I would like to just raise a couple of points -- oh, I should say, from the beginning, I have strong support for the AIB coming, a belief that this is a great use for a space

for -- of a high-density space close to public transportation and sympathy with the immediate abutters' concerns, I hope that those will get addressed in an appropriate time in the Special Permit process.

Speaking now as an individual, I would like to say a couple other things, Lesley has been a wonderful partner to work with. I've worked with them since the mid-'90s on various topics.

The engagement they have shown then was great, it's great today, and I have every reason to believe it will continue to be. One of the elements of the memorandum of understanding is continuing engagement with the various neighborhood associations in the area. So they're really to be congratulated for that.

I personally feel that the idea of putting the AIB on the parking lot behind the

old Sears building rather than on the Mass Ave is not very appealing for a couple of reasons. One is, I'm no engineer, I would bet you it's going to be very difficult to put parking underground there without finding that you are building a parking garage in a lake.

The second thing is that I would just rather have the activity AIB generates on that section of Massachusetts Avenue.

With that, I'll end.

WILLIAM TIBBS, CHAIRMAN: Thank you.

After Carol is Fred Mayer.

CAROL WEINHAUS: Hi. Carol

Weinhaus, W-E-I-N-H-A-U-S, I live at 64 Oxford Street, and I would like to say that my remarks are in strong support of Lesley brining the AIB up to the Porter Square area.

I'm going to do two things, one is put everything in context and then four

requests on the zoning proposal.

In terms of working with Lesley, I have been going to the meetings, even though I'm not a formal member of the working group appointed by the City, and during the entire process, Lesley has been very open to anyone that wants to come, be part of it, nobody has been kept out. They speak with anyone that comes with them.

In terms of their responsiveness I'm a direct neighbor in the lower quad area. As a part of this ongoing discussion, it's not just Porter Square, there was a lot of discussion of what is happening in the other two areas with Lesley. And as part of the dorm working group, Lesley came to us saying Here is what we can build by right and the neighborhood worked with them, this is two neighborhoods, who within one month we got retail on Mass Ave and we also took some of

the pressure off of Porter Square by allowing more dormitory space in our neighborhood, and Lesley actually built more than they were going to build in the first place. It was a great working relationship. This is in the context of our ongoing discussions.

So the request that I have on the zoning, I really view as part of this ongoing discussion because they've been great about saying, Here is our long-term planning.

One is that there's some kind of walkway in the zoning that allows neighbors to do what they're already doing in a safer way, and that's either cutting through the Lesley building, going around it and some of us have hopes of working with the City and the T to actually make it that you can go all the way in the back of Commonwealth Block and get to what is now this dreadful little park and change everything. So this is in the

greater context of looking at that whole area.

Second, is there's green space in the short-term not waiting for, you know, the millennia to come, on the Roseland area, and I recognize there's a whole issue of parking spaces, but it may be that moving some of the programs to the Episcopal Divinity School may take some of those parking considerations away. So this is in support of short-term green space development where Frost Street comes out and there's really like a little pocket park or something there.

That, just in terms of the church, I like the idea that the way Lesley is looking at this, as that it brings the activity to the street, and I actually like the proportions of the original building compared to where it's right now of the church.

CHARLES STUDEN: Carol, could you

please conclude?

CAROL WEINHAUS: Okay. So, anyway, I realize these things are contentious, but it's just putting the options there for this ongoing discussion.

And finally, whoever does this, waters all their trees on the property including the City ones.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. After Fred, we have Joseph Mitchell.

FRED MAYER: Fred Mayer, M-A-Y-E-R. I moved into the neighborhood 50 years ago in 1959. I strongly agree with the approach that Carol just announced, we actually had discussed it beforehand. I think the essence of this is clearly an excellent proposal. Lesley has been very responsive. It's a credit and will improve Porter Square having it here, but the neighbors have legitimate

concerns about access behind the Sears lot, places to sit, to be able to cut to the T.

And my suggestion to you is that if you think a parking requirements not just in terms of number of spaces, but in terms of quality of the lot, perhaps you could give a trade-off. If there's a little bench in an appropriate place in the lot that that could replace a space, or if there's a walkway allowing desirable pedestrian access that the developer be given some parking credit for that.

I'm no expert at all in how zoning would be worded, but if you could find some way to do that, and there do appear to be a few excess spaces, and I think somewhere three to six spaces might be suitable trade-offs for trees or a tree, a parking equipment space, something like that.

Then some general comments on the

notion of leave the church where it is. If I lived on Arlington Street, I would feel the same way. And the neighbors have a good point that Arlington Street was designed for a view of that church, but change is inevitable in a city. A city can't grow if it doesn't change.

If the church had been left where it was originally, we would have no Harvard Department of Economics, which is now in Litchauer Center where the church was and Larry Summers probably wouldn't have been president of Harvard, and he wouldn't be President Obama's advisor either.

My father was a minister in that denomination for 60 years and he used to say "a church is not a building, it's a living community" and churches change and so do cities.

I do think you need to pay or should

pay attention to blocking of the historic buildings. The Sears building was built in 1928 and the church in the 1830s. I don't think the views are blocked the way this is done, but I ask you to please double check that. And I think the view of the church is clearly enhanced from the north by being moved, but I'm a little concerned about --

CHARLES STUDEN: Fred, could you conclude your remarks, please? Thank you.

FRED MAYER: If you could make sure that either you or the Historical Commission does a suitable and textual review of the new structure, I think that's important.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Let's see, we have Al Gowan.

ALAN GOWAN: Alan.

WILLIAM TIBBS, CHAIRMAN: Alan, I'm sorry.

ALAN GOWAN: I'm next or someone else?

WILLIAM TIBBS, CHAIRMAN: No, you're next and Al, there is Ruth, I think it's, Ryles.

RUTH RYLES: Ryles.

WILLIAM TIBBS, CHAIRMAN: Ryles.

AL GOWAN: Hi, I'm Al Gowan. I've lived in Cambridge for since 1970. What is that? 39 years? 49 years? I've lived in the Porter Square since 1979.

I live at 80 Orchard Street. That's a street that leads to where there used to be the big estate, the Rand estate, which was an orchard, hence the name. I have also sent my remarks to the Planning Board on March 19th, so my letter is a matter of record.

I am speaking in support of the request by Lesley for the overlay change only because in going to the meetings, listening

to the presentations, which have seemed pretty reasonable and transparent -- I'm a designer myself, by the way, not an architect -- it seems to me a logical way to place, not only that institution, but the arts in the eye of the American public.

The arts are not the first thing that Americans think of. Have you noticed that? So whatever else is done, I think that Lesley should be and the AIB should be not only accessible from Mass Avenue, but should have a commanding presence on the avenue that's inviting to passersby, neighbors and all that. And they seem to be quite open to that and the plan presented seems to me respectful. Respectful. The aesthetics, we didn't differ on this, to the church structure itself, which maintains its integrity inside and is used as a library, so that it can be seen and enjoyed because the

beams in there are really quite lovely.

Like I say, one can argue aesthetics, but I agree with the previous speaker that as you imagine yourself going north on Mass Avenue, the church will be easier to see when it's out further closer to the curb, not up on the high stone base, which looks totally out of scale and was never intended for that scale.

And it's a nice change from the houses, the church, then the AIB building, which, by the way, will be modern, but does not have to be opaque. The building can let in light, people can see it.

Last thing I'll say is I've -- Boston has five great art schools. I've taught at three of them. And one of them hasn't been the AIB yet. But I've seen how these schools, when they work with the communities, can absolutely transform it.

And I was also the first administrator for the Cambridge Arts Council and the participation of Mass College of Arts helped us form the River Festival --

CHARLES STUDEN: Could you please conclude your remarks?

ALAN GOWAN: And this kind of stuff can happen again with a really good art school right here in our midst.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. Ruth, and after Ruth, it's Ivan Bereznicki.

RUTH RYLES: I don't wish to be repetitive, but there are a lot of buttons about preserving the church, and so, to some extent, and following along the Historical Commission, which I was not able to attend, I just would like to address the elephant in the room somewhat and say that I think that we can preserve the church, the historical

building, and achieve the AIB coming to Porter Square in the fashion that they have shown in the design that they're proposing.

I think it is the true respectful way to deal with the church. As it is right now, and I often walk down Arlington Street, it is out of proportion, it's not inviting, and it's not being used as a church and it's not being used very much at all.

To have it be brought back into proportion, approachable from the street, I hope an authentic steeple put on top of it, I think that -- and activity happening in and out of it, people being able to come in and address the issues of the day, and attend art programs, I think would make, in today's secular society, a very proper use of that church while maintaining and restoring which is something that it absolutely needs the historic church.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Ivan. After Ivan, it looks like
Brian Kopperl.

IVAN BEREZNICKI: One Wendell Street
which is one lot from Lesley's dorm.

I-V-A-N, B-E-R-E-Z-N-I-C-K-I.

We think of ourselves as a world
class city, and yet our stretch of Mass
Avenue can't hold a candle to Mass Avenue in
the little span north of us. It's really
quite dead. There are some nice stores
there, but there is something very incomplete
about the street. And I think that Lesley's
proposal gives us an opportunity to recreate
Mass Avenue in a new way, a way that is
vibrant and it's a real asset to our
community.

There has been a lot of talk today
about some amenities that Lesley has been

encouraged to provide. There's been discussion about whether 20 percent open space is enough or whether it need to be 25, whether a building needs to be 25 or 35 feet, but I think what we're missing is that those are minor details that aren't really going to be appreciated. I think what we have here is a much bigger opportunity, and it's opportunity to reinvent the stretch of Mass Avenue from the Lesley campus located on Mellen Street all the way to their proposed campus here.

