

1
2
3 PLANNING BOARD
4 FOR THE
5 CITY OF CAMBRIDGE

6 GENERAL HEARING

7 AUGUST 4, 2009

8 7:30 p.m.

9 in

10 Second Floor Meeting Room, 344 Broadway
11 City Hall Annex -- McCusker Building
12 Cambridge, Massachusetts

13 Hugh Russell, Acting Chair
14 Patricia Singer, Member
15 Ahmed Nur, Member
16 H. Theodore Cohen, Member
17 Steven Winter, Member
18 Charles Studen, Member

16 Beth Rubenstein, Assistant City Manager
17 for Community Development
18 Les Barber
19 Roger Booth
20 Liza Paden

21
22

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I N D E XCASE NO.PAGE

Update by Beth Rubenstein

239

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BZA Cases

9825

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Other

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P R O C E E D I N G S

HUGH RUSSELL: Welcome. This is the meeting of the Cambridge Planning Board. And on tonight's agenda we have one public hearing which is going to be open and then recessed. Another public hearing at 8:30, and we have a series of business items in between. We start with a report or remarks from the Assistant City Manager.

BETH RUBENSTEIN: Thank you, Hugh.

I'm just going to anticipate our upcoming meetings. We'll be meeting again on August 18th and that's going to be a full evening. We're going to have our public hearing on a proposed affordable housing project on Putnam Ave. at Putnam and City being proposed by Homeowner's Rehab. I believe we'll be taking up business that's continued from tonight related to 2419 Mass. Ave. We have put back on the agenda the Board's discussion of the counter petition. I think one Board member who couldn't be here

1 this evening asked us to wait until August
2 18th, so the Board will be talking about
3 Conner, and I believe the staff had been
4 asked to look at something in between the
5 Respian (phonetic) and C1 and Stuart and his
6 team and Brendan Monroe are wonderful. GAS
7 person had been working on some maps that
8 will allow the Board to assess the amount of
9 non-conformity that will take place with
10 something in the middle. And we may have one
11 other small item on the 18th.

12 In September our meeting dates are
13 September 8th and 22nd. And then in October
14 we'll be meeting October 6th and 20th. And
15 in November we'll have to discuss what works
16 for the Board. I believe this is an election
17 year. We don't meet on Election Day, so
18 we'll see what works best for all. But we
19 expect to have two meetings in November.

20 And coming up this fall we have been
21 given to believe that we may be hearing from
22 the Alexander Real Estate folks who were

1 successful in achieving a re-zoning part to
2 the city last winter. And I know they're
3 looking forward to coming back this fall.
4 That may be as early as September.

5 And I'm happy to report that there is
6 business in town and we'll continue to be
7 busy. There are other projects that seem to
8 be making their way to the Planning Board.

9 And think I there's one other item I'm
10 going to address a little later this evening,
11 something in your package, but I'll wait
12 until later.

13 Thank you.

14 HUGH RUSSELL: Okay, thanks.

15 So the first item on our agenda is a
16 public hearing for the Planning Board, Case
17 239, 2419 Mass. Avenue. And I understand
18 there's a procedural request for us before we
19 -- something we should hear about that case
20 before we start off.

21 BETH RUBENSTEIN: If the developer
22 could please come up to the microphone. We'd

1 appreciate that. And give us your name and
2 address for the record.

3 PAUL OGNIBENE: I'm Paul Ognibene
4 O-g-n-i-b-e-n-e of Urban Spaces. We were
5 requesting a continuance tonight until August
6 18th due to two reasons. One is we wanted to
7 make sure we were in full compliance with
8 public notification. Some of the signage
9 that was meant to go on the buildings came up
10 a little late.

11 And then, secondly to enable all seven
12 Board members to hear our case in two weeks.
13 But we'd like to open the hearing and
14 continue through August 18th.

15 HUGH RUSSELL: Okay. So, I will
16 open the hearing and ask the Board members
17 what they think about that request.

18 CHARLES STUDEN: It seems quite
19 reasonable to me.

20 HUGH RUSSELL: Is there a way of a
21 motion?

22 CHARLES STUDEN: Yes, so moved that

1 it be continued to August 18th.

2 HUGH RUSSELL: Okay. All those in
3 favor.

4 (Show of hands.)

5 HUGH RUSSELL: And everyone is in
6 favor.

7 (Russell, Singer, Nur, Cohen,
8 Winter, Studen.)

9 HUGH RUSSELL: So Liza said she
10 would find things for us to do for the next
11 hour. The next hearing is scheduled for 8:30
12 and we have to wait until about then to
13 start.

14 LIZA PADEN: Yes, I did find things
15 for you to do. One of them is a Board of
16 Zoning Appeal case that will be heard by the
17 BZA on the 13th of August. And it is the TD
18 Bank sign package. I sent you copies of
19 their application. And they're here to
20 explain to you the variance request that they
21 have.

22 You want to come up.

1 ATTORNEY JAMES RAFFERTY: Good
2 evening, Mr. Chairman, Members of the Board.
3 For the record, James Rafferty. I was
4 requested to come here and speak for an hour,
5 please do so. Fortunately I happen to have a
6 case at the BZA, so we can talk about
7 something at least somewhat germane to your
8 official duties.

9 With me is Josh Swerling. Mr. Swerling
10 is with Bohler Engineering. This is a BZA
11 matter dealing with one of the more complex,
12 hard to understand aspects of our ordinance.
13 Of course, Article 7 being the sign
14 ordinance. This involves signage on one
15 tenant, the corner tenant, of the new
16 building that's close to completion at the
17 Fresh Pond Circle. The former home of
18 originally Howard Johnson's, later Ground
19 Round. A stand-alone restaurant that was
20 taken down, and a new building recently
21 constructed. You people didn't get much
22 chance to comment on it because the building

1 did just what the new overlay district
2 requirements had asked for in terms of green
3 space, side setbacks, amount of permeable
4 surface and the like. And probably is a
5 great source of encouragement for what that
6 district in that area can become as the
7 zoning takes hold.

8 These particular variances are --
9 involve nearly the whole range of criteria or
10 controls around signs. They involve
11 illumination, size, and the amount of signs.
12 And those of you who have been here a while
13 you know that Ms. Paden has a great sense, a
14 great instinct and aptitude of how things are
15 being received. And she alerted me to the
16 fact that she thought that this particular
17 variance, as being looked at by the staff,
18 was aggressive and was likely, in its current
19 form, to not enjoy great enthusiasm as she
20 reported on things to the Board. So, we did
21 meet with her recently in the last few hours
22 and it was an area where we pointed out a few

1 places where modifications might be made.

2 So, what Mr. Swerling would show you if
3 you have the time, apparently you do, is
4 where we're looking for the relief. And
5 having now had a conversation with Mr. Booth
6 and Ms. Paden -- I think the area around
7 illumination, frankly, is one that I didn't
8 quite understand is the concept of halo lit
9 lights which are halo lettering which
10 Mr. Swerling can explain. And I think I came
11 to understand today that halo lighting is not
12 considered internal illumination. And if
13 that be the case, we think with modifications
14 can be made to that. In some areas, the
15 ordinance limits internally illuminated
16 lights to 30 inches, signs to 30 inches.
17 Some of these lights, because they are
18 internally illuminated greater than 30
19 inches, but would otherwise be acceptable if
20 they were externally illuminated, and the
21 sign professionals have a range of views as
22 to what works best. The long and short of it

1 is it's a handsome building. It's working
2 well in that corner, and I know the staff's
3 concern was the signage did not serve as a
4 distraction. TD Bank feels the same way.
5 Mr. Swerling just wanted to walk through with
6 you a couple of the areas where we're
7 thinking we can reduce and change the
8 request. We think it would ultimately leave
9 the Board tonight in a position hopefully to
10 pass some commentary about what it is they
11 might not like about this application, but
12 ways in which if it were changed, they might
13 feel differently. It is an area, frankly, of
14 the ordinance where I've seen the BZA show
15 great deference to the Planning Board,
16 because I think they're mindful of the fact
17 that Mr. Barber in his role doing sign
18 certification, working closely with your
19 staff is kind of a greater command of the
20 nuances of this. So we -- we're at the BZA a
21 week from Thursday, so time does permit
22 changes to this signage package. And we

1 wanted to identify -- have you help us
2 identify what aspects of the relief you find
3 particularly objectionable, and see if we can
4 fashion some modifications between now and
5 next week.

6 CHARLES STUDEN: Mr. Rafferty,
7 before you talk about the proposed changes,
8 could you describe what, if anything, the
9 Alewife overlay district says about signage?
10 Is it silent on the issue of signage?

11 ATTORNEY JAMES RAFFERTY: Yes, I'm
12 not aware that it creates any different
13 standards than what the base Article 7
14 requirements are. In fact, I'm pretty sure
15 that it doesn't.

16 CHARLES STUDEN: Okay, thank you.

17 ATTORNEY JAMES RAFFERTY: So, Josh,
18 do you want to come forward.

19 JOSH SWERLING: Sure. Hi, again.
20 My name is Josh Swerling with Bohler
21 Engineering here on behalf of TD Bank. And
22 if it's all right with the Board I'll just

1 walk through the sign application in its
2 first part as it exists before you today and
3 then we can talk about some of the areas that
4 we had contemplated making some modification.
5 And I'm going to skip to the second to the
6 last page in the package just to get
7 everybody's orientation with regards to the
8 space that we're talking about.

9 So, the TD Bank footprint would
10 generally be located on the corner of the
11 building closest to the intersection of
12 Alewife and Wheeler. I'm going to refer to
13 the three elevations that the bank space has
14 associated with it as the north elevation.
15 And that elevation is the one that would face
16 in towards the parking lot that serves the
17 majority of the complex. The west elevation,
18 that predominantly faces Wheeler Road itself.
19 And -- Wheeler Street, I apologize. And the
20 south elevation which is that which
21 predominantly faces Alewife Brook Parkway.
22 With all that said, I will ask you to now

1 switch over to the 1, 2, 3, fourth page in
2 the packet which should look like -- it's
3 basically the first elevation and it's
4 labelled below the elevation as the north
5 elevation. And the sign that's shown above
6 the entrance doors here is placed in a
7 position on this building where basically the
8 brickwork has been recessed in the
9 articulated grooves there to provide an area
10 for, for sign placement, along with, you
11 know, architecturally detail of the building.
12 But one thing that we were looking to do was
13 to kind of put a sign there that is
14 adequately massed for the space that is
15 given. If it were too small, I think it
16 would look awkward. The sign is proposed to
17 be a channel letter sign, which would be the
18 individual letters rather than a, you know, a
19 rectangular box. The height of the TD shield
20 I'll refer to it as, which is the letters T-D
21 with the green background on it, is 48 inches
22 tall. The letters themselves are 27 inches.

1 The letters T-D are 27 inches tall. The
2 variance that's required to allow this sign
3 is for an internally illuminated sign above
4 30 inches tall. So, the one fix that would
5 allow this sign as it's currently shown,
6 would be to externally illuminated or halo
7 illuminate that sign. TD Bank feels pretty
8 strongly that their standards would be better
9 represented if the sign were truly face lit.
10 If the light were allowed to come through the
11 face of the letters themselves.

12 This sign on the side of the
13 building --

14 HUGH RUSSELL: Excuse me, what color
15 is the black square?

16 JOSH SWERLING: I'm sorry, the black
17 square?

18 STEVEN WINTER: On the shield.

19 JOSH SWERLING: Oh, it's actually
20 green. You guys don't have color copies. I
21 apologize. The green rectangle or square is
22 48 inches tall.

1 HUGH RUSSELL: So that would be
2 growing green rectangle in your proposal.

3 JOSH SWERLING: Yes, and it would be
4 a --

5 ATTORNEY JAMES RAFFERTY: More of a
6 calming green.

7 JOSH SWERLING: A what green?

8 HUGH RUSSELL: Calming.

9 JOSH SWERLING: The letters Bank
10 themselves are obviously a lot smaller than
11 the 30 inches. And the B in the word Bank I
12 believe is about 19 inches. So I, I mean,
13 there was some thought put into not, you
14 know, being grossly over what the ordinance
15 would allow in terms of the massing of this
16 sign and not putting a big box around the
17 sign with everything glowing in the
18 background. So both on the north elevation
19 above their main entrance and on a west
20 elevation, which is on the second page, I'm
21 sorry, the third -- if you -- if you go two
22 behind the one that we were just looking at,

1 it would be this one (indicating). So
2 there's basically a corner entrance at that
3 northwest side closest to the parking lot
4 where you have this raised element of the
5 building, and you have symmetry on both sides
6 where that same area exists, the recessed
7 brickwork exists, that the same size sign
8 would be proposed over the main entrance
9 doors.

10 So, you can see that on this west
11 elevation there are also several other sign
12 elements. There's TD Bank located above the
13 windows, three window bays here (indicating).
14 And those are proposed to be -- there's an
15 awning above and then there's another channel
16 letters that are set much smaller in scale,
17 those would be internally illuminated. The
18 signs themselves would comply, but when you
19 add them all up, the total area exceeds the
20 allowable area for all signs on this site.

21 If we back up one page, this is now the
22 south elevation. This is now facing Alewife

1 Brook Parkway. And you can see that there's
2 the same awning and the TD Bank channel
3 letter set above a rear entrance, which we're
4 not referring this to the rear of the
5 building I understand. But essentially it
6 would be on the Alewife Brook Parkway,
7 there's an entrance located there primarily
8 for pedestrians. And then there's a window
9 bay with another channel letter set over it.
10 Obviously, you know, the channel letters
11 above the entrance door, in my opinion, make
12 a lot of sense. You know, potentially one of
13 the areas that we're thinking about not only
14 on this elevation, but on the west elevations
15 possibly reducing the quantity of signs,
16 attempt to get more in line of the total
17 allowable area for all signs.

18 The shield that's shown on this south
19 elevation as well is a 48-inch shield. And,
20 again, the TD itself would be 27 inches, but
21 the rectangle exceeds the 30 inches allowed.
22 This is an area where we might be able to

1 replace the sign with something else that's
2 closer into compliance.

3 So I think I pointed out the individual
4 signs that exceed the total allowable area --
5 oh, I apologize. There's also a free
6 standing sign. The existing which was the --
7 what was it?

8 ATTORNEY JAMES RAFFERTY: The Ground
9 Round.

10 JOSH SWERLING: What was the Ground
11 Round sign. It's wired to be internally
12 illuminated. I've heard conflicting reports
13 that at one time it was. I heard other
14 reports that say it wasn't. The bank has
15 been given the right to use that sign from
16 the landlord and they seek internal
17 illumination for the free standing signs out
18 by Alewife Brook Parkway as well.

