

COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE PLANNING BOARD

IN RE: GENERAL HEARING

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Susanne Rasmussen, Director of Environmental  
& Transportation Planning

- held at -

City Hall Annex  
Second Floor Meeting Room  
344 Broadway, McCusker Building  
Cambridge, Massachusetts  
Tuesday, May 19, 2009  
7:30 p.m.

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P R O C E E D I N G S

WILLIAM TIBBS, CHAIRMAN: We have a public hearing tonight. It's a City Council petition for two amendment zoning ordinance vehicle sharing regulations and the City Staff will actually present the City Council's petition.

And, typically, what we do is, the proponent in this case, the City Council, makes a case, so to speak, and then we open the floor for public comments.

There's a sign-up sheet, if you want to speak; however, if you haven't had the opportunity to sign the sign-up sheet, we always give folks an opportunity to speak, and we request that you come to the podium to speak when the time comes, and that you give your name and address and that you hold your comments to around three minutes, and Pam will be reminding folks they are getting

close to their time.

So unless I missed anything, we'll get started, and I guess, Susanne, you will be speaking?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING):  
Thank you very much.

(Checking mic.) Is that loud and clear?

If I may, I would like to just give a little bit of background about car sharing in Cambridge before getting into what the zoning petition itself covers.

Cambridge was the birthplace of Zipcar back in 2000, and we were looking at a whole variety of ways to implement the City's vehicle trip reduction ordinance and car sharing. We became aware of the concept of car sharing because we were approached by the founders of Zipcar back then, and we did issue an RFP to make sure that it was a fully

competitive process. As there were no other bidders, the City participated in launching Zipcar by providing a number of parking spaces on City property and they were provided over a -- with a pricing scheme that had been free initially and then they ramped up over a three-year period and now they are leased to Zipcar each year at cost.

So, we've had car sharing in Cambridge for a decade, and certainly, the use of car sharing has exploded in Cambridge, and we are now up to 10,000 Zipcar members in the city that share 200 Cambridge-based cars.

What that means is that each car serves 50 members on average, or, in other words, ten percent of the population is served by these 200 cars.

And our experience is consistent -- we were the first and helped launch the car sharing in the country, but now Zipcar has

actually 225,000 members, and they are in many, many US cities and has also now opened a branch in London, so it is becoming a national company.

In our geography, there is still only Zipcar, but on the West Coast, Zipcar competes with another company known as Flexcar and we are hearing, although there's no active sign of that, but that Hertz is launching a car sharing business as well.

Car sharing strongly supports the goals we have around transportation in Cambridge because it does a number of things, including people who are car share members tend to do one of two things: They either do not buy a car, which they otherwise had planned to do, or they get rid of a car that they own, and so, as an individual becomes a car sharing member, it tends to lead to a reduction in the number of vehicles that are

owned by Cambridge residents.

And Zipcar has done their own research, but we don't have to believe that, and there's other research that has been done by universities that show that -- actually worldwide that show that it is always the case as car sharing service becomes available, there is a letting go of cars and the range is that 15 to 25 privately owned vehicles are taken over the road by the introduction of one car shared vehicle and there's a -- the lowest is six and I think the highest is something like 40. So, there's a range, but even at the very low end, there are cars that are being removed as a result of introduction of car shared vehicles.

And there are a variety of ways that one could deal with car sharing in zoning and we've looked at a number of them. They range from San Francisco, which actually mandates

car sharing in residential developments with more than 50 units, you have to have it.

In most other communities we looked at, it's optional, and in some cases -- in some cities there are pilot programs underway, but there's a whole range of cities that have ordinances now.

The specifics of the way the proposed zoning works is that there are three different categories of parking: There's accessory residential parking; accessory nonresidential parking; and principal use parking, that's addressed in the zoning.

And the reason we're here looking at a new proposal is that the zoning code, as it exists today, does not say anything about car sharing, and obviously, for awhile it has been going on for ten years, we realize now we need to make the necessary changes to make car share vehicle parking a

conforming use within the zoning code, that is, well articulated and well understood.

And with regards to accessory residential parking, the proposal is that in residential districts, vehicle shared parking would be allowed to take the place of up to ten percent of total spaces in the parking lot rounded to the next whole number.

So, for example, in a residential development that has one to ten spaces, one car shared vehicle would be allowed. And if it is the 11 -- 11 to 20 parking spaces, ten percent or two car shared vehicles would be allowed and so on, and just ten percent rounded up.

In nonresidential districts, vehicle shared parking would be allowed to take the place of up to ten percent of total accessory parking space with additional numbers being permitted through a Special Permit. And I'll get to the Special Permit language in a

moment.

The difference here is it that in residential, there's no Special Permit and in nonresidential, there would be a Special Permit that could get you beyond the ten percent, and in principal use parking, which is commercial parking garages where the public can park for a fee, there would be unlimited permission for vehicle shared parking spaces.

In theory, somebody could take their entire garage and turn it into a vehicle shared facility should they choose to do so.

So, those are like the strict number allocations, and the zoning also has language regarding signage and what's permitted to advertise the presence of a vehicle, and that is important because when you go to pick up the vehicle and put it back, it's important to know which space you should be putting it

in. And there's two kinds of signage that's allowed, one is a free-standing sign and it would be nonilluminated, and it would be allowed to carry only the name of the car share company and any other necessary information and that would mean things like contact information or emergency phone number, that kind of information that would be deemed necessary, and the sign could not exceed one and a half square foot.

In addition, the vehicle itself would be allowed to have three signs that would identify the name or logo and, of course, I mean, since we are all probably familiar with Zipcar, they have logos so they are easily identifiable, and there would be -- it would be permitted that there would be three of them on any vehicle, and none of the signs themselves could exceed two square feet in area, and no vehicle could be wrapped.

You may have seen some of the Ikea vehicles that are completely wrapped, that would not be allowed.

PAMELA WINTERS: Could you tell me what you mean by "wrapped"? Do you mean the logo would be wrapped all the way around?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): For example, you may have seen that MBTA buses that are one giant ad.

PAMELA WINTERS: Oh, okay.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): They are like -- they're no longer yellow, they are just whatever their advertising and it covers the entire surface of the vehicle.

PAMELA WINTERS: Thank you.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): And I should also note that there are

provisions in the zoning so if the space is a condominium in -- located in a condominium development, the condominium association would have to approve its use as a car share space, couldn't just an individual owner decide to take your space and turn it over.

As I mentioned, there is a Special Permit provision for the residential, noncommercial -- accessory nonresidential parking, and there are three criteria that the Board would need to consider before granting additional spaces above the ten percent.

The first criteria is the extent to which the facility in terms of its design, number of vehicles, how they're distributed on their lot, how much pavement there's on a lot, and other landscaping and open space features is consistent with the patterns around that facility if the facility is in a

residential zoning district.

That was just the first criteria.

The second criteria is that the traffic that would be generated by the facility more than ten percent of the spaces would be car shared spaces is appropriate to the location and the uses that are surrounding it, and so that there isn't a lot of traffic activity that would negatively impact surrounding uses, and it would have to be distinguished from what would normally occur if there was just a regular parking facility there.

And the third criteria is that the demonstration should take place through on-street utilization surveys or other techniques. And I know the Board is familiar with cases where developers have done on-street parking utilization surveys to make sure that if there were any spillover parking that it could be accommodated

without displacing other cars parked on the street. And that some kind of demonstration of that nature would have to be carried out.

And in addition, the Board would be free to impose any other appropriate conditions, especially in residential neighborhoods that would make sure that this having more than ten percent of spaces would not create a nuisance or in other ways detract from the zoning that's otherwise in place.

So, that's the basic concept and I would be happy to answer any questions.

CHARLES STUDEN: Susanne, I actually have a question. You mentioned San Francisco mandated ride sharing. Do you know how that they do that? Is it through zoning or...

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): I do. If you'd bear with me for one second,

I have it right here. It is an ordinance and it requires that one parking space be dedicated to car share programs if there are 50 units, and that there has to be one space for every 200 dwellings.

So, as you get over 50 units, it gets to be actually a fairly -- in large developments, it is a high ratio. And I read this as a zoning ordinance. I don't know if someone can confirm that for me, but...

CHARLES STUDEN: This microphone doesn't seem to be working very well.

And that's not what we're doing, we're not mandating a certain number of shared parking spaces.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): No, no. This would be strictly granting permission, and I just wanted to give the range saying that there are places now that are requiring it, that's not what we're

proposing to do.

CHARLES STUDEN: Uh-huh.

WILLIAM TIBBS, CHAIRMAN: Go ahead.

H. THEODORE COHEN: A couple of questions.

Does zoning currently regulate signs painted on cars?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): I don't believe so. I think somebody would know.

WILLIAM TIBBS, CHAIRMAN: What's the question?

H. THEODORE COHEN: Does the zoning ordinance currently regulate signs painted on cars?

LESTER BARBER: Not explicitly regulated signs on lots. I suppose if someone had a sign on a vehicle and just placed it on the lot, we might consider that subject to the ordinance, but, otherwise, we

don't.

H. THEODORE COHEN: I have further questions.

Now, would this allow anything that isn't currently allowed, or it's just codifying what has been happening without any regulation?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): It codifies what has been happening which is not currently allowed.

H. THEODORE COHEN: What is not currently allowed is what, using some mandated parking spaces for vehicle sharing spaces?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): Operating a business in a residential district -- and, again, Les, feel free to chime in here -- is not permitted and it is deemed operating a business, and so that's

one issue.

Another issue is that if you have a project, say, an office project and the minimum parking ratio is 100 spaces, accessory spaces, you are required to maintain 100 accessory spaces, you can't take them and convert them to car share spaces because then they are no longer an accessory use because they are used by somebody who is not related to the project.

So those are two main issues that are being addressed through this.

H. THEODORE COHEN: Okay. Are you envisioning that people, say, who have three, four, five family houses that now have spaces for the five or six cars would rent out a space to a vehicle sharing?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): I think most people don't know that they're not allowed to rent out a space and, in fact,

you are not allowed to rent out a space to anyone, to Zipcar, or to your neighbor or to anyone that's not permitted, but I don't think people have realized that.

And there are not many, there are some Zipcars that are placed in residential driveways, most are not. Most are in lots, most are where there's more than one vehicle because it is convenient as a user to be using a car from a lot where if this car is not available when you need it, that one is.

So, the majority of the spaces that -- of the 200 spaces are not residential driveways, and it is, of course, possible that someone would rent out one space. Again, up to ten units you could only do one.

WILLIAM TIBBS, CHAIRMAN: Steve?

STEVEN WINTER: Thank you, Bill.

Susanne, I have a couple of

questions. I've been a Zipcar user for the whole time I've been here and it is a terrific system. I support it a hundred percent.

And, also, I want to encourage us to think across municipal boundaries, too, when we think of Zipcars, you know, I think it's great there's 1,000 Zipcar users in Cambridge alone, registered people, that's great. It's great that there's 200 cars, but a lot of people downtown might take the Red Line to Alewife, pick up a Zipcar, go to meetings, go back, take the Red Line back to their house in Savin Hill, so there's a lot of ebb and flow with the Zipcars.

I wonder if you could provide what you think is the best studies that show how the use of vehicle sharing brings down the numbers of vehicles, privately-owned vehicles, and provide those to staff just so that we could see those and have a look at

those, whatever you think is the best example because I would like to see the methodology that they use.

And the other question I have is: As I recall, Zipcar costs, hourly costs, used to be different, somewhat -- sometimes strikingly different based on what Zipcar paid to rent the slot. For instance, Harvard University was giving them free slots and so the Zipcar would be \$6 an hour and other ones would be \$8 or \$9, and the ones downtown sometimes are \$10, \$11 because they're in the downtown garages.

So, does Zipcar currently have some corporate policy where they look for organizational partners that give them these spaces for free? I'm a little concerned about opening the door for people to set up small businesses that I end up paying for when I rent Zipcars.

So, could you respond to that?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING):

It is my understanding that, at least the Cambridge way it works, the hybrid vehicles are the cheapest because they use less gas, so they are less costly for Zipcar to keep in the fleet, and then -- I believe there are two more tiers that are based on the type of vehicle again and its size and fuel efficiency, but Dan Curtin from Zipcar is here. So, if that's not correct, he can correct me, but I think that's -- or at least that's how the pricing works in Cambridge.

DAN CURTIN: I think that's right. There are varying prices on the types of cars.

WILLIAM TIBBS, CHAIRMAN: Dan, could you maybe come up and -- can you come up and...

(Dan Curtin approaches mic.)

DAN CURTIN (ZIPCAR): Dan Curtin

from Zipcar, I'm the general manager.

Yeah, the pricing is different by car plots and the pricing is also different by the cost of parking, but not in a small specific area, it's more general.

When you say downtown, Downtown Boston with prices for monthly parking in the 400s, the cars are a dollar an hour more. In this area of Cambridge, Somerville, Brookline, Allston, Brighton are all pretty much priced the same. We try to keep the prices very small.

STEVEN WINTER: May I continue to ask questions, Mr. Chair?

WILLIAM TIBBS, CHAIRMAN: Sure.

STEVEN WINTER: Do you have organizational partners where you have been given the space at no cost as a community service?

DAN CURTIN (ZIPCAR): Yes.

STEVEN WINTER: Percentage-wise is

that a proprietary figure? How many of those are there?

DAN CURTIN (ZIPCAR): Only a small fraction of those. Harvard University was a very early adopter as was MIT. This is going back to 2000, 2001.

So, in order to help promote vehicle sharing within their own communities and reduce parking demand and reduce vehicle miles traveled, we partnered with them. We've been partners with them for a very long time, so they provide us a small number of spaces. Harvard has, I think, nine spaces altogether.

STEVEN WINTER: And they have continued that level of support?

DAN CURTIN (ZIPCAR): Yes. As a matter of fact, those Harvard spaces are all filled with discounted hybrid cars. So we try to match those up with some of the discounts. We spread those cars out so that

everybody has a chance to get to drive them.

STEVEN WINTER: Thank you.

Hugh?

WILLIAM TIBBS, CHAIRMAN: Oh, yes, Hugh?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): May I respond on the question of the studies? I will provide two studies. One is a worldwide comparison and another one is a evaluation that Portland, the City of Portland, did which has a lot of very interesting data.

HUGH RUSSELL: My question is: Am I correct that this only deals with off-street parking and is there a proposal also for on-street parking?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL AND TRANSPORTATION PLANNING): Right now, the traffic director has the

ability to create on-street parking spaces for car sharing, and there's at least one, which is on Harvard Street, and it is not a desirable way to park Zipcars in a place like Cambridge. Not only because the vehicles would have to be out of commission during street cleaning and perhaps during snow emergencies, but more importantly, it is really hard to get other people not to park in the spaces, and it only works if the car is there when you expect it to be there, otherwise, the system won't work.

So, it may, and there are other cities where that works, where the land use patterns and behavioral patterns are different than they are here, but here it is not -- not really a desirable strategy, but, again, it's within the prerogative of the traffic director to create such spaces.

HUGH RUSSELL: So, with this ordinance we've adopted, we have no impact,

direct impact, on the number of resident parking spaces, but it might have an indirect impact on the competition for those spaces because, is that right, because of the study showing people giving up their cars?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): It would have no direct impact, and I would argue it would have a positive indirect impact because even the most pessimistic results, or the least impressive results show that there's -- you are losing six cars when you add one car shared vehicle.

WILLIAM TIBBS, CHAIRMAN: Yes.