I think that's something we should be working on with Lesley. I think it's something that's to the benefit of both parties, and I think it's a lot more important than little internal open spaces within a future development.

I also wanted to address some of the comments about -- there are people who going

be deprived of some of the wonderful things they have had so far. You know, for example, when Lesley proposed its new dorms, I realized I had a wonderful view from our garden across Mass Avenue to the west looking at the Montrose building, the seven-story yellow brick buildings, and when the sun hit them just right, they're absolutely beautifully. I lost that view, and I suppose by rights, I should have opposed that project as well, but I didn't because I think there is something that is to be gained by the City, and just the fact that I had this accidental wonderful thing that really is an accident of, you know, empty lots is not a reason to not consider the greater benefit for the City.

So I would very much urge the Planning Board to accept this proposal.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Brian, and after Brian, I think it's Gladys Friedler.

BRIAN KOPPERL: Good evening. My name is Brian Kopperl, it's spelled K-O-P-P-E-R-L. I live at 17 Arlington Street. It's about five buildings up from the church.

The relationship of the church to Avon Hill and to Arlington Street is a matter of historic significance that -- I think we spent a lot of time last Thursday talking to the Historic Commission -- and so their recommendation the fine print of which is going to get nailed down, but the basic point is keep the church in its basic location.

My point to you is: I think we can have both historic preservation, the AIB in an attractive form, that I strongly support, and also open space. This is one of the few

spaces -- it's probably the only space beyond Harvard Yard, right -- coming all the way out of Harvard Square, if there's any open space.

So I think the Commission should act in a way that promotes all those features. If you bring the church forward, I think I would agree with all those comments about making it alive. Right now it is imposing and separate and remote. So, bringing it up to Mass Ave, I think probably makes a lot of sense, and that would then create space behind it for development, but you keep that open yard for contemplation, which is the nature of what this has been, this space, this beautiful thing, do not squander it.

The trade is rather simple. The open public space which can be harmonized with glass structure and an interesting sculpture garden, by creating the open space,

keeping the open space and trading that for the development that's going to come down the road and that is over there on the parking space.

So, make them do it now. Make them do some of that now, and the way to do it is to put a limit on the Overlay District to the southern edge of the church all the way to the back to the property line, and if you need to, have a little L and work around those parameters, but I think you can get all of it done. And put those things that they've acknowledged themselves, the lesser uses, photography and animation, and also I had some discussions with some neighbors about public-use art spaces. Well, those can all be over there on the far side behind Sears Roebuck. That doesn't need to be the intensive use which Mass Ave commands and which I believe this public space requires to

you preserve.

So, that's what I would urge you to do, and I just wondered if in a written form of letter is still available to be submitted to you. Is that possible?

WILLIAM TIBBS, CHAIRMAN: Yes.

BRIAN KOPPERL: Great. Thank you so much.

WILLIAM TIBBS, CHAIRMAN: Gladys.

After Gladys, it's Lauren Gibbs.

GLADYS FRIEDLAR: My name is Gladys Friedler, G-L-A-D-Y-S, F-R-I-E-D-L-E-R. I have been a resident of the Agassiz neighborhood since -- for the -- over 50 years, and of 4 Newport Road, No. 4, since 1976.

The proposed zoning change at the Roseland Mass Ave site will have a profound impact on our condominium complex. We're 83 apartments separated from any construction on

the Roseland Mass Ave site by a single two-story home.

The 37 units in the north building of the condo complex, including both the bedroom and study, the dining room, face the area of the proposed Lesley building.

I am opposed to the current Lesley proposal for many reasons, all of which will adversely impact the quality of my life and the life of our residents at Newport Condominiums.

I've heard considerable unhappiness expressed over the proposed Overlay District, and in addition, I am concerned over a decrease in property value, decrease in property value, due to the height, the density and the mass of the currently proposed building.

Further, the 400 -- the 500 to 600 additional students, many have of whom are,

or shall become Cambridge residents, will obviously severely impact parking for our residents, which is already very challenging in the neighborhood.

Traffic will be similarly affected.

I am a biker, and I do not own a car, but I do hope to live a long life, so even I shall be affected by the traffic unless I bike in a full suit of armor, which I don't think I have the energy to do at this stage.

In closing, I would like to add that I do fully support Lesley's proposal to relocate the Art Institute of Boston in Cambridge.

A modified overlay plan or an alternate location on the expanding Lesley campus would be far less disruptive to Newport Condominiums, to our neighborhoods and to our quality of life.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Lauren. And after Lauren is a Gordon Moore.

LAUREN GIBBS: Hi. I'm Lauren Gibbs, L-A-U-R-E-N, G-I-B-B-S. I live at 3 Newport Road, Apartment 1, and have lived there since 1996.

Bringing the arts to Porter Square is great, but I'm concerned about parking. I park now and I feel like I'm taking the last space and that's before any of this goes on. And I'm also concerned about the adequacy of Lesley's long-term planning.

I want to request the following and then I'll back it up with a little bit of details so I don't run of time in terms of what I'm asking.

I would like to request that you ask for a parking study to project the impact of

the AIB's move and other Lesley campus moves to be conducted by a nonLesley neutral group of professionals in the field paid for by Lesley that answers questions formulated by a nonLesley entity, and one place where increased study of parking could happen is in the annual 2009 discussion of parking needs that Lesley be required to project current AIB use and need of parking by faculty and staff, in other words, to ask them what they're currently doing in the Boston area and to ask them what their intentions are as they -- as the campus increasingly moves to Cambridge.

For years there seems to be a lack of really concrete information about what use there is. I think there's much more use of cars than they say.

Second is, if Lesley is so sure that they have excess parking, then I think that

they should plan to create a mechanism, not only for snow removal and street cleaning days, which I applaud them for beginning to think about, I think that's great, but also for the busiest times that students are there which also conflict with residents coming home and looking for parking who are working outside of their homes, home offices, which is their centennial plan says that 4:00 p.m. to 6:15 p.m. is their busiest time of student contact hours, and that they're looking to shift to -- or increase the 6:45 to 9:15 p.m. time that students would be on the campus. Those times become a problem for residents.

CHARLES STUDEN: Lauren, could you please conclude your remarks?

LAUREN GIBBS: Some of the areas where Lesley doesn't seem to have thought through has to do with taking into account how many Cambridge residents will be faculty

and, staff and therefore, looking for parking on the street and their own centennial plans say that the AIB will double student contact hours, and their own centennial plan says that they plan to increase enrollment cumulatively 39 percent by 2018. So there's really going to be a lot more people in the area, and I believe that there will be more need for parking and it just has completely not been the addressed I feel.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.
Gordon.

GORDON MOORE: Yes. I wonder if I could ask the members of the Commission to pull out the packet of materials that has my name at the top. There's a set at each of your places and has a number of pictures of the avenue which I would like to refer to as I deliver my comments.

Everybody find those?

My name is Gordon Moore, M-double O-R-E and I live at 9 Rutland Street.

When Lesley bought the church property, they had no expectation of use for the AIB. There were essentially hardly any developable rights on that lot because of Residence B, and they have no developable rights in the Porter Square Exchange.

What they're proposing now, if I can summarize it, is that they're taking the Porter Square Exchange and upping the FAR beyond the Business C and they're taking the Residence B and upping it to Business C with an FAR of 2.5. That creates a 189,000 developable square feet that because they are transferable within this property can be built anywhere in this area. They're proposing 100,000 square feet on the AIB site, and you've heard from others that there

are a number of objections to building on that site. There are three abutters who are against it, the Historic Commission has recommended landmarking of the church with a strong report that the church stay as it is and where it is.

Open space is in short supply on the avenue and the space behind the Porter Exchange, particularly before there's a building there, would be dangerous at night, unattended and would attract bums and probably people who might be doing bad things.

And I think that the other point I think that I would like to make is that the building is fundamentally too high. If you could look at the first picture that I have there, that is using their own plans -- excuse me a second -- their own plans to show that the building at 55 feet plus HVAC towers

over the area on the other side of Roseland Street, and if you look further in the pictures that I have in here, you will see I've taken that 55 feet plus HVAC and overlaid that on a variety of views from the north, the south and the west to show that the proposed building will actually block what I think are iconic and historical views of the Porter Exchange in relationship with the church.

So, there are a number of reasons why I'm going to suggest that you consider something else, and I have some specific zoning language that may take me another minute to get to the specific zoning language.

What I am going to suggest is that there's a way to get a win-win out of all of this, and that is to say to Lesley, you don't need 189,000 square feet, 100 on the front

and 89,000 for future use on the back parking lot, that the best use of an up-zoning that you have in the Overlay District would be to build a building on the back parking lot and use the FAR that is available on this front site for perhaps a very lovely gallery that might be on the lot, so that there would be a front entrance on the avenue which would have open space, a sculpture garden and a gallery, but that the working part of the AIB would be on the back.

CHARLES STUDEN: Gordon, you're to have to conclude your remarks, please.

GORDON MOORE: I will move to my recommendations. If you go to the zoning language, Page 3, Section A -- Section B -- excuse me -- Section A, and the last sentence, my specific recommendation is that the last sentence be changed to the following: "For those lots located easterly

of Massachusetts Avenue, the resulting permitted gross floor area may be located on or transferred to any one of the constituent lots located easterly of Massachusetts Avenue with the exception of the current Residence B property which shall be limited to the current developable FAR."