19 CHARLES STUDEN: Could you please
20 point that out on the site plan?

21 JOSH SWERLING: Yes. That is
22 labelled with a red dot, and I guess your

1 black and white package isn't going to show
2 that. But there's a little letter A there by
3 the Alewife Brook Parkway which is the
4 location of the free standing sign.

5 HUGH RUSSELL: What is the size of
6 that sign?

7 JOSH SWERLING: The square footage
8 is 28.3 square feet and the height of the
9 sign panel is 41 inches. And, again, the
10 letters on that would be smaller than 30
11 inches, but the amount of the height of the
12 portion that would be illuminated would
13 exceed the 30 inches allowed.

14 So, the areas that require the relief
15 as we understand it, again, is the total area
16 of all signs combined, and it's broken up,
17 you know, you're allowed a certain area per
18 individual side of the building. As well as
19 then you can look at it from an aggregate
20 standpoint. In terms you add up the
21 individual sides, there's a total number
22 that's I believe 190 square feet allowable if

1 you add up all three sides. And the current
2 proposal is for 285 square feet of signage.
3 And I -- after our meeting this afternoon,
4 I've been on the phone quite a bit trying to
5 speak to the bank about areas where we might
6 be able to get some more meeting of the minds
7 in terms of what might be adequate and
8 acceptable here. And I'm hoping to hear what
9 the Board has to say about that as well.

10 HUGH RUSSELL: The usual question
11 that we ask about signs is what would you do
12 if you had to comply? What would that look
13 like? And why is that a hardship to the
14 business?

15 JOSH SWERLING: A fully compliant
16 sign package, there's a couple of ways we
17 could look at it. For the internal
18 illumination of the signs that exceed 30
19 inches in letter height, I think what those
20 signs would look like above the entrance door
21 would likely be -- is this okay?

22 HUGH RUSSELL: Sure.

1 JOSH SWERLING: I think that -- if
2 the bank were required to comply the massing
3 of the signs over the entrance door, they
4 would want to keep the same and they would
5 need to evaluate a halo illumination on that
6 sign. Again, that's a lot less visible, and
7 it probably look towards an external
8 illumination with basically a linear fixture,
9 not goose necks, which I've done plenty of
10 goose necks in Cambridge and gotten support
11 for that style of external illumination. But
12 TD Bank's --

13 STEVEN WINTER: Can you clarify a
14 goose neck?

15 HUGH RUSSELL: It's a light hanging
16 out there.

17 BETH RUBENSTEIN: Coming down.

18 STEVEN WINTER: Okay.

19 JOSH SWERLING: Goose neck might be
20 a little too specific. There's a lot of
21 different architectural style lights that
22 would get, you know, some projection beyond

1 the face of the bidding and then light back.
2 What I have seen TD Bank do when external
3 illumination is absolutely required, is a
4 linear light fixture across the top and
5 sometimes below the sign which would attempt
6 to cast a uniform light on a sign. Now, I
7 say attempt because you always -- whenever
8 you light the sign from the face, you're
9 gonna get some areas that light better than
10 others. You're gonna get a little bit of
11 glare. And I think it's -- in my opinion,
12 and this is my opinion, and everybody has
13 their own I understand, but in my opinion, I
14 think the glow from inside the light
15 reflected from the face of the sign is a lot
16 more aesthetically pleasing than a linear
17 fixture lighting from above and below.

18 HUGH RUSSELL: Okay. I guess you're
19 not really answering my question. Which is
20 which signs would you take off the building
21 or make smaller if you only had 185 square
22 feet?

1 STEVEN WINTER: And why is that a
2 hardship?

3 HUGH RUSSELL: Yes. So you have ten
4 sign faces now I believe. So how many would
5 you end up with and why is that a problem?

6 JOSH SWERLING: I was hoping to
7 address one part of the variance, which is
8 the internal illumination for a sign greater
9 than 30 inches. I understand there's also
10 the issue of total allowable area. So
11 putting the internal illumination, external
12 illumination aside, I think what I've
13 attempted -- this is very recent that we've
14 had -- that we've been tasked with finding
15 this answer. It has been discussed with the
16 bank in the past in terms of could they come
17 up with a compliant sign package. What I
18 believe to be the case, and I don't have all
19 the details agreed to by the bank yet, is
20 that some of the signs over the windows would
21 be the signs that would be eliminated. Not
22 necessarily all of them, but some of them.

1 And there have been discussions about
2 potentially, you know, if we can get to the
3 190 that's allowed or 200, somewhere in that
4 range, maybe they, you know, maybe that would
5 be at a point where the relief, where we need
6 to go to Board of Zoning for the internal
7 illumination is something that the city would
8 feel comfortable with.

9 HUGH RUSSELL: Any comments or
10 questions from members of the Board?

11 CHARLES STUDEN: Yes, I -- sorry.

12 HUGH RUSSELL: We'll go this way.

13 PATRICIA SINGER: The first thing I
14 need help with is understanding which signs
15 go on which part of this drawing?

16 ATTORNEY JAMES RAFFERTY: Sure. Do
17 you have all have copies of Mr. Barber's
18 certification. It's kind of a guide that
19 shows -- it's got a number on each of the
20 signs. It's a two-page document.

21 CHARLES STUDEN: Yes.

22 STEVEN WINTER: We do?

1 ATTORNEY JAMES RAFFERTY: So those
2 numbers correspond to the numbers on the site
3 plan. So -- and then they're broken down by
4 facade. So signs 1 and 2 are on the north
5 facade. That's the facade that faces the
6 parking lot. Signs 3 through 7 face the area
7 -- and I would say in response to the
8 Chairman's question, I think if you were to
9 look at area, that's probably an area place
10 where it appears to be most excessive. And
11 while there is door at one corner of that,
12 the rest of it is not a door. And I think
13 there's legitimate criticism that's starting
14 to feel more like billboards and advertising
15 and signs on that facade because it's not an
16 entry facade. So if you look at the relief
17 being sought on the west facade just in
18 number and in area, it probably represents
19 the greatest deviation. So in response to
20 the question, if they were forced to comply,
21 our sense is that that would be the place
22 where you would begin to try to achieve

1 greater conformity. And then the south
2 facade, the area that faces onto the parkway,
3 those are signs 8 through 10. Similarly, a
4 lot of attempts here to basically have two
5 front doors to this building for the
6 pedestrian activity on the parkway as well.
7 We look today at the fact that the signs on
8 the awning are illuminated, not a traditional
9 feature associated with an awning. So we
10 haven't heard from the client that they would
11 waive it. But if one were to sit and think,
12 well, in what ways could you make these more
13 conforming? Well, clearly the nature of the
14 illumination on those awning signs with the
15 certification. Some of those signs -- some
16 of the language on the signs 8, 9 -- 8 and 9
17 are as of right signs. One of the things we
18 talked about is maybe we could even take a
19 look at some of the as of right signs and
20 remove them in exchange for area, because the
21 area gets divided -- our shortest facade is
22 one of our more critical facades and that's

1 the one facing the parking lot. And if we
2 were to seek relief to have greater on one
3 facade, should we not look at another facade
4 and to perhaps not merely meet the ordinance
5 but actually have something perhaps below
6 what the ordinance would allow.

7 We're not expecting the Board to horse
8 trade with us tonight or anything else. But
9 we're trying to see if there's any
10 opportunities to suggest that, you know, if
11 there was some feeling that illumination is a
12 matter that we could revisit with the staff
13 within the next week, particularly as we
14 study halo lettering versus various types of
15 external lettering, and whether they were
16 priority facades or facades that the Board
17 would suggest were more worthy candidates for
18 relief on the facades, that would be helpful.
19 We don't mean to take up too much of your
20 time. But that's the --

21 H. THEODORE COHEN: What is halo?

22 ATTORNEY JAMES RAFFERTY: Halo I

1 just learned about today. Can you describe
2 halo?

3 JOSH SWERLING: Certainly.

4 In general terms there's a couple
5 different ways to achieve halo illumination.
6 But it's basically a method of illuminating a
7 sign such that the light doesn't shine out
8 through the face of the sign, but it's -- it
9 either comes out through the sides or through
10 the back of the sign. So, if -- just if
11 we're looking at the letter B in the word
12 Bank, the front of the B wouldn't allow any
13 light through it. But the light would be
14 cast either from the edge of the sign onto
15 the background of whatever it's mounted to
16 or from within that B directly back onto
17 whatever it's mounted to. So, you know, if
18 you think of halo, it's kind of giving you
19 that that affect of a glow around the letter
20 rather than face being illuminated. But,
21 again, I think the bank's preference might
22 be, again, on some of these signs to do

1 internal because that would be the closest
2 thing to maintaining brand identity. And
3 then their second fall back might be the
4 external linear fixture rather than halo
5 which I think aesthetically doesn't work as
6 well as internal.

7 AHMED NUR: You mentioned that the
8 area in which the 48-inch illumination is in
9 is recessed. How far is it recessed? Is it
10 recessed enough that the face of the sign is
11 flushed with the surface or the face of the
12 wall or is it, you know, deeper?

13 ATTORNEY JAMES RAFFERTY: You
14 probably have an estimate on that.

15 JOSH SWERLING: Could you repeat the
16 question one more time?

17 AHMED NUR: Certainly. On the
18 square area of the 48-inch --

19 JOSH SWERLING: Yes.

20 AHMED NUR: -- green area recessed
21 back to the sign area. Then the sign can
22 be --

1 JOSH SWERLING: As far as the
2 letters TD are flush with the green
3 background.

4 AHMED NUR: And is the green
5 background?

6 JOSH SWERLING: Flush with the wall.

7 AHMED NUR: Flush with the wall or
8 recessed?

9 JOSH SWERLING: It's about five
10 inches.

11 AHMED NUR: I see on one of the
12 elevations it's sticking out.

13 JOSH SWERLING: I think if I said
14 the word recessed, I might have been
15 indicating that the letter T, you know, the T
16 and the D are obviously shorter than the 48
17 inches because they have the green
18 background. I apologize if I confused the
19 matter.

20 AHMED NUR: And one more if I may,
21 please. On the -- I believe it's in the
22 middle of the south elevation it says 21.6

1 inches by 266. What would actually be --
2 what would be 266 inches sign No. 6? I'm
3 just curious.

4 JOSH SWERLING: Oh, if you flip to
5 -- it's actually the west elevation.

6 AHMED NUR: I apologize.

7 JOSH SWERLING: Which is the one
8 that has the multiple signs on it. 5, 6 and
9 7.

10 AHMED NUR: I see.

11 JOSH SWERLING: That was referring
12 to sign 6 I believe. And that's calculating
13 the area, the length from the beginning of
14 the word B to the --

15 AHMED NUR: All the way to the end.

16 JOSH SWERLING: All the way to the
17 end, yeah.

18 H. THEODORE COHEN: I guess on both
19 the north and the west elevation the green
20 bar under the word Bank, is that considered a
21 part of the sign?

22 ATTORNEY JAMES RAFFERTY: Yes.

1 H. THEODORE COHEN: And that gets
2 included in the calculation. And is that
3 also proposed to be internally illuminated?

4 ATTORNEY JAMES RAFFERTY: Yes, it
5 is. But it does raise one of the issues with
6 the sign. The dimensions are being treated
7 here as though this -- if this were a sign
8 box, which there are some examples of sign
9 boxes which aren't particularly attractive --
10 this has three separate components to it. So
11 the TD sits on the brick. The Bank sits on
12 the brick and the line does. So the area
13 between the Bank and the green strip, we're
14 losing that square footage. It's being
15 treated as sign. But in fact it's just the
16 brick facade of the building. It's not the
17 sign. So, it has to do with the
18 proportionality of the logo. So what's being
19 included in the sign, in some cases doesn't
20 contain letter or doesn't contain banner or
21 logo, it contains brick. But since it falls
22 within the lettering and the line, that

1 square footage is counted as part of the
2 sign. And this particular design then works
3 -- is somewhat a disadvantage by that
4 calculation because area that isn't sign,
5 it's building, it's -- is included.

6 H. THEODORE COHEN: And also the --
7 what I thought were over the windows on the
8 south and west elevation, are they indeed
9 part of the awnings?

10 JOSH SWERLING: No, they're separate
11 from the awning. The awning sticks out at an
12 angle and these are recessed back flush
13 basically with the face of the building.

14 H. THEODORE COHEN: Okay. So when
15 you said a little while ago that it was
16 somewhat unusual because they were on the
17 awnings, is that a different sign?

18 ATTORNEY JAMES RAFFERTY: No, that
19 was what I said. And I guess I didn't
20 understand it. I knew there was an awning
21 and I thought that was at the edge of the
22 awning. But that's actually on the face of

1 the glass?

2 JOSH SWERLING: Right.

3 ATTORNEY JAMES RAFFERTY: I
4 apologize.

5 H. THEODORE COHEN: Fine. Is it
6 okay if I just toss out my comments now?

7 HUGH RUSSELL: I also want to put a
8 clarifying question in. So, the entire band
9 is green all the way wall to wall?

10 JOSH SWERLING: Yes.

11 HUGH RUSSELL: In that case, what
12 color is the awning?

13 JOSH SWERLING: Green.

14 HUGH RUSSELL: Okay. So you count
15 the entire width of that band as the sign?

16 JOSH SWERLING: There was some, in
17 calculating the area, the shield was
18 calculated individually and then from the top
19 of the B to the end of the green, the light
20 green band is the area that was calculated
21 for Bank. So I am almost -- I mean, it's
22 almost the entire band.

1 HUGH RUSSELL: Okay.

2 ATTORNEY JAMES RAFFERTY: Not the
3 same with the issue on that issue. We have
4 parts of this that don't feel sign.

5 HUGH RUSSELL: Sorry to interrupt
6 you.

7 H. THEODORE COHEN: It's okay. Do
8 you mind if I just comment?

9 HUGH RUSSELL: Go ahead.

10 H. THEODORE COHEN: Well, my
11 personal opinion from when I first looked at
12 it hasn't changed really from the
13 presentation. I personally have no objection
14 to the green shield and the Bank and the
15 internal illumination of those on the brick
16 facade portions on the west and the north
17 elevation. I also do think it kind of odd
18 that the south elevation just has the TD
19 without the Bank or anything else. It's sort
20 of like it's missing a piece. I think
21 there's way too much TD Bank horizontal signs
22 on the south and the west elevation. It just

1 seems like it's just over the top with the
2 amount of signage. And, you know -- so I
3 personally would want to see a lot less, if
4 not all of that gone. And I would be happier
5 to see the bigger signs on the brick facade.
6 That's fine. And the pilon sign, I guess, is
7 that a grandfathered pilon that gets to stay
8 there?

