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PLANNING BOARD
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

September 8, 2009

7:30 p.m.

in

Second Floor Meeting Room
City Hall Annex -- McCusker Building
344 Broadway
Cambridge, Massachusetts 02139

- William Tibbs, Chairman
- Pamela Winters, Vice Chair
- Hugh Russell, Member
- Charles Studen, Member
- Thomas Anninger, Member
- H. Theodore Cohen, Member
- Steven Winter, Member
- Ahmed Nur, Member
- Patricia Singer, Member

Beth Rubenstein, Assistant City Manager
for Community Development

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P R O C E E D I N G S

1
2 WILLIAM TIBBS: Welcome to the
3 September 8th meeting of the Cambridge
4 Planning Board. We have one public hearing
5 tonight, and it is a continuation of a public
6 hearing that was started on August 4th. It's
7 our case No. 237, Major Amendments to 1924
8 Massachusetts Avenue, the KayaKa Hotel. I am
9 going to ask Hugh Russell who chaired the
10 first public hearing to actually chair this
11 portion of the -- the continuation just
12 because I wasn't here for that meeting. So I
13 think Hugh has a better sense of what you
14 talked about before and what the issues are.
15 And for the public's knowledge, only six of
16 the board members can vote on this petition.
17 That's Hugh, Tricia, Ahmed, Ted, Steve and
18 Charles. So that means Pam, myself and Tom
19 -- because we weren't at the first hearing,
20 will not be voting on this hearing. And,
21 Hugh, would you like me to go over the rules
22 so you can just deal with the business?

1 We do have -- this is a continuation of
2 both the -- it is a continuation of the
3 public testimony part of the public hearing.
4 So we'll ask the proponents to make whatever
5 -- comment on whatever changes have occurred,
6 if any, from the last hearing. And then we
7 do have a sign-up sheet for people who would
8 like to speak. And the sign-up sheet's in
9 the corner. If for whatever reason you're
10 not able to sign up, you can -- we will still
11 ask if you want to speak after the, you know,
12 end of the public verbal -- before we close
13 it for verbal comment, and that we request
14 that people come up to the podium to speak
15 when they do. And with that, I'll just pass
16 the podium somewhat to Hugh and we'll
17 continue with the public hearing.

18 HUGH RUSSELL: Beth, you have
19 updates you want to give to us?

20 BETH RUBENSTEIN: Thank you, Hugh.
21 Not too much to report, just the upcoming
22 dates. Tonight's September 8th, and then the

1 Board will be meeting again on September
2 22nd. In October the meetings will be
3 October 6th and October 20th. And then in
4 November, normally we would meet the 1st and
5 3rd of the month, November 3rd's Election
6 Day. We don't meet on Election Day. So stay
7 tuned. We will meet two out of the three
8 dates: November 10th, 17th and 24th. And we
9 haven't yet determined what the Board -- what
10 the best dates are for the Board members.
11 And then I also just wanted to mention while
12 everybody is here, that later on tonight the
13 Board will be continuing their discussion of
14 the Connor petition, and I think I've
15 announced this before, but I would just note
16 that the deadline for action on that petition
17 by the City Council is the end of September.
18 And in September the Council's going to be
19 meeting next week, the 14th and then again on
20 the 21st. There is no meeting on September
21 28th. So if you're interested in the Connor
22 petition, I would urge you to stay tuned at

1 the City Council on the 14th and the 21st.
2 And also tomorrow afternoon at 4:30 the City
3 Council Ordinance Committee is going to hold
4 another hearing on the Connor petition as
5 there is a lot to discuss there. So if
6 you're interested in that item, those are
7 important dates.

8 And that's it.

9 HUGH RUSSELL: Thank you. Beth.

10 So at the last meeting the Board made
11 some comments and there was some comments by
12 the Traffic and Parking Department. And so,
13 have you made any response to those comments
14 that you'd like to put on the table for us?

15 MICHAEL MCKEE: Yes, we have.

16 BETH RUBENSTEIN: And, Michael, if
17 you could use the microphone, we'd appreciate
18 it.

19 HUGH RUSSELL: For the record,
20 identify yourself.

21 MICHAEL MCKEE: My name is Michael
22 McKee. I'm the architect for the project at

1 1924 Mass. Ave. At our last hearing we got
2 what we felt were some very, very
3 constructive comments from the Board, from
4 Traffic and Parking and from the public. And
5 we got additional comments that we presented
6 to the project, the improvised scheme to the
7 Porter Square Neighbor's Association on the
8 20th. So we got additional comments from
9 them. And we've taken and gone back and
10 redesigned our proposal. We've done it in
11 such a way that we feel provides a much
12 better mix of the self-parking and valet
13 parking that we, as opposed to the layout
14 that we proposed the first time around.

15 What we've done is we've reorganized --
16 we've made the parking area larger by moving
17 the wall, the demarcation wall between the
18 occupied space -- I gave you, you should have
19 small versions of these drawings at your
20 desk. So, we have more room to work within
21 the parking garage. We've reduced the number
22 of stackers that we're proposing and we've

1 increased the number of pure, cleaner
2 self-parking spaces. And we've consolidated
3 the stackers down at the far end of the
4 parking area to allow us some more
5 flexibility in terms of the self-parkers, the
6 people that want to self-park down in the
7 garage. So we now have -- in the original
8 scheme we had a potential for 18 self-parking
9 spaces that relied heavily on an unused
10 stacker of being able to park a car on a
11 non-valeted stacker. In the revised scheme
12 we've reduced the number of stackers to 14.
13 We now have six dedicated self-parking
14 spaces. So we have a total of 20 spaces that
15 are available to the self-parkers. And we
16 think, we hope that addresses the major
17 concern -- concerns that were raised by the
18 Board and by the Traffic and Parking.