I think that would solve all of the things that we've heard about tonight. It would give Lesley the AIB. It would settle the development on that back parking lot, which if there are two buildings that are developed with this extra FAR, doubles the parking and traffic beyond what they need for the AIB.

So, I would strongly urge the Planning Board to consider that modification to the zoning language and I'm going to give this to the Chairman.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

I have three additional people and they didn't indicate if they wanted to speak.

Is it Gromie (*phonetic*), Heidi and Joanna. I would also like to acknowledge Counselor Craig Kelley, would you like to speak?

CRAIG KELLEY: Please. Thank you very much to everyone who is here. I don't express an opinion on the zoning proposal at this point, but I understand that Lesley has asked the Japanese market in its retail section to vacate its lease.

And my point is, I don't know the details of that at all, but my point is, when we talk about retail and a lot of the things that various entities bring to the neighborhood, the finer details can change. I've heard talks about memorandums of agreement and so forth tonight, and folks

ought to be very clear what about is getting nailed down before it all gets nailed down in such a way that it's something that they really expect to see.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

I think this is the list of people who have signed up. Is there anyone else who would like to speak?

AUDIENCE MEMBER: May I?

WILLIAM TIBBS, CHAIRMAN: Yes. Your name and address and spell your name.

TIM ROWE: Yes. Hi. I'm Tim Rowe, I live at 65 Garden Street in the Agassiz neighborhood.

PATRICIA SINGER: Could you spell your last name?

TIM ROWE: R-O-W-E.

And I'm -- I have been to a number of the public hearings about the zoning, I'm

generally in support of it. I'm generally in support of density in Cambridge near public transportation. But I am a little concerned about the Japanese market, and a specific respect. My understanding is at least in the drafts of the zoning I saw that the retail space is exempted from the FAR. Is that still the case?

A portion of it?

So my concern is just that if accessory uses for zoning -- if accessory uses for Lesley end up getting considered as part of retail uses, then we're essentially exempting part of the FAR for Lesley's own operations, and my support for the exemption of the FAR for retail was in, large part, to support the continued presence of this unique and diverse retail Japanese cluster that we have there.

So I just wonder whether we really

should be exempting the retail. It's not actually -- in so doing, we're not actually going to be protecting that cluster.

Thanks so much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Would anyone else like to speak?

Go ahead.

Your name address and spell your name.

JAMES FREADMAN: My name is James Freadman, I live the 25 Avon Hillside Avenue and lived in Neighborhood 9 for actually 58 years. There's a contest here on who has been around the longest, I think.

I'm a retired architect and have served on the Conservation Commission in the past. I think that the presentation is really been wonderful.

WILLIAM TIBBS, CHAIRMAN: Keep to the mic.

JAMES FREADMAN: I just saying what a good job -- is his name Justin -- has done. It's a wonderful presentation.

I really would like to support what Brian said about the Prospect Church which you have in your notes and he has given you notes on that.

It's not that I think of the North Prospect Street Church as an icon, but it's a really wonderful piece of period architecture and with an unparalleled retailed history of service to the community, truly a landmark in our city. So why in the world would one want to invade its territory, demolish a piece of it and further diminish the stature by dropping it into the ground or creating another structure by roofing over the void in between three buildings and that includes the landmark. The idea is really shaking up the neighborhood and not just the abutters.

I agree with and will support in any way that I can the working group that wishes the North Prospect Church to stay where it is, how it is and with the restoration and repair it must have. And if you walked around it, you would know how much repair it needs. It has been left to rot in some areas.

Any additional space required should be in one or two floors beneath the existing church and be cited across Roseland Street -- we've talked about all night -- behind University Hall.

The church yard must remain green. It is an important green space on Massachusetts Avenue between Harvard Square and Porter Square. Maybe the only one --

CHARLES STUDEN: James, could you please conclude your remarks?

JAMES FREADMAN: -- allowing an

important view of the church from the avenue as well as the view of the church down Arlington Street.

This program is consistent with the motion passed by the Historic Commission on April 1, 2009 to landmark the church and its site. It's a good economical alternative. We must continue to talk to our neighbors and with Lesley.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Is there anyone else who would like to speak?

What we typically do now is close the public hearing for verbal comment, but we leave it open for written comment, so you can continue to write written comments to us until we've actually made our recommendation to the City Council. We don't know when we'll do that, but until we do, we're open to

written comments.

Is there any -- does the Board have any concern with closing the public hearing to verbal comments?

AUDIENCE MEMBER: Is there an email address for comments?

SUSAN GLAZER (Deputy Director): You would send them to Liza Paden, lpaden -- P-A-D-D-E-N (*sic*) -- @cambridgema.gov.

WILLIAM TIBBS, CHAIRMAN: Obviously it's a getting a little late, but are there comments or questions from the Board?

H. THEODORE COHEN: I have one brief language question. In Section 20.203.2 about FAR where it talks about Subsection 2 retail uses where you have been talking about the FAR exemption about retail use, and as I read it when you cross out the words "the area of" at the beginning of the sentence, we're just talking about, it seems to me, anything

that's in the building can be exempt. Is that what you intended? Don't you really mean that it's going to be a portion or the area of the building, the 25,000 square feet, is what is exempt from being included in the calculation?

JAMES RAFFERTY: I'm sorry, I don't understand the question.

H. THEODORE COHEN: Maybe I'm missing it. But on this red-lined copy, the words "the area of" have been crossed out. So now it says: "The building abutting that is occupied" -- blah, blah, blah -- "shall be exempt from the requirements of FAR," and I assume you don't mean the entire building is exempt, but just that portion of the building.

JAMES RAFFERTY: Yeah. That's why we talk about the ground floor. The reason we took "the area out" is because we

envisioned in our discussion that the retail on the ground floor of University Hall extends not just the portion of the building abutting Mass Ave, but also to the portion on the back side, and we envisioned creating someday a street, a pedestrian connection along the back of the building so we would want to intensify the retail at that level as well. So, we thought the area along Mass Ave someone could say, well, wait a minute, that area is the back of the building, it doesn't qualify. But as you note, if you have been there, the flow plan, the retail runs the length of that ground floor.

So taking out the phrase "the area of" or -- we took that out so as to make it not be limited to the full portion fronting onto Mass Ave because we wanted to strengthen the back half of the building as well to envision a retail connection along there.

H. THEODORE COHEN: Well, could I suggest that maybe you and staff talk about this provision in greater detail because as I read it, it sounds like the entire building is being exempt rather than the portion.

JAMES RAFFERTY: It certainly is our intention. We would be glad to do that. I appreciate the opportunity to do that.

WILLIAM TIBBS, CHAIRMAN: Other comments?

Steve.

STEVEN WINTER: No comments.

WILLIAM TIBBS, CHAIRMAN: No comments?

STEVEN WINTER: No.

WILLIAM TIBBS, CHAIRMAN: Patricia.

PATRICIA SINGER: I would like to seconded Ted's request because I had trouble with that package as well and I was going to ask for a redraft or something to make it

clearer. I'm listening and I understand the intent, but I don't read it that way.

JAMES RAFFERTY: Okay.

WILLIAM TIBBS, CHAIRMAN: Ted?

H. THEODORE COHEN: One other question. In talking about the open space requirements in 20.203.6, 1B, I think I understand -- I just want to clarify -- the area that's covered by a portion of the building, but is open on three sides with a the height at least 12 feet may be included, was that to -- and the proposals with the schematics where the building goes out over the open space on Mass Ave, it was intended to mean that you get to count that as open space?

JAMES RAFFERTY: Exactly, because the definition of open space is open to the sky with the ordinance, so we recognized there is a portion of the space that wouldn't

meet the current definition of open space if you applied that qualifier. So we're saying that space should be included in that calculation.

H. THEODORE COHEN: Okay.

WILLIAM TIBBS, CHAIRMAN: Tom?

THOMAS ANNINGER: While we're on some lawyerly discussions, there's a letter from Davis Malm & Dagostine, PC, Howard Speicher, with a number of lawyerly comments, some of them are quite substantive, such as height, but others are -- others seem to be more going to wording.

Have you studied them and are there any of them that are helpful or not so?

JAMES RAFFERTY: Yes, we have studied them and I was able to send an equally lawyer-like response to Mr. Speicher.

In some areas I think that it contained three characterizations, no

objection, further discussion required, or we probably can't get there, or words to that effect. So, I would anticipate that I set forth in that correspondence -- and Mr. Speicher was good enough to send that to me last week -- I only received it last week, and I did get a response today -- but it represents some discussion we had previously with the trustees.

So I think the issues that we're committed to looking at more closely are the setbacks, in particular, we understand that issue, and we do want to -- the goal here is to do -- on those sites, three stories, retail with two stories above, so whether we have to model it architecturally and get an understanding of the language, as was noted by one of the trustees, the language between mean grade and everything else could take an awhile. But I think we know what we want and

I think that the one thing that we're committed to looking at is an appropriate setback.

The current BC zoning doesn't have setback requirements associated with it. There is an existing driveway now about ten or 12 feet in width that provides -- a for-real setback that will be there for awhile, so we're looking at how we can then with the type of language -- we're balancing that against the design to have a strong street edge at the ground level that Mr. Carlone has been advocating for.

We see ourselves reaching agreement with most of those issues.

WILLIAM TIBBS, CHAIRMAN: Hugh?

HUGH RUSSELL: It's not clear to me whether we're going to be discussing this in more detail. We're trying to reach a decision tonight. It seems to me there are

three or four questions we have to ask ourselves, and therefore, I think we should probably be discussing this in greater length.