9 LES BARBER: It's conforming and it
10 should never have been internally
11 illuminated. I don't think it was. But if
12 it was, it was illegally internally
13 illuminated. But the size is perfectly
14 conforming. The only issue here is the
15 internal illumination which is not allowed in
16 the sign.

17 H. THEODORE COHEN: I didn't have
18 any strong feelings on that.

19 HUGH RUSSELL: Okay.

20 STEVEN WINTER: Thank you.

21 I concur with my colleague about the
22 number of TD Bank, TD Bank, TD Bank across

1 the front. You know, I think for me the
2 issue is when does signage leave the realm of
3 being something that orients the humans to
4 the direction to follow or to the place to
5 go, and when does it in fact become a
6 billboard that advertises to people instead?
7 And I think you know that's what we've got to
8 work out here, that it doesn't look like a
9 billboard. I think Mr. Rafferty, the trading
10 from side to side and some discussion with
11 staff, I think that might be a real good way
12 to solve this issue. Because we have
13 certainly got the expertise on staff that --
14 to make good decisions on that. And I also
15 want to be real clear that in Cambridge the
16 devil's in the detail, and we're really
17 careful about those things. And what happens
18 is, the larger picture that we get is a very
19 pleasing quality of sense of place because we
20 are careful about these kinds of issues. And
21 we are mindful about what it's going to look
22 like and how we're going to feel like every

1 time we drive by it. So we try to be
2 thoughtful about every single one, and I
3 really appreciate you coming in here to talk
4 about it. We try to be thoughtful every
5 single time, then we really create a sense of
6 place that's very unique, I think, in the
7 states.

8 Les, you answered my question about the
9 free standing sign being within ordinance.
10 It is within ordinance then.

11 LES BARBER: It's not very tall. I
12 don't know what the height, four or five feet
13 off the ground, is it? It's not.

14 ATTORNEY JAMES RAFFERTY: It's not
15 like a monument sign.

16 STEVEN WINTER: Oh, okay.

17 LES BARBER: It's a very modest
18 sign.

19 STEVEN WINTER: Okay. And I think
20 also one of the issues is what shows to the
21 parkway and what shows to the customers who
22 are parking and coming into that facility? I

1 think that's a good way to think about this.

2 Those are my comments. Thank you.

3 CHARLES STUDEN: I am very
4 sympathetic, I think, to the bank's need to
5 be consistent with its identity, the
6 so-called issue of brand identity. So I'm
7 not bothered by the TD Bank larger signs on
8 the corner elevations, but also am puzzled by
9 the fact that the word Bank is missing on the
10 south elevation. Can you explain why it's
11 dropped there? Is there some rational
12 reason? Is that just because it made the
13 sign even bigger and it was a bigger
14 variance? I kind of figured that might be
15 the reason. Let me just finish because if we
16 added the word Bank there, and that was the
17 only signage on the northwest and south of
18 that building and we eliminated all of the TD
19 Bank Open -- what does it say, Open Seven
20 Days, and that banding, I think it would look
21 a lot better. When I first looked at this,
22 it just seemed overwhelming. It was so much

1 signage. And I don't think a bank like TD
2 Bank, is not something that -- it's not an
3 impulse thing. Once you know where the bank
4 is, you know where it is. You don't need it
5 to keep saying TD Bank, TD Bank over and over
6 and over again. I think I'm just echoing
7 what's already been said here, but I think a
8 much simpler approach, it might even be more
9 effective for the bank if it were confined
10 just to those corner elevations. And, again,
11 I have no problem with the way you designed
12 it and the way you're looking to light it.
13 And I'm not sure what you do in terms of
14 conformance with the sign ordinance, I don't
15 know. Maybe the staff can help you with
16 that.

17 HUGH RUSSELL: Okay, thanks.

18 My own opinion is that the amount of
19 signage should be basically conforming. I
20 agree with my colleagues as to which signs
21 are more -- seem to be more important to
22 have. And I guess I'd ask Roger or Les to

1 comment on the issue of internal illumination
2 and corporate branding. What do we -- why do
3 we -- why have we made this a rule and how
4 strongly do we enforce it?

5 LES BARBER: Currently we don't have
6 a regulation with regard to corporate
7 branding. It was just an assessment of the
8 details of these signs and the relationships
9 to words. The fact that the band was
10 illuminated, I mean, clearly it's meant to be
11 part of the sign. So it was just an
12 assessment of what constituted the sign
13 irregardless of the color and the fact that
14 it is the brand for the bank. Even if they
15 were blue bands, I think they would be, for
16 the most part, considered parts of the sign.

17 HUGH RUSSELL: So let me ask a
18 question in a different way which is why --
19 do you think it's a good idea to require
20 these to not be internally illuminated, and
21 if so, why? Because I think I've heard that
22 discussion many times, but I realize my

1 colleagues may not have.

2 LES BARBER: Which specifically,
3 Hugh?

4 HUGH RUSSELL: Why is there a
5 restriction on internally illuminated signs?

6 LES BARBER: On the dimensions?

7 HUGH RUSSELL: Yes.

8 LES BARBER: It's just to keep the
9 intensity of that form of lighting under
10 control. And we actually had a case years
11 and years ago which came before the Board
12 with regard to if the sign elements that were
13 internally illuminated, which was 30 inches,
14 but there was other elements of the sign in
15 the background that were not, constituted the
16 sign, and we agreed that it was the whole
17 sign, not just this elements of. So I think
18 generally city-wide the 30 inches works
19 pretty well for visibility as well as
20 moderating the intensity of the sign. And
21 the regulations also prohibit if this were a
22 box sign, that even if it were 30 inches

1 tall, that the background has to be opaque
2 so we're not getting these very bright boxes.
3 So we do encourage the individual letters as
4 an element of the sign rather than a box with
5 a background on it. And I think generally
6 the 30 inches works fine.

7 ROGER BOOTH: If I could add a
8 little something to that. This building, I
9 think we're pretty happy with it, as Attorney
10 Rafferty said, fitting in with the overlay
11 district. It's taking what had been a very
12 suburban treatment of the building with an
13 ugly building, a treeless parking lot on a
14 very prominent site made something that
15 probably won't win architectural awards, but
16 it's a competent building that provides an
17 upgrading to the environment. There is a
18 really nice green swale along the edge of the
19 parkway. Part of the purpose of the parkway
20 overlay district is to encourage greening up
21 so that it feels like a parkway, instead of a
22 strip highway. And when we reviewed this, it

1 was through the development consultation
2 procedure. We were pleased to see that there
3 was some thought given as to where signs
4 should go. We're very pleased that there be
5 multiple entries, and the bank is doing a
6 good job in having entries not only on the
7 parking lot side but also on the parkway
8 side.

9 Where I come down on the signage is I
10 see no reason not to stick with what the
11 ordinance says. It's an ordinance. It gives
12 lots of signage. I think the variances are
13 not something I think are justifiable just
14 from having looked at lots of signage.
15 You're not going to have any trouble finding
16 this bank. There are two signs, as we
17 pointed out, they're right next to each
18 other. And I don't think they should be any
19 bigger than what's allowed. And the thing
20 about the internal illumination is it glows
21 and it's very insistent, and it doesn't have
22 a soft quality. And probably this is where

1 it's just an aesthetic disagreement, but we
2 tend to prefer the halo or the external light
3 as something that's softer and maybe has some
4 variation, shadows and so forth, rather than
5 the sort of plastic glow that we associate
6 with strips. And this has been a pretty ugly
7 strip. And right now it's very nice. We
8 have a nice building. Across the way we have
9 the Hotel Tria that's putting trees in its
10 parking lot. We have housing that's starting
11 to happen in Alewife. So I think we are on
12 an upswing. And I also think if you -- if we
13 were to let this project have a variance,
14 what is the justification for this one? And
15 how is it any different from the next one? I
16 mean, that's part of why we have an ordinance
17 is to try to have some kind of a new baseline
18 that then treats everybody fairly and we wind
19 up with what Steve was talking about, you
20 know, a pleasing environment where things are
21 pretty harmonious. So -- maybe I'm a
22 hardliner, but I don't really see any reason

1 to vary from the ordinance. And what I said
2 was what the Board usually wants to see is
3 what could you have done with the ordinance
4 and why is it you need to do something
5 bigger? And basically we hear the bank wants
6 something big because this is their first
7 venture. And I guess they have other
8 locations coming in so they're trying to make
9 a name for themselves. Well, that's okay.
10 But we need to treat everybody fairly. And
11 so that's kind of my take on it.

12 PATRICIA SINGER: May I add one
13 thing to that? I haven't heard anybody talk
14 about the impact of the plight on drivers at
15 night. And while I recognize that this
16 building and acknowledge that this building
17 is fully conforming, it is fairly close to
18 two roadways that are already difficult to
19 navigate. And I'm wondering, and I don't
20 have the expertise to know the answer to
21 this, if extra light isn't going to be
22 confusing to people who are already entering

1 a difficult and confusing situation. I think
2 of this more of, frankly, as a driving area
3 than a pedestrian area although I do
4 acknowledge that there are pedestrians.

5 H. THEODORE COHEN: Didn't -- I know
6 it came before us, but I think it must have
7 been a ZBA matter. Didn't Whole Foods get a
8 variance to put up a larger sign after they
9 expanded the store? I don't know.

10 LIZA PADEN: The sign for the Whole
11 Foods wasn't for larger, it was for the
12 height, I believe, because of the location of
13 the sign on the building.

14 ROGER BOOTH: They get a lot more
15 sign further away.

16 H. THEODORE COHEN: And my
17 recollection was I think what seemed what was
18 allowed seemed awfully small on the side of
19 the facade and they sought to enlarge it.
20 And that we said okay to that, and then I
21 guess the ZBA said okay to that.

22 And then my second question is is that

1 internally illuminated, that sign?

2 LIZA PADEN: The Whole Food sign --

3 LES BARBER: The shopping center
4 itself it's had a number of stores and
5 changes of stores. And it gets double the
6 amount of signage because it's more than a
7 hundred feet from the street. And there have
8 been variances exceeded to by the Board and
9 granted by the BZA to alter some of the
10 dimensions just because the ordinance doubles
11 the amount of signage, but doesn't alter, for
12 instance, the square inches or the 60 square
13 foot sign. So the Board has been willing to
14 let somewhat higher signs and bigger signs on
15 the facade set way back. The Whole Food sign
16 I don't remember at all. So I don't know
17 whether it came through, got a variance and I
18 don't remember what the variance was.

19 HUGH RUSSELL: I think it has
20 something to do with the phony windows?

21 ROGER BOOTH: I believe those phony
22 windows were originally going to be food

1 items. Sort of a bunch of carrots and a
2 bunch of grapes and a this and a that and
3 another thing. And I believe those were not
4 allowed because that was going to be part of
5 the signage. So they put up sort of phony
6 windows in place of that.

7 ATTORNEY JAMES RAFFERTY: That's
8 right.

9 LES BARBER: I have no image of
10 that.

11 HUGH RUSSELL: Well, I guess I feel
12 that in terms of the internal illumination
13 I'm with Roger, that it's better to stick to
14 the rules unless there's an overwhelming
15 sense that this is unfair to the person who
16 is before us. And I don't see that. So that
17 I'm perfectly happy to see external
18 illumination, and I agree with Roger. I
19 think his analysis is correct about the
20 character that produces. And that's it.
21 We've had a -- I think we're generally
22 together on the questions of which signs in

1 the total area. I sense that we think if
2 there's a little flexibility to move around
3 corners, that's okay. And on internal
4 illumination we are not basically, we -- some
5 people think it's fine and some people don't.
6 So is that enough advice to give to the
7 Zoning Board?

8 JOSH SWERLING: If I -- could I
9 offer a couple of thoughts on the internal
10 illumination aspect?

11 Well, I'll try to be brief, but I know
12 Regis and Kathie-Lee would not want me to
13 give up on the exponentials for the version
14 of TD Bank North, TD Bank and this will also
15 address the comment on the logo TD.

16 Had we a longer name, Toronto Dominion
17 is the TD from up in Canada, that's the
18 company that acquired Bank North and also
19 acquired Commerce Bank out of New Jersey,
20 which has a very aggressive development
21 program which is why this sort of brandishing
22 of Bank North. I just went through this with

1 the Commerce Banks to become TD Bank. Had
2 they a name like Toronto Dominion Bank North
3 or Toronto Dominion Commerce Bank, we could
4 have a 30-inch tall sign internally
5 illuminated a lot longer and a lot more, in
6 my opinion, of a blithe than what we're
7 proposing. I think what we're proposing is
8 generally tasteful. We don't have a very
9 long stretch of signage that's over the 30
10 inches. It's basically the TD. The
11 rectangle around the TD exceeds the 30 inch
12 height. The Bank itself is less than 30
13 inches. The green band is obviously less
14 than the 30 inches. So, again, I think it's
15 done pretty tastefully in terms of what is
16 being sought for relief. I think it's
17 somewhat unique from what other folks might
18 come in with seeking relief from the 30-inch
19 on internal illumination. Obviously that's
20 for you folks on the Board to decide. But I
21 think it is -- it is distinctly different
22 from other applications that might come

1 before you for relief on that 30-inch height
2 for internal illumination.

3 HUGH RUSSELL: Presumably that's why
4 a number of the Board members agree with you.

5 CHARLES STUDEN: Yes.

6 JOSH SWERLING: In terms of the
7 method of illumination, I know, you know, in
8 terms of -- I don't know when the by-law was
9 adopted for the 30-inch height restriction
10 for the internal illumination, but I know
11 five, ten, 15, 20 years ago the lights were
12 primarily fluorescent. Fluorescent cast
13 against the plexi or thin plastic finish, and
14 you could get a break in one of those
15 finishes and you'd have this fluorescent bulb
16 or some uneven dispersion of this bulb or
17 tube glowing on that face which --

18 HUGH RUSSELL: And there were a lot
19 of those.

20 JOSH SWERLING: There were a lot of
21 those. The signs that are proposed here is
22 an LED method of illumination that gives a

1 much more uniform, flatter, less light
2 projection from the face of the sign than
3 what had been, you know, the method of
4 illuminating signs internally of the past.
5 So I just wanted to make those couple of
6 points if that's the sticky item that's going
7 back and forth.

8 HUGH RUSSELL: Okay. I think we're
9 finished with this item.

10 ATTORNEY JAMES RAFFERTY: Thank you
11 very much.

12 LIZA PADEN: I wanted to find out
13 from the Board if they wanted to do one more
14 sign that's on the Board of Zoning Appeal
15 agenda. It's Harvard Square or do you want
16 to go to the public hearing? There's a
17 gentleman here from the second sign
18 application, and this application has been to
19 Harvard Square -- I'm sorry, has been to the
20 Historical Commission, and they have signed
21 off on it. So I don't know if....