A. NUR: Yeah, I just have two questions. (Tapping mic) Oh, I'm sorry.

Okay, it's working now. I just have a very quick question: In terms of maintaining these vehicles's interior, for example, how often do you check on whether someone smokes? Some people have small

children coming into these cars, and it's just a question of how often in terms of if someone is smoking in the car or has done something that might be bad, you know, hazardous to little ones or whatnot, how often are these cars maintained, cleaning, you know, and...

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I know that Dan Curtain from Zipcar is planning on speaking, so maybe he can answer that question, but you did bring up something important that I should have said, which I neglected to say, which is that, of course, the vehicles will be maintained and there's some specific criteria in the proposed zoning language to ensure that that does not become a burden for neighbors and only then minor maintenance is allowed.

You can't do any sales or vehicle servicing, like you can't go out and change

the oil, or do anything except minor unobtrusive and routine maintenance, so I should've mentioned that.

How often they do it, Dan will answer that because I'm not sure.

A. NUR: And part B, the second question I have is: Let's say a car is being serviced or broken down for the sake of space consumption, how -- if you were to evacuate that space and it is empty, how soon are you to bring another car in either or let the public use that space?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
Again, I'll have to defer to Dan.

My guess is since they are running a business, that it would be swiftly, but he can give more specific information on that.

WILLIAM TIBBS, CHAIRMAN: Probably, Dan, it probably makes sense for you to

answer those questions so its not included in your three minutes.

STEVEN WINTER: May I actually preamble this as a way that may be helpful to you?

DAN CURTIN (ZIPCAR): Sure.

STEVEN WINTER: Because of the culture around Zipcars and because of our culture in Cambridge, and maybe the size of the group that uses it, in the ten years -- the nine years that I have been using Zipcars, I've never gotten into a Zipcar that was dirty or messy or had pet hair or where there was anything wrong with it that was a mess left by the previous occupant, and even the gasoline -- I have only once found gasoline below a quarter of a tank.

So there's a culture around Zipcars that is really good and really clear, and I think that's an important part around this whole discussion.

DAN CURTIN (ZIPCAR): To answer your -- to respond that, it certainly is, but that it is all about the culture and it's all about the member base.

To answer your questions, the cars get touched, we call them "touched," usually between four and five times a month. Cleanings, very light cleanings, they get wiped down, it is all environmental friendly, there's no running water on those cars. If they need anything more than just a basic cleaning, they go off site to our cleaning company. Any type of service also goes off site, too.

If the car goes down for service, it depends how long it's going to go down for service. If it's more than two or three days and it's going to be inconvenient for the members, then we're going to replace it with another car, otherwise, we try to get the same car back into the same spot. People get

used to using the same car. We don't want to disrupt that. Anything else as long as I'm --

H. THEODORE COHEN: For those of us who haven't used a Zipcar yet, when you pick it up at one spot, do you return it to the same spot?

DAN CURTIN (ZIPCAR): Yes. The cars, quote, unquote, live in the certain spots. So, you have to return it to the same spot.

WILLIAM TIBBS, CHAIRMAN: Go ahead, Patricia.

PATRICIA SINGER: Can you help me to understand how big a 2.5-ton truck or 2.5-ton van is -- I don't have a concept of the size of that vehicle -- versus a standard passenger car?

DAN CURTIN (ZIPCAR): You're talking about as far as our Zipcars are concerned?

PATRICIA SINGER: Well, this

proposal allows for a 2.5-ton truck or 2.5-ton van as well as a passenger car.

DAN CURTIN (ZIPCAR): I think a 2.5-ton van is probably a basic full size or a full van, full size passenger van similar to what you find with your basic plumber would use. We don't have any of those cars in our fleet.

H. THEODORE COHEN: The 2.5-ton truck, is that the Tacoma?

DAN CURTIN (ZIPCAR): I don't think a Tacoma weighs two and a half ton, but we do have small Tacoma pickups in our fleet, two-wheel drive pickup truck.

STEVEN WINTER: For your information, that's the language that's in -- I'm not sure if that's proposed language or what, but that is --

DAN CURTIN (ZIPCAR): Yeah, a small truck.

STEVEN WINTER: I was a little -- if

I might, I was a little concerned not having seen a Zipcar 2.5-ton van that we're opening the door to other kinds of vehicles that are not passenger automobile vehicles and I wanted to put that on the table and ask us to be careful about that.

DAN CURTIN (ZIPCAR): I believe this 2.5-ton refers to a fully loaded truck.

STEVEN WINTER: Okay. Thank you.

WILLIAM TIBBS, CHAIRMAN: Any other -- I think we'll open the floor up.

PAMELA WINTERS: I just had a quick question for Susanne.

So, Susanne, in a residential neighborhood, a home would have to have ten parking spaces in order for there to be one Zipcar; is that correct?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
No.

PAMELA WINTERS: No?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
One parking space. So between one and ten parking spaces, one can be converted.

PAMELA WINTERS: I see.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
And then you have to go to 11 before you can get two.

PAMELA WINTERS: Before you can get two. I was confused about that.

Thank you.

WILLIAM TIBBS, CHAIRMAN: We'll open it up for public comment.

I'll just remind everyone, we do have a sign-up sheet, but if you arrived late and were not able to sign it, we'll ask the folks if you still want to -- or if you change your mind as to whether or not you want to speak, we will give you the opportunity at the end.

We ask that you come up to the podium to speak, give your name and address and spell your name for the recorder, and we would like you to keep your comments to around three minutes, and it is not necessary to say the exact same thing that someone said before you, but feel free to say you would agree with that person and maybe say something new.

And the first person I have on the sign-up sheet is Joan Pickett.

JOAN PICKETT: My name is Joan Pickett, and it's P-I-C-K-E-T-T, I live at 59 Ellery Street, and I'm here tonight as Joan Pickett, the resident, and also, I'm the President of the Mid-Cambridge Neighborhood Association, and I'm gonna introduce, if you will, an article that was just published in the *Mid-Cambridge News* regarding this issue and I'm not sure who to direct this to as additional information, and really what it

does is raises some questions, and the request that the neighborhood has is to really understand the implications of a zoning change that would allow commercial operations in a residential neighborhood to understand if it's really consistent with what a residential neighborhood is all about.

We would also like further information about the relationship between the renter of the space and Zipcar, particularly because we want to avoid creating any unintended consequences whereby somebody that has a space that they like to rent, might say, "Hmm, if I can get \$225 to rent a Zipcar, maybe I'll take that opportunity to rent my space and move my car onto the street."

So, the unintended consequence of that is that you therefore increase demand for on-street parking, which for those of you who live in Mid-Cambridge or pretty much

anywhere in Cambridge would know that it's very sparse and it's tough already as it is to find on-street parking.

So, some of the interesting information that's been presented about what happened to user behavior and car ownership behavior, I think, really does need to be more fully understood, so that we do not create something that is not at all intentioned, which is, all of a sudden, we have people renting out their spaces and more cars being driven onto the street.

Now, I'm going to put my hat on as a neighbor and a consumer where this happened to me last year. I don't have any on-street -- off-street parking, as many people do in Mid-Cambridge, and I'm very curious about the San Francisco experience, which bases it on residential units and not on parking spaces as an alternate way of looking at this.

I rent in a lot where I was told that my parking rate was to go up to \$225 a month from \$130 a month, because the owner of those spaces could get that from renting to -- an unfortunately for Zipcar they are the only one that does this right now -- from Zipcar.

In doing a little research came to find out that it was illegal for them to be operating a commercial operation in a residential space -- a residential area.

So when I did bring this to their attention, they backed off that, but there was the motive right there, they can get \$225 versus have the neighborly rate of \$130 per month and they were going to convert all the spaces to Zipcar, which, fortunately, this ordinance wouldn't allow but four of us would have been forced onto the street.

So, I think additional information

needs to be gathered as part of this process so that we don't create the unintended consequence of creating more demand for sparse parking.

There are more questions that are raised in the newsletter, again, going back to commercial operations in a residential space, and so I'm going to end my comments there, but I think some further consideration needs to be given.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

The next is -- is it Margaret McMahon?

MARGARET McMAHON: Margaret McMahon, M-c-M-A-H-O-N, 14 Highland Avenue.

I don't think anyone here is opposed to the concept of Zipcar, however, this proposal to use residential parking for commercial use is, I think, questionable. I would really like to see this research. I

would like to see independent research to verify that the stats we've been hearing and reading in the newspapers are real.

How many drivers have really given up their cars for Zipcars? Is Zipcar just one more car added to what they already own? I know somebody who does that. How many who use public transportation now use a Zipcar? I know somebody who does that. How many parking spaces will soon be gone in favor of higher paying Zipcar spaces? Is it a good idea for strangers to use neighborhood parking at all hours of the day and night?

Furthermore, is it fair to neighborhoods to take away already sparse parking so a commercial venture can profit?

And, by the way, where are those who parked in a lot now going? Obviously to the streets, which Joan just pointed out, which are already car to car to car, day after day and night after night.

But, finally, if the city is going to support shared vehicle parking in neighborhoods, a move that encourages residents to do more walking, which I'm all in favor of being a New Yorker, the city then needs to also discourage excessive infill of housing and the conversion of businesses to housing.

If you don't drive everywhere, you need to be able to walk for groceries, drugs, office, staples, shoelaces, mouth wash, trash bags and all that stuff.

The more we allow the demise of neighborhood businesses, the more you turn Cambridge into a suburb where a car is mandatory.

So, although the use of Zipcar, which certainly has environmental advantages, I think we need to think about the overall environmental impact of their increased use. We shouldn't just jump on this band wagon and

let it run rampant without a thoughtful and thorough study.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Dan Curtin.

DAN CURTIN (ZIPCAR): Thank you.

(Referring to court reporter) My mother would want to let you know that it's C-U-R-T-I-N.

As I said earlier, I'm Dan Curtin, I'm the general manager of Zipcar here in Cambridge. I have been in this capacity for five years.

Thank you for the opportunity to speak about our support for this. As a car sharing operator, I believe the proposed changes to the zoning language, not only support the concept of car sharing, but also addresses the best interest of all citizens of Cambridge.

These proposed changes provide for a reasonable number of options for car sharing

operators and their members by dividing the parking into three easy-to-understand categories. Each one of these categories being accessory residential parking, which is pretty much private driveways, accessory nonresidential parking, which are the small parking lots that we referenced, and the principal use parking, which are the parking facilities that are the regular parking garages.

That covers the majority of parking options for car sharing operators. On street in this particular area is really not that good of an idea.

By placing a limit on the number of dedicated shared parking spots in residentially-zoned areas, it also protects those who need parking for private autos and provides enough parking for car sharing operators to efficiently operate in these areas.

I think it's important to understand the relationship between car sharing and the member base and the cars that are there to service those members. We're talking about one single car and one single parking space being able to serve the driving needs of 40 to 50 members. In a residential area like Cambridgeport, I'm using Cambridgeport as an example because it's probably the home of the earliest adopters of Zipcar, and we've been there ten years, we have got 900 members in Cambridgeport. There's a network of cars that services those 900 members that actually currently operates within the -- within the scope of what this zoning would give us.

We can see that there are two cars that are parked in residential areas, in driveways, each one of these two cars is replacing a car that's now gone. It's -- it didn't bump a car into the street, it's replacing a car that's now gone.

There's six more cars that are parked in nonresidential areas that are just outside the neighborhood that also are used to support these 900 members, and then the balance of those cars are in two parking garages, one at Green Street and the other one at City Street that take the overflow.

They also service local businesses, those parking garages, the businesses up and down Mass Ave and the folks that can utilize Mass transit to get to the automobiles, similar to the story we heard about going out to Alewife to go out to 128 or go out and do some business out there.

So, we can see that after ten years, there's 900 people in this neighborhood that are each, you know, getting what they need, they're not replacing these cars, they're free of the cars. And I think that the data that Parking and Traffic Department has with

regard to the reduction in resident parking sticker demand supports that.

And an efficient car sharing business model built a network of cars in different areas with varying size pods based on the local members that are going to be using those cars.

As a car sharing member -- as our car sharing member base grows in Cambridgeport, we will be looking to add cars, but only at the pace determined by the member growth. We know from experience that you can't over populate an area that won't support the cars.

In other words, the density of cars will always match the density of car sharing members and the density of potential members in direct correlation with the density of the population.

My three minutes are up.

Let me just briefly say by -- close

by saying that Cambridge is a very early adopter and very, very much a part of car sharing success in this country.

After ten years, I can say confidently that it's also -- we're also part of the history here, and I think we need to look at history to see just how well car sharing has worked here in this community.

Any questions?

CHARLES STUDEN: I actually have a question. If this petition --

WILLIAM TIBBS, CHAIRMAN: Excuse me. I think just to -- in terms of our public comment process, we might want to reserve our questions until the end and then allow -- you can answer your question, but I think we just need to -- we have a three-minute limit. We'll just continue with the public, and then if you have some clarifying questions, we'll ask you later, if that's all right with you?

CHARLES STUDEN: Sure.

WILLIAM TIBBS, CHAIRMAN: I didn't want to break up the session with questions.

Unna Ferguson?

UNNA FERGUSON: Good evening. I'm Unna Ferguson, F-E-R-G-U-S-O-N. I live in Cambridgeport. I'm here on behalf of my fiance and myself, we're both in our 30s. I was born and raised in Cambridge and came back here five years ago after grad school for a job, we rent, and we don't have a lot of extra income, and we do not own cars. We both owned cars before we moved to Cambridge. His car died and we chose not to replace it, and I had a car here for two years when I first moved here and decided to get rid of it, and the reason I decided to get rid of it was because I could take public transit, bicycle, use Zipcar occasionally and rent occasionally, and that is adequate for our needs. We can visit friends in the suburbs, all these things, we can do big shops when we

need to by using Zipcar.

I think those two spots that he was just referring to, which are in residential spaces, those are the ones that are within two blocks of where we live and, as you all know who own cars, it's nicer to walk a short distance to your car when you're trying to go somewhere than to walk ten minutes into Central Square which is what I do when those two spots -- those cars have been taken.

I also have a very strong environmental ethic, which I know a lot of you do and Cambridge as a whole does, and that Cambridge has (*inaudible - mumbles words*) reductions, objectives and also air quality emission improvement objectives, emission reduction objectives, and if Cambridge is serious about those things, I think the more you can do to support car sharing, which would reduce car ownership and the congestion because I think we also

reduce -- you reduce your car trips when you have to pay for each one of them. It's not a (*inaudible - mumbles words*) cost that your car is right outside. If you have to pay 40 bucks to drive somewhere for four hours, you don't take those trips that often, you would look for other alternatives for that.

So, I support the Planning Board doing this, supporting car sharing as much as I can.

And thank you for your time and all of your commitments.

WILLIAM TIBBS, CHAIRMAN: Thank you. Francis Donovan?

FRANCIS DONOVON: My name is Francis Donovan. That's "Francis" with an "i", Donovan with an "o".

I also wear a couple of hats, one as a resident of 42 Irving Street right up the street from the 21 car Zipcar lot that descended out of the heavens overnight one

time a few months ago, and it's now a house in the process of building.

The other hat I wear as chairman of the City Government Subcommittee of the Mid-Cambridge Neighborhood Association of which I'm a member of the coordinating committee and two of the things that I have been agitating for, for a long time are nameplates and microphones, and I want to congratulate this body for implementing both.

I was delighted to walk in and see who's speaking and I can hear what they have to say. But to cut to the point, we could have saved a lot of time tonight if we did not debate the issue of car sharing because I think everybody with half a brain is in favor of it. It's a wonderful, wonderful idea.