One question is: Does the zoning plan provide for adequate open space and for the kinds of open spaces, a replacement of a significant open space on Mass Avenue and, you know, the creation of a significant open space on the University Hall block strikes me that a block that has a third of a million square feet and a requirement of only a 5,000 square foot contiguous open space, there's something way out of balance there.

But I think that -- so that -- also, I guess my view is, that taking a fairly large open space next to the church and just having a single strip along that frontage and apparently building the west side lots, you know, lot line to lot line, if there's an FAR

of 2 and it's only two floors counting FAR, there will be no open space on that side at all, so I think we have to look at those requirements.

We have to look at the question of the west of Massachusetts Avenue lots because I don't think they're going to come back to us for review because I don't think they will trigger Planning Board review unless there is something written in about that. They're not that big lots. I think we have to look at the impact on abutters.

The Oxford Condominium people have made a very aggressive proposal that there be very significant limitations on the abutting parcel so that they can preserve the benefits they already have.

I guess that statement already tells you what my attitude is about that is, that they may be -- it's like the lawyer asks for

more than really he's gonna settle for, and as long as the lawyers are talking to each other, we may not be really talking about what's fair and what's right, but there are a number of people who have been living for a long time looking out over some parking lots and open space and a lot of them are going to have a very different kind of experience, and it may not all be unreasonable to try to create some kind open space that is more on Lesley's parking lot property so that there's some kind of a mid block courtyard that produces an equivalent pleasant view for the people both in the Lesley building and the people in the condominium.

So we have to think about that because I don't think it's the only time we're gonna have to think about that.

The abutters on Roseland Street, Frost Terrace, do they need more protection

than in the present proposal or not? Should it go forward? And then I think we have to ask ourselves what happens -- we've got sort've two proposals on the table for the parcel that the church sits on; one, is the architectural proposal that's been shown to us, and the other seems to revolve around the Landmark Report, recommendation report, from the Historic Commission, which I read, and it seemed -- it seems to be characterized here as saying, "Leave the church where it is."

And if you do that, then that's a different kinda of proposal. I mean, you can build basements under churches. I don't know how they did it, but the Unitarian Church in the '50s had two layers of basements built under it. I wasn't around, but I would have loved to have been around to see how they did it, but they did do it.

So what -- I think what we have to

look at is, if the zoning is enacted as written, and the church is not at a development on -- the church site doesn't go the way in which Lesley would like to have it go, does the zoning language accomplish what needs to be done in that eventuality?

In the big picture, it makes sense for Lesley to bring the Art Institute to Porter Square for the City. I have heard no one disagree with. It makes sense for Lesley to get back some of the FAR that was taken off of the Porter Exchange lot 25 years ago when there was -- I'm not quite sure why that was done, but I think it was done because people said, "Wait a minute, when that Red Line station comes there, this place could look like Kendall Square with tall buildings and offices and we would have a profound change of character." And I think that now that Lesley owns that building, they have a

clear institutional plan that it makes sense for there to be the ability to build more educational floor space in the Overlay District.

So, anyway, there's some questions to look at. I don't know how far we go and at what point we turn those questions back to the proponents, you know, or over to the City Council and say, "These are the things to look at."

So I think we should discuss probably how we're going to go down that road if we want to go down that road at all.

WILLIAM TIBBS, CHAIRMAN: Charles?

CHARLES STUDEN: I think I have a slightly different perspective than Hugh's, which I'll share with you.

I looked at this proposal, Lesley Porter Overlay District language very carefully and I appreciate the changes that

I've seen since last January when you came forward with your initial proposal for how you were going to handle things.

I think the fact that you have been working for as long as you have with as many people as you have is to be commended. And I think at some point it's like have we gotten to where we need to be, and I ask myself that because, as a Planning Board member, eventually I'm the one --- all of us are going to have to look at this language and evaluate a proposal that you bring to us, whether it's the one that we have seen tonight as kind of an example of what might happen or something else.

And the way I look at that is I look at the purpose, the way it's drafted and I like very much the way this purpose is written, but then very importantly, the regulations and procedures that follow that

that we are going to have to look at in order to see that that original purpose is achieved, I also generally like what I'm seeing there as well.

I think that -- I'm not sure either, Hugh, in the parcels west of Mass Ave whether we would have to see those again or not. They're within the Overlay District so, wouldn't that mean that we would have to review or would review those as part of any proposal to develop on those sites, again, because they're in the district? Is that --

LES BARBER (Director of Zoning):

The Overlay District grants extra floor area for institutional uses up to 2.0. It's now 1.25. So, if you go above 1.25, you are subject to the Special Permit and they have to come back for review.

CHARLES STUDEN: Okay. Thank you.

WILLIAM TIBBS, CHAIRMAN: Was that a

"yes"?

(Laughter.)

CHARLES STUDEN: Thank you. I would be interested in my colleague's view of this as well, but I go back to what I said earlier, it just seems that so much has gone into this and a lot of the questions that have been raised tonight that have to do with parking and so on will get addressed when we get a project before us.

And so, I guess maybe I'm may be naive here and I'll be put to the test eventually, but I'll have to look at what you come forward with eventually against these and hopefully we can come up with a project that really works on that site.

And by the way, I happen to be a strongly in favor of moving the church. It was moved once before, I don't understand why the Historical Commission has taken the

position that they have, but they have. I'm hoping some compromise can be reached on that, but I actually like very much.

What you are suggesting to us, again, we're not looking at the proposal tonight, we're just looking at the zoning language, and if what you showed us tonight is the kind of thing that can come out of this, it excites me very much. I think it will be a huge advantage to Cambridge as a whole and to that neighborhood, in particular, and certainly to Lesley University.

WILLIAM TIBBS, CHAIRMAN: I think I tend to agree with Hugh on this one in the sense that I want to make sure that the -- that we're fully aware of the zoning implications of the language that we're looking at, and Hugh hit -- I actually had several points, and Hugh hit most of them --

they're just basic questions -- is open space enough, and Hugh hit that.

On the impact on abutters, not only, Hugh, you mentioned the idea of potential -- of open space, but I, in particular, just wanted just to know about what the existing setbacks are in the zoning and what changes that would -- where are we adjusting, and we understand exactly what the setbacks are for all the abutters on all the properties around.

And the other area Hugh did mention that I would throw into it, just really understanding the parking. You actually said that in a sense you are keeping the parking as status quo as existing, and that anything you would built and you would displace, you would account for, and I just wanted to make sure we are comfortable with the status quo parking just the way we think it should be,

and I would be interested in what the Board's thoughts are about that. Is that just okay? Because once we kinda establish that in the zoning, we -- that is what we're living with.

So I'm not quite sure if we need a study or -- at this point in time prior to the zoning, but one of the things -- I think some of the points that were brought up like there's new faculty and staff coming from the AIB, and there's different timing and stuff, these are all issues, and if we're comfortable that the number of parking spaces that currently are there can handle that, that's one thing.

I just want to make sure the Board is comfortable with that. So I think we can at last talk about those points but I don't think we need to belabor them.

And the other request I would have

it's a question and a request, has the City Staff actually reviewed the language yet and just to get their comments on the language in terms of at least what the proponent is asking for. Mr. Rafferty is a very good drafter of language in this kind of thing. So I would like to see if the City is in agreement that the intent at least they're striving for is, indeed, happening and are there some issues or things that could happen because of the language that we may not be aware of so.

SUSAN GLAZER (Deputy Director): The staff has looked at the language and, in fact, worked with Lesley to refine some of it, to get clarity.

And the staff also provided to you these charts, which, hopefully, are helpful in understanding what is the base zone, what is the existing Overlay District and what is

the Lesley Porter Overlay District? I hope that's helpful in sort've teasing apart those three things.

And our understanding of the zoning is reflected in those charts.

WILLIAM TIBBS, CHAIRMAN: Good. And for me, at least, I would think that's a good place to start if we were going to just discuss this, maybe just go for the points -- just to make sure where we are understanding where things are.

JAMES RAFFERTY: If I could just note that with regard to parking, the Overlay District language doesn't alter the existing parking requirements. We have met with the Traffic and Park Department months ago as well as our consultants.

We haven't done the full bore of parking analysis is as to what the current parking requirements are under the existing

zoning. We didn't see that as part of this exercise.

What the language says is that in a Special Permit process, the Planning Board could waive the parking we could be entitled to.

So, if the determination is at the time a project came forward, the parking needed to be provided, then the applicant would have to find a location to do so.

WILLIAM TIBBS, CHAIRMAN: I guess that's the way it was worded that stuck in my mind at least, and I guess the real question is, is the parking adequate? Waiving it is one thing, but if we thought we felt needed more or --

JAMES RAFFERTY: The adoption of the zoning language doesn't mean the parking gets waived, it just authorizes the Planning Board to examine the parking at the time of the

Special Permit to determine whether it could be waived.

AUDIENCE MEMBER: Parking comment, if I might?

WILLIAM TIBBS, CHAIRMAN: No.

THOMAS ANNINGER: Do you want to go ahead? You look like you were going to say something?

H. THEODORE COHEN: Well, I would just like some clarification from the Board whether we're going to proceed with this this evening and go into all of our concerns and questions and comments or whether we're going to come back another evening because I would like to go into a lot of issues, but if we're not going to be really debating the whole thing right now, then save them for another time.

THOMAS ANNINGER: I guess I was going to speak to that. I had the same

question. I wasn't sure where Hugh and Bill were going with the question of what we do tonight.

I will say that I side very much with the way Charles put it. I am prepared to deal with this tonight, and I agree with Charles that I think enough is enough on what has been done here already.