22 LES BARBER: What does that mean,

1 Charles?

2 CHARLES STUDEN: It sounds like it's
3 not going to take terribly long. And out of
4 respect for the applicant that's here already
5 rather than making them sit through the
6 public hearing, I don't know how my
7 colleagues feel.

8 HUGH RUSSELL: Let's proceed.

9 LIZA PADEN: So this is the case No.
10 9824, and this is a 39 JFK Street. And this
11 has to do with the request for projecting
12 banners and what -- the proposal is to remove
13 some of the existing blade signs on the
14 building. I have an extra copy of the
15 application.

16 ATTORNEY JAMES RAFFERTY: Just
17 briefly, this is the iconic Crimson Travel
18 building on the corner. It's been nicely
19 resurfaced recently. The relief is --

20 HUGH RUSSELL: Maybe you can hold
21 that up so everyone can see.

22 ATTORNEY JAMES RAFFERTY: So,

1 stainless steel facade of some type. Before
2 and after. The issue, very simple issue.
3 They're looking to replace some -- do you
4 have the shot? The small shot? There are a
5 couple of Kaplan signs that are there today
6 that project out that we would like to
7 remove. You can see the small picture above
8 the American Express sign. It competes with
9 the American Express sign. It creates
10 clutter there. And Kaplan has agreed if we
11 put banners in the replacement, those would
12 go away. But the banners exceed the 20-foot
13 height real. The Historical Commission and
14 the Historic Overlay District has purview
15 over the signs and can be granted relief with
16 exception of the 20-foot height rule. For
17 this one they need to go to the BZA. But the
18 Historical Commission agreed that's a better
19 treatment of the building as a whole. And it
20 is the condition of the variance we're
21 suggesting that we would, we would anticipate
22 and remove the two existing Kaplan blade

1 signs and, therefore, only American Express
2 signs projecting here, and the banners in
3 that location. But we need a variance to do
4 it.

5 CHARLES STUDEN: I'd like to see the
6 submittal.

7 H. THEODORE COHEN: How big are the
8 banners?

9 ATTORNEY JAMES RAFFERTY: Introduce
10 yourself.

11 MICHAEL KYES: My name is Mike Kyes.
12 I'm part of the design team for the
13 renovation as well as the signage package.
14 And the banners and what Jim didn't say
15 actually, is all the sign in this
16 comprehensive design package meets the
17 allowable signage. So it's just the matter
18 of height only. The actual banner size is
19 nine and a half feet tall by two feet wide,
20 and there are three of them.

21 CHARLES STUDEN: Are they fabric?

22 MICHAEL KYES: They are fabric and

1 they are set apart 15 feet from each other.

2 CHARLES STUDEN: I rather like the
3 way they look on that elevation to tell you
4 the truth. The elevation is kind of stark
5 and they had some interest. So I have no
6 objection to them at all.

7 PATRICIA SINGER: Can we see a
8 picture?

9 LES BARBER: What is the height that
10 they're at?

11 MICHAEL KYES: The bottom of the
12 banner is 202 feet.

13 LES BARBER: So they're nine feet.

14 ATTORNEY JAMES RAFFERTY: Nine feet
15 above the 20.

16 LES BARBER: They could actually
17 move them down and it would be conforming.

18 ATTORNEY JAMES RAFFERTY: That's the
19 thing, yes. But if we were to move them
20 down, you would see -- they would compete
21 with the balance of the building. So that
22 they start at 20 feet and end at 29 as

1 opposed to starting -- so if they were on the
2 second -- if you look at the condition in the
3 photo, there are a series of projecting signs
4 in the area where they're supposed to be,
5 below the window sill of the second floor.
6 If we drop the banners in that area, we'd be
7 competing with those signs.

8 HUGH RUSSELL: Steve has a question.

9 STEVEN WINTER: I wanted to confirm
10 that as you noted the Cambridge Historical
11 Commission has approved the banners in size,
12 in the dimensions that you represented and in
13 the placement on the building that you
14 represented.

15 ATTORNEY JAMES RAFFERTY: We've got
16 a certificate of appropriateness subject to
17 the granting of a variance. The certificate
18 of appropriateness allowed for all of the
19 signs that you see on the building now that
20 were within their purview, it's just they
21 don't have the authority to waive the 20-foot
22 height limitation.

1 STEVEN WINTER: Thank you.

2 HUGH RUSSELL: I'm going to give my
3 opinion as we go down the table. I think in
4 matters of design in Harvard Square we should
5 very much defer to the Historical Commission,
6 because I think that's the intent of the
7 regulatory scheme for the square.

8 And my second comment is I think --
9 what floors of the building are Kaplan on?

10 MICHAEL KYES: The third and fourth
11 floors.

12 HUGH RUSSELL: So I think it's
13 appropriate also that these signs are
14 associated with the tenant use that is higher
15 on the building.

16 Any other comments?

17 H. THEODORE COHEN: Sounds fine to
18 me.

19 PATRICIA SINGER: And it goes well
20 with the building across the street.

21 ATTORNEY JAMES RAFFERTY: That's
22 right. They have banners across the street.

1 AHMED NUR: I agree. I tend to
2 agree with everyone. The only other comment
3 I have is regular materials hanging in the
4 wind, tear and wear, that type of stuff. You
5 want to comment on that, it has a tear in it
6 because of the wind.

7 ATTORNEY JAMES RAFFERTY: How
8 durable is this material?

9 MICHAEL KYES: I really can't
10 comment on that. The design fabricators have
11 put this together. They're attached top and
12 bottom taughtly. If there's a tear, I would
13 presume it gets maintained quickly. We did
14 look at the idea of more of an acrylic solid
15 looking piece, and they preferred more of the
16 fabric looking. So it is a vinyl.

17 AHMED NUR: It is a vinyl?

18 MICHAEL KYES: Canvas. It's color
19 fast. It won't fade, that sort of thing.
20 But as far as a tear goes, it simply has to
21 be replaced.

22 HUGH RUSSELL: Okay.

1 Does the staff have what they need to
2 record our discussion?

3 LIZA PADEN: Yes, thank you.

4 (Whereupon, a discussion was held
5 off the record.)

6 HUGH RUSSELL: The Board is going to
7 hear case No. 237 which is a major amendment
8 to a permit that we granted for 1924 Mass.
9 Avenue.

10 FEMALE AUDIENCE MEMBER: Excuse me,
11 can't hear.

12 HUGH RUSSELL: It says it's on. So
13 I'm going to say things that aren't important
14 until the sound comes up. And it's still not
15 going. I'm going to use Steve's. Now can
16 you hear me?

17 FEMALE AUDIENCE MEMBER: That's
18 better.

19 HUGH RUSSELL: The Planning Board is
20 hearing case 237 which is a major amendment
21 to the permit we granted to 1924
22 Massachusetts Avenue, Kaya-Ka Hotel. This is

1 a public hearing. It follows the rules of
2 public hearing. And that means that first we
3 ask the petitioner to explain the case. And
4 then the members of the Board ask questions
5 so that we can understand what's being
6 proposed. And then we go to testimony from
7 the public. There's a sign-up sheet which
8 will be brought to me just before the time we
9 start, and I'll simply take people in order
10 as they've signed up. And I would ask that
11 people limit their comments to three minutes.
12 That's our general rule. And if you haven't
13 signed up and you want to speak, there will
14 be an opportunity after I go through the list
15 for you to speak.

16 So would the petitioner like to
17 identify himself and explain what he wants to
18 do.

19 MICHAEL MCKEE: My name is Michael
20 McKee, M-c-K-e-e. I'm the architect for the
21 project at 1924 Mass. Avenue. I'm joined by
22 Mr. Gim who is the owner of the project, and

1 John Kiely who is with Collegiate
2 Hospitality. And they have been working with
3 us to refine the operations and the design of
4 the hotel as we work through the design
5 process.

6 We were here last November with a
7 number of items, Special Permits that were
8 granted ultimately for the project. As we've
9 been working through the design, we've come
10 across some new -- and I would say I guess
11 new technology, or at least technology that
12 has been not used in Cambridge before that
13 would allow us to redesign the parking level
14 of the project to make it more efficient.
15 And so that requires an amendment to our
16 original petition, original Special Permits.
17 The -- I don't know how much detail I need to
18 get into. We are not proposing any changes
19 at all to the project from grade or above.
20 None of the traffic movement at street level
21 will change. The size of the project, the
22 heights, none of those things are proposed to

1 be changed. All of the changes that we're
2 going to be talking about today occur in the
3 basement level. So I'm going to try to focus
4 on that, although if you have questions that
5 obviously hit the upper parts of the
6 building, I can address those as well.

7 I think in the package that I gave you
8 there was a -- in the original package, maybe
9 not the one I sent over this afternoon, there
10 were some before and afters in the building
11 section of the parking level. I will have
12 those as well. I will talk about those. The
13 original parking level had a single level
14 that was essentially the entire project site
15 from the back to the front. We had 40
16 parking spaces, which included some valet
17 parking. The way that was designed to work
18 is we -- was a sloped floor, so it started
19 one level deep at the back and it sloped at
20 five percent towards the front of the site
21 and it allowed us to have a complete floor of
22 parking and still allowed us to have a

1 mechanical and the hotel support spaces in an
2 upper basement level here.

3 So what we're proposing is the
4 introduction of what we've called stackers.
5 It's a mechanical parking aide that allows
6 one car to be picked up and another car to be
7 parked underneath it. I gave you -- or I
8 submitted this morning just some generic
9 information from one manufacturer. There are
10 a number of manufacturers on how that works
11 and what that is. And what it allows us to
12 do is to reduce the footprint of our parking
13 garage without losing parking spaces. So
14 what we have is a before and after. This
15 plan here shows our 40 spaces that cover the
16 entire footprint of the site. And in this
17 plan here, what we've done is we've leveled
18 off the floor so it doesn't slope down. We
19 have enough height in here to have stackers.
20 We're proposing 17 stackers which gives us 34
21 parking spaces. We have one parking space
22 that can't accommodate a stacker, so that's a

1 35th and then we still have five parking --
2 tandem parking spaces in the drive aisle
3 which is the same -- consistent with the
4 original drawing or the original plan. So
5 what we're -- so that's one issue. We're
6 introducing stackers to increase the amount
7 of parking in a smaller footprint of the
8 building. And then in order to utilize the
9 stackers, what we're proposing, we're
10 proposing to rely more heavily on valet
11 parking. In order to use all 40 of our
12 spaces, we will need valet parking to fill
13 all 40 of those spaces.

14 We've been going back and forth, and I
15 think Sue, the Traffic and Parking has
16 submitted a letter to you and stated some
17 concerns. And we went back and forth with
18 them on the concerns and we've submitted a
19 letter to them basically committing to do --
20 to follow the recommendations or the things
21 that they had asked that you impose on us.
22 And out of that discussion we kind of came,

1 you know, we actually could park during
2 non-peak times. If for some reason somebody
3 wanted to self-park in the garage, we
4 actually have 18 self-parking spaces, they
5 can park either below or on the stackers as
6 long as people don't move them. And John is
7 going to speak very briefly on valet in
8 general. And one of the things -- I'll let
9 John -- I won't even touch that. I'll let
10 John do that.

11 So that's the bottom -- that's what
12 we're proposing, is we're proposing to reduce
13 the footprint of the garage, introduce
14 stackers. We're maintaining the same number
15 of parking spaces that were originally
16 approved on the building which were the 40
17 parking spaces. We're making the commitment
18 to provide valet service 24 hours a day,
19 seven days a week, to allow the parking
20 garage to be capable of handling 40 cars at
21 any point. And then, one of the biggest
22 changes that's happened is we are now working

1 with Collegiate Hospitality who have hotel
2 experience, local hotel experience. So I'd
3 like John to very briefly to speak about
4 valet and how it's used and why it's used at
5 hotels and how he proposed it's being used
6 here.

7 JOHN KIELY: Hi. Good evening. My
8 name again is John Kiely. I am the CFO for
9 Collegiate Hospitality. It is a management
10 company that currently runs, manages the two
11 properties here in Cambridge, Inn Harvard and
12 Harvard Square Hotel. I have 28 years of
13 experience in the industry. My partner has
14 approximately 30 to 32 years experience in
15 the industry of managing properties,
16 different types of properties. I've been
17 with Sheraton, Hyatt, Hilton. My partner's
18 been with the same name brands. And just to
19 give you a little background of who we are
20 and how long we've been in business.

21 And in talking directly to a valet
22 situation, what we're concerned about as a

1 management company, it comes down the safety
2 of your employees. It comes down to the
3 safety of your patrons, your clients, and it
4 also comes down to the safety of the
5 individuals walking around the building or
6 within the building. And the only way to
7 really get that safety level is to have
8 complete control. So that's why in a
9 situation, especially like this, we would
10 like to have complete control through the
11 management of a valet system. That way what
12 will happen also is it will manage the flow
13 of traffic in and out of the building a lot
14 easier. We will be able to get clients in,
15 unload cars right away and get the cars
16 parked, and parked manageably correctly. If
17 they're coming in for a hotel stay, we put
18 them in the back on the top of the stackers.
19 If they're coming in for a restaurant stay,
20 they're parked somewhere differently so we
21 can get them in and out quickly. If they're
22 self-parking, it makes it a little difficult

1 where they could park in two spaces and now
2 we're down two spaces. So we like to hold
3 the management of that. And it's really
4 important because you also have employees and
5 individuals walking in that garage. And
6 although there's people and other vehicles
7 zipping down the garage, it's really a safety
8 issue that we look at first and foremost.
9 That's what we're looking at this issue for.

10 MICHAEL MCKEE: So I think that's --
11 I mean I would like to talk very briefly
12 about just the numbers of cars that we're
13 dealing with and peaks, because those were
14 also issues that came up in our conversations
15 with Traffic and Parking. I think what John
16 was saying is in terms of unloading and
17 loading cars, that it's good to have a valet
18 get rid of the car or move the car down.
19 Actually, what he's telling us is that it
20 allows them to keep the driveway clearer,
21 because it takes, you know, whatever it
22 takes, 15 seconds, 30 seconds to take the

1 luggage out of the car, and then while the --
2 and then they can start checking in the
3 people, and meanwhile the valet has gotten
4 rid of that car. Because one of the big --
5 one of the major concerns, and we certainly
6 understand the concern, if cars start
7 stacking up on our very limited space up here
8 grade (indicating), it could cause some
9 problems. And so what our operators are
10 telling us is that it actually gives them
11 more flexibility, it makes it easier to make
12 sure that this does not clog up back here
13 (indicating).