So, that gets us to the focus of the problem. The problem is how do we implement it in a way that doesn't destroy the very nature of residential areas that we are

paying a premium in real estate tax in order to enjoy.

And that's the problem. I don't know who wrote this ordinance or why there was so little community involvement in that process, but that's not way Cambridge generally operates. I think that there are some loopholes in here big enough to drive a two and a half ton van through such as the fact that if you round up from any site holding ten or less, you get one for one.

So, except for the limit of how many per residential area, there's not a driveway on my street that could not house a shared car.

Now, the way it's going tonight that would be a Zipcar, but maybe tomorrow it's a U-Haul, tomorrow it's a Hertz. Who knows. Zipcar is right now the only game in town, but so far as I know, they haven't made a penny in all the years they have been in

business, they are doubling the rent that's being offered by the neighbors, but somehow their balance sheet doesn't support them.

So, who's going to follow them if they go down the drain? Are you authorizing Zipcar lots? All the signs I've seen so far say "Reserved for Zipcars." It doesn't say anything about other cars.

Can Zipcar sell that space to somebody else if it's reserved for Zipcar? I'm basically saying that it's a great concept, but I think we're going recklessly forward in something which is an extremely dangerous invasion of the residential nature of zoning.

Zoning is a sacrosanct principle and something that people have fought over for years, and this is moving very rapidly to franchise commercial enterprise in a residential area with nowhere near the adequate amount of neighborhood involvement

that should have been involved.

The Mid-Cambridge Neighborhood Association has no involvement in this whatsoever. We represent probably nearly a quarter of Cambridge.

I'm astonished that it got this far in this much detail with this many loopholes without further study. And I would recommend, A, that we support car sharing to the maximum extent possible, and B, that this be put to further study involving neighborhood groups who can understand and can elucidate the impact that this is going to have on them so that not every driveway on the street can have one-tenth of one Zipcar rounded up to a full car.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Next is Terrence Smith.

TERRENCE SMITH: Good evening.

Terrence Smith, T-E-R-R-E-N-C-E, Smith,

S-M-I-T-H.

I'm the Director of Government Affairs with the Cambridge Chamber of Commerce at 859 Massachusetts Avenue and a resident of Cambridge at 21 Mass Avenue. I'm also a member of Zipcar. Zipcar is also a member of the Chamber. We strongly support Zipcar specifically, we support car sharing as one of the many ways that the city -- that residents of the city in the business community can meet the city's PTDM and other transportation-related ordinances and other requirements to reduce greenhouse gas omissions, provide mobility for residents, for visitors and for people who work here.

The specific issue around car sharing is that vehicles need to be where people want them.

In much of Cambridge that's possible in public parking lots, although this ordinance will clarify an area where the

zoning ordinance is currently not -- it has no regulation that currently permits what is already happening.

In other parts of the city, where people live, some allocation spaces for residents in residential neighborhoods needs to be addressed. The zoning ordinance, the proposed ordinance addressed by the City Council does address that need.

There are 200 cars currently in Cambridge serving about 10,000 residents. If 4,000 of those residents would otherwise have had a car, those are 4,000 additional cars on the street at the 40 percent. If we go down to the six per car, we're still dealing with 1200 parking spaces that have been freed in the ten years since Zipcar was created.

I also would like to point out, which I didn't do at the City Council, but I will do here, I was chief of staff to Mayor Galluccio when Zipcar first came to Cambridge

looking for some spaces through the city and we worked very hard with the staff from Community Development and Parking and Transportation and the City Manager's Office to find a way to provide those first spaces in city lots that helped be a seed for the 10,000 members who are now part of Zipcar.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Caroline Fuller?

CAROLINE FULLER: Hi, I'm Caroline Fuller, F-U-L-L-E-R, 12 Douglas Street, Central Square.

And I'm here because on my one little block, two big gas guzzlers no longer are taking up our precious parking spaces. The big black SUV owner got rid of his car and is now a Zipcar member. We got rid of our wonderful 1992 Crown Victoria. And we couldn't have done it if it hadn't been for

Zipcar because, you know, we're older, we've got friends in the suburbs, we have all sorts of things on a regular basis that we do out in the burbs, and we don't want to give that up.

So, without a Zipcar, we would not have given up the car. We wouldn't have. And so, I am proof that with every shared car, there really are cars removed from the road.

And I also want to say that when you don't own a car, you walk a lot more, so there's this health benefit, too.

Thanks.

WILLIAM TIBBS, CHAIRMAN: Thanks.

Next is William Doebele.

WILLIAM DOEBELE: I am William Doebele, D-O-E-B-E-L-E, 68 Daniel Street.

Most of the points that I had expected to make have already been made much more eloquently than I could here, so I'll be

extremely brief and mention two points.

I have been running a Zipcar for about six years now and I want to say in a word that my experience has been entirely satisfactory.

The space I rent is adjoining my bedroom, and I'm a light sleeper, and I have never been disturbed by people coming in late at night or using the car in any way. They have been very polite and courteous and very quiet.

Another minor but sometimes important advantage of Zipcar has been that they have been very prompt to dig out their car when we've had snowfalls, which were very numerous last year, and their digging out their car promptly just because of the situation has made it much easier for me to dig my own car out.

So, I am very grateful to Zipcar and to the extent this ordinance promotes and

makes it easier for them to operate, I'm very much in favor of anything that will help their operations.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

It's either Paul Turman or Truman or neither.

PAUL TAMMARO: Neither. Paul Tamaro, T-A-M-M-A-R-O, 4 Marion Street.

I've never used Zipcar, but on Friday, I happen to go to one of the local (*inaudible - mumbles words*) --

CHARLES STUDEN: A little closer to the microphone.

PAUL TAMMARO: I stopped in one of the (*inaudible - mumbles words*) locations and checked on Zipcar to see about renting one. And I found an error in their computer system. And I had to go up to the university and find out -- some kind of a number associated with rental of this vehicle, and

after talking with the alumni's office, I found out that they had actually to call up Zipcar and make a change. Now, as of Monday, it hadn't been corrected, but as of today, it is corrected.

I mean, it appears they're very responsible in relation to taking care of problems.

But, like I said, I just happened to walk in and just take a shot at it. I think they ought to look at every university around here and find out if there's a problem with their site or not.

I mean, the one I have here did lists almost five different price ranges for these students to actually rent the vehicle. I mean, they have different plans, they have different discussions as to whether or not they want (*inaudible - mumbles words.*) They have a flat rate. They have another rate.

I have a copy here that, I think

it's like five different rents you can actually go by. Well, you can see that happening here, and if keeps on, I'm not sure these are places being donated for space, you could actually rent it, it's a commercial operation, it would appear that things can go up in price not down.

Any vehicle in the State of Massachusetts, if it's down for rental, it's supposed to have a sign on it. The Registry of Motor Vehicles controls all that. Depending how high the letters have to be, it tells you what name is supposed to be on there, what the address is depending on the distance where you are, what town you're supposed to be in, there's a lot of restrictions, however (*inaudible - mumbles words*) and that should be identified.

Thank you for your time.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Chris Robinson?

CHRIS ROBINSON: Chris Robinson,  
R-O-B-I-N-S-O-N, 20 Ware Street, Cambridge.

I am speaking as a former member of Zipcar, and in spite of all the cheery talk, I found them really very scrimy (*phonetic*) in their actual operations that makes them no different than a traditional rent-a-car. They nicked and dined a \$25 cancellation fee that eventually they, you know, allowed me to forego.

And that speaks to my concern that, as it's been pointed out, we're not talking about the concept of car sharing, we're talking about a for profit operation, which really has an aggressive side to it, and whether that is something we want to really grow like a weed in residential neighborhoods.

I want to read something from Daniel Shutzburg's (*phonetic*) letter which also, you know, echos my concerns. He talks about a

neighboring Zipcar lot, and he says the spaces were right opposite my home and it increased traffic, security risks and safety risks to my children, and it increased traffic security risks and safety risks to my children who play in my driveway.

And so, this is something beyond, you know, the PR that we're all familiar with about the benefits of having car sharing.

And, finally, as a point of information, I want to say that it was pointed out at the City Council ordinance hearing there's a projected increase in the number of residential parking stickers in the 2010 budget.

Thanks very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Oliver Sellers Garcia?

OLIVER SELLERS GARCIA: Hello. I'm Oliver Sellers Garcia, 52 Fayette Street.

I just want to echo the comments

that I've heard and you will probably hear more of them, but I have been a Cambridge resident for five years.

I moved to Mid-Cambridge about a year ago, and part of the reason was to be closer to a Zipcar pod. I definitely would have bought a car, I have been considering it, but this allowed me not to buy one, so there would've been one other car in Mid-Cambridge without Zipcar.

But I would also like to say that my experience is that people don't walk very far to get to a Zipcar, and it's mostly residents of the immediate neighborhood or the users of the parked cars, perhaps with the exception of cars parked out in Alewife.

And so, I think that allowing Zipcar, although it is for profit business in residential neighborhoods, it's essentially about equity and allowing residents in each small neighborhood to have the option to use

car sharing, and if it's not allowed to be integrated into residential neighborhoods, you're essentially privileging car ownership and car owners over non-car owners in the neighborhood, who, I believe, have the right to travel the way they would like if there's a business that is willing to offer that service, so I support the zoning change.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Gina Patedo (*phonetic*). Not here?

Steve Miller.

STEVE MILLER: I left the band at home.

My name is Steven Miller. I live at 92 Henry Street in Cambridge. And I'm also a member of the Cambridgeport Neighborhood Association, one of the founders of the Greenport Association, but I'm here actually speaking as a member of the Board of Directors of Liveable Streets Alliance. It's a regional network of city planners, traffic

engineers, environmentalists, public health officials. It turns out, a lot of us live in Cambridge.

As you can tell, I live in Cambridgeport. My downstairs neighbors don't own a car, they just had a baby recently, they debated should we have a car. It gets a little more complicated going from a bicycle when you got the kid. They decided they didn't need to because of Zipcar.

My next door neighbor does own a car, they were deciding, do they get a second car, because one of the spouses was getting a job a little further away. They decided they didn't need another car because of Zipcar.

Cambridgeport was the first place Zipcar came. It has changed the way people think about transportation because it's convenient and it's close.

In the worst case, let's say, Zipcar

pushes some car from a parking lot onto the street. It may happen. That also means in the most conservative analyses, six cars are taken off the street. That's a net game of five.

So, it's possible there is some push-outs, but there's -- for every push-out, there's a larger pull-in or removal or whatever metaphor, I can pull out of my mouth here.

The other thing that's really important to mention here is that there are 10,000 members of Zipcar already and there's going to be more.

These are Cambridge residents, they're taxpayers, they're voters, they're citizens. Their needs are every bit as legitimate as someone who owns a car.

I own a car. I will say my family owns two cars because we actually had family issues.

We're about to get rid of one. We're able to do that, partly our life circumstances have changed, but mostly because we're able to realize, through our neighbors results, that Zipcar was gonna fill that need. It wouldn't fill the need if I had to walk half a mile or 30 minutes to get that car. It will fill the need if it's close and if it's convenient.

The other thing that's really important to remember is that so far, from the statistics I read in Cambridge, only seven percent of the reservations starts or ends at night. We're talking about daytime use. This is functional use and there -- I actually have a used Zipcar at various points and I left something in. I promise you the security is very high. I had a call to get somebody to open the door, so it's not a crime target, and I think it adds to the viability of the city as a whole and serves

the citizens, many of whom, a good percentage of whom, live in all the different neighborhoods, including Mid-Cambridge.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. Steve was the last person who had signed up.

Is there anyone else who didn't sign up who would like to speak?

*(Audience member raises hand.)*

WILLIAM TIBBS, CHAIRMAN: Yes, we'll start here, but, again, give your name and address and spell your last name.

DOANE PERRY: Yes, Doane, D-O-A-N-E, Perry, P-E-R-R-Y, 1557 Cambridge Street. I think the discussion is very interesting that shared use is very attractive. The uses of parking in residential neighborhoods are very delicate and touchy.

The one issue that I heard this evening that I would like to see more about is that this parking was illegal, and I've

been concerned about other illegal parking, and I would like to see the city take that on, front yard parking, for example, in converting after an apartment building or a small house has been turned into condos, a car being in the front yard parking out of the front yard as a benefit and necessity for supporting the condo division. I think as an issue and there may be other parking related issues going on that the city could address and so I think this is an attractive movement, but a difficult one in the neighborhood.

So, thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

WILLIAM McAVINNEY: Hi. My name is William McAvinney, M-c-A-V-I-N-N-E-Y. I live at 12 Douglas Street and have since 1969 -- 1970. So a long time.

I guess specifically what I wanted to talk about is sort've what -- I'm a Zipcar

user, I'm a car sharer, and what would it mean to me if I wasn't able to access that kind of service within a neighborhood. Currently, I live in Central Square about half a block off of Mass Ave, so one thing was that it wasn't until the density of Zipcars in the neighborhood came up to a fairly high level of maybe like 20 cars that it became practical for me to use it.

So, if you are thinking about it, you do need a density before a lot of people will start to use a car sharing service.

Currently, as a car sharer, if there are no cars available in residential neighborhoods, then you're restricting my choices to either I have to -- if I choose to move into a residential neighborhood, I either have to buy a car or agree to walk further. So, to get what is car owners, I would say a fairly normal ability to park near -- to access a car near their home

and rented spot. So I just wanted to put forth that perspective.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Did you want to speak?

ELIZABETH GOMBOSI: My name is Elizabeth Gombosi, that's G-O-M-B-O-S-I, and I live at 42 Irving Street. I just have a few comments.

First of all, I would like to say I'm a strong supporter of car sharing, although I'm not a member of Zipcar. My husband and I moved to Cambridge about 15 years ago, and the first thing we did is get rid of our second car, so we do a lot more walking and public transportation and make do with one car.

One of my concerns is about signage. The idea of having, in a residential neighborhood, having signs on fences and signs on poles, I think changes the feel of

the neighborhood immensely, and that does not -- would not please me.

I would also like to comment, if I understood properly, there's currently one spot of street parking for Zipcar, and it hasn't worked very well. I would encourage them to try again. I don't think that's a very good experiment and try to make it work because I think that's a much better solution than having cars in people's backyards and driveways.

I also wonder how many residential neighborhoods don't have commercial areas close by. Do you have to have parking in -- on residential streets when there's a commercial street a block or two or three away?

So, in closing, I think the ordinance is far too broad. I don't think it's been researched enough and I would like to see the ordinance refined before any

decisions are made.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Is there anyone else who would like to speak?

All right. At this point -- I'm sorry, go ahead, yes, both of you.

SHARLEN LEURIG: Hi. I'm Sharlen Leurig, it's S-H-A-R-L-E-N, last name is L-E-U-R-I-G. I live at 1174 Cambridge Street.

I have been a resident of Cambridge for four years and I don't want to expound in a lengthy way on points that have already raised by other residents, but I do want to lend my support to what is being proposed. I used to have a Zipcar account. I no longer do. I have a car in Cambridge currently.

But I do think the city should be doing what it can to provide the resources necessary for alternative means of

transportation like Zipcar, and if it means allowing Zipcar users to park in areas that currently are only available to residents, as we do believe that that would ease congestion, traffic congestion by taking cars off the road, allowing residents to have alternative means of transportation, then that's in the city's interest, so I would encourage you to adopt what is being proposed.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

LILLY POLLENS: Hi. My name is Lilly Pollens, I live at 82 Oak Street in Inman Square, which is actually just over the line, or on the line actually with Somerville.