As I see it, we had a rather exceptional hearing here tonight, and if we have to make a judgment on whether the ayes or the nays have it, to me, I thought the ayes were overwhelmingly persuasive in their support. There were a lot of questions that were raised. I didn't hear any that I thought could not be addressed during the Special Permit process except for some that were -- there were some questions that were of a more substantive nature, but I thought that they, in a sense, gutted the integrity

of the proposal, and therefore, I didn't agree with them. But as for the ones that were talking more about setbacks and open space and relationships with other buildings, I thought that the three issues that we had raised last time, open space, parking and the relationship between the building and Sears -- and the Sears building -- by "the building," I mean, the one on the west side of the church lot, right next to Roseland Street -- I thought was pretty well -- was vastly improved tonight over what we saw last time. There isn't nearly the bulk that we saw before, there's a lot of glass. I thought it was definitely on the right track.

So I thought in terms of process, we have heard an institution that I think is vastly more neighborhood-oriented than anything we've ever seen from MIT or Harvard,

and I think they need to be rewarded for that not only because it's a proposal with a lot of integrity and that I find very appealing, but I think that they've done all that they could in terms of process with the neighborhood in an open and transparent way. There's not one person who said otherwise.

So, I'm very much of the view that we really ought to move this along rather than to bring out yet another group of people like this to create what I think has become somewhat of an overwrought issue.

So I would like to see if we could not address some of the issues tonight and perhaps come up with a very favorable and enthusiastic endorsement.

PATRICIAN SINGER: Before we go there, I've got some minor, but I think important, drafting questions.

In Section 20.202 purpose, I think

that we should in the third line delete the word "immediately." Because two of the parcels that we're speaking about are not intact immediately adjacent to the Porter Square MBTA Station.

In that same paragraph and further on there's mention of low density residential districts. I would ask my colleagues to consider whether or not we should strike the words "twice low density" in this proposal as a way perhaps to address some of the concerns of the two larger housing projects that are proximate.

And finally, something very minor is that made a difference to me, in Section 20.202.2, retail uses, I think that this formula that confuses the heck out of me might be improved somewhat by saying "a building abutting Massachusetts Avenue," and then it's just a final drafting to make it

easier to reference different sections.

I would suggest, for example, in 20.203.2 that we put a little 1 and 2 that's in two brackets to make reference easier and continue that formatting throughout the document.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Could you repeat the last one?

PATRICIAN SINGER: Yes, sure. If you look, for example, at 20.203.2, floor area ratio limitations there follows a 1., and if would bracket that, it would not then look 20.203.21.

WILLIAM TIBBS, CHAIRMAN: Are you done?

PATRICIAN SINGER: Yes.

WILLIAM TIBBS, CHAIRMAN: Going back to Tom's comment, if the Board wants to try to resolve this tonight, which I personally

don't feel we need to, but if we want to do that, that's okay. I still think we should at least address the questions that Hugh brought up as a Board because I think that the overall intent was -- I just think they're valid questions -- is the open space as drafted okay? Are we comfortable with the way this proposal deals with the abutting neighbors and the impact on the abutters, are we very clear about the implications of the church move and whether Lesley decides to maybe not do what they -- do what they're proposing, but it doesn't allow that flexibility for the church to stay or not, or if it doesn't, are we very aware of what we're doing here? I think those are valid questions that this Board should be talking about at least.

And I don't think it's a reflection as to whether -- to me, it's no reflection as

to how well Lesley has done in terms of the neighborhood. I think that's just business that we need to do. And whether we want to do that tonight or some other tonight, I think that's the Board's pleasure.

Any comments?

H. THEODORE COHEN: Well, I would be happy to proceed this evening and try to resolve the issues because I don't know that coming back another time is going to change anything really. I think the issues we have are things that should be discussed, and I think we can come to some sort of resolution this evening. Since people have started talking about them, I'll proceed with some of my comments.

With regard to the issue of the open space -- let me start with regard to the issue of about what happens if the church can't be moved. I think the idea of

extending the zone to include the church site makes perfect sense whether the church moves or not, that the site is not going to be used for a single or two-family house, and I don't think that's what really should be built on Mass Ave right now in any event.

So, I think changing the zone makes sense. I think what happens to whether the church can be moved or not is up to Lesley and the Historical Commission and what ultimate proposal they make to develop the site.

And I think that with regard to the open space on Mass Ave there, yes, it's pretty now, and it has been part of the church, I've never envisioned it in the 30 years I've lived in North Cambridge as a public space, it always seemed to me it was the church's property. I think that there's no particular reason to have open space right

on Mass Ave. I think, you know, it can be developed. I think the two parking lots on the west side of the street have been blights on Mass Ave as long as I've lived in the City.

I think that a proposal at some point in time, whether it's a year from now, five, ten, 20, 30 years from now will come for the development of the west side, and at that time if they're seeking to do something that's allowed by Special Permit in the Overlay District, then the Planning Board at that point will get the proposal and will address the issues of setbacks and height and parking, et cetera, and whether the loss of those views somehow need to be compensated, I think people who have lived there have been fortunate, as the gentleman who spoke earlier who lives on Wendell Street, you know, that he, for many years, had at the virtue of

vacant lot. I think cities change and develop, and buildings go up and come down, and it's sort of the luck of the draw of where you are and what you have and that the Planning Board at the time had an actual proposal before them would deal with that.

With regard to parking and traffic, I can't imagine a better location anywhere in the City of Cambridge for the Art Institute than one that's 500 feet from the T and the commuter rail. And that, yes, there may be issues of parking and traffic, but they're going to exist anywhere in the City. And I don't know that having a further study as to how many people are going to come and how many people are going to go are going to have any real influence on whether the City will be enriched by having this additional facility in the City, just Harvard or MIT if they were going to build another building

somewhere and bring in another 100,000 square feet would have parking and traffic issues they have to deal with. I don't think the Overlay District, which is changing the parking requirements at all, is really an issue we need to deal with right at this point this time. When it comes back to us with a Special Permit application, then we'll deal with the questions of parking and traffic that may be raised.

I think, you know, that the proposal has been very interesting from day one when I first heard about it. The idea of moving the church seemed to me very odd. Why would do they do this? I like the proposal we've seen, but I'm not sure it's going to be the ultimate one, and I think there are numerous examples in the City of historic buildings that have been moved from one location to another, that as soon as the move is done and

they're landscaped, it looks like they have always been where they have been moved to.

And I have no issues about moving the church. I think that's up to Lesley and whatever proposal they come forward with as to whether they want to move it or not.

So, I personally think the proposal is good from the beginning, I think it has been made better. I think the issues that have been raised by a lot of the abutters and people in the neighborhood have been addressed very well, and I personally don't see any further information we're going to get that is going to change that point of view.

WILLIAM TIBBS, CHAIRMAN: Any comments? Hugh?

HUGH RUSSELL: Has everyone had their first round of comments?

STEVEN WINTER: One of the first

things I wanted to say is we need to understand that the public testimony that we heard today was really articulate, informed and expressed the sense of stewardship to Cambridge that we all feel. I think that we need to recognize that. It was really terrific public testimony.

I agree with Tom, my colleague, that a lot of the issues that were concerns are concerns that are addressed in a Special Permit application and I feel okay that we can address those. I feel okay with the integrity of this Board to be able to deal with those issues. I feel comfortable with that.

The only thing I want to be really certain of is, as Hugh said, that the language of the zoning allows for adequate open spaces and to provide some replacement of what we are calling the missing open space

with the development on the avenue, and I concur with my colleague here that moving of the church is not the issue here. It's -- there used to be the old saw, that in Cambridge in the 1800s you had to get up early in the morning because they were moving so many buildings. Buildings are moved all the time, have been moved all the time, and I don't think that's our issue. I don't think that's the concern.

It's a concern what it looks like after we move it. And I think everything in this project looks good. I also concur that Lesley has, I think, had a public participation process that's very thorough and it has brought a lot of people into it.

I do think that some of the issues that they have with their community partners, we heard a bit of a refrain from several partners that we don't know where we stand

yet, and I think that's an issue that Lesley ought to really take to heart and deal with and understand that that's got to be complete.

But I feel like I could, Tom, move ahead on this tonight as you do.

WILLIAM TIBBS, CHAIRMAN: Tom?

TOM ANNINGER: I think the one -- thank you for those comments, Steve.

I think the one issue that we haven't talked about that Hugh raised is this question of open space on the Sears parking lot behind it, not the ones across the street.

For starters, I look forward to the day when that parking lot is filled in. It's a spot that I'm familiar with from the good old Sears days, it was an unpleasant parking lot then, it's an unpleasant parking lot now and I look forward to a handsome building to

fill it in.

I think it's a little tricky to just focus on 5,000 square feet when we have a 20 percent number there which is much larger than 5,000 square feet. I think it's 10,000, as Dennis Carlone said, and I think it will be used not as contiguous space, but the way I understood it, it's going to be used in a very interesting way to make pathways to follow the desire lines to the T, to the entrance to Sears, to the building that will be there, and perhaps to the AIB and the church. I don't quite know how they're going to run. But I have to admit those are the kinds of pathways, alleys that I love in Harvard Square, and to recreate some of that as let's call it may be that's what we're going to be calling open space, I think is going to be something quite wonderful and I'm sure it will be done well. It will be done

under the scrutiny, among others, this Board, we will have plenty of opportunity to work our way through that. I have no doubts that there will be a good landscape architect working on that, and so, I think that the debate between 20 percent or 25 percent which is what Mr. Diamond was looking for, if I dare say is not a debate that moves me a lot that these are numbers that I can't really get too excited about.