19 We spent quite a bit of time with
20 Traffic and Parking going back and forth over
21 the last three or four weeks and specifically
22 trying to make sure that we've addressed

1 their concerns that we can address. They had
2 issued a letter the first time around with
3 four conditions that they wanted attached --
4 that they recommended be attached to an
5 approval of this scheme. And we feel that
6 we've made some pretty good headway in
7 addressing those conditions. And we're -- we
8 are comfortable that if the project is
9 approved and those conditions are attached to
10 the approval, that we can live with that.

11 And that's in a nutshell what we've
12 done. We've tried to redesign it so that it
13 relies more heavily -- or that it allows a
14 better mix of self-parking and valet parking.

15 HUGH RUSSELL: Okay. Thank you.

16 Sue, do you want to comment on the
17 revised plan?

18 SUSAN CLIPPINGER: I think that the
19 comments that Mike just made are accurate.
20 The concerns that we had was wanting to have
21 the flexibility within the facility so that
22 at a really heavy peak time you didn't have

1 to depend on a hundred percent valet in order
2 to make sure there were not adverse effects
3 on the Mass. Ave. and the bike route and the
4 sidewalk. So I think they've been very
5 responsive to those issues. And I think that
6 the language we had given you in our initial
7 letter that had some triggers for problems
8 that affected the public right of way which
9 would then obligate them to come back and
10 find ways either through changes in their
11 parking or changes in their staffing to deal
12 with that will be sufficient. I think
13 there's probably many parts of the day where
14 there may not be a problem, but this is
15 really about trying to make sure that during
16 a peak time we don't suddenly have a
17 situation where the public right of way is
18 jeopardized. So I think the changes are good
19 and they responded to the issues we were
20 concerned about.

21 HUGH RUSSELL: Thank you.

22 Is there a list of people who signed up

1 to speak?

2 The first person on the list is Guy
3 Esaf (phonetic).

4 MALE AUDIENCE MEMBER: I crossed my
5 name off.

6 HUGH RUSSELL: I thought it was very
7 sloppy writing.

8 The second one on the list is Andrea
9 Wilder.

10 ANDREA WILDER: Right here.

11 HUGH RUSSELL: Can you please come
12 forward?

13 FEMALE: Thank you. My name is
14 Andrea Wilder. I live at 12 Arlington
15 Street, very near Porter Square. And my
16 comments are really extempore because I
17 didn't realize this issue would be before the
18 Planning Board this evening until a friend
19 told me just a little while ago. As I
20 understand it, Cambridge has no policy in
21 regards stackers. The city needs one because
22 anything that might result in more congestion

1 is just completely undesirable in Porter
2 Square. I live on one side of Mass. Ave, the
3 Washington Avenue side, and I go to a health
4 club which is in the Porter Square area, and
5 I mean, it's -- I don't know, it's five or
6 six streets coming together there. And you
7 should see people trying to cross, it's like
8 a flock of chickens, you know, going across
9 every time the lights change. And to have
10 more -- any more cars in there, I know what's
11 going to happen with the KayaKa Hotel. But
12 when you have something we don't know the
13 traffic implications of, the stacking, it's
14 just -- it doesn't seem to make any sense.
15 It just gives -- it just makes an already
16 difficult area even more hard to navigate.

17 Thank you.

18 HUGH RUSSELL: Thank you.

19 Next person is Costanza Eggers.

20 CONSTANCE EGGERS: Hi. My name is
21 Costanza Eggers and I'm at 47 Porter Road,
22 right around the corner. I hope first of all

1 that you have a letter that was written by
2 Frank McGrail (phonetic). Okay. Just trying
3 to make sure, otherwise I would read his
4 letter rather than speaking.

5 I would want to make a couple comments
6 about the issues I wrote about. Living
7 around the corner for the past 18 years and
8 living in the neighborhood for the past 35
9 years, I've seen the traffic patterns and
10 they've gotten really a lot worse because of
11 the light a little bit -- because of the
12 light at Fresh Pond and the increment of
13 development. But I thought that was very
14 thoughtful, the crosswalks, the lights,
15 everything was kind of slowing down and being
16 more user friendly. And I noted here in my
17 note here that everyday I see a near incident
18 or an incident at that crosswalk right in
19 front of the Kaya when there's only one car
20 going in. And a back up over passed Upland,
21 if any of you are around even at three
22 o'clock or seven o'clock it's kind of random.

1 But all you need is one car making a left off
2 of Mass. Avenue from Harvard Square to
3 Arlington going into the Kaya parking lot,
4 and it stops all flow of traffic there.
5 Because the right-hand side is trying to get
6 into Fresh Pond, and the left-hand side, one
7 car, just completely changes the flow of
8 traffic, which makes it really very dangerous
9 to cross as well.