But I just wanted to also lend my support for this amendment. Mainly because of the issue of street parking, and any space that is devoted to a Zipcar space is probably

taking cars off the street and freeing up street parking for people who live in the neighborhoods. I think that's just a benefit for Cambridge residents and -- oh, hello -- and neighboring cities well. So, that's just another issue to consider, and I think that the amendment on the table actually does a good job in the area.

Thanks.

WILLIAM TIBBS, CHAIRMAN: Anyone else?

At this point we would typically close the public hearing for verbal comment, but we'll keep it open for written comment up until we make our decision, and if that's -- if the Board is okay with that, we'll do that.

So, we're closing the public hearing for verbal comment, but we will allow you to do written comments up until the point where we make our decision, and I guess the Board

has an opportunity to ask more questions or make more comments at this point.

H. THEODORE COHEN: Susan Glazer, I wonder if I could ask you to set a stage for us that talks about how this issue we can introduce that to the community development department and the process you've been using internally to move it through to the place that we are now, and I think that the work that Susanne Rasmussen has done is a really good foundation and gives us some really good places to start.

But could you tell us how we got here?

SUSAN GLAZER: I'll try. My understanding is that staff had been thinking about this for quite some time and that there was a City Council request for us to look into it. So, what we did was in response to the City Council request, we started looking at it.

Susanne, perhaps you can comment if there were others that had input into the drafting, but my understanding it was mostly staff in response to the City Council.

CHARLES STUDEN: Actually, I have a question I think that is somewhat related to this. I'm trying to understand that Zipcar came to Cambridge in 2000; is that right?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
Yes.

CHARLES STUDEN: And accomodation was made at that time for these cars in spite of the limitations of the ordinance, so somehow this problem with the ordinance emerged, and what I'm struggling with is if we fail to adopt this and the Council does, they are the decision-maker in this case, this amendment, where does that leave Zipcar or any ride or car sharing program in the

city? Does it mean we're done, there will be no more of them?

In other words, what if we just left things the way they were? What would happen?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): That was not bode well for the future of car sharing, but let me just go back to the first question you raised.

Back in 2000, we were approached by the founders of Zipcar before Zipcar came into existence, and they said, "We have this great idea," and the idea is such and such, and "we're looking for parking spaces and can the city please give us some of your parking spaces?"

And we said, "A, it sounds like a wonderful concept and B, no, we cannot give you parking spaces, we cannot give the City's property away to a private business without

any competitive process," and that's why we did the RFP back then.

If things are left the way they are, there are big issues because as our reading of the zoning ordinance is that Zipcar or any car sharing vehicle would not be allowed to be parked in a residential district, nor would it be allowed to be parked in accessory parking spaces, nonresidential accessory parking spaces in a great number of circumstances, meaning where the parking spaces match the minimum requirement, required number of parking spaces or in the case of Special Permit projects, if a project was permitted with, say, 200 accessory parking spaces, those spaces have to remain accessory, they cannot be converted to car share.

So, there would be a very significant, and I don't have the exact number, but a very significant number of

existing car share spaces that would not be able to continue to function as such. So, there has to be changes made.

CHARLES STUDEN: Thank you.

THOMAS ANNINGER: Just quickly before you sit down, Susanne.

WILLIAM TIBBS, CHAIRMAN: Me, too.

THOMAS ANNINGER: What did this issue about permits going up and down in number? Can you just talk to us about that?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): Yes, I can.

I had said in my remarks at the Ordinance Committee hearing, I believe it was last week or the week before, that we have been seeing a trend down in the number of resident parking permits that are issued and it's been that the city's numbers are not very good before 2003, so I'm just looking at

2003, and there's been a continual decrease, we're down something like 3,000, and Councilor Kelly said, "Well, it says here in the budget book that the projection for this year is, in fact, 40,000," and I didn't have it before me, so I couldn't respond at the time, but I have since gone back and the -- that is a projection, so the Traffic Department in its budgeting procedures last year said, "We project that there will be about 40,000 residential parking permits issued as a performance measure that's part of budgeting.

That is not -- it does not appear to be what is occurring. If you look at this year's permits, permits issued in 2009 up till April, is tracking below permits issued up until April in 2008.

So, while I'm not obviously able to say exactly how many there will be, just comparing 2009 year-to-date with the same

period in 2008, we're still looking actually going further down. So, it would appear that the true projection is that we're continuing the downward trend.

THOMAS ANNINGER: Has any analysis been done on why?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): No. Guesswork. It's very hard to determine why unless you do survey work and so I was just reporting that while I'm not trying to establish causality, there is, in fact, fewer resident parking permits being issued in -- since 2003 than were the case before.

WILLIAM TIBBS, CHAIRMAN: Comments? Questions?

Pam?

PAMELA WINTERS: So I have a question: I think it was it was Ms. Gombosi that raised the issue: What happens if there is a commercial spot, say, within a block of

the residential spot where there's a Zipcar renting a space? Have you considered the proximity to commercial spaces so that -- I actually got a question from a neighbor who called me today about that. So I was wondering about that. Yes, we do have lots of commercial areas where there are Zipcar spaces, and yet, this person has a Zipcar rented out in their home.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): We have actually done that analysis and I can -- with the other materials that I'll be forwarding to you, I can provide you with a map.

We have a map that shows the -- where you are beyond walking distance from a commercial district so that you can see for yourselves, like there are areas of the city and there's West Cambridge is an example, sections of West Cambridge, sections of

Cambridgeport, other sections of the city that if car share spaces would only be permitted in commercial districts, then people living in those areas would not be within walking distance. And I think you heard from some of the public testimony, that part of the way that this works is that the vehicles are in close proximity to where people live. So, I will provide that map so you can see the areas that would not be within walking distance.

PAMELA WINTERS: Okay. Thank you very much.

WILLIAM TIBBS, CHAIRMAN: For me, it would've been helpful to just have a map as part of this presentation so we can get a sense.

Any other questions or comments because I have a few questions and I'll ask them.

Approximately -- this is where the

map might've helped -- what is the approximate percentage of the spaces that are single cars just in a space versus multiple cars in space, is that something you can approximate?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): Dan knows that -- I know it's small, but the exact --

WILLIAM TIBBS, CHAIRMAN: The reason I ask is because in my mind, at least, when I think of -- when I see Zipcars in Boston, I usually see multiple ones, but the ones I see in Cambridge, I tend to see as singles, but that's not like I'm all over the place and know where they all are in Cambridge.

DAN CURTIN (ZIPCAR): To get back to my earlier point, the use of single car spaces and the size of the pod has everything to do with the density of the members and the density of the neighborhood, so what you'll

find is --

WILLIAM TIBBS, CHAIRMAN: Or what you can -- also what you can -- what spaces you can get, right?

DAN CURTIN (ZIPCAR): Yeah, but I wouldn't -- again, we're not looking to get spaces just to get spaces, we're looking to get space to keep the cars busy. We don't want to over fleet, we don't want to under fleet, we have to ride that fine line where, you know, our tag line is, and car sharing in general, it's where we want them and we need to make sure that there isn't too many wheels, but just enough wheels.

So, you will find that the single car spaces are probably largely in the residential areas. Again, I don't have a full roster tonight, and those larger pods are in parking garages. Again, as the density of members and the density of demand increases, the density of the size of the

spots increases, too.

So, in an attempt to answer your question, it's a very small percentage of our spaces are actual single car spaces.

WILLIAM TIBBS, CHAIRMAN: I guess for clarity, how are spaces assigned or do you just rent them and then that's it?

For instance, I guess this competition issue is what I find interesting if Hertz or somebody like that decides to get into this business or if the place out in San Francisco decides they really want to break into the East Coast, I mean, I guess one of the speakers of the public folks who commented had that question as to what happens to that space if you're not around or some other vendor is, it's just a matter of you just renting or leasing the space from a resident as long as your lease is up, you'll keep it, and then if they come in and they're more competitive, I mean, is it -- is it, you

know...

DAN CURTIN (ZIPCAR): I will tell you that after doing this for five years, there's a couple things that I believe are true.

Number one, we're actually not driving the price of parking up, we won't take a spot that's above whatever the market rate is or what the going market rate is. It would be foolish to do something like that.

What we have found out is that the prices for parking in Cambridge, in particular, have been pretty steady over the last five years. What's changed is the availability. There's a lot more parking out there that's available for us to use now than there was one year, two years, three years ago.

Now, the process we go through in order to get a spot is, again, it's all about

the members. If we see that there's cars in an area, in particular, just to use Cambridgeport as an example, if we see that the demand for those cars in that particular area is increasing and people are having trouble getting the car, then we look for one additional spot, we don't look for ten spots or 20 spots, especially not in a residential area.

So, we're constantly looking at the ratio of members to cars and it's between 40 and 50 members per car, so we kinda follow that pattern wherever we go.

THOMAS ANNINGER: Can I follow up on that?

WILLIAM TIBBS, CHAIRMAN: Yes.

THOMAS ANNINGER: How do you go about looking for a spot in a residential neighborhood?

WILLIAM TIBBS, CHAIRMAN: Yeah.

DAN CURTIN (ZIPCAR): Usually like

any -- anywhere anyone else would, we would look on Craig's List. We frequently have people contact us looking to offer spots for us. We have members that are looking to offer spots to us as well.

So, it's really a cooperative effort between us looking for spots and members cooperating with us and offering spots up.

THOMAS ANNINGER: Do you do mailings? Do you do telephone calls? Do you do walking the street? How do you do it?

DAN CURTIN (ZIPCAR): We don't normally go out and look for mass -- you know, we don't do mass mailings, we will occasionally in particular neighborhoods, and Cambridge is not one of those cities where we'll go out and do an outreach to members and say, "Hey, listen, we really need parking. You know, we need parking because of the demand on the cars," but it's really just casual. It's Craig's List, it's working

with local property owners, local developers and taking a spot here, a spot there and two spots here.

WILLIAM TIBBS, CHAIRMAN: You have a somewhat unique -- it's not quite unique, but the position of kind of being the only game in town. So, again, I'm concerned about if somebody wants to come in and actually establish themselves, get numbers, do exactly what you do, we have 100 members and they're in Cambridgeport and you have X number and we need X number for our members. I am thinking about the proliferation of the cell phone antennas when each company comes in, and it's kinda of a tough comparison, but basically it's similar, they rent space and they have their members and then need to find space and then things start to proliferate. I guess this is more of a question, I guess, for use -- not included for you, but what -- in the writing of this, how has that been addressed

or have you thought about those issues?

And I guess while you're there, I will ask you a second question, too, which is: Did you consider a minimum in any case, like you have to have at least two spaces before you can put your one, or is there some minimum size or space availability that you need to have, but those are two separate questions.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): On the first question, a car sharing company would not want to place a vehicle that is not economical for them, so we're not that concerned with proliferation of all these vehicles because there won't be a demand for them, and it's very costly for a car share vehicle to just -- for the owner of it, if it just sits there and it doesn't move, otherwise, you'd probably see Zipcar putting many more vehicles than 200.

They certainly would have the ability for --

WILLIAM TIBBS, CHAIRMAN: Just for clarity, I'm really concerned about the potential future competition and what our ordinance allows versus what may be reasonable policies and procedures that one particular entity has.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): But there's only demand -- one kind of demand. You wouldn't want to be a car share member of two different car share companies. So, there will only be the amount of vehicles that match the demand for car sharing services.

So, if there's two companies, they will have to share the demand somehow, or if the demand grows, we're still looking at a situation where the car shared vehicle replaces privately-owned vehicles at a ratio

that's greater than one-to-one.

CHARLES STUDEN: The whole process, it seems to me, is market driven and the best thing that could happen would be that we'd have, from my perspective at least, we'd have a tremendous demand for these spaces because of what it does for environmental goals and transportation goals and so on.

I'm not sure I understand what would be the problem with having more of these car sharing spaces rather than less of them.

WILLIAM TIBBS, CHAIRMAN: I think -- I'm not necessarily saying -- I'm asking questions, and I tend to speak the devil's advocate when I ask questions.

But I think the issue of people making their off-street parking commercial is different than what we're doing now. So, to have obviously a Zipcar -- let me be the first to say, I think car sharing is a great idea, but Zipcar, obviously, has done that

reasonably and wonderfully, but we're writing an ordinance which allows any entity, not just Zipcar, to do this stuff.

So, I'm just -- in my mind, I'm trying to think through the issue of a whole lot of people leasing their space and not necessarily having the motives that the current culture currently has, and, again, I'm just trying to think it out.

I'm not necessarily disagreeing or whatever because we're establishing in our ordinance just a different mechanism. So, we're not just allowing this to happen by allowing it to happen.

We just need to understand, which in any zoning ordinance, we try to understand what the ramifications are.

I'm just wondering in your drafting of this stuff, how have you thought it out because obviously staff was the drafters of this.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I think the other provisions in the zoning that do not relate to the numbers, but rather to how can this space be signed and how is it -- how are you able to service the vehicle, and those kinds of provisions are -- would apply, and of course, in any situation, and would be the safeguards that would lead to it not becoming a nuisance regardless of who the provider is.

And I guess I would also again say that as the numbers increase, we expect an environmental benefit in terms of congestion and air quality, so it would be better if there were more.

LESTER BARBER: And the limitations are for all vehicles of this kind on a lot. So you can't have seven vehicle sharing companies having seven one-permitted car on a lot. So there's one car and the first one

who gets it is able to use that. So, it would have to be distributed to other lots if other companies wanted to.

WILLIAM TIBBS, CHAIRMAN: And you're basically saying that in the worst-case scenario we have ten percent scattered all over the place, but it would just be ten percent.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): With any additional that you would grant through a Special Permit, so --

WILLIAM TIBBS, CHAIRMAN: I'm talking about just the residential piece right now.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): Yes.

WILLIAM TIBBS, CHAIRMAN: I mean, if this were running around and running rampant and several companies came in and they were

competing, we've got the very worst case --

LESTER BARBER: Ten percent on any lot within a neighborhood you could have one per space -- I mean, one per lot on a number of lots and the percentage --

WILLIAM TIBBS, CHAIRMAN: Which would be greater than ten percent, yes.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): You had another question which I forgot.

WILLIAM TIBBS, CHAIRMAN: Would you consider just a minimum before it was allowed, I guess, because you basically said if it's ten or below, you can do one, so you could actually have two spots, and you're in 50 percent. And I wondered if you had considered that or if you have discussed the idea of a minimum as part of your drafting process.

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): We

did have very lengthy discussions about what would be the right number, and we arrived at the formula that you see in the zoning, but there are, obviously, other ways you could cut it.

H. THEODORE COHEN: Well, I'm curious, not having thought about it before, I'm sort of shocked at the concept that people in residential districts can't rent their own parking spaces since I certainly know anecdotally many people in Cambridge and Boston and other cities, people who don't have cars, who have always traditionally rented their parking spots.

Is there any history of the city ever trying to enforce that?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I actually probably would not be the best person to answer that. It would be the Inspectional Services Department.

H. THEODORE COHEN: But does anybody know? Has anyone ever heard of enforcement?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): I know that some examples of where it's very -- it has been very egregious, like huge banners put up on buildings saying PARKING FOR RENT and where owners have been instructed that that's not permitted.

But in terms of like going after individuals, people who rent their driveway, I don't think that that has happened a lot. I think that would be complaint driven.

LESTER BARBER: It's --

THOMAS ANNINGER: The one thing -- Les, you have something important to say.