So I think to say something seriously out of whack is to measure it against a much larger lot than I didn't think it deserves to be measured against. The Sears building is what it is. It has been there for a long time. It's a big bulk, but I think it's being well used, and I actually think people glide through it in a rather interesting way.

So, I guess I do not agree with you,

Hugh, to call the proposal out of whack on that point.

WILLIAM TIBBS, CHAIRMAN: Patricia?

PATRICIAN SINGER: I don't want to say that I disagree because that's too strong. I think that this on the whole, I think this proposal is wonderful, and I'm prepared to support it.

The one thing that still causes -- or two things that still cause me concern, are the question of open space, and I agree with my colleague who said that I have never felt like that lot on Mass Ave was open space. But that doesn't mean that I don't want open space somewhere else. The one thing that they're not making more of is land, and as urban residents, I think we all know that.

So one of the thoughts that I had sitting at home in the isolation of my own

office was that I didn't necessarily like or agree with the notion that in the proposal that the atrium area that ties together the buildings on Mass Avenue be excluded because nowhere else do I find that that sort of glassed-in space is, in fact, treated as open space by the public. I can't think of one place where we cut through in this City that's glassed in somewhere else like that. So that's my first thought.

And the second thought that I have concern about of this zoning approval is the height to the west side of Mass Avenue, the height and the setbacks, those still remain concerns to me.

As much as I agree that city change, and you know I have a huge building in my backyard that I didn't have before that didn't, in fact, impact traffic surprisingly, and a huge parking lot that didn't impact

traffic surprisingly, I do think we need to think about the topography of that particular property that it slopes uphill, and so one floor of retail and two floors of office with utilities on the roof is actually gonna come out higher, and so I think it's important for us to think about how are we going to measure grade and what will that really mean because when we make the recommendation to the City Council and it gets approved or disapproved, that's what we're gonna have to live with when we have the project come back to us.

Those are two things I think we should still talk about a little bit tonight, but apart from that, I think that I'm ready to vote as well.

WILLIAM TIBBS, CHAIRMAN: Since you wanted to hear our comments before you made yours, I'll just make mine. And that is the -- like you, Patricia, the issues that I

was just thinking about, I think, in general, I'm very favorable to the petition.

But the issues I was thinking about is the open space and I guess I, too, question whether or not the glassed area should be included or not.

JAMES RAFFERTY: It's not. When we were talking about the area where the building overhangs, the 3,000 square feet of open space referred to in that area does not include the glassed over area.

PATRICIAN SINGER: It's cantilevered.

JAMES RAFFERTY: Exactly, correct. It's the area where the building overhangs.

PATRICIAN SINGER: That's right. It's not open space either.

JAMES RAFFERTY: Well, if you think of the Kyu Sung Woo residence, the Harvard residence on Memorial Drive at the Mahoney

space, you know, it's that type of volume, it's a two-story space that's open and we're saying because it's a plaza and it's at street level, we should be able to include it. We're including that within the proposed 3,000, but it's not the glassed over area, which is very abstract at this point to begin with.

PATRICIAN SINGER: Thank you for the clarification.

WILLIAM TIBBS, CHAIRMAN: So anything 12 feet and above, is that what it says? "An area that is covered by a portion of a building open on three sides with the height of at least 12 feet." 12 feet seems kinda low to me. Am I misinterpreting that?

HUGH RUSSELL: But not the height of the ICA in Boston or the Kyu Sung Woo . I'm wondering if it's the height of the Loggia

dei Lanzi in the main square in Florence.

WILLIAM TIBBS, CHAIRMAN: We're saying 12 feet.

JAMES RAFFERTY: I'm just asking this guy. Yes, he said 12.

WILLIAM TIBBS, CHAIRMAN: Are people comfortable with that 12 feet? In my mind, it seems it should be higher, but if everybody is comfortable with that, I'll take it.

HUGH RUSSELL: I mean, it's not a very large area, I think, so that -- and if it were 12 feet high and 40 feet deep and 100 feet wide, that would be one thing but I think it's 20 feet deep at the most.

WILLIAM TIBBS, CHAIRMAN: What is the height of this room, approximately?

HUGH RUSSELL: 12 feet.

WILLIAM TIBBS, CHAIRMAN: So an overhang about the height of this room would

be considered open space.

So, again, getting that clarification is correct.

And the other issue for me is also just making sure I'm comfortable with the yard space and setbacks which is, indeed, affecting the abutters, and I guess as this is written, if it's a rear yard, we have a rear yard which is 20 feet, and side yards that are 10 feet, which is the zoning and where this is not making any changes to the zoning, is that correct? That's how I read it -- at least how I read your -- I'm asking you right now to help me out -- that's how I read it.

JAMES RAFFERTY: To the transitional zoning it doesn't make any changes to the transitional zoning, but the base zoning for the business -- the proposed Business C remains in place, and then in the case of the

westerly lots, that portion of the proposal is actually a down-zoning so we're proposing to lower the height.

WILLIAM TIBBS, CHAIRMAN: I'm talking about setback in yard.

JAMES RAFFERTY: In the proposal there's no change to the base zoning setbacks.

WILLIAM TIBBS, CHAIRMAN: Which is 10 feet on the side and 20 feet in the back; is that correct?

JAMES RAFFERTY: No.

WILLIAM TIBBS, CHAIRMAN: Is that correct, Les?

LES BARBER (Director of Zoning): Article 5 requires where you abut a residential district a ten foot setback. And the BC District has a 35-foot height limit within 50 feet. The transitions also require a front yard to match the residential front

yard for a distance of 50 feet where there's an a front yard abutting a residential district. So there are at least three provisions that aren't being modified.

WILLIAM TIBBS, CHAIRMAN: So my question is: Is this Board comfortable with that as adequate protection for the abutters? That's my question. Go ahead.

HUGH RUSSELL: So, on that particular question, my answer would be no. I think if a proposal came and the build-out was like that, we might say, "Well, wait a minute, we think we want a little more space somewhere." There's nothing in the proposal that gives us any teeth to require that.

We can try to persuade the applicant to do more, and we can be quite persuasive, but I think a language in the provision that requires a determination that that's an appropriate setback for the residential

abutters would be appropriate condition to the language.

I have a number of responses I would like to make.

I have a drafting suggestion, which I just lost, for the Paragraph 20.203.2, retail uses, I think it should read: "Retail uses occupying a building abutting Massachusetts Avenue set forth -- retail uses set forth in 435 occupying a building and then they're located on the ground for first floor use should be exempted to make it clear that it's the retail uses that are being exempted and not the building."

I think that that's the intent that the retail uses that are on the first floor be exempt up to the 25,000 feet, and I think it can be drafted to better accomplish that by putting retail uses at the front of the sentence rather than in the middle.

H. THEODORE COHEN: That's fine.

HUGH RUSSELL: Les can take that and
massage it so it accomplishes what we want.

In terms of the open space, I
thought the testimony about the three major
churches on Mass Avenue each one of them had
a significant chunk of open space next to
them was actually quite telling testimony,
and I think it was correct that none of those
three open spaces are places that you can go
in and play football with your kids, but they
are spaces that set the building apart and
that's essentially being lost in this
proposal. Is that appropriate because the
use is also changing, but the church is gonna
be, you know, buried on one side under the
applicable proposal we've been looking at.
It's very different, and I think having --
maybe I'm harkening back to the vision of
Mass Avenue that's 100 years old where there

were fine houses with big yards and there are only a few of those houses left on Mass Avenue. There were churches that had significant space around them. Admittedly, this church has only been there for 141 years, but it has been there for 141 years, and apparently they actually tore down the house. That's where the open space was, about 1890 --

JAMES RAFFERTY: 1920.

HUGH RUSSELL: 1920. So, the open space has only been there for eight years. Maybe that's achieved some expectation.

So I think the idea of having more open space on Mass Avenue makes sense. Frankly, I think taking and setting back one of the office structures maybe the one that abuts Oxford Courts, 20 or 30 feet from the street so there's another linear piece of open space there might be an appropriate

thing to consider.

We have no teeth under this to ask for that consideration. And 20 percent of open space is really not a lot.

What's the open space in Harvard Yard, I don't know, about 80 percent? What's the open space in the classical campus of MIT, it's probably 50 percent.

20 percent is -- you lose an awful lot of open space in just the perimeter setbacks, and 300,000 square feet, that means there's probably like 600 people in that building, one person is in every 500 square feet, maybe there are a 1,000 people in that building.

So, you know, it's a huge classroom building and maybe one class at a time or two classes could be there in that space. I think a larger open space might well be appropriate, one that would also address the

Art Institute, if it ends up where they would like it to end up, so it's looking across -- diagonally across Roseland Street. I think it's -- asking for 25 is -- that's a no brainer for me. I don't think it affects their ability to develop that at all.

And so, I think there should be more open space and I think there should be the requirement should not be just that there's 5,000 feet in space, but I would rather describe it as functioning, like an appropriate campus quadrangle open space created between three major buildings that are the campus. That's what I think ought to be there. And yet, if the people want to cut across the corner of that to get to the T Station, it's great. But I think it's not like, you know, the middle pathways that run through Harvard Square, this is a major educational institution with a tremendous

number of students that really need more space.

I'm quite -- I don't think we have to come up with the numbers, but I think we should send a strong message in our recommendation to the Council that we should seriously consider more space.

I was happy to hear that the west side lots are subject to review, but I would like a few more teeth in the ordinance so that the review can address what I think the issues are going to be.