10 The other part that I wanted to ask you
11 to please request the geotech study which is
12 something we requested from the beginning
13 because we don't understand why this
14 amendment is necessary. We make large
15 concessions, both the neighbors and
16 yourselves, to the Special Permit which
17 breaks all the regulations that have been
18 built before. So, why this is necessary,
19 we're not sure if it's, you know.... And
20 we'd like to know what in the geotech study
21 causes this or is it just money. And money
22 was an issue from the beginning that we

1 discussed whether they were able to do that.
2 So, we really would like to see the geotech
3 study, and I certainly oppose this amendment
4 to the Special Permit.

5 The stacking, like Andrea said and like
6 Frank talked about and also Craig Kelly and
7 other people in the neighborhood are very
8 reluctant to use stackers. And also have bad
9 experience -- have noted bad experiences in
10 Boston using these.

11 So, until some research is done, I
12 think that it would be fair to ask you to
13 vote to not give this amendment a go ahead.

14 Thank you.

15 HUGH RUSSELL: Thank you.

16 That's the end of the people that
17 signed up on the list. Are there other
18 people who wish to be heard, would you raise
19 your hands?

20 MARGARET ANN BRADY: I'm Margaret
21 Ann Brady and I live at Seven Porter Park.
22 I'm a direct abutter to the Kaya. And I'm in

1 favor of this amendment being granted because
2 for one thing I understand it will result in
3 less excavation, less construction time so
4 that's really a benefit to us. And, you
5 know, having done some research on the impact
6 of stackers in neighborhoods in New York, San
7 Francisco, Boston, it really does seem to be
8 a benefit. I'm not -- I don't see that the
9 stacker -- it does not sound to me that it's
10 going to that much impact the flow of
11 pedestrian or vehicle traffic in Porter
12 Square. I lived in Porter Square since 1984
13 so I've certainly witnessed, and I've been
14 crossing Mass. Ave. that whole time so, I've
15 witnessed a lot of the different changes.
16 And I have so much confidence in the way that
17 Mr. McKee and Mr. Gim have worked with the
18 neighbors throughout this entire process that
19 I feel very confident in supporting them for
20 this request for amendment.

21 HUGH RUSSELL: Thank you.

22 MICHAEL BRANDON: Thank you.

1 Michael Brandon, B-r-a-n-d-o-n. I live
2 at No. 27, Seven Pines Avenue in North
3 Cambridge. I'm the clerk of the North
4 Cambridge Stabilization Committee. We've had
5 numerous meetings with the proponents
6 regarding this project in general although
7 none regarding this proposed major amendment
8 that will change the lot.

9 I would urge you not to grant the
10 request of relief. I don't believe that the
11 proponents have made a case for the need to
12 do so. The original plan went through many
13 iterations, many -- much community
14 discussion. And other than limiting the
15 amount of excavation, he's really presented
16 no plan or no rationale for introducing
17 changes that many folks believe, including
18 the Traffic Department, may create a more
19 chaotic situation at a curb cut that is
20 already very dangerous. Bicyclists and
21 certainly with the increase in frequency of
22 vehicles crossing there, the potential for

1 back ups is going to be great.

2 I would also commend the letters -- I
3 received copies from Mr. McGrail and also
4 City Councilor Craig Kelly, that was an
5 issue that we raised last time, this whole
6 issue of stackers since they're not used
7 anywhere in Cambridge yet. It's really a
8 policy for City Council to look at, for the
9 City Management and Traffic Department and
10 other departments, including DPW and police
11 and fire, and this Board itself, you know,
12 maybe it makes sense to allow them in
13 commercial uses, better monitored, but not in
14 residential uses where they've also been
15 proposed in a few places in North Cambridge.
16 So, I would urge you not to set a precedent
17 by allowing this, at least until there's some
18 sort of a public process looking at the
19 current parking zoning design requirements to
20 see, you know, what is a tandem space. What
21 is the intent, you know, one over a stacked
22 space, a tandem space. Clearly some changes

1 for safety need to be added. I'd also
2 suggest that while I greatly appreciated Ms.
3 Clippinger's analysis of the potential
4 problems that could be created by 100 percent
5 valet parking, I think that the suggested
6 conditions really don't adequately mitigate
7 the potential for really bad situations such
8 as when there's, you know, a parents' weekend
9 at Tufts, and Leslie increasingly is growing.
10 Or when there are functions in a 200 seat
11 restaurant. Clearly they're not going to
12 have enough parking on-site. And I believe
13 that the existing plan would generate parking
14 on the street.

15 In closing, I would just also add that
16 if the Board was going to consider changes to
17 the garage, it should consider requiring that
18 the loading dock, which I believe is now
19 illegally proposed for an open area in a
20 residential zone, my understanding the
21 ordinance is that that is not allowed, it's
22 not allowed under the new Special Permit that

1 was created by the -- by the City Council at
2 that -- accessory uses are not allowed in a
3 residential zone. Accessory commercial uses.
4 And that also within 50 feet of a residential
5 zone any loading dock is supposed to be
6 completely enclosed. So this will require a
7 variance were the Board to decide to grant
8 this.

9 Thank you.

10 PAMELA WINTERS: Thanks.

11 HUGH RUSSELL: Anyone else who
12 wishes to be heard?

13 (No response.)