14 So, the process is still the same. We
15 would be coming in off of Mass. Ave. We
16 would be unloading -- we've got two lanes,
17 one in each direction here (indicating) and
18 then a pull-out lane. So people that would
19 be checking in would be stopped here
20 (indicating), unload, and then the car
21 continues on down into the garage. Taxis
22 that would be waiting to take people away or

1 people that are picking up or, you know,
2 coming out to the valet car would be parked
3 in the pull-out zone after the car's
4 retrieved. Our -- originally we submitted --
5 and it's been approved by the city, our
6 parking and transportation demand plan, and
7 in that we estimated and we think we were
8 reasonably conservative on the estimation, is
9 that we have 13 cars, peak hotel cars parked
10 in our garage at occupancy, 25 percent of
11 those people driving to the site. That gives
12 us 13 cars. 21 hours out of the day, that's
13 the amount of traffic we've got, 13 cars
14 coming into and out of the garage. In the
15 evenings when we have the restaurant reaching
16 its peak period between seven and ten
17 o'clock, I think our feeling is that the
18 peaks of the hotel people coming and going
19 and the peaks of the restaurant people coming
20 and going don't overlap. Our check-in and
21 checkout periods are happening earlier in the
22 day, not at dinnertime. And so we feel

1 that's going to give us a natural -- the
2 ability to structure things or stagger things
3 so that we don't have hotel peaks, restaurant
4 peaks and even loading peaks when we're
5 unloading because we're also using our
6 driveway for unloading. That's happening in
7 a controlled time period that the hotel can
8 control, and that's not going to be happening
9 during the hotel check-in, checkout either.

10 So we've got our lanes in here
11 (indicating). We still have our turn around.
12 There's -- really nothing has changed at
13 grade here (indicating). So I don't know, I
14 think that's -- you know, from our neighbors'
15 point of view, the things that we've
16 mentioned to them that they seem to like is
17 that one of the biggest advantages is we
18 don't have to dig nearly as deep. We're 13
19 feet deep at the front of the site instead of
20 the original 22 feet deep. We think that the
21 contractors are telling us that it's going to
22 save probably two months in the construction

1 period in the ground. So that's just a lot
2 of trucks not having to haul dirt out of
3 there that don't have to be. And it gets us
4 up to grade. It gets the hole filled in a
5 couple months sooner. So those are all
6 things that we think are advantages of a more
7 efficient building.

8 The downside is that this hasn't been
9 done in Cambridge before. But we've
10 submitted -- I gave you a list this morning
11 of a whole bunch of installations. These
12 things are used all over Boston and in the
13 Boston area. So I gave you a list, and that
14 includes some hotels as well. And all of the
15 installations on that list were -- are
16 supposed to be valet. Those are valet
17 parking. Usually when somebody uses
18 stackers, they do do valet with the exception
19 of condominiums, tandem parking where one
20 condominium would have control over both
21 spaces. These things are fairly low tech.
22 They're not -- you know, they're pretty

1 simple. Just a couple of hydraulic lifts.

2 CHARLES STUDEN: Are any of the
3 examples you've given us strictly valet
4 parking hotels?

5 MICHAEL MCKEE: I didn't check them
6 myself. When I asked the manufacturers to
7 give me some examples, I asked them
8 specifically I wanted to know which --
9 they're exclusively valet for the stackers.
10 Whether they have additional parking, I don't
11 know. I didn't go in and count. But they
12 are some fairly big installations. And what
13 they said is they don't know anybody that
14 uses a stacker and does not valet park in
15 those stackers with the exception of
16 condominiums, where one person will have two
17 spaces and then they can move the bottom car
18 because they have both the keys. So that was
19 -- that's our understanding. And I think
20 that's it, you know, from my knowledge of it.
21 That's the way it is.

22 So, I think that's it --

1 HUGH RUSSELL: Do other members have
2 questions? Charles?

3 CHARLES STUDEN: Yes. I'd just like
4 to pursue this issue of self-stackers and
5 just to understand it a little bit better,
6 because I don't understand how anyone would
7 be able to self-park in a stackers situation.
8 It doesn't make any sense to me so that if
9 the garage were to be converted this way, it
10 would always have to be valet parking. There
11 would not be an option to have people
12 self-park; is that true or not?

13 MICHAEL MCKEE: That's true -- you
14 can never get -- in order to keep the 40
15 spaces, it has to be valet. And I think in
16 our application we were committing to be
17 valet for perpetuity. What we -- when we
18 mentioned self-parking is -- it was kind of
19 in response to some of these discussions that
20 we had between Traffic and Parking. That
21 since we'd need 13 spaces, you know, if all
22 of our hotel projections are correct, if

1 somebody absolutely wanted to, you know, and
2 it's -- you could conceivably operate, except
3 for hotel times, you could conceivably
4 operate -- you'd only have 18 spaces
5 available, but you could operate as a
6 self-park garage. But that does not fulfill
7 our commitment. So, we're not proposing
8 that. We're just saying that there is a
9 little bit of flexibility.

10 CHARLES STUDEN: Could you just
11 explain -- you mentioned the word efficient,
12 "This is more efficient," and I'm having
13 trouble with that. Describe to me how this
14 proposed change is more efficient than the
15 plan we saw and approved last fall?

16 MICHAEL MCKEE: It's efficient in
17 terms of building. It takes a lot less floor
18 area to achieve the same goal which is the 40
19 spaces.

20 CHARLES STUDEN: So much cheaper to
21 build?

22 MICHAEL MCKEE: It's cheaper to

1 build. It's quicker to build -- yes.

2 CHARLES STUDEN: Okay.

3 MICHAEL MCKEE: And it takes, you
4 know -- there's less excavation. I mean,
5 it's efficient on a number of different
6 levels.

7 CHARLES STUDEN: Thank you.

8 HUGH RUSSELL: Any questions, Steve?

9 STEVEN WINTER: Yes. Is there a per
10 unit cost on the stackers?

11 MICHAEL MCKEE: I'm told about
12 \$7,000. But that -- we don't, you know,
13 that's -- we haven't bid them.

14 STEVEN WINTER: Right.

15 And in your text you mentioned that
16 allowing you to reduce the footprint of the
17 parking garage permits you to reduce the
18 amount of excavation and reduce impacts on
19 the adjacent properties. And I wonder if you
20 can just detail what those impacts are, the
21 impacts that we will be mitigating with less
22 excavation?

1 MICHAEL MCKEE: So -- well -- we've
2 done -- since we did all this -- since last
3 November we've done our soil borings and we
4 have a pretty good sense of the water table's
5 at 18 feet, which is lower than we thought it
6 would be. But it's -- so this keeps us
7 completely out of the water table. And in
8 the old scheme, even with the old scheme we
9 weren't terribly in the water table. We were
10 just at the -- at the lower part. At this
11 part down here (indicating), there was a
12 stretch right here where we got below 18
13 feet. So we're -- there will be less impact
14 on that. I mean, there's less trucks driving
15 up and down Mass. Ave. with dirt, you know,
16 going to and fro the site. You know, there's
17 less -- two months less of digging and
18 pouring concrete in the basement. So we --
19 and I think what John had eluded to, I think,
20 if we control -- or if the hotel operators
21 control the traffic, people coming in and
22 out, people driving up and down the ramp, you

1 know, we think that's probably better for our
2 neighbors, you know, because it would be less
3 chaos or less of a potential for chaos.

4 STEVEN WINTER: So the impacts would
5 be cutting the two months off the
6 construction and there's a constellation of
7 activities that that would take away?

8 MICHAEL MCKEE: Yes.

9 STEVEN WINTER: That would be
10 beneficial. And it gets you out of the water
11 table on the Mass. Avenue end of the
12 construction.

13 The last question, if I could, is if
14 we're saying that the valet parking is a
15 safety issue and that staff control provides
16 that measure of safety, I would like to see
17 or know of the transportation research that
18 shows that valet parking, as opposed to the
19 self-parking, creates a safer environment. I
20 think it's a great thought, but I don't want
21 to take it as an assumption. And I think we
22 need to somehow have some kind of

1 transportation research bureau or some kind
2 of academic research that shows us that this
3 is true.

4 JOHN KIELY: We can look into that.
5 I did consult our current insurers. We
6 utilize health insurance for all our
7 insurance at this point who is certified by
8 the Massachusetts Association of Hotels. And
9 HUB has told us that if you do have stackers,
10 the insurance company will want you to do a
11 hundred percent valet, because their research
12 has shown that it is safer and there's less
13 liability that will happen to your potential
14 clients. So I consulted them today and
15 that's what we came back with from HUB
16 Insurance.

17 MICHAEL MCKEE: What's the issue of
18 valet in general versus self-parking?

19 JOHN KIELY: Valet in general,
20 again, it's, you know, we do control,
21 completely control the situation where
22 somebody else doesn't have the control of the

1 situation. We currently do it the Inn at
2 Harvard and it currently has the same
3 screening as the Kaya-Ka Hotel. It is valet
4 parking. We get them in and move them out.
5 And when things start stacking up, they are
6 moved very quickly and they'll stage them --
7 to get them so they don't back out onto Mass.
8 Ave, they'll stage them and then they'll have
9 a runner running the cars as somebody else is
10 unpacking the cars in the back. So we're
11 continually moving those down. And that's --
12 that really only occurs if there is a large
13 check-in and there's a large drive-in
14 check-in. It all really depends on the
15 market that you're in. And if there's a lot
16 of fly-ins, we'll have cab and T activity --
17 the T is right there. And public
18 transportation is phenomenal for this site
19 which I'll anticipate a lot less traffic.

20 STEVEN WINTER: Can I ask you, Beth,
21 to follow-up on that proponent than, say,
22 traffic to follow up on that?

1 BETH RUBENSTEIN: I think they're
2 probably more the ones who would be able to
3 find the research on the relative safety.

4 STEVEN WINTER: No, no. I would
5 like them to find it, but I would like them
6 to present it to staff so the staff would
7 have an opportunity to look at it.

8 BETH RUBENSTEIN: Sure.

9 STEVEN WINTER: Great, thank you.

10 HUGH RUSSELL: My recollection of
11 this proposal for the hotel site was that you
12 thought there would be relatively few people
13 driving in and many of your clientele would
14 be people flying in to Boston, you know,
15 particularly who would appreciate the Korean
16 atmosphere in the hotel and weren't going to
17 be driving their cars were Korean. So I'm
18 more concerned about the restaurant, and
19 particular where I think there's a real
20 question about spill over into other areas.
21 And so my question is, is there charge for
22 the valet parking for the restaurant any

1 different than it would have been before? Is
2 there a charge? I mean, I never park in
3 valets because I figure you got to ransom
4 your car from them.

5 MICHAEL MCKEE: In our -- and this
6 was one of the major discussions that we had
7 when we were meeting with the neighborhood
8 groups early on in the project of the -- and
9 the way we put it in the PTDM was that the
10 hotel, because we're actually trying to
11 discourage hotel cars, does pay for using the
12 valet or for using the garage. And they have
13 no choice, because for the most part that's
14 going to be rental cars and won't have
15 stickers anyway. The restaurant patrons who
16 are much more likely to be locals and much
17 more likely to have stickers were bigger
18 concern to our neighbors. So when we wrote
19 this up as part of our PTDM, not only are we
20 -- we're obligated to survey everybody to see
21 how they got there, but we said that the
22 restaurant valet parking would be free valet

1 parking and advertised as such. So that if
2 you're going to drive and you have the option
3 of free valet parking as opposed to driving
4 ten minutes around the block looking for a
5 spot, you know, we want to get those cars
6 into the garage. So for that peak period
7 from, you know, the seven or six-thirty to
8 ten o'clock period, we anticipated that the
9 valet will be active and staffed
10 appropriately because we do want to try to
11 keep those cars off the street. And it would
12 be free.

13 HUGH RUSSELL: And let me just also
14 ask a somewhat different question which is if
15 you have 40 spaces and 13 for the hotel, that
16 means 27 are for the restaurant?

17 MICHAEL MCKEE: Well, if you --

18 HUGH RUSSELL: Or is it less?
19 What's the number?

20 MICHAEL MCKEE: The code requirement
21 for the restaurant is ten. The existing
22 Kaya-Ka Restaurant has 18 spaces. And in its

1 busy times it's really only Friday and
2 Saturday night it fills those 18 spaces.
3 When we were here last, we actually asked for
4 and were granted a few extra spaces. And
5 that was more or less to address our
6 neighbors' concerns what happens if you're
7 wrong and you need more spaces. So we said
8 we're better off having a few extra.

9 HUGH RUSSELL: Okay. So then
10 following this logic, the 20 plus or minus
11 spaces, and each individual probably stays an
12 hour and a half, might stay longer, they
13 might stay less, so if they were in a car,
14 that means that about 15 cars would move in
15 the course of an hour in, and 15 cars would
16 move out in the middle of the evening.
17 Probably around seven o'clock say. So that
18 means one car every four minutes going in on
19 the average and one car every four minutes
20 going out. That sounds like this is not
21 going to be a horrendous auto movement
22 problem for valet staff.

1 MICHAEL MCKEE: I think what Sue, in
2 our discussions with Traffic and Parking, you
3 know, they -- I think they were very correct
4 in being concerned that if we don't clear the
5 decks, if we don't get those 15 cars in and
6 out efficiently, it could cause problems.
7 And so, you know, it's really has to be up to
8 us to make sure that it does work
9 efficiently.

10 HUGH RUSSELL: Do you have -- in the
11 operation of the restaurant do you have, say,
12 wedding receptions or parties where a whole
13 bunch of people come at one time?

14 MICHAEL MCKEE: I'm sure that would
15 occur.

16 HUGH RUSSELL: So that might be the
17 challenging thing, but you would know when
18 that was going to happen.

19 MICHAEL MCKEE: We would know when
20 that was going to happen. We've discussed a
21 lot of scenarios on flexibility. I mean, our
22 garage will be designed from an egress point

1 of view to allow the public down there. It's
2 not going to change. So if we knew that ten
3 cars were coming right away, I mean, there's
4 the potential that you could do the drop off
5 downstairs. People drive them down and the
6 valets take them and park them. There is a
7 little bit of flexibility on how they operate
8 it. Certainly they don't want people down
9 there all the time, but if push comes to
10 shove, and that is the best way to deal with
11 an instance, it's possible.

12 HUGH RUSSELL: Okay, thank you.
13 Other questions?

14 H. THEODORE COHEN: So I just want
15 to confirm, you're saying that if you go to
16 the restaurant, the valet parking will be
17 free?

18 MICHAEL MCKEE: That's correct. And
19 we would market it that way to make sure
20 people -- you know, there's always a concern.
21 I think there's a lot of people who won't do
22 valet parking because it's five bucks for

1 nothing.