And while it won't probably be any of us sitting on that, you know, if the development goes as Lesley is thinking, still I think our successors can see that.

On the parking I think it's actually handled exactly correctly in the proposal myself that, you know, the study is done at the time each building was done, the City

looks at it, and says, "Is this right? Is it reasonable? What are the impacts? What if it spilled over?"

And if, you know, less parking works, we know less parking means less traffic. That's the basic principle that the City is operating under now to try and constrain parking to limit impacts.

So the language is there to have the study at the appropriate time and to give us the ability to take whatever the appropriate steps are. I don't think we need to do anything with that.

Then a final question is you might ask yourself why is that zoned Residence B now. Well, it's absolutely obvious. It's zoned to protect the existing church and the open space. It's to make sure there's no economic incentive to change it. That's why it was part of the Residence B District, to

preserve it.

So, this is a proposal, which is different for that and I don't -- I guess I'm somewhat encouraged by the Historic Commission report because it says -- it really identifies significance if the Council wants to act on that and declare it a landmark, that will give them, the Historic Commission, a greater say in reviewing the designs for the property that are appropriate.

If the Council decides, no, they don't wish to consider it a landmark, then it will come back to us and we'll have to listen to all the arguments about whether -- the same historic arguments, and I think at that point, the Historic Commission will be dealing with a demolition ordinance that would be triggered by the changes they're proposing, and they would come and make a

recommendation saying whatever they're going to say, and we would have to then try to address that. I think it could be very difficult for us.

I don't see any particular way around it. So I think there's a reason why it's there, but under this deal that reason is going away.

H. THEODORE COHEN: If I could just speak to that last issue. It seemed to me that maybe there was a reason for it in the past, but I think things have changed. I mean, it used to be a huge commercial department store, Sears, it's not now, hasn't been for a number of years. The subway has been built there. Porter Square is there. The entire strip from Harvard Square to Porter Square has clearly developed quite a bit in the past 20, 30 years. Certainly going down towards the Porter Square end so

-- and it's no longer a functioning church, so the rationale for maybe doing it in 1972 or whenever they did do that down-zone doesn't necessarily seem to apply to the facts that are on the ground today.

WILLIAM TIBBS, CHAIRMAN: Would you, Hugh, agree with Ted's comment that the zoning as it is, i.e., just putting that whole parcel in, you are basically saying that whichever way the church goes, you think that's an appropriate thing to do?

H. THEODORE COHEN: Yes.

WILLIAM TIBBS, CHAIRMAN: I'm guess I'm hearing with you depending on how the City Council wants to operate, but it's doable one way or the other. It might be more -- it may not be as nice or whatever, but there's nothing about the zoning itself that you would feel would need to change in order -- based on the -- which way the church

goes, or are you saying that?

HUGH RUSSELL: I guess I'm saying that because of the Landmark Study that's really changed the rules. Without the landmark study, which showed the structure wasn't before any missing commission met the criteria for the landmark, then the protection would have been to resume. But now this alternative move, which is a more richer and more nuance mode is now before us, that to me has changed -- that's the change that I think is most convincing. If there had been no landmark status, then I think we would have to be -- we would have to be addressing that issue, and in that case, I probably would come down on not extending the commercial district so as to preserve the church, but, as I said, we don't have to do that now that the Historic Commission has done a study, put a recommendation before the

Council, the Council is going to have to make that decision, and if they decide not to landmark the structure, then that will -- things will happen one way. If they decide to landmark it, that will be a different process, but the outcome is we don't know.

But I think it's variable to have open space along our major streets. I think it's valuable to have buildings along our major streets.

And I don't think that harms -- I don't think that church or that open space takes it away or harms the commercial vitality of Mass Avenue in the slightest and I think it's nice. I think both of them are nice.

I looked at the proposals that have been presented to us and they're not architecture yet, but if that building is done with the sensitivity that the Mass MoCA

work was done by the same architectural firm, you know, we're to have an incredibly nice building there.

I don't know if you've been out to North Adams and looked at Mass MoCA. I looked at the work that Bruner/Cott did out there with those structures and the integrity around what they have done and the functionality of the buildings, it's amazing.

WILLIAM TIBBS, CHAIRMAN: Just for clarity, you don't have a problem with the extension at this point in time?

HUGH RUSSELL: No, I guess not. I mean -- I think talking through it has helped me come to that point.

WILLIAM TIBBS, CHAIRMAN: Go ahead Steve -- I mean, Charles.

CHARLES STUDEN: I don't know about my colleagues on the Board, but I'm looking at the clock and it's 11:30, and while I am

very prepared right now to make a motion that we accept it this as it's currently drafted to the Council, but it's clear my -- again, my colleagues don't agree with that, so I think I'm not sure procedurally what we should do.

I would like to suggest that perhaps we continue this so we can continue to debate these various points, make whatever additional changes people want made to it or how do we do it? I don't think we'll be able to do it tonight, but maybe I'm wrong.

Thoughts?

WILLIAM TIBBS, CHAIRMAN: I guess I have a question for Mr. Rafferty and the proponents, and that is how much -- I guess you had kinda come to -- you said there might be some additional tweaking you would be doing to the language. Would you still be doing a little of that and has the City done

their tweaking or are you going back and forth on some of these issues?

JAMES RAFFERTY: I would say, generally speaking, we do -- our expectation was that there would obviously be some commentary here. If there's a suggestion around increased open space, we would expect that discussion to continue with the Ordinance Committee. I mean, there are criteria proposed around the caliber of the open space. Mr. Barber could probably pick up on some of the suggestions about that characteristic.

I've always understood the recommendations to be collaborative and not particularly prescriptive, and it moves the dialogue along. So, it's in that spirit, I guess I was a bit of an optimist. I thought you were moving towards saying with some other changes, we think the petition could be

enhanced by further understanding or examination of the open space, which is an issue that we've said we would also look at, that that would serve the advisory role here.

I don't think we anticipate -- and we have two working documents. I mean, we have this plus a memorandum of agreement and I suspect our that working group will continue to meet and that we will be meeting in the near future or something.

CHARLES STUDEN: But I'm also hearing issues, if I'm not mistaken, related to building setback and height on the properties to the west of Mass Ave, which I don't share particularly, but I think some of my colleagues don't feel that the height limit and setback is appropriate there, so I don't know, what are we sending?

JAMES RAFFERTY: I have to confess, I'm a little having trouble understanding

because that's the part that is down-zoning. There isn't any open space requirement in the Business C District now. So, I thank you for pointing that out. I think that's where I'm unlikely --

CHARLES STUDEN: Yes. And it concerns me because I'm confused about it by myself because it's a down-zoning and you are proposing to keep the existing setback, and when I look at the map, the condominium building next to that property is setback from the property line anyway. So, it is what it is going to be. I mean, it's a ten-foot setback.

WILLIAM TIBBS, CHAIRMAN: I think the two issues that I have here that, at least were discussed at least, was saying the need for more open space.

And, Hugh, you had mentioned that we didn't necessarily have to say what that

number was, but advise the Council that we think it should be more, and the other is your concept of teeth in those lots, so that when it does come before us, we have something to -- we have some teeth in order to react to it. And whether or not that teeth is actually putting numbers on that or making changes to that, or having some language that just says we can review that for appropriateness or whatever. Those are the two items that seem to be the changes. I guess the teeth -- coming up with the appropriate teeth language is either something we can comment on or just say that we need to do that and see if between -- if there's some rational way that staff and Mr. Rafferty can work that one out.

THOMAS ANNINGER: This is hard because this isn't the up-and-down kinda of a situation. This is a recommendation where

sometimes we have differing views and the staff tries to capture them. I'm with Charles, I don't see the need for teeth. And as for open space, well, one can always say open space is a good thing, and we can always have greater heightened sensitivity to it. I don't see the need for necessarily more open space either, so I do think we can close tonight. I don't see -- I think we're going to be spinning wheels if we try to recreate what is now in our head from the whole hearing if we come a month from now or two weeks from now or six weeks from now. I think it will be very hard to talk about this again. So I would like to put this to bed tonight.

STEVEN WINTER: Do you propose a motion?

THOMAS ANNINGER: Well, I'm not sure it's a motion yet, but I think what might

this recommendation to the Council look like, I think it will look a little bit like a general endorsement of what we've seen, even an enthusiastic one, as a sensitive proposal to what is a somewhat complicated cluster of sites here with some issues to think about, open space and possibly some sensitivity to the two lots across the street.

I don't see -- I haven't heard a whole lot more than that. I don't know what to do with the Historic Commission, to tell you the truth, and whether we say anything at all about that.

WILLIAM TIBBS, CHAIRMAN: I don't think we need to say anything about it. I just think we --

THOMAS ANNINGER: So, if we didn't need to say anything about the Historical Commission, then what is there left to say except perhaps pay attention to open space

and, yes, there's been some comments about the across the street, but some of us felt more strongly about it than others.

PATRICIAN SINGER: That's a fair comment.

CHARLES STUDEN: I especially like the idea that we send this with an enthusiastic endorsement to the Council because I do have a lot of enthusiasm, as I said earlier, for what we have here.

Again, I'm respecting the concerns that people have expressed about these various issues at the same time, but at some point, it's like how much is enough, and I don't think we're going to lose anything here and maybe what you are suggesting, Tom, is the way to do this is we send an enthusiastic endorsement, but say that some members of the Board or the Board had also expressed some concerns about those topical areas that maybe

there should be slightly more open space, and, you know, I don't know how effective that is. If I were sitting on the Council, I don't know if that gives me much to work with.