14 HUGH RUSSELL: I see no one. So, I
15 would say should we then close the hearing to
16 oral testimony?

17 CHARLES STUDEN: Yes.

18 HUGH RUSSELL: All those in favor,
19 raise their hands.

20 (Show of hands.)

21 HUGH RUSSELL: All the members
22 sitting on the case voted, yes.

1 (Russell, Studen, Cohen, Nur,
2 Singer, Winter.)

3 HUGH RUSSELL: Discussion?

4 PAMELA WINTERS: Are we allowed to
5 discuss, Hugh? Make comments?

6 HUGH RUSSELL: I think it would be
7 better not to --

8 PAMELA WINTERS: Okay.

9 HUGH RUSSELL: -- for the three of
10 you since you're not sitting on the case. Do
11 you disagree, Tom?

12 THOMAS ANNINGER: I was talking with
13 Les beforehand and he saw no problem with our
14 putting our two cents in, but we just
15 couldn't vote.

16 HUGH RUSSELL: Well, advise us,
17 staff.

18 WILLIAM TIBBS: I think we've done
19 that in the past.

20 BETH RUBENSTEIN: I think it's okay
21 if there is a comment. I think the most
22 important thing when it comes to the vote, it

1 would be the six folks that were here before
2 that. I think we have to be firm about that.

3 HUGH RUSSELL: Okay. Excellent.
4 Should we go down the table in this
5 direction?

6 CHARLES STUDEN: Thank you, Hugh.
7 I'd like to understand this new proposal a
8 little bit better if I can. First, you're
9 not proposing anything different from the
10 last time you were here in terms of
11 construction, it's the way the garage is laid
12 out in terms of self-park and stacked units.
13 Is that true?

14 MICHAEL MCKEE: Just to clarify from
15 a month ago or from the original?

16 CHARLES STUDEN: No, from a month
17 ago.

18 MICHAEL MCKEE: The only changes
19 that are being proposed are the -- is a
20 reconfiguration, we've moved -- the line of
21 the parking area is larger. The occupied
22 space is smaller, correspondingly smaller.

1 CHARLES STUDEN: So there will be 20
2 self-parking spaces in this new proposal, the
3 way you're configuring the garage?

4 MICHAEL MCKEE: Yes, that's with the
5 -- that's with parking on -- we're allowed to
6 self-park onto the top -- onto the deck of a
7 stacker and then we have -- there's 14
8 stackers and then there's an additional six
9 spaces that are dedicated, that don't have
10 stackers in them.

11 CHARLES STUDEN: What I don't
12 understand from an operational point of view,
13 on a given evening, let's say there's an
14 event in the hotel and it's snowing as it
15 often is here a good part of the year, and
16 the first 20 people who arrive are given the
17 choice of either using a valet or
18 self-parking their car. What if the first 20
19 people all want to self-park, does that in
20 any way preclude or interfere with the
21 operation of the stacking of the other
22 spaces? I can't help but believe that it

1 would, but maybe you can explain how that
2 would work.

3 MICHAEL MCKEE: Well, from a -- when
4 we talked through the scenarios on how this
5 is done, our feeling is that most people when
6 given the option will take a valet parked car
7 -- will take a valet parking their car, but
8 they don't have to. In the sense --

9 CHARLES STUDEN: Excuse me, on what
10 do you base that assumption that they would
11 prefer this -- a valet? Because I have a
12 slightly different sense than that. People
13 don't want to pay for it. They don't like
14 other people driving their cars. They don't
15 -- they'd much rather just park their own car
16 and walk back up into the hotel to the event
17 that they're attending. But go ahead. I'm
18 sorry.

19 MICHAEL MCKEE: Maybe I'll let David
20 address that in terms of the hotel operation,
21 what people do at hotels. But in terms of
22 our scenarios on how the garage would be

1 operated is -- even in a self-park situation,
2 we could ask the people who wanted to
3 self-park to leave their keys at the front
4 desk because they're either going to be --
5 they're either in the restaurant or the
6 hotel. There's no outsiders in our garage.
7 They're either guests of the hotel or in the
8 restaurant or guests of guests I guess. And
9 the idea would be that if they would leave
10 their -- the request would be if they
11 self-park, that they would leave their key
12 with the front desk. If they're parked on
13 the deck of a self-parker, we do have the
14 ability -- and they neglect to turn their key
15 in, we do have the valet. And if the valet
16 wants to use the lower spot on that stacker
17 unit, if it's in one of the stacker spaces,
18 the valet has the option. The valet can
19 raise that car up and put a valeted parked
20 car beneath that. And then the valet would
21 have to move that car for a self-parker to
22 come back and to, you know, I mean, we don't

1 anticipate, again, maybe -- do you want to
2 talk to this?

3 DAVID POSH WILSON: Sure.

4 MICHAEL MCKEE: David Posh Wilson is
5 the project manager and has hotel operation
6 experience.

7 DAVID POSH WILSON: David Posh
8 Wilson with Collegiate Hospitality.

9 It doesn't happen in an absolute manner
10 that people -- 20 cars will drive in and
11 self-park and then we will flip to valet.
12 Hotels are ahead of the curve on that one.
13 They're anticipating what their demand is
14 going to be. They already know what rooms
15 are booked in advance. And if it happens to
16 coincide with a heavy demand period in the
17 restaurant, we'll have the valet team there
18 ahead of time. And those are times when you
19 manage it and you turn it to valet and you
20 don't give a self-park option if, you know,
21 it was necessary to valet to fit in all the
22 cars that are anticipated to come to the

1 hotel .