LESTER BARBER: If people want to cheat, it's an easy way to cheat and it's difficult to track it down. It is complaint-driven.

There are some facilities in residential districts that will legitimately not tie it as accessory to some other use and may have been established when we permitted principal use parking lots in residential districts, so some of those spaces may legitimately be rented to anyone, but no one has a right to rent to someone else a space which is tied to their dwelling. That's not allowed.

THOMAS ANNINGER: I think what is enforced is the inability if you have a condominium with a tied space to it, I don't think you can sell that to somebody else. And I do think that is enforced at least.

I think that would not be -- and I'm not quite sure how it's done, but I know it can't be done. And I know there was a time when it could be done and that changed.

WILLIAM TIBBS, CHAIRMAN: I think Hugh first and then Pam.

PATRICIA SINGER: I just wanted to clarify that if my neighbor -- if I have a driveway, that the way this ordinance is now written, we could rent that driveway space to a vehicle share company?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): Correct.

PATRICIA SINGER: Thank you.

WILLIAM TIBBS, CHAIRMAN: Just as a follow up on that clarity, does that space have to be a bona fide space, car space or something?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING): It has to be a parking space.

LESTER BARBER: It has to be a conforming legal parking space, yes.

WILLIAM TIBBS, CHAIRMAN: Any other comment? Go ahead.

A. NUR: Thank you. People of

Cambridge being environmentalists, what have you learned from the past from 10,000 members, 45 or 50 to each car, are you being pressured, by any chance, of demand? Do you have any problems with people making reservations and you don't have the vehicles available to them at a particular location?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
Again, Dan would -- since he operates the company, and I'm the -- in the Community Development Department, I don't know that.

There are, of course -- except as the occasional user, I know sometimes you want a vehicle and it's not available because someone else has it. But then you go out and look for the next location nearby and usually there's one there.

So, my understanding is that the way they deploy the vehicles is to avoid

situations where their members repeatedly would find that they could not reserve a vehicle when they wanted to because that's kind of -- the business model breakdown, if you can't access a car when you need one.

A. NUR: If they're looking for a vehicle at one spot and it's not available and they look for the next location, it becomes an inconvenience to that person moving from one lot to another trying to find a vehicle and then that's when they sold that vehicle?

SUSANNE RASMUSSEN (DIRECTOR OF ENVIRONMENTAL & TRANSPORTATION PLANNING):  
Right.

PAMELA WINTERS: So, in choosing these spaces, if you had a residential spot that was available and within a block or so you had a parking lot that was also available, how would you make the choice which one the Zipcar company would rent or

how would Zipcar make that choice, you know, commercial versus residential, how would you make that choice?

DAN CURTIN (ZIPCAR): It would be about the convenience to the member as to whether which space is more convenient, which space is easier to get to or easier to find.

PAMELA WINTERS: But if they were both -- all things being equal, how would you make that choice? In other words, I'm thinking about where I live and it's right near Mass Ave, and so forth, so, how would you make that choice?

DAN CURTIN (ZIPCAR): Two identical spots, the same cost and the same proximity to each other?

PAMELA WINTERS: Within a block.

DAN CURTIN (ZIPCAR): Within a block? It's a tough -- that's a tough question.

Again, it would be whatever we perceived to be the easiest for the members to get to, the easiest for the members to find. If that commercial space is easier to find than the residential spot, it would be the commercial space and vice versa. If that residential spot is easier to get to, then it would be that space, but it's all about what is easiest for our members.

PAMELA WINTERS: Thank you.

THOMAS ANNINGER: In your lease with the person who is renting you out this space, you have a series of requirements, can you tell us what you require of the person to whom you're paying this rent in terms of clearance and snow and removal and that kind of thing.

DAN CURTIN (ZIPCAR): We take care of all that.

THOMAS ANNINGER: You take care all of that.

DAN CURTIN (ZIPCAR): We take care of all of the snow removal, depending on the nature of the agreement as to who the vendor is, it's either up to us or up to them to make sure that the spot stays clean, removing trash and whatnot depending on whether they're commercial operators. Sometimes we're signing their lease agreement, if they're a commercial operator, and if they're a private entity, we'll use our agreement usually.

THOMAS ANNINGER: Interesting.

WILLIAM TIBBS, CHAIRMAN: Comments? Questions? And I guess -- Hugh, did you have any?

I should ask the Board how they would like to proceed.

Go ahead, Charles.

CHARLES STUDEN: Hugh, why don't you go first.

WILLIAM TIBBS, CHAIRMAN: Hugh

didn't want to go.

CHARLES STUDEN: I was going to -- actually, that's what I was going to just say here. First, I want to thank the Community Development Department for drafting this amendment to the zoning ordinance in order to create a vehicle sharing program that is legal and defensible, and also, I would like to thank Zipcar, too. I think Cambridge was very, very lucky to have the company come to us in 2000, and I think the benefits have been enormous to the residents, not just to the 10,000 members of the Zipcar program, but to everyone that lives in the city.

I personally think that I would like to send this to the City Council with an enthusiastic endorsement from the Planning Board from my perspective.

I think this is a very good start, and I believe that your experience over the

last nine years is invaluable, and I'm assuming that we're seeing that reflected in here that if this were adopted exactly as it is, and it may not be, that it would enable the program to be administered in a fair way. So, I think it's terrific and thank you.

WILLIAM TIBBS, CHAIRMAN: Is that a motion?

HUGH RUSSELL: I'm not prepared to accept motions.

THOMAS ANNINGER: If I can?

WILLIAM TIBBS, CHAIRMAN: Sure.

THOMAS ANNINGER: I think I'm agreeing with the direction that Steve was going. I, too, am very favorably inclined to what I've heard. I think it's all very positive and very interesting, but like my colleague said here, I came in cold tonight and really had not thought about the issue. I have never used a Zipcar. I learned

something tonight. Maybe I ought to try it. But I see that it's more complicated than I would have at first thought.

I also found on my desk, when I came here, on my spot, a stack of letters, and I must say I find it not helpful to find a stack of letters if there's anything in there that is helpful in making a decision here other than I'm for it or against it. We really don't have much of a chance of absorbing what these letters say while we're listening to a public hearing, and I wish we could change that so we get these earlier or we just, as a matter of course, postpone this to the next time.

But I personally think we need a couple weeks to think about this, and I would like to see this tabled until our next meeting in the early part of June.

WILLIAM TIBBS, CHAIRMAN: How does the Board feel about that?

I don't think we need to table it per se. Part of what we do is go to public hearings and then deliberate on it. So, I think we're just not acting on it tonight and we'll deliberate it at our next --

THOMAS ANNINGER: That's what I meant. Thank you.

PAMELA WINTERS: I would agree with Tom, and I would also like to see that information from Susanne, that map, that you said you had.

STEVEN WINTER: I have a couple comments, if I could?

WILLIAM TIBBS, CHAIRMAN: Sure.

STEVEN WINTER: Charles used the word "defensible," that's our goal, we have to make sure that the zoning ordinance is defensible in a court of law, so that's really our goal. We have to be really careful about that.

And right now, these are not

defensible pieces if it's happening ad hoc or outside the boundaries of the Zoning Board or whatever.

So, yeah, we have to pay some attention to this and I think we should because if there's any -- if there's a competitive atmosphere where other car share folks come in, we're going to need that in place at that time, and I think we should.

I also feel that Zipcar has lessons learned that we need to make sure that we've catalogued, we need to make sure that we've inventoried them and we need to make sure that they're reflected in this new language because I think that Zipcar has lessons learned that are very valuable to us.

I want to not lose sight of the fact that when Zipcar came forward with this proposal ten years ago, it was laughable to many people. It was a preposterous idea, but it wasn't. It was a good idea. It was a

business proposition. Zipcar capitalized, I think, \$20 million of vehicles not too long ago. It's a successful operation. They've really got a lot going for it.

So, I think we ought to stay close to the lessons that they've learned. I think we need to spend more time looking at this from the staff, but also I heard several people say, "How come we haven't had a chance to comment on these things?" And so I think we need to get a little more public input into this.

Thank you.

WILLIAM TIBBS, CHAIRMAN: So, it sounds like we'll deliberate on this at our next meeting.

For the public who is here, who may not know in the case of a zoning ordinance, the Planning Board makes a recommendation to the City Council, the City Council is actually the entity that makes the final

decision on this. So, you know, whatever we do, it's our recommendation and I can safely say in my years on the Planning Board, sometimes they take our recommendations and sometimes they don't.

We like to think the majority of the time they do, but I think on something like this, you obviously have another process with the City Council for whatever issues you have.

So, with that, I think we'll just take a quick maybe a five-minute break and move on to other business.

*(Short Recess Taken.)*

GENERAL BUSINESS

PB#206, 75 AMES STREET - REQUEST TO EXTEND  
THE TIME FOR 18 MONTHS

WILLIAM TIBBS, CHAIRMAN: We would like to get started, if we could.

The next item of business is Planning Board Case No. 20 of, 75 Ames Street and it's request to extend the particular time for 18 months.

Who is making the case?

ATTORNEY JAMES RAFFERTY: That would be me. Good evening. For the record, Jim Rafferty. On behalf of the applicant, Boston Properties; Kevin Sheehan, Vice President of Boston Properties; Mageleine Timin, present as well on behalf of Boston Properties.

The Board may recall this was a Special Permit granted in 2005 to authorize approximately 200,000 square foot multifamily building on 75 Ames Street bringing some residential life to the Cambridge Center

district, and the two years have been extended on a few occasions. We were last here in June of last year, and the Board was good enough to grant a one-year extension through September of 2009, we're essentially back tonight with the same request.

Mr. Sheehan can give you the details, but I imagine you can surmise on your own that at the present time, there's not an immediate construction commencement date. It wouldn't appear that would be realized between now and September of 2009.

So, the prudent thing was felt to come in now and request an additional extension through September of 2010 with the hope that during that period of time, the forces might align favorably to allow for the financing and construction of this property.

WILLIAM TIBBS, CHAIRMAN: Any questions or comments on the Board?

STEVEN WINTER: Yes.

WILLIAM TIBBS, CHAIRMAN: Steve?

STEVEN WINTER: Is financing the foundational issue?

ATTORNEY JAMES RAFFERTY: I don't know if you want to speak to that?

KEVIN SHEEHAN: Well, yes. Kevin Sheehan, Boston Properties. The history of the project is that we actually did have a financial arrangement with a development partner that was on the verge of going forward, but that fell apart at the beginning of last year, I think, and so since then we have been working with other potential partners, and it has become increasingly difficult at the end of last year and into this year, but we still have a couple of parties that we're talking to about the site, but Mr. Rafferty said no near term prospect of finalizing a deal.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Any other questions?

STEVEN WINTER: Yes, I had one other are there any comments from the Community Development staff on this request?

(No response.)

Okay. Thank you.

WILLIAM TIBBS, CHAIRMAN: Patricia?

PATRICIA SINGER: I'm curious to find out what the ramifications would be if we didn't grant this extension.

ATTORNEY JAMES RAFFERTY: The Special Permit, as a matter of law, would expire in September, and if a building permit was not issued by that time, then the rights contained in the permit would disappear and years of effort and hard work and labor and toil and sweat by the Planning Board stop -- if I'm going on too much -- it would be a doom's day scenario that no one would ever want to contemplate, but legally the permit would die in September.

HUGH RUSSELL: You would be required

to reapply.

ATTORNEY JAMES RAFFERTY: Yes.

PATRICIA SINGER: Thank you.

HUGH RUSSELL: I'm not sure that qualifies as a doom's day scenario.

STEVEN WINTER: Is there a two-year waiting period?

ATTORNEY JAMES RAFFERTY: No, because that's only on petitions that were denied. That's true. That's another scenario. I suppose if you saw the jar as half full, Mr. Russell, I'll take that optimistic view someday. But it's those filing fees that Ms. Paden collects, I don't know how many thousands of dollars she gets.

H. THEODORE COHEN: Has the zoning changed in the interim?

ATTORNEY JAMES RAFFERTY: No.

WILLIAM TIBBS, CHAIRMAN: Then they would have to refile.

ATTORNEY JAMES RAFFERTY: They have

to refill and we would have to, again, once meet the burden of -- we wouldn't suggest it would be perfunctory, we would have to go through the series of public hearings, you know, one can generally look forward to doing that if there's a more less painful way to achieve the same effect.

LESTER BARBER: There's an opportunity if circumstances had changed and we thought what we wanted to happen in the district and say no, we don't want to renew the permit, we want to start over again, but that certainly is not the case here for this particular use of this location is certainly fully congruent with our objectives for Kendall Square.

HUGH RUSSELL: I can only remember one time where circumstances had changed significantly that we did not extend a permit, it was the Alewife Center in 20 years, so...

WILLIAM TIBBS, CHAIRMAN: That got extended for quite some time.

HUGH RUSSELL: Ten years.

WILLIAM TIBBS, CHAIRMAN: Ten years I think it was, yeah.

STEVEN WINTER: Hugh, if I could ask you a question. What were the circumstances or the nature of the circumstances that made the Board take notice? Was it environmental building, developmental? What was it?

HUGH RUSSELL: It was a combination of additional information on flooding and environmental issues, more questions about the actual site and it's containing potentially hazardous materials, better understanding of the traffic situation in that area, and a somewhat different philosophy of the Board on how we would treat traffic.

So all of those things came together and we said no, there probably shouldn't be

two main square feet of offices on the grave site.

WILLIAM TIBBS, CHAIRMAN: And it was ten years. Ten years had passed with all sorts of stuff happening that made us want us to just feel the need to have it refiled.

Do we have a motion?

PAMELA WINTERS: I have a motion to have the project extended for 18 months.

WILLIAM TIBBS, CHAIRMAN: Do you have a second?

STEVEN WINTER: Seconded.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

*(Unanimous vote.)*

Opposed?

*(No opposition.)*

WILLIAM TIBBS, CHAIRMAN: Thank you very much.

POSSIBLE SIGN ORDINANCE REVISION DISCUSSION A  
REVIEW OPTIONS FOR UPDATING THE 1991 SIGN  
ORDINANCE

WILLIAM TIBBS, CHAIRMAN: We have on the agenda continued discussion on the outside sign ordinance, I guess.

Particularly, in light of the time, I just want to know if the Board still wants to do that or start that process?

HUGH RUSSELL: No.

CHARLES STUDEN: No.

LESTER BARBER: This was on the agenda just in case you had some thoughts since the presentation, but there's nothing urgent about it and we can take it up again.

H. THEODORE COHEN: I would personally prefer doing it another time.

WILLIAM TIBBS, CHAIRMAN: Yeah, I would, too.

And Tom has asked, he has an item he would like to discuss with us. It's probably

a good opportunity to do that.

THOMAS ANNINGER: Well, the rezoning that we considered last time was something that we issued, that the staff had issued an opinion on our behalf for to the Council, and I think we (*inaudible*) because, among others, Patricia, had sent around some materials, and there's been a lot of discussion about it, and it made me think that it was a late night and a very long hearing, and some of the deliberation that we had may not have given us a chance to go in it with quite the depth and cover all the issues, and I thought that the opinion didn't quite make the case strongly as I would have liked in all respects, and I bumped into Hugh, who seemed to have felt that there was an issue in particular that he was interested in, and I guess I would like to pass it to him to speak about how this fits in with the goals of the city.

HUGH RUSSELL: Yeah, in one of the emails, it must've been something that had been forwarded to me, there was a request by somebody saying, "Well, the city should examine how it fits in with its master plan."