The fact is that we have Lesley here and Mr. Rafferty and they have heard this, I don't know, and maybe there is something further that can be done working with City Staff to try to accommodate some of the ideas that Hugh and others have been suggesting and that way we can move this thing forward tonight. I don't know, does that work or not?

WILLIAM TIBBS, CHAIRMAN: What did you say, Pat, because I can't hear you?

PATRICIAN SINGER: I think we just did move it forward. I think we're all saying the same thing at this point.

THOMAS ANNINGER: Enthusiasm is

something we can all rally around. I would like to even throw in the word of outstanding proposal. I think those are all words that I think are worthy here. If we didn't use those words, I would have a problem tonight.

JAMES RAFFERTY: Might I suggest that the Council could be directed to the area entitled "Special Permit Criteria" and suggest that there may be some additional focus on setbacks and open space so as to give the guidance for someday when a proposal comes in for those buildings it might be reflected. We don't know what that might look like tonight. Certainly the Council will have its own views on that, but it seems to me when you create a Special Permit mechanism to identify issues on the criteria.

WILLIAM TIBBS, CHAIRMAN: That would work.

The Chair is glad to entertain a

motion.

THOMAS ANNINGER: I'm not going to repeat what has been said, except to say I would like to move that we make a recommendation along the lines that we just tried to encapsulate in the last five minutes or so. And there was a lot of nodding of heads, so I am hoping that the staff at this late hour knows what we need.

WILLIAM TIBBS, CHAIRMAN: That's a very legal sounding motion.

CHARLES STUDEN: I would like to second that motion.

WILLIAM TIBBS, CHAIRMAN: We have a seconded motion.

All those in favor?

(Unanimous vote.)

All those opposed?

(No one.)

Thank you very much.

(Short Recess Taken.)

GENERAL BUSINESS

PB#189 303 Third Street Minor

Amendment to adjust the unit count of the second phase from 168 to 190.

WILLIAM TIBBS, CHAIRMAN: Next our 303 Third Street which we hope to get through rather quickly.

JAMES RAFFERTY: Very briefly, James Rafferty on behalf of the applicant seated to my right, Henry Terech, Extell Development. The Board may recall PBK 189 303 Third Street, a two-building complex of approximately close to 500 dwelling units. The south building was approved with 232 units in the original Special Permit.

Over the life of the development, there was an agreement entered into that would've involved converting this building to condominiums, so the unit's footprint remain the same. A proposal was approved in a minor

amendment dropping that unit count from 232 to 168. More three-bedroom units, more design for condominium market, the condominium market has not responded well, so the petitioner wishes to go back closer to the original, but not to 232, but 190. So 190 would be the new layout in the floor plans we provided to you or at 190. Again, some 30 plus below what was originally approved, but yet a change from the 168.

HUGH RUSSELL: I move we adopt the minor amendment to have that number of units in the building.

CHARLES STUDEN: Seconded.

WILLIAM TIBBS, CHAIRMAN: We have a seconded motion.

All those in favor?

(Unanimous vote.)

HUGH RUSSELL: The motion was to approve the request.

THOMAS ANNINGER: Is 190 enough?

HENRY TERECH: Correct.

WILLIAM TIBBS, CHAIRMAN: So, all those in favor, just to make sure it's clear?

(Unanimous vote.)

Thank you.

BOARD OF ZONING APPEAL CASES

BZA#203 - 120 Rindge Avenue, design approval of amended plans that will only be permitted with granting of the variance request currently at the Board of Zoning Appeal.

LES BARBER (Director of Zoning):

This is the school building that the Planning Board issued a Special Permit in 2005, some time ago. There was a notch in the building that they wanted to fill in. They needed to get a variance to fill that notch in. And they did get that variance, they filled in the notch in and then subsequently started to build a bay window on that notch which expanded the amount of square footage above the variance allocation, so they're going back to the BZA to request additional -- an additional variance to expand the square footage to allow that bay window, and I

understand also some decks on the roofs of the buildings.

That's obviously a change to the plans that the Board originally approved and you would have to decide how you want to treat that should the variance be granted.

And in process of reviewing this proposal, it became evident to us that the facades of this building have been altered in ways that aren't consistent with the plans that the Planning Board originally approved and we can't quite track where these changes have come from. So, the other issue for the Board to consider is how you would like to treat the review of those altered facades. It's mostly adding windows, altering the balconies in the various ways, making them smaller on the ground floor and actually adding some balconies on the upper floors.

CHARLES STUDEN: Les, am I

understanding correctly, are you saying that the changes, for example, to the additional window opening that they're not going to materially change the appearance of the building and are consistent with the plans?

LES BARBER (Director of Zoning):

Well, as they had come in and identified the changes, we thought that they were just adding some additional windows to a facade we had previously approved. As it turns out, they were altering a facade which had changed rather significantly from the facade that we had approved. We didn't realize that until we went back and compared the plans.

WILLIAM TIBBS, CHAIRMAN: So the issue, it doesn't have to come back for us to review? Is this a minor amendment or...?

LES BARBER (Director of Zoning):

Yes. Right. But the immediate question is whether you want to comment on the request

for additional for construction of this bay at the corner of the building.

CHARLES STUDEN: And that's the structure that we're seeing here?

JAMES RAFFERTY: Yes.

H. THEODORE COHEN: When is that scheduled?

LES BARBER (Director of Zoning):
The 16th.

JAMES RAFFERTY: Yes.

WILLIAM TIBBS, CHAIRMAN: What would happen if we made no comment at this time?

LES BARBER (Director of Zoning):
There will be testimony and the Board will decide one way or the other, and you won't have to face that issue if the variance isn't granted or you will have to review it if it is.

JAMES RAFFERTY: If it gives you any solace, in fact, the matter was on at the BZA

two weeks ago, it has been continued, so it would have been active had not for the continuance, but it would've been acted upon one way or the other.

THOMAS ANNINGER: They didn't continue in order to here our opinion.

CHARLES STUDEN: They rarely do.

JAMES RAFFERTY: I don't think so.

WILLIAM TIBBS, CHAIRMAN: And, again, about this issue of the changes that could be substantial from what we approved, how would that come back to us anyway?

LES BARBER (Director of Zoning): We will just bring it back you at the next meeting, if you want to do that.

WILLIAM TIBBS, CHAIRMAN: Staff is going to be bringing it back one way or another?

LES BARBER (Director of Zoning):
Yes.

WILLIAM TIBBS, CHAIRMAN: Unless somebody has a strong --

HUGH RUSSELL: I think we could say this minor amount of additional square footage is completely immaterial on a lot of this size, and therefore, it just doesn't make sense. I think that's the case, and therefore, we have no objection. There's no planning objection to it because it's not that significant of a change.

The other question about changes of openings to the extent that they occurred on the walls that are close to abutters, that was a point of a lot of sensitivity. I don't know whether what's the facts are. So that, I think, is something we can look at when it comes back to us.

WILLIAM TIBBS, CHAIRMAN: We have two choices, we can either say we don't think it's such a big idea or we just make no

comment whatsoever.

STEVEN WINTER: I'm amenable to Hugh's comments.

THOMAS ANNINGER: I don't think a comment is needed here, it's obvious, but we can certainly say what Hugh said, it makes no difference. I think it's immaterial.

STUART DASH, DIRECTOR OF COMMUNITY PLANNING: Whichever way we do. We have heard from abutters that this is --

THOMAS ANNINGER: Do you want us to comment?

JAMES RAFFERTY: To be perfectly candid, if I were you, I wouldn't comment. It's kind of a loaded issue. There's some issues how this thing has developed. My client, I have to admit, there are some missteps here he'll be held accountable for it and you probably wouldn't want to place your imprimatur at this stage on it.

CHARLES STUDEN: Thank you.

WILLIAM TIBBS, CHAIRMAN: It's hard to know if this --.

LES BARBER (Director of Zoning): And if it doesn't get approved, it will not come to you or...

JAMES RAFFERTY: The Zoning Board struggles as they may. They will probably reach a decision. Not that I'm one to give you people advice, I wouldn't touch it.

WILLIAM TIBBS, CHAIRMAN: So we're saying we're not going to comment?

THOMAS ANNINGER: No comment.

WILLIAM TIBBS, CHAIRMAN: Good. We don't need to vote on that.

THOMAS ANNINGER: No, we don't. All right.

WILLIAM TIBBS, CHAIRMAN: Anybody have any BZA comments?

THOMAS ANNINGER: I won't to go

home, but there was one I had a question about.

LIZA PADEN: There's no agenda on this.

THOMAS ANNINGER: What is going on Green Street here? What is this appeal? Should we support inspectional services here or should we stay out of it?

LIZA PADEN: This case is between two neighbors, a property line and a shed and where is the property line and where was the shed and when was the shed put on the property line and is it really on the line?

THOMAS ANNINGER: I'll stay out of it.

WILLIAM TIBBS, CHAIRMAN: That's very BZA.

Any other comments on the BZA cases?

(No response.)

WILLIAM TIBBS, CHAIRMAN: We're

adjourned.

(Whereupon the hearing was
adjourned at 11:55 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, ss.

I, Jill Kourafas, a Certified
Shorthand Reporter, the undersigned Notary
Public, certify that:

I am not related to any of the
parties in this matter by blood or marriage
and that I am in no way interested in the
outcome of these matters.

I further certify that the
proceedings hereinbefore set forth is a true
and accurate transcription of my stenographic
notes to the best of my knowledge, skill and
ability.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of April 2009.

Jill Kourafas
Certified Shorthand Reporter No. 149308
Notary Public

My Commission Expires:
February 26, 2010

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