2 CHARLES STUDEN: Well , I have to be
3 honest, I see the potential for a fair amount
4 of confusion in that garage under certain
5 circumstances assuming that it's staffed
6 appropriately -- well , maybe not. But, I
7 don't know. I just can't imagine under
8 certain conditions that it would be a very
9 difficult situation and it could have a very
10 significant impact on Massachusetts Avenue,
11 cars queuing up trying to get in. In
12 addition compounded by the fact that people
13 arriving by taxi and using the same driveway
14 and entranceways with the people using the
15 garage which has always made me somewhat
16 uncomfortable. In the earlier scheme I felt
17 less so. But under this proposal I really do
18 have some concerns. So, yes, I'm not sure
19 exactly how to address this frankly. And I
20 think what's driving it, and maybe you can
21 confirm this, is frankly this is going to be
22 much less expensive to construct than the

1 earlier proposal that we approved sometime
2 ago and therefore the development ProForma
3 comes out much better for the owner and
4 everyone concerned which I can fully
5 appreciate. Obviously you want the hotel to
6 get built, and I think we would all like to
7 see a hotel in that location. As long as the
8 operation of that hotel doesn't cause a lot
9 of problems for the neighbors and other
10 people who are trying to pass by on
11 Massachusetts Avenue.

12 So, you know, again am I right in
13 saying that the principle reason for you
14 doing this is economic? It's cheaper to do
15 this than it is to build the original
16 proposal because you don't have to excavate
17 as much?

18 DAVID POSH WILSON: That's fair.
19 It's cheaper and it's quicker as pointed out
20 by one of the abutters.

21 CHARLES STUDEN: Okay. Thank you
22 very much.

1 HUGH RUSSELL: Pam?

2 MICHAEL MCKEE: Can I just elaborate
3 what I think addresses -- I just want to
4 reiterate the number of cars that we're
5 anticipating. When we did our parking and
6 transportation demand plan, demand management
7 plan, we made what we thought were some very
8 conservative assumptions about, you know, to
9 the conservativeness three times to what
10 other hotels in Cambridge are showing for
11 their parking usage. But based on that, our
12 hotel is -- if it's a hundred percent full
13 and if 25 percent of those drivers, which is
14 high for precedent in Cambridge, we're
15 talking about a total of 13 cars in the
16 garage for a majority of the time. And the
17 only time that doesn't work out or the only
18 time there's, you know, any additional
19 parking beyond that is during the restaurant
20 peak periods.

21 CHARLES STUDEN: And when there are
22 special events going on in the hotel, which I

1 assume there would be. That's what most
2 hotels are about.

3 MICHAEL MCKEE: This hotel doesn't
4 have function spaces or meeting rooms.

5 CHARLES STUDEN: It has a
6 restaurant. Anyway, I can see when demand
7 would not correlate with exactly what you
8 said. But thank you, that's good.

9 PAMELA WINTERS: So, Sue, I have
10 some questions for you. So, I don't know if
11 you want to -- I'm sorry, I don't know if you
12 want to take the mic or not. I guess my
13 first question is how -- from your memo of
14 August the 4th you had some serious concerns
15 about the valet parking staff may not be
16 adequate to meet demand and vehicles could
17 block the driveway, back up in the Mass.
18 Avenue sidewalk, bike lane in the street and
19 taxis dropping off and picking up and so
20 forth. I'm wondering how the new proposal
21 changed your mind or is there a significant
22 change here in your original concerns?

1 SUSAN CLIPPINGER: Well, I think
2 that in the memo that you're reading, one of
3 the things that we were trying to do was to
4 be as specific as possible about what we
5 thought potential issues might be that could
6 arise so that when we talk about mitigation,
7 we were trying to make sure that they were
8 very much targeted toward those issues that
9 we could anticipate. So part of that is just
10 trying to think through what other kinds of
11 mix of activities that might be a problem.

12 The first part of that memo really
13 talks about the issue that we had raised at
14 the last hearing which is the hundred percent
15 valet option. That we felt that a hundred
16 percent valet has a -- does not allow a level
17 of flexibility that might be critical in
18 order to minimize congestion at the front
19 door and that might have an adverse impact on
20 the public right of way. And so what this
21 plan is doing is, by shifting the wall and
22 creating some unstacker spaces plus being

1 clear about the fact that stacker spaces can
2 be used by -- for self-park, it means that
3 there's more flexibility for managing times
4 where the peak activity may be occurring. So
5 that if you can't manage the level of vehicle
6 activity right at the front door, you have
7 the opportunity for vehicles to bypass that
8 congestion and to self-park rather than
9 backing up into the public right of way. So
10 I think what this plan has done that the
11 other plan didn't do was make a much -- make
12 it much easier for some self-park operation
13 to be occurring even if it's at the same time
14 that there's valet parking occurring, because
15 our focus was on the activity at the front
16 door and trying to make sure that, you know,
17 it was not a situation either due to the
18 level of demand or the staffing or whatever
19 issues might arise where that couldn't be
20 mitigated so that there wasn't a back up on
21 the sidewalk on Mass. Ave.