And this is our master plan (*indicating*), that's towards a sustainable future, and I thought, you know, that's a good idea for almost any zoning recommendation that we pass on, to look and see how it squares with what's within this book and to report on that to the Council, just as an informational thing.

And so, I looked through it briefly tonight, and there's a policy on institutional land use, which says that they should be limited to areas that have historically been occupied by such uses and that reasonable density should be permitted in a core campus area.

So, I think, for example, we're

recognizing that the Newbury Street Hall/Sears building is really a core campus area of Lesley, and that the density that's permitted in that area may not meet that standard of being a reasonable density for the development of any additional use on that size.

So, that here is a case where I think the rezoning actually comes closer to meeting the policy plan than the present zoning. And I think, in general, if you look at the various features of that, that is, in fact, what's going on there. We're saying, "Oh, yeah, it makes sense to have a little more density in that place," and part of it's also related to the retail use. Policy 48 that says "Retail districts should be recognized for their unique assets, opportunities and function," and I look at that word "opportunities" and it strikes me -- I think we all recognize -- that having

the Art Institute of Boston moved to Porter Square reinforces the artistic resources in the neighborhood. There are a bunch of open studios that are already in that area as a place that artists move along the railroads tracks, in particular, 20, 25 years ago, and that adding the Art Institute would give a particular focus to Porter Square that would be welcomed.

Again, so there's a case where there's a policy that facilitating the move of that institution to Porter Square makes sense in terms of our overall policies that we've established.

There's a whole bunch more of institutional -- detailed institutional policies that talk about mixed use development when the institutions are in, you know, commercial centers that, again, are part of this, and so, I think we could say that the -- I'm really just skipping very

lightly over -- there are probably ten policies. The only one that I thought that they weren't actually staying with and, which I was unable to convince my colleagues to take a more aggressive stance on, is the one that says "The city should encourage permanent retention and protection of useful effective attractive private open space whether publically accessible or not."

And I felt there should've been something in the zoning that reflected that the church side-yard fit in that category and should be replicated in a way that was better than the widened sidewalk and the parking lot that the Agassiz neighborhood was advocating for.

So, I think it would be useful for an analysis to be done of this proposal vis-a-vis the policy plan before City Council. God knows we have to sit down and work through it point by point because -- I

think the city staff could do that. I think if we had been less tired and had more reflection, we might've done it. I might've asked for it. But is it too late since it appears that this issue is going to come up. I think there ought to be an answer on the table saying what we think is the case.

THOMAS ANNINGER: As a supplement to our original opinion?

HUGH RUSSELL: Right. Because it doesn't really change the conclusions of our opinions. It just addresses this particular relationship of this zoning to this document and we sort've implicitly understood it, but we should make it explicit, I think.

WILLIAM TIBBS, CHAIRMAN: I guess my question is: If we did that, does the Board want to see that before it goes or is it something that, again, you would feel comfortable with passing on or do you trust your...

HUGH RUSSELL: I don't know what the Council's schedule is. Obviously, if it could be done --

THOMAS ANNINGER: It's too tight.

HUGH RUSSELL: If they're going to vote on it before our next meeting, then it couldn't be done.

SUSAN GLAZER: The Council is taking this up again next Wednesday.

STEVEN WINTER: At the Ordinance --

SUSAN GLAZER: At the Ordinance Committee.

THOMAS ANNINGER: I think. That's the 27th or 28th.

SUSAN GLAZER: Right, the 27th.

THOMAS ANNINGER: So, I think I don't think there's time before our next meeting and we certainly didn't do that for the first opinion, so it would be consistent. Typically we haven't done that --

WILLIAM TIBBS, CHAIRMAN: I just

wanted to make sure --

THOMAS ANNINGER: -- for the sake of time and also convenience.

WILLIAM TIBBS, CHAIRMAN: Believe me I, hear you. I want to make sure that was -- so, does the Board want to do that?

H. THEODORE COHEN: Yes.

PAMELA WINTERS: Yeah, I think it would be great.

LESTER BARBER: Just as a general comment, I think we often forget to go back to that document, but it really was intended to do exactly what Hugh is suggesting, and you know, when we have the opportunity, we think about it, it is useful to go back and look at the policies and see how -- what is being proposed is reflected and it's not that necessarily a proposal can't do something different than the policies, but at least we have an opportunity to make a judgment about what is good about a new proposal as opposed

to the direction the policy might've suggested.

I think it's a useful compendium of the various policies that we've established for a whole range of functional area.

WILLIAM TIBBS, CHAIRMAN: And it makes it a much more active and useful tool as opposed to something just sitting on the shelf.

LESTER BARBER: That was its intended use.

STUART DASH: Right. And it's not intended to give an answer because it would just externalize the questions and the pros and cons to a great extent because actually you can look in there and find preserved neighborhood character and things like, and then it sort of thickens up the thinking of saying, yes, on the one hand, we're thinking about this, the other hand we're thinking about that and how do we come out on the

balances of those things...

PAMELA WINTERS: I have a question for Hugh. I think that the proposal was planning to extend the open space in the rear of the church, is that something that you did not find preferential to the side or...

HUGH RUSSELL: There's going to be, as I understood a design proposal, which is really an illustration of what Lesley's thinking is and it's consistent with it and shows a shallow open space, maybe not as deep as this room, more or less the full width of the lot on the street, which is a -- kind've an open space that's valuable and going to be used and particularly adjacent into our gallery space, you can imagine things spilling out, but it was the -- and then the Agassiz neighbors said, "Well, we walk up Frost Street and we cut diagonally through the parking lot to the T station, and you want something nice where we can walk,

but that's pretty, that's not the same as having, you know, a piece of hunk of green space on the avenue, and it struck me that maybe a hunk of green space on the other side of the street could also resolve some of the Oxford Court transition issues, and I mean, that's within our purview when we're reviewing a particular proposal.

But if the zoning suggested that there would be some requirement to do that or some advantage you get if you provided that, so...

THOMAS ANNINGER: What policy number were you referring to about open space?

HUGH RUSSELL: Policy 69 on Page A 1.

THOMAS ANNINGER: You're not talking about -- you're talking about along Mass Avenue at the church, you're not talking about the Sears parking lot?

WILLIAM TIBBS, CHAIRMAN: Correct.

HUGH RUSSELL: That's right.

I'm just saying right now there's this little piece of green space that is like the last remnant of what used to be a tree-lined street with mansions on it.

It actually exists because the church tore down a house that was sitting on that lot -- I've forgotten whether it was 100 years ago or 120 years ago or 80 years ago -- but it was a long time ago. There was a house more or less like the one adjacent to it on the right that they tore down for some reason or another.

And so, that's been there a long time. That's the last sort of little piece of green pocket part-like space for quite a long stretch, and they have the opportunity to do that on the other side of the street, you know, there was a provision that said if you put a green space on one of those parking lots on the other side of the street, you can

transfer the development potential to the other lot, so, you know...

THOMAS ANNINGER: I thought there was no TDR anymore from those westerly sites, I thought that was a change; have I got that right? So, I think that's not -- that was, but is no longer in the proposal?

HUGH RUSSELL: Maybe it should be.

THOMAS ANNINGER: Well, I think there's no turning back from that one.

WILLIAM TIBBS, CHAIRMAN: Yeah, I think we definitely had our opportunity to discuss and deliberate those things.

HUGH RUSSELL: Well, I think we didn't have the opportunity to discuss to deliberate this.

WILLIAM TIBBS, CHAIRMAN: Well, as person who -- well, as the person who on this Board has spoken a lot about the need to deliberate, I think it's -- you know, we decide what we do, but I think we can't go

back. I think going back --

THOMAS ANNINGER: I don't think it's going back on our discussion.

I think it's going on back where they are in the negotiations with the neighborhood. I think that would be death to the whole proposal if they tried to reverse that at this point.

WILLIAM TIBBS, CHAIRMAN: Yeah, and that's what they do.

HUGH RUSSELL: I think it's not inappropriate to say that in an analysis of how this fits the policy plan, this is a place where what's on the table doesn't protect that open space.

THOMAS ANNINGER: I would have thought that the area where open space is still right for discussion and improvement is the six parking lots. I think there's a lot of possibilities there that haven't been explored yet, and I think that's what people

cross, and I think that area is crying out for some good landscaping, whether it's green or hard space -- what's the word?

HUGH RUSSELL: Hardscape.

THOMAS ANNINGER: Hardscape. I don't know, but I thought the church site -- what is it, No. 18 and No. 1 or something, I forget, those lots -- is so small, and they're trying to do a whole school there, with a library for the church, I think it was asking a lot to try to, on top of it at all, talk about green space there, and I guess if I understand you, you're talking about across the street?

WILLIAM TIBBS, CHAIRMAN: Which is another alternative.

HUGH RUSSELL: I would say trying to replace that space within the Lesley holdings. I would certainly consider it across the street.

CHARLES STUDEN: My feeling is that,

you know, zoning is a pretty blunt instrument, and I think it's difficult sometimes to do what you're talking about. And are we going to have the opportunity to do this during this the Special Permit process anyway?

HUGH RUSSELL: I think it depends on whether the criteria for granting the Special Permit includes the consideration of this issue or not.

CHARLES STUDEN: Really?

HUGH RUSSELL: You know, if it says you got to consider open space as part of your Special Permit process, then you do it; if it doesn't say that, then you don't have to do it. You may do it, but you don't have to do it.

CHARLES STUDEN: I'm sure the applicant isn't going to come forward with a Special Permit when they're not addressing the open space issue, but you're saying we

may not trust them and --

HUGH RUSSELL: What -- my fear is that they will come forward and say, "We've made a deal with Agassiz that we're gonna to have a piece of open space about the size of this room and the deal is made and so approve it."

And to me, there's a difference between an open space the size of this room and an open space the size of the lot that this building sits on, which is about the size of that.

So it's -- I don't want to argue this issue because I think it's -- we made our recommendation on the basic features, but I think that we should in the analysis of how it fits the policy plan, we have to look at the relevant policy, and it may or may not muster up, and if there are places where it doesn't pass muster, the Council may then listen to that and say, "Well, gee, other

people are saying there wasn't enough open space, is this something we'll have to fix or not?"

It's in their hands now. We're just trying to get them the best tools they can have to make the best decision.

THOMAS ANNINGER: On your basic point, I think having read the discussion that was sent around by email, it seemed to me that there were counselors that were having some trouble trying to figure out which way to turn, and your thought of looking at this and tying it to this, I think is a helpful idea and probably gives us a better change of having some influence over decision than what we've done some far.

So, I concur with the idea that we do a supplemental opinion which I see nothing to prevent us from doing that.

WILLIAM TIBBS, CHAIRMAN: Yep.

THOMAS ANNINGER: Other than it

means some work for you guys.

WILLIAM TIBBS, CHAIRMAN: Go ahead.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: I guess I would point out that there is a process for deliberating these matters that is supposed to involve the public. This was not on the agenda.

I think there's a problem in that no one knows that you're having this discussion, so I think it's okay to talk about the process you went through and whether you could've done something differently or better or maybe next time we could, but I think it's problem is that no one has been noticed that you're having the discussion that you would then move to send something to City Council, I'm afraid it's probably not appropriate.

H. THEODORE COHEN: Can I address that?

WILLIAM TIBBS, CHAIRMAN: Sure.

THOMAS ANNINGER: Yeah.

H. THEODORE COHEN: I think, Roger, you raised a good point that it was not on the agenda, although I think the agenda always has other discussions, and I think there's nothing wrong with our discussion of the fact that in our name a communication was sent to the City Council that we have now looked at and felt that, well, it was fine in and of itself, that we think that there's an obligation to keep the proposal back to the master plan and are giving direction to staff to do a supplemental communication to City Council that would make reference to the master plan.

And so, I don't think there's anything inappropriate with this Board doing that at this time.

I would oppose any opening of the discussion to what we deliberated and voted on last meeting or two meetings ago because I think at that point we gave direction to

staff of what we wanted to go to the City Council, and if we failed to say but, "Oh, yes, remember to make reference to the master plan," we're just following up on that at this point.

THOMAS ANNINGER: And just to make it clear, the public hearing was closed, so it's not as if there would have been any further public testimony if we had put it on public agenda.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: It's just a matter of letting people know that it's being discussed and have the opportunity to come and listen and perhaps...

THOMAS ANNINGER: They'll have an opportunity to read what we say and what we've been deliberating on.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: I would have to respectfully suggest it's a bad precedent, we've never done this before, and I think the public has certain

expectations in the manner in which they'll be noticed about these issues and how it's discussed.

It's -- I think that -- I think it's unfortunate that the Board seems to feel something was missed in the staff's writing up of it. I personally think it's pretty close.

CHARLES STUDEN: I thought --

WILLIAM TIBBS, CHAIRMAN: Nobody feels it was a miss.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: So, there I feel it's unfortunate that no one thought about bringing up the policy plan during all that discussion. I think that's a fine thing to do. I mean, we've all been involved in that, but it wasn't part of what people's expectation is about what you were saying, so that's just my opinion.

STEVEN WINTER: Mr. Chair?

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: It would be problematic not having people know about it.

STEVEN WINTER: Stay where you're, so we can have this conversation.

Would it be appropriate for the Board to send something to the Council referring to the plan and indicating that the plan is foundational to the types of decisions that we make? Does that not achieve what you want to say regarding this because I think Roger's got a point.

If the majority of the Board want to go a different way, then that's that, and I would go with them. But I think there's a point here. If -- we can say what you need to say without a supplemental decision or a supplement to our decision, what do people think about that?

WILLIAM TIBBS, CHAIRMAN: To be honest, I don't know.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: Could I add one more note to that, Steve, I mean, it seems to me what you're saying makes total sense in relation to the policy plan, but, frankly, I don't see that it changes your decision.

In fact, you're saying you don't want to change it and so I think --

CHARLES STUDENT: I agree.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: -- it's confusing to the City Council to be getting another communication, and I also think it's confusing to the public that somehow they weren't aware, okay, the policy plan is the policy plan, it's consistent with what you're saying, but it wasn't what they heard.

CHARLES STUDEN: Also, the policy plan is not going to do deal with what you're saying, Hugh. It's not going to deal with the specificity of the open space issue.

HUGH RUSSELL: I was using that simply as an example.

THOMAS ANNINGER: That's not what he was talking about.

CHARLES STUDEN: So what would it say?

HUGH RUSSELL: Here are the policies that apply to this, and this is how they apply and this is how the proposal fits with the policies.

CHARLES STUDEN: But they apply nonetheless even when we review the Special Permit at some point we can use that same argument consistent with the policies of City's master plan.

HUGH RUSSELL: Again, I go back to my first opening statement, I read in the discussion somebody saying the City should -- they were going -- somebody was going to get up Thursday and say, "Send it back to find out how it relates to the City's master

plan."

WILLIAM TIBBS, CHAIRMAN: If somebody does that and then the City Council requests that, you're going to do that anyway.

HUGH RUSSELL: We should have done it ourselves.

ROGER BOOTHE, DIRECTOR OF URBAN DESIGN: Again, I think, as a discussion, perhaps in the future we ought to be doing that.

We used to do when we first published the policy plan, we did it in '93 and we slipped away from doing that since we re-published it in 2006, I believe it was. We haven't done that.

It is important, I think, to note if you really read every bit of the policy plan, you might find contradictory things in there. I mean, it's not a road map. It's a list of policies and what Stuart was suggesting

earlier, it's a weighing process that sometimes if you looked at the residential policies, you might find something in there that suggested Lesley College expanding at all was not a good idea.