2 H. THEODORE COHEN: Right.

3 MICHAEL MCKEE: But, you know, I
4 think -- we want them to park in the garage.
5 We want to use the garage. We've got the
6 spaces, so it would be part of the -- you
7 know, our PTDM. We do say that's part of our
8 marketing. We're obligated to market that
9 way. We want people to use the garage if
10 they're going to drive. We want them not to
11 drive, but if they do drive, we want them to
12 use the garage.

13 H. THEODORE COHEN: Okay, thank you.

14 AHMED NUR: The only question I
15 have, Hugh, actually took over the last one
16 that I wanted to ask which is about the
17 functions, weddings and what not. And what's
18 the capacity in the restaurant just generally
19 on a busy -- how many people can you seat?

20 MICHAEL MCKEE: It's a 200 seat
21 restaurant.

22 AHMED NUR: 200.

1 MICHAEL MCKEE: Which is what he's
2 got now. Right now he's got -- he's actually
3 permitted for 300. And it's 210 seats right
4 now.

5 AHMED NUR: Any ballroom, any things
6 in there, auditoriums?

7 MICHAEL MCKEE: No. We don't have
8 function spaces. There will be private
9 rooms. It's a Japanese Korean restaurant.
10 There are private rooms --

11 AHMED NUR: Sure.

12 MICHAEL MCKEE: -- but those are
13 part of the 200.

14 AHMED NUR: And is the parking
15 space -- the parking spaces visible to the
16 public, either the neighbors, any
17 dimension --

18 MICHAEL MCKEE: No --

19 AHMED NUR: -- or to the street?

20 MICHAEL MCKEE: No, it's all, all of
21 the parking is underground.

22 AHMED NUR: Thank you.

1 MICHAEL MCKEE: And stays there.

2 HUGH RUSSELL: Okay, now we will go
3 to public testimony. Is there a sign-up
4 sheet?

5 Michael Brandon is the first name on
6 the list.

7 MICHAEL BRANDON: Thank you,
8 Mr. Chair. My name is Michael Brandon.

9 HUGH RUSSELL: Would you come up and
10 use the podium.

11 MICHAEL BRANDON: Oh, sure.

12 Hi, again. My name is Michael Brandon.
13 I live at 27 Seven Pines Avenue in North
14 Cambridge and I am the clerk of the North
15 Cambridge Stabilization Committee.

16 First, just quickly on a procedural
17 issue that I discussed briefly with
18 Mr. Russell before the hearing, there's
19 concern that the public notice for this
20 hearing, which was based on general
21 representations in the application,
22 inadvertently misleads the public about what

1 the nature of this major amendment consists
2 of. The notice reads that it's to convert
3 the approved parking, 100 percent valet
4 parking, as allowed by Section 6.3588 and
5 Section 10.5. That part of it is confusing
6 as I think you may even see in some of the
7 correspondence you got, because unless people
8 are familiar with the existing Special Permit
9 that was issued that allowed five tandem
10 valet parking spaces, it's -- when I first
11 saw the notice a few weeks ago, I misread it
12 to think that what was being requested was
13 permission to just use 100 percent valet.
14 But no inkling was given of notice about this
15 stacked proposal. The notice also goes on to
16 say that there are another -- there are no
17 other changes proposed to plans, uses or
18 conditions outlined in the Special Permit.
19 When, in fact, there's significant changes to
20 the plans as the proponent explained in
21 removing a level or a half level of the
22 parking lot, introducing these mechanical

1 stacking devices which at other proposed
2 sites have been controversial and occur
3 nowhere else in Cambridge. And then also the
4 suggestion that there are no changes in
5 conditions. There are, in the application
6 itself, which I subsequently obtained
7 proposals by the proponents to alter the
8 existing conditions, including having to do,
9 perhaps with the charges for parking that we
10 discussed, but also specifically for use of
11 the loading dock and hours of use. And I'll
12 talk a little bit about that moving on to
13 substantive issues.

14 The other reason -- although not
15 necessarily a legal reason, and that would --
16 if indeed that is flawed, it may create a
17 potential procedural ground for an appeal of
18 your decision which I don't think anybody
19 would want. But the Chair, bowing to his
20 wisdom, suggested that since folks had turned
21 out tonight and not graze that issue and that
22 we open the hearing, have the presentation,

1 have people who have showed up to address
2 you, speak tonight, and there would still be
3 time, if the Board were willing, to keep both
4 the oral and the written testimony open.
5 Perhaps it would be re-advertised, you know,
6 the next time it's going to -- for the next
7 time it's going to come back. That would
8 also allow time -- the other reasons are is
9 that it's smack in the middle of summer and
10 even some of the usual Board members are out
11 of town as are many members of the public.
12 And also given the long history of this
13 project, that I know some of the longer term
14 members of the Board are aware of, there's
15 been a lot of interaction with the public and
16 rezoning involved and hearing before the
17 Zoning Board. And a number of meetings with
18 both the Porter Square Neighborhood
19 Association and with my organization, the
20 North Cambridge Stabilization Committee.
21 However, in this particular case we were not
22 notified at all by the proponents that this

1 was pending and offered to come and present
2 the proposal and hear questions and concerns
3 from the public and the affected neighbors.
4 We normally flyer the neighborhood, the
5 immediate neighborhood to make sure the folks
6 who are not direct abutters who may not be
7 aware of what's happening with this project.
8 My understanding is that the Porter Square
9 group was not notified until last Friday. So
10 for all those reasons I would ask when
11 tonight's proceeding closes that you do keep
12 it open and perhaps have it advertised again,
13 but to allow time for more interaction in the
14 community given that the original plan that
15 was permitted went through a lot of
16 discussion, and from my point of view just
17 minor changes.

18 HUGH RUSSELL: Could you wrap up
19 your comments?

20 MICHAEL BRANDON: Sure. I got hung
21 up on the procedure as I often do. Quickly I
22 would say that the concerns raised in number,

1 the first paragraph of the Traffic
2 Department's letter raise a lot of the
3 concerns that we have about this proposal and
4 the congested nature of the site. Because a
5 second curb cut was not added, traffic
6 circulation on the site is going to be very
7 problematic and I think the mitigations that
8 are suggested later in the letter are not
9 going to be sufficient to address them. And
10 I won't go into the details of that now
11 because I hope we have time to do that later
12 or perhaps in writing. But even a change in
13 ownership could magnify problems greatly. I
14 think I'll hold off on discussing the loading
15 dock issues with you and the problem with
16 cueing into the loading dock, the placement
17 of the loading dock in the residential zone.
18 Also as far as the free parking for valet for
19 the restaurant, is in principle, a good idea,
20 would encourage more people to use it.
21 However, people would still, I believe, avoid
22 using it in addition to the reasons cited by

1 the Traffic Commission and people don't want
2 to have to pay a tip if they have the
3 Cambridge license.

4 HUGH RUSSELL: You were wrapping up.

5 MICHAEL BRANDON: I will wrap up.

6 And thank you for your patience.

7 HUGH RUSSELL: Thank you.

8 Next person on the list is Nancy Cole.

9 NANCY COLE: My name is Nancy Cole.

10 I live at Five Porter Park in Cambridge. So
11 we are one of the exact, direct abutters.
12 Our house abuts right onto the parking lot.
13 So, I just want to say a couple of things.

14 First of all, I think this whole plan
15 has been through, you know, a long time
16 trying to get this all settled. And in my
17 opinion, and the opinion of several of the
18 people in, at least in Porter Park who I've
19 talked to about this, this seems like a
20 relatively minor situation, and one about
21 which actually we're pretty glad. We have
22 supported this project in the past. Many of

1 you know that. But I have to say that the
2 idea of thinking about all that construction
3 right next to us has not ever been a very
4 pleasant thought. So to think about having
5 the garage not have to be so deep is a good
6 thing. I think it probably makes it less
7 likely that there will be any structural
8 damage to our homes. I think the less time
9 that is spent on the construction is a
10 blessing to all of us who live anywhere near
11 there. Any time there's one less truck that
12 goes in and out of that driveway rattling our
13 house about ten feet away is going to be a
14 good thing. So, the fact that it won't be so
15 deep and the construction won't be so long
16 are both in my mind favorable factors.

17 I also just want to speak briefly to
18 the valet issue. I think many of you know
19 that our biggest concern being direct
20 neighbors has been noise in the parking lot.
21 So I would just remind you that right now
22 there is a surface parking lot that is

1 literally less than ten feet away from our
2 house, and there's people who park there, and
3 they leave at night and they go out there and
4 talk and, you know, mostly they don't do it
5 for very long, but it's always mostly it
6 seems when you're trying to go to sleep. So
7 I mean Mr. Gim has always been a good
8 neighbor and he tries to take care of that.
9 But one of the best things that we liked
10 about this proposal is that the parking would
11 be underground, and that would really
12 lessen the noise impact on the neighborhood.
13 And it seems to me that with a valet
14 parker -- a valet person to park the cars,
15 that will be only good. You know, it will be
16 even less traffic in and out of that garage
17 and even less potential noise.

18 So, you know, I can't speak to any of
19 the procedural issues, but from the point of
20 view of your quality of life, this all sounds
21 like a good idea, and a number of us support
22 it. Thank you.

1 HUGH RUSSELL: Thank you, very much.

2 The next name on the list is Costanza
3 Eggers.

4 CONSTA EGGERS: Hello. I'm Costanza
5 Eggers at 37 Porter Road, very directly
6 behind the parking lot.

7 I received this notice just recently
8 and I just wanted to reiterate a couple of
9 things, but from my own perspective of what
10 both Traffic and Parking and North Cambridge
11 Stabilization Committee has said.

12 I haven't had a chance to really
13 understand the impact of this change nor why
14 it came about other than it might be a little
15 cheaper. So all I'm -- my biggest point
16 would be that I think we need another hearing
17 in September so we can really look at it.
18 And this conversation and your questions, the
19 Board's questions, and what people have been
20 saying, and Michael's presentation has given
21 me more of an understanding, but I still
22 have, and many of us still have many

1 questions. And I would like an opportunity
2 for another hearing in September. Not just
3 to keep an open plate where people can
4 comment, but to understand -- this is a major
5 piece. And we asked as neighbors, and this
6 is very important to you us, not to have
7 valet parking for some of the reasons that
8 Susan wrote in her letter. And if there's
9 reluctance to park or pay the five bucks, you
10 can imagine what the reluctance would be to
11 do valet parking, you know, in a hydraulic
12 lift. I know if I had a BMW brand new, I
13 wouldn't want my car to be going in that.

14 So I'd like to know if there's data on
15 that. Whether people use it? How is it
16 comparable, the hydraulic lift in Boston with
17 the ones here in Cambridge? I know that
18 there's been some, some bad press about it,
19 and I'd like to see what the insurance
20 company that you mentioned, I'd like to see
21 their study and what do they compare it to?
22 What is the context? And we also have

1 questions about, for instance, the
2 information about the progress, before and
3 how much the geotech study that you just
4 mentioned -- how much does that impact the
5 neighbors as well? That information isn't
6 public yet and we would like to see it. And
7 the web page has promised so we can see
8 exactly what that water table is and if
9 there's a river or what. And also is that
10 going to change according to the plans.
11 There's so many changes we have questions as
12 to whether that means that the retaining wall
13 in back is therefore not going to be so thick
14 and deep because you're going to have it in
15 in a hydraulic lift. There's -- a lot of
16 details have been changed and I think we need
17 more of a chance to discuss this both in the
18 neighborhood and the PSNA and the North
19 Cambridge Stabilization and to hear your
20 comments. So I request, I really
21 respectfully request that we have another
22 hearing in September when people are here.

1 That's basically it. Is my time up?

2 HUGH RUSSELL: Yes. Thank you very
3 much.

4 Is there anyone else who is not on the
5 list here that would like to speak?

6 Please.

7 CAROL CULLEN: Just a suggestion --

8 HUGH RUSSELL: Would you come
9 forward and give your name address.

10 CAROL CULLEN: My suggestion -- my
11 name is Carol Cullen at 40 Porter Road. And
12 I just heard about this whole thing this
13 morning on my e-mail. It came up from the
14 North Cambridge Stabilization Committee.
15 This is the first word I've had on the whole
16 change. That's just me whining and
17 complaining.

18 What I wanted to say, can somebody who
19 has a video camera just go to one of these
20 stacking parking places and make a short
21 video of how it works and show it at the next
22 meeting, please? Thanks.

1 HUGH RUSSELL: Thank you.

2 Richard?

3 RICHARD CLEARY: My name is Richard
4 Cleary, North Cambridge Stabilization
5 Committee, Chairman.

6 The City Council back three years ago
7 asked the City Manager to report on the idea
8 of stackers. And almost three years ago
9 today on August 7th of '06 the City Manager
10 responded to that request by the Council
11 expressing some doubt about the idea. And I
12 don't know whether the Board has access to
13 the City Manager's letter. I'd be glad to
14 submit it. It expresses several causes for
15 hesitation about doing this, especially in an
16 ad lib fashion. And so I'd like to simply
17 suggest that before petitions like this are
18 granted in ad lib fashion that the Planning
19 Board make a policy study of this idea which
20 is new to this city. And so I'd just like to
21 submit the -- you know, I'd like to submit
22 the letter from the City Manager to the

1 Council.

2 HUGH RUSSELL: Is there anyone else
3 who wishes to be heard at this time?

4 (No response).

5 HUGH RUSSELL: So, there's one other
6 piece which I realize I've forgotten to do
7 and I'd like to do at this time, is question
8 to the petitioner.

9 Under the rules of the Board we have to
10 grant a favorable relief by a vote of five
11 members, and ordinarily there are seven
12 members present. So you have to get five out
13 of seven. There are only six of us here now.
14 And I need to know whether you agree to have
15 us hear it. If you do not agree, what we'll
16 have to do is stop and rehear the case,
17 right? So I should have done that at the
18 start.

19 MICHAEL MCKEE: Well, I think we, we
20 were told that there was only going to be six
21 members here and we agreed to come and
22 present to the six.

1 HUGH RUSSELL: Okay. I just need to
2 have that on the record.

3 So, I guess the other thing I would
4 like to do is ask the Traffic Transportation
5 and Parking Department to present their
6 letter to us.

7 SUSAN CLIPPINGER: I think the gist
8 of the letter to you and the issues, some of
9 which have already been talked about, is this
10 is -- Sue Clippinger, C-l-i-p-p-i-n-g-e-r,
11 traffic director.