22 PAMELA WINTERS: A second question,

1 is it, I think, Ms. Eggers brought it up
2 about the U-turn or the left-hand turn that
3 goes through the crosswalk there. Do you
4 find there to be a problem with that? I
5 heard about this from other neighbors also
6 that's why I'm raising the question about
7 difficulty with cars coming, you know, making
8 that left-hand turn and people trying to
9 cross at the same time. Do you find a
10 problem with that?

11 SUSAN CLIPPINGER: Well, I mean, you
12 know, I suppose if I wanted to eliminate all
13 left turns in the city, traffic would work
14 great as long as you didn't want to get
15 anywhere. The left turn, if you can't make a
16 left turn from Mass. Ave -- outbound Mass.
17 Ave. into the site, then you have to find an
18 alternate way of getting to that location.
19 And your alternatives aren't very desirable.
20 Because you're either making a U-turn at a
21 signalized intersection or you're trying to
22 -- use the Porter Road loop or some other

1 undesirable thing. And when you're making a
2 left turn, even though it's a complete
3 frustration for the person behind you, you're
4 still only crossing one travel lane. You're
5 only crossing -- needing a break in the lane
6 that's going towards Harvard Square. So when
7 you hopefully put your blinker on to make
8 that turn, you're providing a lot of clarity
9 for the outbound vehicles about what you're
10 doing. They may not be happy being stopped
11 behind you waiting for the turn, but it's not
12 unsafe. So I think, you know, these are all
13 up and down Mass. Ave. These are issues that
14 we contend with. There's no ideal set up but
15 I don't think it's a dangerous move.

16 PAMELA WINTERS: Okay.

17 And my last question is Mr. Brandon's
18 question about the loading dock.

19 SUSAN CLIPPINGER: Well, if you're
20 asking me a zoning question, I can't answer
21 zoning questions. I'm not a zoning expert, .

22 PAMELA WINTERS: Thank you.

1 WILLIAM TIBBS: Sue, before you sit
2 down I have a question.

3 I guess, do you have a comment or
4 concern about stackers in general since they
5 are new to our parking environment?

6 SUSAN CLIPPINGER: Well, I mean
7 stackers have been approved in the past for
8 projects. Before I even started they were
9 approved for a parking lot for a company in
10 Central Square and the Novartis project in
11 the old Necco building had proposed stacking
12 for part of their building. In both of those
13 cases, even though approved, they were never
14 implemented. So, you know, I think that
15 these are -- this is a technology we'll see
16 when people are trying to find ways to fit
17 parking in small spaces. And, you know, it's
18 something that we need to obviously be
19 thinking about, but I don't think there's a
20 reason not to be using them. I think in this
21 case we tried to make sure we have thought
22 about the utilization and the flexibility of

1 that.

2 WILLIAM TIBBS: Thank you.

3 THOMAS ANNINGER: I'm at a
4 disadvantage because I was not here for the
5 first hearing. So if you'll allow me, can I
6 go back to basics and just so I understand
7 this. The original plan had one level of
8 parking, all self-parking, no stackers. And
9 if I've got it right, there were 34 spaces?

10 MICHAEL MCKEE: The number of --
11 I'll try to speak loudly. The number of
12 spaces has not changed. It was 40 in the
13 original plan and it is 40 in the current
14 plan. The number of spaces has not changed.
15 It was 40 in the original plan and it was 40
16 in the current plan.

17 The original scheme, the original plan
18 had a parking garage with a sloped deck that
19 was one level down at the southern end of the
20 site and it sloped down at five percent to a
21 level of minus 22 feet at the northern edge
22 of the site. And so we were able to, via

1 that mechanism, we were able to tuck in
2 parking underneath the -- our basement level.
3 So what we've done in the revised scheme is
4 we've just basically levelled out the lower
5 scheme so that now as the lowest excavation
6 is at minus 16 feet in the parking area and
7 it's at minus 13 feet at this end of the
8 site. So that's -- and that's where the
9 money savings and the time savings and the --
10 comes in.

11 THOMAS ANNINGER: And the area that
12 will no longer be excavated, what's going to
13 go in there?

14 MICHAEL MCKEE: Nothing. It's
15 unexcavated. It's earth. It's earth that we
16 don't have to haul out along Mass. Ave.

17 THOMAS ANNINGER: And in the area
18 that you now have that's a combination of
19 stackers and self-parking, I heard six and
20 14. That doesn't add up to 40. If you
21 multiply 14 by 2, you get 28. By 6 I get 34.
22 What am I missing?

1 MI CHAEL MCKEE: We've always had
2 some traditional tandem spaces in the drive
3 aisles.

4 THOMAS ANNINGER: I see. So it's
5 six stand alone self-parking. Another --

6 MI CHAEL MCKEE: 14 stackers.

7 THOMAS ANNINGER: 14 stackers which
8 means 28 cars.

9 MI CHAEL MCKEE: And then six --

10 THOMAS ANNINGER: Six tandem.

11 MI CHAEL MCKEE: Six tandem. Six
12 traditional.

13 THOMAS ANNINGER: So, six, six, and
14 14 times two to get 40. Okay.

15 MI CHAEL MCKEE: That's right to get
16 to our 40. And in the original scheme we've
17 always had a series of tandem spaces in the
18 garage.