It's not really as though you can go back and say there's a checklist. It's a question of having the deliberation in a public way so people understand what's been talked about.

HUGH RUSSELL: I think, with all due respect to the members of the City Council, I don't think they really have a very detailed knowledge what's in this book and that it's in this book in this form.

I think if you were to talk to most of the members of the Council, you would find that, indeed, this was in general -- they were in full support of this. I don't disagree that on a particular proposal some things will be pro and some will be con. And

I don't think this should be a doctored thing to only put the pro things out there.

It should lay out how this proposal relates to this document in a very short and digestible form. And, you know, it could be one page saying "These are the 12 policies." That might -- that would be the cliff notes version, you just say, "Okay, here are the 12 policies, this is what they say, they seem to apply to this."

H. THEODORE COHEN: Could I -- I'm sorry.

PAMELA WINTERS: Okay. I was going to ask a quick question. Who is going to be presenting to the City Council?

SUSAN GLAZER: Right now the staff usually doesn't make a recommendation. This is second meeting you realize that the City Council will be having at the Ordinance Committee. There was a meeting several weeks ago and this is -- they wanted some more time

to think about it, and so that's why the second meeting, but usually the staff, if they make any presentation at all, it's very brief. This was Lesley's zoning request and they were the ones who made the presentation to City Council.

PAMELA WINTERS: I was thinking if you did, in fact, did the presentation that those footnotes were in the presentation that would -- never mind.

H. THEODORE COHEN: Well, having said I thought we could do it, on further reflection, I think Roger is correct we ought not to do it in part because now when I think about it, what you're saying, Hugh, maybe there are 10 or 12 points, but I think the entire Board ought to hear each point and have a chance to say yes, we agree, it does this or, no, we didn't think it does that. Because you could just as easily have said, "Well, I don't think that, you know, the old

Sears building was core campus, and therefore, we're moving Lesley from not core campus to core campus and so, I think, this is really something that ought to be deliberated or discussed in public and that since we already took a vote on everything, and we're not reopening it right now, unless we do get a request from the City Council, I think we ought to just stick with what we have done, and I think as we go forward in the future, we ought to do it for future projects and so you know, we didn't do it this time, but I think maybe we ought to just leave it with what staff has said so far, and if City Council asks us to review it, then it will come back and we'll do it at that time.

HUGH RUSSELL: I'm very comfortable with the notion that we shouldn't be relating our decisions to our adopted plan, that we shouldn't be looking at this from that

planning perspective and that we cannot look at something and provide more information. I think both of those notions really rub against me; stick with something that we know to be defective and we have missed something that we should have done just because we didn't do it.

CHARLES STUDEN: Are you suggesting we have a --

WILLIAM TIBBS, CHAIRMAN:

Personally, I don't think anybody here is saying anything is defective.

I think we're saying we missed an opportunity to make a case. I wouldn't say it's defective at all.

And also, I hear Roger's concern about us as a process and us sort've doing something that can just make it confusing both legally and all sorts of things, so it just opens the door for more -- we have enough ramifications on these kinds of issues

so I think, if anything, to me, it means we really just, you know, when we decide to make a decision and we'd just like to vote, we should make sure we're comfortable with what we're saying and that we're writing here.

But I would agree with Ted just said that we can -- we should note that for the future.

HUGH RUSSELL: Put it on the agenda for the June 2nd meeting as a discussion, we can have that discussion on June 2nd and a thousand people can come watch us do it because I think we should have really done it.

WILLIAM TIBBS, CHAIRMAN: I mean, I have a real problem with us voting on a decision and bringing that up for deliberation again. I just have a --

HUGH RUSSELL: I'm not proposing to reconsider the decision.

I'm proposing we that have a

discussion about a decision we made that relates to the contents of the master plan of the city. That's a different discussion.

THOMAS ANNINGER: Furthermore, this is not a Special Permit that we're reconsidering, this is just a recommendation to the Council on a zoning decision. And I would think that while the Council has its ongoing discussions, we ought to be able to have those as well. I don't think it's a vote on a decision quite the way you're putting it.

You're giving that a very hard edge when I don't see it that way. I feel we did what we could the other night. It was a very long meeting. I, for one, didn't want to force a whole other hearing with a large crowd to come to try to do it again, but I do think if we have further things to say on it, I see no harm in continuing the discussion.

WILLIAM TIBBS, CHAIRMAN: I really

need make a comment because I think you mentioned that before by somehow in our deliberations we're forcing another hearing, the hearing was closed and so --

THOMAS ANNINGER: Well, questioning another agenda item.

WILLIAM TIBBS, CHAIRMAN: Agenda item, and people could sit in the audience and listen to them.

THOMAS ANNINGER: That's fine.

WILLIAM TIBBS, CHAIRMAN: And I think that's exactly what we're here for.

If the Board wants to, and it did at that time, if the Board wants to make a decision that night, we did, but I think if we feel we need to talk, we need to talk, and I think it's exactly why, which is exactly why we put deliberations on here, so I just -- yeah.

THOMAS ANNINGER: I'm lost now. What is wrong with asking us to put an agenda

item for June 2nd?

WILLIAM TIBBS, CHAIRMAN: I guess the real question is, WHAT action do you think is gonna to come out of that agenda item that's in my case, so...

THOMAS ANNINGER: In part, to enable us to do what somehow people -- some people seem to thing we're being prevented from doing tonight.

PAMELA WINTERS: Will the Council have voted by then on this issue? Or could they use a little more help in reaching their decision or...

HUGH RUSSELL: I think it's the Ordinance Committee that hasn't had the second meeting, so it's not up for coordination, is it?

ATTORNEY JAMES RAFFERTY: Just on the procedural issue, the Ordinance Committee voted to defer the matter to the Council, they did, however, also keep it in the

committee to have this hearing next week where Mr. Sullivan has been invited because also before the Council is a pending landmark designation from the Historical Commission.

So, the reason that the Council asked for it to remain with the Ordinance Committee, is they wanted to have a discussion as to how they could reconcile the proposed landmarking with the rezoning, and it's my understanding that would be the subject of the meeting on the 27th with my discussions with the Ordinance Committee chairs, but the matter has gone to the Council with the recommendations, but I don't believe it would be right for a vote before June 2nd because I don't think it -- unless it happened Monday night.

LIZA PADEN: It has been published.

ATTORNEY JAMES RAFFERTY: Did they go to the second meeting?

LIZ PADEN: It's been published.

ATTORNEY JAMES RAFFERTY: In theory, then I would think it has to sit on the table for two weeks. So, depending if it did get published on Monday night, then, in theory, it could be voted on on June 1st.

But it is at the Council and it was kept in the Ordinance Committee for this issue with the Historical Commission.

PAMELA WINTERS: Okay.

PATRICIA SINGER: I would like to separate the procedural piece from the specific example.

I think that there would be merit in discussing this again on June 2nd by way of example to arrive at some sort of a template or something that we could use to improve our decisions going forward, as Hugh is suggesting, to take the 12 points out of the master plan and perhaps create a template that we could check off on major initiatives

going forward or comment on.

But I think that there's a little bit of a -- I feel that there's a problem in going back on something that we have signed and sealed and delivered. I'm really uncomfortable with that.

WILLIAM TIBBS, CHAIRMAN: So is that okay with you?

HUGH RUSSELL: No, it's not. I don't agree. I don't feel like I have to agree with everything.

PATRICIA SINGER: No, we don't.

I think I would like to make another point on this. We don't normally see the opinions, and I was really quite startled to see the word "enthusiastically" forwarded. I think we need to be careful in writing up these decisions and passing them forward using additives and adverbs because they really --

H. THEODORE COHEN: We voted

enthusiastically.

WILLIAM TIBBS, CHAIRMAN: It was very much there.

PATRICIA SINGER: Then I stand corrected on that matter, in the same way that I'm saying that I think there's a real merit to putting -- to contemplating the master plan going forward and to reducing it to some sort of a template so that these meetings don't go into 3:00 in the morning, and I think we really need to be careful about adjectives because sometimes they're going to cut members of the Board out, so that would be just another comment, and it has happened before.

PAMELA WINTERS: Yes, it has.

WILLIAM TIBBS, CHAIRMAN: What is the Board's desire? Do we want to discuss this issue on the 7th as an agenda item?

THOMAS ANNINGER: I'd second that.

WILLIAM TIBBS, CHAIRMAN: Should we

vote on whether or not we want to do that?

I guess we are at point that we really should.

STEVEN WINTER: I would like to hear Hugh's perspective as whether we should discuss it on the 2nd.

HUGH RUSSELL: I think we should discuss this matter and how the decision we made relates to the documents and put ourselves on record on that, and if we can't do that tonight, then I would suggest we do it on the 2nd.

PAMELA WINTERS: And then if the City Council has not yet voted on it, they will get that information from us?

WILLIAM TIBBS, CHAIRMAN: We talked about discussing right now that's when I said what's the outcome of that discussion. If the intended outcome is to send something to the City, then I don't think we need to discuss it. If the intended outcome is to

discuss it so we have a better -- as Patricia said, so we can understand using this as an example how we can better do this in the future, I'm all for a discussion.

But if the purpose of this discussion is for an outcome for something to go back, I would say -- you said separate them, but I think they're all combined.

When I asked you earlier, "Is that okay with you," it was more about the separation of those two things. We can obviously bring back up the issue after the discussion ends as to -- depending how comfortable people feel about doing that, but if that were the case, I think we really should vote here as to whether or not we feel we should send a supplementary response and have a discussion based on what that should be or if you feel we should discuss it in general, which I thought you were looking into, I'm not opposed to that, but it's

really what the outcome really is.

HUGH RUSSELL: I think I agree with what you're saying, that we have a discussion, we'll know a lot more at the end of the discussion and it will become clearer what we should do with the results of the discussion.

H. THEODORE COHEN: But I can't buy into that because if we have this discussion and then conclude, for whatever reasons, hypothetically, that we only comply with the proposal -- the proposal only complies with two of the 12 points, or five of the points, or whatever number, do we then say, "Well, gee, we shouldn't have used the word that we 'enthusiastically' endorse it," that we should've merely should have said, 'Well, we think it's okay or we don't like it.'"

I mean, I think it goes to the whole issue, are we then going to reconsider the decision we made before.

I think it's a shame we did not consider it at the time we were deliberating everything and I guess I don't recall considering it much at all in any past project, and I think we really ought to going forward, but I think it would tend to procedurally gum us up tremendously with this project, we then would need to vote to reconsider what we've said and then send something new to the City Council. I just think it's just bad all around to do that.

PATRICIA SINGER: I think --

H. THEODORE COHEN: I have no problem with separating it to use it as a model of what we did and how we should consider things in the future, but I would be opposed to using it as a means to reopen what we've already said.

And I acknowledge I changed my position from the beginning of this discussion where I first thought it was just

clarifying our decision and saying, well, we should've mentioned these things and here they all fit together.

But I think it just opens up a much larger discussion for all of us that we ought not to do.

PATRICIA SINGER: Without meaning to sound argumentative, I think that somewhere I really disagree with what's being said here because we have all read this master plan and we're all somewhat familiar with it.

I certainly don't pretend to have as much experience or knowledge as you do, Hugh, but when I'm making these decisions, implicit in this, I'm thinking about it, and I think what I'm hearing from you is, you want it to be not implicit in the decision, but explicit. That's a very different than thinking that we did something right or wrong with this particular vote that we took last time and I think that point is very well

taken.

I think the problem with the last vote is, it's when the light went on that we that we should be explicit. But, unfortunately, that horse has left the barn and I don't know how we can go catch it.

And, in fact, I would say if we're going to discuss that expressly at the next meeting, I would want Council to tell me it's okay to go back and open it up.

But to say that this is a fabulous point and we should think about it going forward, I'm 150 percent behind that.

HUGH RUSSELL: You stated exactly what I believe, that we are implicitly using these. There's no fear when we look at them we're going to find we were way off base.

And I can remember a long time ago in the days of Paul and Fred on this Board, where there were multiple communications with the Council as things were being considered,

there was more of a dialogue on some of the zoning matters in the '80s and early '90s, and I don't think it was precluded from sending communications on planning matters to the City Council.

PAMELA WINTERS: Hugh, if the Council already has voted on it on the 1st, would you still want to have a discussion on the 2nd?

HUGH RUSSELL: It would be a different discussion, it might be a shorter discussion that would -- if there was a talk of a template, I think I probably -- to me, the procedural process is that we probably want whenever a zoning petition comes up to have a staff report that says, "Here's the policies you should look at," and giving us the benefit of their advice on those policies since, you know...

THOMAS ANNINGER: I think there's one more outgrowth of this discussion that I

feel, which is not only do we need to consider perhaps explicitly at you've been putting it, these policies, but given what has happened, I think that one less thing is we shouldn't send off an opinion to the Council on a rezoning matter without reviewing it in the following sessions so that we can have a chance to do exactly what we're doing now. I don't think it captured how I felt.

And I do agree with you that I don't think the adverb fits the rest of the writing and I think that's the problem. I don't think it's the enthusiasm that was wrong, I think it's the tone of the rest of the opinion that doesn't capture that enthusiasm in a way that makes the case, and I think that, at least, is part of what's going on here even though it's an uncomfortable thing to say that because the staff works hard, and I'm not looking here to get into a difference

between us and the staff, that's not a good idea for a whole bunch of reasons, but I think one is an example of that and I think that's a big part of the underlying reason why we're having this discussion. And I'll be reluctant from now on to just give a cart blanche without seeing it again if that's what -- if we cannot then later say, you know, I think there's a little more to be said, and I think that's a really unfortunate outgrowth of this.

WILLIAM TIBBS, CHAIRMAN: I don't think it's that unfortunate. I think that's the choice we can make.

Sometimes we feel it's important to see drafts before we send it off and sometimes we don't. And I think if we saw every zoning draft that went before it, I don't think the staff would have any problem with that and we shouldn't have any problem either.

THOMAS ANNINGER: So that's one outgrowth, but the implication of what I was trying to say is, I think it's unfortunate to conclude that we can't say something further later, as what Hugh was saying, is, I think we can have further dialogue. And we saw some discussions from the Ordinance Committee and now we're responding to that. I can't see what could possibly be wrong with that.

LESTER BARBER: We have on occasion and the Board has on occasion wanted to sending quickly along for whatever reason and indicated to the Council that we're going to talk about it further and will have further communication. I think that -- if we think we want to do that, we should be explicit about it. I don't think it would be a good policy to vote and adopt a recommendation and then whenever the mood overcomes us, we decide we're going to sending else as a

supplement to that.

As a general policy, I don't think that would be a good idea, but it's perfectly fine if you want to, after deliberations, forward a preliminary comment for whatever the context suggests would be appropriate with the advisory opinion to the Council that we will be supplementing that with further material as we have the opportunity to review it.

PATRICIA SINGER: I have another fear, and that fear is that we, at some point, if we don't vote, if we don't express opinions in a timely fashion that we're going to be viewed as obstructionists, and I think one of the wonderful things that has happened is, that we have worked so well with the staff, and, frankly, I think because of all of your talents, we've worked fairly well with the public and the people who come before this Board.

And so, I just wouldn't want to do anything that would jeopardize that, frankly.