12 The site is -- does not have a lot of
13 frontage, because on Mass. Ave. itself
14 there's a crosswalk that comes right into the
15 center of the project. So unlike many active
16 uses hotel restaurant where you would like to
17 have some on street active space, there's
18 really nothing there. So a lot of work had
19 gone into the prior to the original permit to
20 think through the loading and activity that
21 is actually on the site which includes the
22 hotel visitors, the restaurant visitors and

1 taxi activity, which always is a mixed
2 blessing, and most hotels have a love/hate
3 relationship with the taxis. So when the
4 proposal for a hundred percent valet is put
5 forward, the concern that we're worried about
6 is that it's a very small space in which to
7 provide a lot of activities. And that if
8 there's a peak between hotel activity and
9 restaurant activity, a hundred percent valet
10 could be a very difficult operation. And so
11 I don't think it's a problem off peak, but I
12 do think at the busy times it might be a
13 problem. And one of the ways -- there's a
14 couple ways that you might -- and the problem
15 which I think, what we tried to say in the
16 letter, was that potentially vehicles would
17 cue and either block the sidewalk on Mass.
18 Ave. or block the bike lanes and the travel
19 lane on Mass. Ave. or park illegally blocking
20 the crosswalk right in front of the site. So
21 those are things, which we obviously care
22 greatly don't happen and want to try to make

1 sure that that works. So, our feeling is
2 that there's two potential ways in which a
3 problem like that could be mitigated. One of
4 them would be to increase the amount of
5 people who are operating the valet operation,
6 but that is a cost-related activity. And so
7 we're basically asking an operator to spend
8 more money in order to save impacts on the
9 public right of way. My experience is
10 they're either going to be cooperative or
11 they're not. And if they're not, we're going
12 to be in a really awkward situation. The
13 thought is, is there a less costly way of
14 trying to resolve that problem that would
15 give us relief if it was occurring. And
16 that's where the conversations of
17 self-parking come up. Because it doesn't
18 cost you anything if you allow people to just
19 drive passed the congestion and go park their
20 car. So I don't know a lot about stackers
21 and aren't a lot in Cambridge to look at --
22 in Cambridge. Therefore some in Boston. But

1 my understanding, which may be wrong, is if
2 the stacker is up, a person can park their
3 car underneath it. You wouldn't be able to
4 use the space above, but you could park
5 there. And so if the demands for the
6 restaurant is -- today is a lot of 18, if you
7 had every stacker up, you have about 18
8 spaces. So, it feels like if there's some
9 flexibility on the part of the proponent in
10 terms of what they're doing, that you could
11 have a solution. But when Mr. Kiely is
12 talking about they're only insured for a
13 hundred percent valet and they can only do a
14 hundred percent valet and they're unwilling
15 to do anything less than a hundred percent
16 valet, then I have a lot more worry about the
17 project than I did when I wrote this letter.
18 So, you know, my sense is if it's a hundred
19 percent valet or nothing, it scares the
20 living daylights out of me. If it's a
21 hundred percent valet but during peak times,
22 if they're unable to staff it, they will

1 allow the self-park operation. And because
2 the garage is really too big for demand,
3 there's fair amount of flexibility there,
4 then I think it's a viable option where there
5 would be an opportunity for us if the
6 language is in the Planning Board permit to
7 go back to the valeter and say, the worries
8 that we had identified and are identified in
9 your permit about blocking the sidewalk,
10 travelling in the bike lane or illegal
11 parking, you know, need to be addressed and
12 therefore, you know, you have to move on one
13 or the other or other ways if they come up
14 with them. But the problem would have to be
15 addressed so that the vehicles can move into
16 the garage and park there and that we don't
17 have a compromised operation that has an
18 adverse impact on the public right of way.
19 So that's essentially what we're trying to
20 say in the letter.

21 H. THEODORE COHEN: Can I ask a
22 question?

1 HUGH RUSSELL: Sure.

2 H. THEODORE COHEN: I understand
3 your concerns. I'm curious, are there
4 benefits to a hundred percent valet in other
5 areas that, you know, not necessarily, you
6 know, override or mitigate the concerns, but
7 that there's affirmative benefit to the
8 hundred percent valet?

9 SUSAN CLIPPINGER: I can't think of
10 any benefit to a hundred percent valet
11 because I think that having a system with
12 some flexibility and options is going to give
13 the developer and the city a lot more tools
14 and opportunities to make sure that things
15 work well. And the stackers are a different
16 challenge than an unstacker garage because
17 you have to figure out who's on top and who's
18 on bottom. But I think those are things that
19 can be addressed and dealt with, but I can't
20 imagine that, you know, there's any situation
21 where a hundred percent valet is a good thing
22 for us to be supporting. And that's where I

1 believe Museum Towers went. Maybe you were
2 here, a long time ago, and we have received
3 complaints every year, I've been here with
4 people wanting us to fix the problem because
5 they hate the hundred percent valet. Not
6 everybody, some people love it. Some people
7 hate it. So having operations that allow
8 variety of different personalities and things
9 to work in the most flexible way, I think is
10 a better way to do business.

11 H. THEODORE COHEN: Thank you.

12 HUGH RUSSELL: Discussion?

13 CHARLES STUDEN: Yes, which is
14 actually what we proposed initially, I think,
15 because you had five valet parking spaces as
16 well as a self-parking which is not a
17 possibility in this current proposal.

18 I think what I've been thinking about
19 is I first received this package is, you
20 know, do the benefits of what's being
21 proposed here outweigh the downsides?
22 Granted the project is going to look the same

1 and there's going to be less construction
2 impact and it will be cheaper for the
3 developer to build it, but I think there's
4 the potential for some very big traffic
5 impacts. What you're proposing here is
6 really going to depend on people or the
7 operations of the garage and those things are
8 notoriously difficult. And I can see
9 situations where it could become very, very
10 problematic, especially during peak times and
11 in bad weather. This isn't California, and I
12 can imagine a snowstorm or a bad rainstorm
13 this peak hour of the evening cars coming in
14 and taxis and horn blowing. And people just
15 getting out of their cars and literally just
16 leaving them and going into the hotel or
17 leaving them on the street. It can be very,
18 very difficult. And what we again approved
19 last fall I don't think we'd have that
20 difficulty. Although I was actually
21 concerned, even then, about the capacity of
22 that taxi loading area in front of the hotel,

1 I thought it was very small anyway. But now
2 that we're in a proposal that you are
3 currently -- that you have before us, I think
4 it makes it even more of a problem. And I'm
5 just worried that it's not going to be
6 adequate. So I guess I need to think a
7 little bit more about this. But, again, I'm
8 worried that the benefits here are not --
9 they're just not apparent to me.

10 HUGH RUSSELL: Anyone else?

11 STEVEN WINTER: Yes, I have one.
12 Thank you.

13 I think there's something that we're
14 not taking into account when we think about
15 the problem that may occur at the entrance to
16 the hotel restaurant, and that is it's not in
17 the owner's interest to have an atmosphere of
18 chaos and pandemonium to the doorway of his
19 place of business. So I think we have to
20 assume that the owner is going to do his
21 level best to mitigate those problems, to
22 mitigate those issues. Those are logistical

1 issues. They're not foundational structural
2 defects. Those are logistical issues that
3 can be solved. Logistical issues can be
4 solved.

5 And I wanted to comment briefly on the
6 stackers being de facto self-park spaces. I
7 can't imagine any insurance company allowing
8 members of the general public to park on the
9 stacker or under a stacker with family or
10 children. I don't think that would be
11 allowable under any circumstances. And I
12 certainly wouldn't recommend it, to let that
13 happen.

14 I want to confirm that -- did we
15 actually take the spaces from 35 to 40 at the
16 request of the neighbors? Is that how -- was
17 that the origin of that? That the
18 neighborhood requested the larger number of
19 spaces?

20 MICHAEL MCKEE: We presented 40
21 spaces, but that came out of our discussions
22 with the neighbors. That that was addressing

1 a neighbor's concern that we didn't have --
2 that just in case we don't have enough. So,
3 the neighbors didn't come here and say we
4 want 40. We presented it as 40 based on our
5 discussions.

6 STEVEN WINTER: Okay.

7 And I, you know, I think the other
8 piece that -- I pay a lot of attention to Sue
9 Clippinger's reports. And what I saw here
10 was her asking that this -- that there be
11 flexibility in case of exigent conditions
12 that created pandemonium and chaos at that
13 entrance. And I think that that's a
14 legitimate thing to ask the proponent to do,
15 to have something in place to take care of
16 that should that happen. I think that's
17 perfectly legitimate. And I also want to
18 echo what I believe Sue said which was if
19 we're going to do the hundred percent valet,
20 then there's got to be some kind of
21 monitoring by the city on an on-going basis.
22 I won't even pretend to know whether it's

1 three months, six months, 12 months or six
2 months, 12 months, 18, 24 months to make sure
3 that the conditions at that entrance with 100
4 percent valet parking in fact are meeting the
5 expectations of the city. And if they're
6 not, then I think the proponent needs to go
7 back and address it somehow in some way. And
8 I think that needs to be a part of our
9 decision if we're going to approve this.
10 Thank you.

11 HUGH RUSSELL: Is there a PTDM plan
12 for this building?

13 SUSAN CLIPPINGER: I'm sorry?

14 HUGH RUSSELL: Is there a PTDM plan
15 for this building.

16 SUSAN CLIPPINGER: Yes.

17 MICHAEL MCKEE: Yes.

18 HUGH RUSSELL: And that would be
19 non-monitoring entering?

20 MICHAEL MCKEE: Yes.

21 SUSAN CLIPPINGER: Without
22 monitoring of the conditions of operation --

1 the operational conditions that are talked
2 about here --

3 HUGH RUSSELL: Yes.

4 SUSAN CLIPPINGER: -- monitoring of
5 how many people come by what mode.

6 MICHAEL MCKEE: But also how many
7 people use the parking and how there is -- we
8 do monitor the parking.

9 HUGH RUSSELL: And we don't --
10 that's a separate ordinance that -- but
11 presumably there's an ability to amend
12 whatever PTDM agreement has been made if the
13 proponent and the city agree to incorporate
14 additional provisions in that if that seems
15 wise.

16 STUART DASH: You would be hard
17 pressed to expand the garage.

18 HUGH RUSSELL: Right. I mean --

19 STEVEN WINTER: Sue, are you going
20 to respond to that?

21 SUSAN CLIPPINGER: Well, I suspect
22 that there's -- you could also do it as a

1 condition in the permit.

2 HUGH RUSSELL: Okay, why don't we
3 leave --

4 SUSAN CLIPPINGER: It would not
5 necessarily be tied to PTDM, but in response
6 to the issues that are discussed.

7 BETH RUBENSTEIN: I'm not sure that
8 the PTDM staff person is the best person in
9 terms of understanding operations.

10 HUGH RUSSELL: We'd rely upon you to
11 recommend appropriate.... Amend.

12 AHMED NUR: I'd like to mention that
13 I was -- during college I worked down in
14 Harvard Square and they had somewhere
15 probably around 30 valet parking. And as you
16 probably know, people necessarily come
17 together and stay in one hotel even though
18 they're going to a function at a different
19 ballroom or wedding or function, and they all
20 tend to travel together and stay in one
21 place. And that 30 valet sometimes phone
22 calls ring, usually talks -- you would

1 normally have five valets on a shift maximum
2 at this capacity. Every one of them grab the
3 key and run down the stairs to go get the
4 car. There's the mix up opportunity to bring
5 cars up -- as soon as we bring cars up, the
6 staff bring the car up, there's a jam. The
7 person who called upstairs for this
8 particular car is not down yet. So now
9 there's other people waiting. Then there's
10 the mix up with the key. You throw the key
11 down on the platform and go run down, another
12 key and so on and so forth. So, as Sue has
13 mentioned and probably everyone else on the
14 Board, I think that a hundred percent valet
15 is definitely something that I personally
16 would not support.

17 JOHN KIELY: I just want to point
18 out the concern about pandemonium and bulb
19 into the street and a snowstorm, at the Inn
20 at Harvard we've never really had that and
21 we've had major snowstorms. And we have
22 other personnel other than the valet people

1 that assist in major issues. If there is a
2 major storm, then the maintenance staff is
3 out clearing the way, the most important
4 area, versus any leaks in the hotel is making
5 sure there's public access in and out of the
6 building. So it wouldn't be the people that
7 are dedicated to moving the traffic through.
8 There are snow blowers moving whatever needs
9 to be moved. And yes, there are times when
10 everybody does come together at one time, but
11 we also have that same type of thing happen
12 at Harvard Square Hotel where there is no
13 valet and they all check in at the same time
14 and one person leaves his car at the top and
15 we don't have the ability to move that car,
16 that's an issue. That creates a major issue.
17 And we have to try and stop the guest from
18 checking in. Can you please move your car.
19 Because we don't have control of that
20 situation. So, I just want to point that
21 out.

22 CHARLES STUDEN: But just to be

1 clear, neither of those hotels, the Inn at
2 Harvard or the Harvard Square Hotel is a
3 hundred percent valet.

4 JOHN KIELY: The Inn at Harvard.

5 CHARLES STUDEN: You can't drive
6 your car in.

7 JOHN KIELY: There's a sign that
8 says you can't drive your car in.

9 CHARLES STUDEN: I'm going to check
10 that out as to what you're proposing here.
11 Thank you, that's helpful.

12 MICHAEL MCKEE: There's about 112
13 rooms.

14 JOHN KIELY: 111 rooms.

15 MICHAEL MCKEE: We're (inaudible)
16 and it's quite a bit bigger than us and the
17 driveway area is -- it's a little better than
18 ours.

19 ROGER BOOTH: Can't hear.

20 MICHAEL MCKEE: The Inn at Harvard
21 is 111 rooms, it's over twice as big as ours.
22 They have a two-lane driveway, as we do, in

1 and off the street. And there's a set-up
2 similar to ours where you drive in and
3 continue on down the ramp if you're going
4 into the garage or you look around. They
5 have a better turn around than we do, but
6 that's the not the -- that doesn't impact the
7 valet. And I don't -- I mean, I mean my own
8 personal -- my daughter does the Jose Mateo.
9 So I spend a lot of time sitting out there on
10 the little fence there waiting for valet to
11 end. And, you know, there is -- you know,
12 that is not a -- pandemonium is not what I
13 would describe as anything that ever happens
14 in front of the Inn at Harvard. And so I'm a
15 little bit concerned that that may be
16 overstated. I mean, we're, we're much
17 smaller. We have 13 cars, you know, planned
18 for the hotel. That's --

19 JOHN KIELY: The other cars you see
20 going down would be the hotel cars.

21 HUGH RUSSELL: So, my feeling is
22 that we should not make a decision tonight

1 and that there should be some more creative
2 discussion between the proponent and the
3 staff. And I would suggest a way of perhaps
4 thinking about it, which is to try to
5 quantify the potential for confusion. In
6 other words, how many self-parking spaces
7 would you need if your operation were that in
8 this sort of peak time people come and there
9 might be, say, four spaces that they could
10 park in in the garage, if you had a thing,
11 you know, saying valet parking only beyond
12 this. And that would essentially be holding
13 spaces, they wouldn't -- so that when the
14 valet people caught up, they'd take a car out
15 of that space and move it into the valet
16 section. I mean, a plan like that might give
17 you -- might solve the insurance thing. It
18 might -- it means that you might not be able
19 to have, you know, stackers in those four
20 spaces.