19 THOMAS ANNINGER: And so, just to
20 talk to this issue of confusion as I have to
21 admit I'm not clear how it works. I drive in
22 and I want to self-park, I can take one of

1 those six spaces.

2 MICHAEL MCKEE: You could take --
3 technical ly --

4 THOMAS ANNINGER: If they are free.

5 MICHAEL MCKEE: If they are free,
6 technical ly, yes.

7 THOMAS ANNINGER: One of those six
8 spaces. I can take one of those tandem
9 spaces?

10 MICHAEL MCKEE: You can take -- if
11 one of the -- if the stackers are down, you
12 would be able to park on the stacker i tsel f.

13 THOMAS ANNINGER: So I have ei ther
14 those six or I have all of the 14 stackers at
15 the lower level to choose. So there' s 14
16 plus six. There are 20 spaces that
17 theoreticall y I would have some
18 sel f-parki ng --

19 MICHAEL MCKEE: If you want to
20 sel f-park, that' s correct.

21 THOMAS ANNINGER: Capabi l i ty.
22 For the tandem does the hotel empl oyee

1 have to deal with the tandem ones?

2 MICHAEL MCKEE: Yes. That was our
3 original --

4 THOMAS ANNINGER: So you need
5 somebody to help with the six tandem. And if
6 the stackers are up, what does that mean? I
7 don't -- I've seen stackers a few times in my
8 life. I'm never quite sure how they work.

9 MICHAEL MCKEE: Stackers are --
10 they're a platform, a hydraulically operated
11 platform --

12 THOMAS ANNINGER: Electronically of
13 course.

14 MICHAEL MCKEE: Yes, electronically.
15 They're the full width of the parking space.
16 So when you park a car on it, with a push of
17 the button or a turn of the key, that's
18 lifted up so that another car can be parked
19 beneath it.

20 THOMAS ANNINGER: And I assume that
21 only a hotel employee has the authority to
22 push the button?

1 MICHAEL MCKEE: That's correct.

2 THOMAS ANNINGER: I see. All right.
3 That makes sense. Thank you.

4 MICHAEL MCKEE: And now just in
5 terms of the number of self-parking, I know
6 that's what we're all speculating about how
7 many people would self-park. I think there
8 is precedent, and certainly there is in
9 Cambridge of hotels that offer valet parking
10 and only valet parking, and, you know, they
11 do function and they do fill their spaces.
12 And, you know, they do have people not
13 staying in the hotel because they're not
14 allowed to self-parking. So, we don't
15 anticipate the self-parking being the major
16 driving force.

17 THOMAS ANNINGER: But somebody who
18 is up in a stacker, you've got to go through
19 a little bit of a two-step where somebody has
20 the key to the lower one, drives it out, you
21 lower the car, you drive that out.

22 MICHAEL MCKEE: If that was a

1 self-parked car, they would have to approach
2 the valet to remove their car. But, again,
3 that's an operational thing. You know, if
4 that -- that's an operational thing, and we
5 feel comfortable that we're not going to have
6 that many self-parked but we can accommodate
7 them if necessary.

8 THOMAS ANNINGER: Thank you.

9 H. THEODORE COHEN: Question for
10 you. At the last hearing it was stated that
11 there would be no charge for valet parking
12 for the non-residents of the hotel. Is that
13 still the plan?

14 MICHAEL MCKEE: Yes, that's part of
15 our -- that was part of the earlier
16 negotiation, the original negotiation we did
17 with the parking and traffic demands,
18 management plan, and with the neighbors. The
19 neighbors are concerned and it's a valid
20 concern, is a restaurant patrons with, that
21 would probably have or likely have a
22 Cambridge parking sticker parking on the

1 street. So what we committed to in our PTDM
2 was to provide free -- and advertise it as
3 such, free valet parking for restaurant
4 patrons. But then in our, you know, trying
5 to balance that with our desire to limit the
6 number of cars coming into Cambridge, our
7 hotel has made commitments to try to reduce
8 the number of people that actually come and
9 drive and stay in the hotel with their car.
10 And part of that is that the hotel would be
11 charging for parking, you know, making it as
12 inconvenient as possible. Because those cars
13 are probably not on the street in any events
14 because they're probably rental cars without
15 stickers.

16 H. THEODORE COHEN: Hugh, do you
17 want us to give our comments now and a
18 general proposal?

19 HUGH RUSSELL: Sure.

20 H. THEODORE COHEN: Okay. Well, I
21 have a couple of comments. First of all, I
22 think we're talking about the same 40 spots

1 that we've been talking about all along and
2 the left turn is decided a long time ago.
3 The traffic and the parking issues I think
4 were decided a long time ago. We're just
5 talking about the use of stackers and partial
6 valet parking. I was perfectly content with
7 the hundred percent valet parking once there
8 was a statement made that there was going to
9 be no charge to the restaurant patrons. But
10 I was interested in traffic and parking's
11 concerns about the stackers and having a
12 hundred percent. But it seems that now this
13 mix of valet and self-park makes perfect
14 sense to me. I will note that I park
15 everyday in a downtown parking lot that is
16 either self-park or valet. And if you come
17 after a certain point in time, it will
18 inevitably be valet and no one seems
19 confused. No one seems to have any problems
20 with it. You just pull in and you either
21 valet or you self-park depending on what's
22 available and what's not available. And I

1 i m a g i n e t h a t w o u l d b e t h e s a m e s i t u a t i o n i n
2 t h e h o t e l h e r e . I t h i n k w e ' r e t a l k i n g a b o u t
3 a v e r y s m a l l n u m b e r o f c a r s . A n d I h a v e n o
4 p r o b l e m w i t h t h e p r o p o s a l w h a t s o e v e r .