STUART DASH: It's probably good to know the specifics on the situation, just in terms of going ahead, because there was a funny animal where it had come forward once and there was a fair amount of discussion during the one time, and then it came forward again and actually had probably less discussion the second time and they went to midnight and everybody felt caught in the little window, instead of stopping and thinking about that at that moment, because it's not everyday, but it certainly happened, not infrequently, but not every case that sort of gives you squeezing the window kind of thing where you feel pressed and maybe it's good to say, "We have one of those cases, let's sit and think about what we talked about here" and say "Maybe we want to read the decision before it goes out because

we're sort've squeezed for time," or "Maybe we want to make a preliminary thought and take more time to deliberate and sort of see that moment to sort've, you know, let's take that care right here" because this was sort of an unusual case the way it proceeded.

WILLIAM TIBBS, CHAIRMAN: I don't know how unusual. It was unusual for me because we pressed ourselves for a time limit. It was ours. I mean, we have a process and we have time to deliberate. If anything, sometimes I get concerned when the process as such, particularly, if we give things back to the proponent, that we don't have time to deliberate, but in this case, it came back to us, we had time to deliberate it, it was our decision to limit that. It was not any external force that did that.

And so, I think we should be very aware of that. I mean, as long as we make our decisions within the time frame that

we're allowed and we tend to look at the ordinance -- I mean, the City Council and what they're doing, and sometimes we speed that up to make sure our opinions get in in a timely way, but as long as we do that we're not being obstructionists or anything. We're just doing what we do.

I've made this case before, but I think deliberation is really important for reasons why we're talking about this tonight because sometimes we want to make sure that we all understand what we're saying, and we all hopefully will agree with what is written as we send it on.

This wasn't a case where there was some time period. We ourselves decided that even though it was a very long night, we wanted to move this along and we did.

THOMAS ANNINGER: I think you captured exactly how I see it, Stuart, and I did feel the pressure of that window. I may

have misperceived it, but that's exactly how I felt it was moving along, and I didn't see a good option to moving that one more night and trying to reconstruct the intensity of the discussion that we had from that hearing which was a pretty powerful hearing if you remember, and I thought we needed to move it along, and I still think we probably did the right thing, but here we are.

WILLIAM TIBBS, CHAIRMAN: I think I guess I would tend to agree with Patricia on the order if we were even contemplating the idea of sending something to the Council to just give us advice as to whether that's appropriate or not.

PATRICIA SINGER: Because I really think that this is going to come up again, so if we're facing it today, let's get an answer today.

WILLIAM TIBBS, CHAIRMAN: I still don't get a sense of what we're doing. We

could actually vote on the idea of putting it on the agenda at all, or we could put it on the agenda, and, again, that has to be on the agenda, I would think, as a discussion of how to integrate these two things in our decision as opposed to putting it on the agenda that the Planning Board is re-discussing this project. I think that does begin to -- I think that's the only way we could do it.

HUGH RUSSELL: I think we have done almost everything we need to do in terms of the noting what happened and what we might want to do in the future.

And so, I think it really comes down to whether we feel a further discussion of this particular case with the potential of sending further information to the Council would be of benefit to the Council in making their decision or whether it would -- and you know, there could be lots of different ways

of looking at that. It's not clear to me that after all this discussion that it would be of -- whether the Council would pay attention, whether they would get confused or not. But I wish they would have this analysis in their hands and would pay attention to their adopted policies.

WILLIAM TIBBS, CHAIRMAN: Again, I mean, I've always said that we try to be somewhat rational in our planning decisions and the Council is political.

HUGH RUSSELL: That's their job.

WILLIAM TIBBS, CHAIRMAN: Yeah, they go through a different process when they are looking at these things. I think having it in their hands would be helpful, but they're going to go through the process the way they go through the process.

THOMAS ANNINGER: I would let Mr. Rafferty make a comment.

WILLIAM TIBBS, CHAIRMAN: Yes,

Mr. Rafferty, you were about to say something?

ATTORNEY JAMES RAFFERTY: Only with your permission, Mr. Chair.

WILLIAM TIBBS, CHAIRMAN: By all means.

ATTORNEY JAMES RAFFERTY: I would only observe with all due respect that I do think this is an area where great caution should be exercised.

As an observer, I'm hearing one board member say that they think the recommendation doesn't contain the level of enthusiasm they were looking for, and another board member saying, "Well, upon reflection if we really look at some of the policies, there are some areas where the petition doesn't meet the policy."

It really feels like you're going to be reopening the deliberation and that would suggest then, unless a board member felt that

the ultimate recommendation needed to change that they were no longer comfortable, it seems this is fraught with potential for missteps, and, frankly, could be used by people on either side to suggest that there's a flaw in what the Planning Board initially recommended that they're going to be changing it.

I would share the caution in a generic sense about what this all would mean at the end the day the recommendation is to adopt and I'm -- the Board knows in Article 19 project reviews Special Permit, the applicant needs to, in one the criteria they respond to, how the project meets the growth policy manual. That's a requirement placed upon the applicant in the project review process. If you're going to make that determination at the outset after you've already have enthusiastically recommended a zoning petition perceive that that feels a

bit unusual. But I certainly respect the Board's ability to pass the zoning petitions through that filter as a matter going forward. I think there's a lot of benefit for that.

I would just say as a lawyer, that I would be very uncomfortable where the discussion can lead you because if you did an analysis under this growth policy manual, what if the checklist came out differently? Does that then change the underlying recommendation and what are you saying at that point.

WILLIAM TIBBS, CHAIRMAN: So what are we doing to do?

H. THEODORE COHEN: I suggest we do nothing right now. And that at some time in the future, perhaps one of our summer meetings when we don't have anything on the agenda, we can take up a discussion of how we should work the accommodation or reference to

the master plan into future zoning reviews and presumably under Special Permits they already have to be addressed, but a more active addressing of the master plan in our decisions.

WILLIAM TIBBS, CHAIRMAN: I would agree with that. How do others feel? I know how you will probably say you don't.

CHARLES STUDEN: Absolutely. I felt that way from the beginning actually.

WILLIAM TIBBS, CHAIRMAN: Pam?

PAMELA WINTERS: I'm a little torn, so part of me feels that if it would benefit the Council in their decision-making, then it might be a good thing, but on the other hand, I hear what Mr. Rafferty said and it could get confusing, so I have to say I don't know.

WILLIAM TIBBS, CHAIRMAN: I would agree with Ted at this point that we should just hold off at this point.

STEVEN WINTER: I concur with Ted

also.

WILLIAM TIBBS, CHAIRMAN: Patricia?

You weren't here, but...

A. NUR: I was not part of it. Just listening to what is going on, I would think one way or the another you would probably need permission from the Council, and the situation is out of your hands, and you all voted to go do that, then I think fortunately the Council -- but either the public has to be invited or the Council. The public, I could be corrected, but in order for the public hearing it reopen, the Council still has to approve it probably.

WILLIAM TIBBS, CHAIRMAN: We're not reopening. I think that's a concern. They're supposed to be available for our deliberations. I guess by my count at least, we're looking -- even though we have not formally voted, it sounds like we're moving towards not doing anything at this point.

HUGH RUSSELL: I know I learned quite a bit about consensus decision-making, and there comes a time where someone who may not have had -- maybe someone unhappy can say I consent to a decision that is being made by his colleagues, and this is a time I will say I do consent to what is you're advising.

WILLIAM TIBBS, CHAIRMAN: Thank you.

THOMAS ANNINGER: I'm sorry, you said you do or you do not?

HUGH RUSSELL: I do.

THOMAS ANNINGER: I consent to that, too. I yield as I guess they say in the Senate. I think it makes sense what I've heard and I understand it, and I agree with the point that was made by Mr. Rafferty which is there are -- there are some unpredictable risks to this from a lot of different directions that are probably not worth opening up. So, I'm willing to just leave it be and hope for the best.

LESTER BARBER: We could certainly understand try to remind you when there are there agenda items before you that we think -- some little zone changes are very specific to the context, and I don't think you have to go through the whole set of policies to try and review it, but we can certainly try to advise you that this particular proposal is of such significance that we think you ought to review the City's policy, objectives and see how it confirms.

THOMAS ANNINGER: Mr. Barber, let me ask you this question: You're sitting in the Ordinance Committee and Henrietta Davis says, "Mr. Barber, would you just remind me how this zoning petition fits in with the master plan updated to 2007," what will your answer be?

LESTER BARBER: I don't think I will likely confront that question.

HUGH RUSSELL: I promise not to feed

it to her.

(Laughter.)

STUART DASH: It could go on for awhile.

ATTORNEY JAMES RAFFERTY: Mr. Barber has made a career out an evading answers.

(Laughter.)

LESTER BARBER: I could certainly have my opinions, but I think at that point I would probably say that's -- that certainly the Board did not make explicit findings with that. But perhaps I could find policies are supportive of whatever the Board's recommendation might have been.

ATTORNEY JAMES RAFFERTY:

*(Inaudible)* comfortable with the Board, particularly Mr. Russell's point of view, I will say that in our conversations we have had with the Council and the Ordinance Committee, those issues are very much front and center and the expectation is that the

petition, in whatever form is adopted, will be reflecting change in those areas.

I mean, we have been told as much by the Council's focus on this and, frankly, we told them, we were asked, where were the areas of concern and I identified setbacks and open space as issues that need further analysis, so those are the issues that the Council is dealing with. It's not as though they're unaware of the significance of those issues.

LESTER BARBER: They will be hearing from the Historical Commission with regard to the landmark.

PAMELA WINTERS: Uh-huh.

**BOARD OF ZONING APPEAL CASES**

WILLIAM TIBBS, CHAIRMAN: All right. Shall we discuss the BZA cases? Does anybody have any --

I don't know if I gave you your quickie tour of our business and how we do it but the Board -- we review the Board of Zoning Appeal cases to see if there's any that we feel we need to make comment on and it's usually the cases that right before they're going before --

PAMELA WINTERS: One Brattle Square. Is that the one?

THOMAS ANNINGER: Is that the one with the word "antenna" on that list?

LIZA PADEN: So that's the antenna that was brought up from where there's a number of installations on that building already. And this is an additional installation.

THOMAS ANNINGER: That's one Brattle

Square. There are a number on there and they're not great.

HUGH RUSSELL: Are they visible from my office window?

THOMAS ANNINGER: Yes.

LIZA PADEN: The comment on One Brattle Square is that the equipment shelter breaks the skyline.

THOMAS ANNINGER: I don't know what the law requires us to do, but I would say no to this.

WILLIAM TIBBS, CHAIRMAN: We have not adjourned yet. Our court reporter is trying to figure out what it's we're saying or not saying.

The addition of the boxes is inappropriate, it's asking a new form to the skyline. The other antennas on the other side, they're bad, but they're adding a few more where there aren't some, but the box --

THOMAS ANNINGER: What can we say

that's helpful rather than just negatory, is there anything?

WILLIAM TIBBS, CHAIRMAN: Sometimes negatory is --

THOMAS ANNINGER: Well, I agree, but. Negative is fine, but...

PAMELA WINTERS: What we like about it.

THOMAS ANNINGER: Any suggestions that we have?

PATRICIA SINGER: The question before we --

THOMAS ANNINGER: What is the principle we're saying which is they're adding to a cluttered roof top another form which --

H. THEODORE COHEN: It's almost another form.

WILLIAM TIBBS, CHAIRMAN: It's not a cluttered rooftop. I think that building design is really to try it keep some kind of

*(indicating)*.

THOMAS ANNINGER: Maybe that's a better way of saying it, that's right, we want...

WILLIAM TIBBS, CHAIRMAN: They're adding another form to a building design.

STEVEN WINTER: Where the building design is to come down, I think --

WILLIAM TIBBS, CHAIRMAN: You see --

THOMAS ANNINGER: The height of that building was under great discussion when it went up and this is just adding to that.

PATRICIA SINGER: Is it higher than the buildings we just approved a couple months ago?

HUGH RUSSELL: Yes.

PATRICIA SINGER: It is higher than that and we really struggled with the height of those buildings.

HUGH RUSSELL: I think that the informal advice is to see if you can find a

way of lobbying it on to some existing form there so it doesn't add to the skyline.

THOMAS ANNINGER: Right.

HUGH RUSSELL: Or you in this one the building owner wouldn't -- you're getting a huge income from this installation, put that equipment inside the building and trade off 100 square feet of interior space for a bump on the roof. Yes, you're going to lose whatever --

THOMAS ANNINGER: Can it be put in there technically --

HUGH RUSSELL: Sure.

THOMAS ANNINGER: -- and have the same effect?

LIZA PADEN: Many other installations are inside buildings and inside the parking garages, lots and basement.

THOMAS ANNINGER: There should be no more bump out into the sky.

LIZA PADEN: Any other BZA cases

anybody has comments on?

H. THEODORE COHEN: 2447 Mass Ave.

LIZA PADEN: 2447 it's outside of where Linear Path crosses Mass Ave and it used to be the Marino place.

H. THEODORE COHEN: Maria somebody.

PAMELA WINTERS: Somebody bought the Marino building?

LIZA PADEN: No. This is the Maria's -- I forget the name of it. But it's one of the small -- there's three or four. There's a coffee place and there's two restaurants, two fast order food, it's one of those storefronts.

ATTORNEY JAMES RAFFERTY: It's a district where you can put a tattoo parlor in, right, and a caterer needs a variance. The restaurant had a fast-food variance. The fast food use is gone and this guy, Season to Taste Caterer, a high-end caterer, has the kitchen exposed so people walking by can see

them cooking -- I know I'm speaking out of turn -- but you can have a table set up so the prospective brides and people can come in and taste things and all that and for this he needs a variance because it's hard to figure out where it falls on the table of uses. The higher authorities in the Building Department have concluded that it's light industrial assembly of food, but if he was doing it in a bakery, and his lawyer said, "Why don't you put a cake or cupcake on a shelf and call yourself retail and you can do this as of right, but he's one of those honest types.

PAMELA WINTERS: And you're his lawyer.

ATTORNEY JAMES RAFFERTY: Opposites attract, you know.

When we met with the neighbors -- there's now four, if you count them, tattoo parlors, north of Porter Square and they're allowed as retail uses and this guy who lives

in the neighborhood really -- he operates now out of the bakery in -- the Mariposa Bakery in Central Square because if you're less than 40 percent catering, so he uses their kitchen and does all that. His goal is someday to have a tasting table so he could on weekends maybe just have private dinners. It's a great thing.

STEVEN WINTER: I got a comment. Mr. Rafferty, I think you should just go get that second tattoo and get it out of the way. This is 1416 Kelly Road and I don't want to spend any time on it.

WILLIAM TIBBS, CHAIRMAN: Were you done?

H. THEODORE COHEN: Well, it was fine.

ATTORNEY JAMES RAFFERTY: Do you want to give him a pat on the back?

LIZA PADEN: Are you looking to give him a vote of support?

PAMELA WINTERS: I will.

LIZA PADEN: Thank you.

STEVEN WINTER: With that, Kelly Road, often we see the -- where they say we're going to extend the front bay or we're gonna add a bay, and what that really means is pushing the room out, making rooms larger. It's really not a bay window, it's architecturally an extension of the building that goes forward and I want to bookmark it so if we see it again or as we see it again and we want to start talking -- talking about it again, I find it troublesome and I have seen it a lot.

LIZA PADEN: Okay.

WILLIAM TIBBS, CHAIRMAN: Are we done?

PAMELA WINTERS: Yes.

WILLIAM TIBBS, CHAIRMAN: Then we're adjourned.

(Whereupon, the Planning Board

proceedings were adjourned at  
10:55 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 10th day of February 2009.

---

Jill Kourafas  
Certified Shorthand Reporter No. 149308  
Notary Public

My Commission Expires  
February 26, 2010

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