21 JOHN KIELY: And we are flexible.
22 We're not -- our company is not one to say

1 this is the way to do it. We'll change in
2 ten minutes if we need to based on -- because
3 no facility is the same. So we need to, once
4 it does start operating and we realize that
5 this particular process is not working, we
6 change it. We change it because you are
7 correct in saying we don't want to stack up
8 in front of our restaurant.

9 HUGH RUSSELL: I'll tell a personal
10 story. I actually designed a hotel, only
11 one, and it was a conversion of a locational
12 high school, the Double Tree Hotel on
13 Washington Street in Boston. And when it was
14 the auto shop down in the basement and the
15 big cafeteria, and so that was the only place
16 in the hotel for parking. And so I laid it
17 all out neatly with parking spaces, and there
18 weren't very many. And every time I got down
19 there for some occasion, the place is
20 absolutely solid cars. It's a valet, a
21 hundred percent valet system. Their overflow
22 was that you have a deal with the Wang garage

1 next-door if they absolutely have to. But so
2 that seems to me that's another possibility.
3 If it's heavily valet, you might be able to
4 put a few more cars in the aisle down at the
5 far end of the garage that might allow you to
6 take out some stackers. It might allow you
7 to have this more flexibility. So I think
8 thinking that way. I am assuming you can't
9 squeeze the maintenance and basement areas
10 enough to get any more parking spaces, but
11 you could -- I don't know, that's just a
12 question maybe. Maybe there's a way to get
13 another nine feet of parking garage in there
14 and that would allow you to again, get the
15 flexibility that the city would like to see,
16 you have of the --

17 MICHAEL MCKEE: If that was the
18 difference between making it work or not, we
19 can always find another nine feet.

20 HUGH RUSSELL: So I guess I would
21 like if there are no other comments from the
22 Board at this time, to end this hearing.

1 Leave the hearing open for further testimony
2 the next time.

3 H. THEODORE COHEN: So we're
4 continuing the hearing? Leaving it open?

5 HUGH RUSSELL: Yes.

6 BETH RUBENSTEIN: September 8th
7 would be the next meeting, that's our best
8 guess, but please check in to be sure.

9 HUGH RUSSELL: And that would be in
10 September to get more time to have meetings
11 and other --

12 H. THEODORE COHEN: Mr. Chair.
13 Could I -- I haven't seen the legal notice
14 but what was read to me sounded like it was
15 fine. But could I just request the staff
16 might review it with City Council?

17 BETH RUBENSTEIN: Sure.

18 H. THEODORE COHEN: Just to confirm
19 that they feel it is an appropriate notice.

20 (Whereupon, a discussion was
21 held off the record.)

22 LES BARBER: Are we ready?

1 HUGH RUSSELL: We are.

2 LES BARBER: This is I think a 45
3 second bit of business. What you're looking
4 at is a plan that reflects the joint efforts
5 of Twining and Company and the -- which I
6 call the Ropa Building. I actually don't
7 know what -- it's the Main Street office
8 building abutting Broad Canal which the
9 Planning Board approved as a Special Permit
10 probably 25 years ago. And part of the boat
11 launching area for Broad Canal recently
12 installed as well as -- but the boardwalk.
13 And the turnaround and drop off for the boat
14 launching facility as well the landscaping
15 down along the driveway is all along the
16 Broad Canal Ropa Building site. And simply
17 to make it clear in the documents filed at
18 the City Clerk's office, that there's been a
19 change in the site plan that we simply
20 approve it as consistent with the permit as
21 issued 25 years ago, which it certainly is,
22 and just file that with the Clerk so that

1 there's a reasonable paper trail following
2 the changes that are being made. I'm not
3 sure we ever particularly approved the
4 details of the landscaping method that was
5 there previously, but I think it would be
6 nice to memorialize this in the file for this
7 particular site. There are also a bunch of
8 cross easements between the two entities to
9 allow all of this activity to occur which I
10 think we all think is quite positive.

11 STEVEN WINTER: Indeed.

12 LES BARBER: So that's the -- just a
13 procedural thing for the Board to do if
14 you're willing to do that.

15 HUGH RUSSELL: Does anyone wish to
16 make a motion?

17 STEVEN WINTER: I will. I move that
18 the amendments to the landscaping plan on --
19 is it One Broadway?

20 LES BARBER: It's One Main.

21 LIZA PADEN: One Main.

22 LES BARBER: One Main. It has a

1 Planning Board number.

2 LIZA PADEN: 44.

3 LES BARBER: 44.

4 STEVEN WINTER: As delineated in the
5 handouts that we have here be accepted and
6 approved.

7 HUGH RUSSELL: Okay. Any
8 discussion? All those in favor.

9 (Show of hands.)

10 BETH RUBENSTIN: Hugh, I have one
11 other brief item or, Liza, you may have
12 something else.

13 LIZA PADEN: No, I'm going to make
14 sure there's no more BZA. After doing the
15 two signs for Zoning Board for August 13th
16 there were actually three non-sign cases and
17 I didn't know if anybody had any questions
18 about those.

19 PATRICIA SINGER: I do.

20 LIZA PADEN: Yes.

21 PATRICIA SINGER: On No. 9827 I was
22 curious to understand the benefit of

1 subdividing something into two lots.

2 LIZA PADEN: This is property that's
3 owned by Just-A-Start. And what's happening
4 is they have a multi-family building and they
5 have a two-family structure, and by
6 subdividing it they can work on having the
7 multi-family building be managed as one
8 entity and then the two next to it. They are
9 also doing renovation work to the two-family
10 house next-door. So because they're doing
11 the subdividing, they're not going to meet
12 the yard requirements, so Just-A-Start has
13 proposed to put in a new parking plan and
14 alterations for this. This is what the plans
15 look like. There's no --

16 PATRICIA SINGER: Thank you.

17 LIZA PADEN: -- changes in the use.
18 They'll still both be residential buildings.

19 PATRICIA SINGER: Thank you.

20 LIZA PADEN: Okay? Thank you.

21 CHARLES STUDEN: Thank you.

22 HUGH RUSSELL: Thank you.

1 BETH RUBENSTEIN: I just wanted to
2 note that in your packages tonight we have
3 given you a copy of a proposed change to the
4 Zoning ordinance in Somerville which we can
5 get into tonight or if you'd like to get into
6 it another night, that's okay. It was
7 actually sent to the city. It should have
8 been sent to you, the Planning Board of an
9 adjacent town. And the change in Zoning
10 would affect the northerly portion of the
11 North Point Development Project and takes
12 that portion, and basically declares that the
13 only allowable uses would be railroad yards
14 and terminals, waste management facilities,
15 bottle redemption centers or public buildings
16 owned by the City of Somerville. And I did
17 actually run upstairs and get my North Point
18 Plan just so I can show you briefly the area
19 we're talking about. This is probably known
20 to the Board as the North Point Site Plan.
21 And you'll recall that wavy line is the
22 Cambridge/Somerville border. And so this is

1 Boston (indicating). And then everything
2 here is Somerville. The area they're
3 rezoning is here (indicating).

4 And I will say there's actually a bit
5 more history to this, but as I think most
6 folks know the Green Line Extension Project
7 is something that is court ordered project to
8 take place by 2014. It turns out that as
9 part of the Green Line Extension, a Green
10 Line maintenance facility needs to be built.
11 There is a site in Somerville that's being
12 looked at near the brickyards project. The
13 City of Somerville is proposing, if you will,
14 parcel E for the location of that facility.
15 And we have communicated with them that
16 obviously it would have impacts on the North
17 Point Project. That it would -- actually,
18 when you look at the plans we have seen,
19 admittedly pretty rough plans for that
20 facility, there are tracks that get the cars
21 to the maintenance facility that would run
22 through parcels A, B, C, D, E, F and a little

1 bit of G. So we have been on the record, the
2 City Manager's communicated to Somerville
3 that it has huge impacts on the North Park
4 Project, certainly would necessitate a major
5 amendment to the permit, and we also noted
6 that one the big community issues when we
7 were looking at North Point for the
8 neighborhood was the noise that folks have
9 been telling us for years emanates from the
10 Boston engine terminal. So, we don't see
11 putting another noise generator there makes a
12 lot of sense for folks here. Not to mention
13 that since those comments about the BET we
14 now have folks living at ST and the Smith
15 high-rise. So, I wanted you all to have a
16 copy of language really, what the technical
17 language says that this area of the city is
18 only for those rail related, transfer
19 station, DPW type uses. And it's -- so if
20 that zoning is adopted and, again, this is
21 just a proposal, it's going to have big
22 impacts on that site.

1 CHARLES STUDEN: And there's no
2 other site in Somerville for that facility?

3 BETH RUBENSTEIN: There's another
4 site that has been being looked at. I'm not
5 an expert in that site. It's in Somerville
6 and it's by the Brick Bottom Project. The
7 City of Somerville has issues, some problems
8 with that. They are claiming actually, that
9 they feel that this site would be more
10 cost-effective. I would disagree with that
11 because I think once the owner of this parcel
12 starts discussing what it would mean for a
13 portion, not a hundred percent, but a portion
14 of all those parcels to be made into tracks
15 that the issue of finance is going to be very
16 much upon us.

17 CHARLES STUDEN: And those are all
18 designated for residential development?

19 BETH RUBENSTEIN: That's correct.

20 Now, it's interesting, we -- the
21 Planning Board and the staff always
22 understood that if zoning changed in

1 Somerville, it could change the project. And
2 in fact, the permit I think pretty
3 effectively you all indicated that should the
4 zoning in Somerville change, should the
5 zoning in Boston change, that the developer
6 was obligated to come back to you right away
7 to say there's been a change. Right now
8 we're in a situation where the developer
9 isn't active. Because as you'll recall,
10 there was a partnership that's breaking up.
11 They still have not effected a sale to
12 anybody else. So there's a, you know, an
13 owner of record, but there's really not a
14 developer in the mix. So we're feeling
15 especially that it's especially important for
16 Cambridge to come forth and indicate the
17 issues that we have. And I urge the Board to
18 look at the proposal, and certainly if the
19 Planning Board would like to make comments to
20 the City of Somerville, that's certainly
21 something you can do. I don't have a hearing
22 date yet and we'll keep you posted.

1 HUGH RUSSELL: Do they tend to bear
2 a proposed letter that we want to send?

3 CHARLES STUDEN: That's what I was
4 going to say, a letter.

5 BETH RUBENSTEIN: Sure. Be happy to
6 do that. We'll bring you something to look
7 at.

8 CHARLES STUDEN: I agree.

9 STEVEN WINTER: I have a comment.
10 Beth, I want to feed this back to you to make
11 sure I have it. In essence, the City of
12 Somerville is proposing development
13 immediately adjacent to a very successful
14 ongoing mixed use urban development, and
15 they're proposing to place bottle redemption
16 centers, a waste management facility and
17 railroad terminals and yards, is this really
18 be correct?

19 BETH RUBENSTEIN: Can I clarify a
20 little bit, Steve?

21 STEVEN WINTER: Yes.

22 BETH RUBENSTEIN: They have a zoning

1 proposal that says the only allowable uses in
2 that area would be the things you see I
3 believe on the second page.

4 AHMED NUR: Just parcel E, right?

5 BETH RUBENSTEIN: It's a more or
6 less parcel E. It's a little more than that.
7 In fact, if you look at the proposal, and you
8 look at this plan here, this wavy line is the
9 wavy line that runs through the development.
10 So it's larger. It's E and to the north.

11 HUGH RUSSELL: Sort of like that?

12 BETH RUBENSTEIN: It's that wavy
13 line, exactly. So what they're doing here is
14 saying that Industry B Zone could only be
15 used for the four bulleted, you know, the
16 railroad terminals and yards, waste
17 management, transfer, station incinerator,
18 bottle redemption center for recycling and
19 building, and uses for the City of
20 Somerville. That's what the zoning is doing.
21 Separate from the zoning, the City of
22 Somerville is a proponent of the Green Line

1 maintenance facility going here. There are
2 two separate things.

3 H. THEODORE COHEN: If I'm not
4 mistaken I think the T is adamantly opposed
5 to that site, and is pretty definite that
6 they only want the brick bottom site. And I
7 think they've already submitted environmental
8 impact statements saying that that's what is
9 going.

10 BETH RUBENSTEIN: Your knowledge may
11 be a little ahead of ours. I haven't talked
12 to them in the last couple of weeks.

13 H. THEODORE COHEN: Unless they've
14 changed it. But there was a lot -- and you
15 can Google it -- there was a lot on the web a
16 couple months ago about the T saying, no,
17 this is where it's going to go. And they
18 didn't care that the City of Somerville was
19 unhappy about it.

20 BETH RUBENSTEIN: Well, we'll keep
21 an eye the hearing schedule. Obviously I
22 don't know what the timing is, how long we

1 have to get a letter in, but this came July
2 9th so this certainly -- we haven't lost our
3 opportunity. The city will be running as a
4 city and we'll draft something for the Board
5 and have you all take a look at that.

6 STUART DASH: Can I clarify Steve's
7 question? This was always industrial zoned
8 in this area on the Somerville side. And
9 North Point folks always needed to seek new
10 zoning to get housing there. And that -- and
11 as part of the permit that was discussed that
12 they need to go seek a change in the
13 Somerville Zoning to allow use in that area,
14 because it was always industrial zoned. What
15 the proposed zoning is doing is actually
16 reducing the industrial uses down to three
17 from 20.

18 HUGH RUSSELL: So they never did
19 that Zoning Board in Somerville?

20 STUART DASH: No.

21 LES BARBER: And Somerville has
22 plans, I'm forgetting what they call the area

1 where the alternate site is located, but they
2 have development plans there which they feel
3 are thwarted significantly if the, you know,
4 maintenance facility for the Green Line are
5 located there because they can't put in
6 various connections I think even connections
7 on Paul Bryant Highway. And so I mean they
8 have a strategy and particular objectives
9 that they have and....

10 HUGH RUSSELL: So there isn't a
11 spirit of neighborly cooperation between the
12 two planning departments?

13 Okay, well I'm sure they're just
14 waiting for our comments.

15 BETH RUBENSTEIN: Thank you.

16 HUGH RUSSELL: We're adjourned.

17 (Whereupon, at 10:20 p.m., the
18 meeting adjourned.)

19
20
21
22

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

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