5 H U G H R U S S E L L : S t e v e .

6 S T E V E N W I N T E R : T h a n k y o u , H u g h . I
7 h a v e t w o q u e s t i o n s a n d s o m e c o m m e n t s , p l e a s e .

8 T h e p r o p o s e d c o v e n a n t s , w i l l t h e s e i n
9 f a c t b e c o m e a p a r t o f t h e p r o p o n e n t ' s
10 p r o p o s a l ?

11 M I C H A E L M C K E E : W h i c h ?

12 S T E V E N W I N T E R : I ' m s o r r y . T h e s e
13 a r e p r o p o s e d w o r d i n g f o r r e s t r i c t i o n
14 c o v e n a n t s .

15 M I C H A E L M C K E E : T h o s e a r e p a r t o f
16 t h e o r i g i n a l .

17 S T E V E N W I N T E R : O k a y .

18 M I C H A E L M C K E E : S o t h o s e a r e p a r t o f
19 t h e o r i g i n a l , s o t h o s e a r e s t i l l v a l i d .

20 S T E V E N W I N T E R : O k a y .

21 M I C H A E L M C K E E : N o t h i n g h a s c h a n g e d .
22 T h e l o a d i n g h a s n ' t c h a n g e d . N o t h i n g e l s e h a s

1 changed on the proposal .

2 STEVEN WINTER: Okay.

3 MICHAEL MCKEE: They were part of
4 the original application.

5 BETH RUBENSTEIN: You're asking the
6 parking permit?

7 STEVEN WINTER: Yes. Okay.

8 And help me understand what it looks
9 like when you -- when one self-parks on a
10 stacking unit, what's on the ground? What
11 does it look like to the driver? What
12 happens?

13 MICHAEL MCKEE: It's the -- I mean,
14 I do have some -- do you want to see -- I do
15 have a --

16 STEVEN WINTER: No, I want to know
17 what would I feel and see as a driver.

18 MICHAEL MCKEE: It's a full length
19 platform, steel platform. You know,
20 texturized steel, so it's not slippery,
21 platform that the drivers drive onto. And
22 that whole platform gets raised up. And

1 these are used. I mean, there's a lot of
2 residential use of these where in
3 condominium, not in the City of Cambridge but
4 in Boston and elsewhere where there actually
5 are condominiumized tandem spaces where the
6 parker actually does operate them and use
7 them themselves. They're pretty basic simple,
8 one push button operation. So it's a full
9 width length and width platform that you just
10 back on to.

11 STEVEN WINTER: That you drive up on
12 to?

13 MICHAEL MCKEE: Drive up onto.

14 STEVEN WINTER: And your indication
15 these can be self-park spaces by simply
16 having the driver drive up onto that
17 platform, lock his car and walk away. Is
18 that part of what this -- is that part of
19 what the increased --

20 THOMAS ANNINGER: He can't lock his
21 car.

22 STEVEN WINTER: See, I'm confused

1 about something. I need your help with this.
2 I thought I heard you say that part of your
3 self-park formula comes from the ability for
4 the owner of the private vehicle to drive
5 down into the garage and park either -- park
6 on a stacking unit that's not being used. So
7 I don't know if you're talking about a
8 platform that's up or down or somebody
9 driving in without an attendant or without
10 any help from the hotel. Is that -- am I
11 getting this right?

12 MICHAEL MCKEE: If, there are six
13 spaces that are dedicated with no stackers at
14 all in them.

15 STEVEN WINTER: Got it.

16 MICHAEL MCKEE: So somebody could
17 self-park on them. And of the 14 stacker
18 units --

19 STEVEN WINTER: Right.

20 MICHAEL MCKEE: -- somebody can, and
21 they do it all the time, drive onto that
22 themselves and leave it there. And if we

1 don't need it -- if it's a typical day, you
2 know, no crunch from a parking point of view,
3 they would leave their keys with the front
4 desk, and when they're ready to go, they
5 would take their keys from the front desk and
6 pull off the stacker and leave.

7 STEVEN WINTER: Thank you. It's my
8 assumption that in the hotel industry that
9 that's a standard operating procedure and
10 because clearly people are ensuring that kind
11 of activity. I just want to make sure that
12 we're not asking people to do something
13 that's out of the ordinary or extraordinary
14 or dangerous possibly.

15 MICHAEL MCKEE: Yeah, I mean --
16 there's not a resident in Cambridge -- we
17 submitted with our proposal, you know, 15
18 locations where they're used in hotels and
19 not in hotels. All of them in valet and
20 self-park conditions in the City of Boston.
21 And there's thousands of these things. So
22 there's no fundamental, you know, new ground

1 the geotech engineers. Projects that are
2 this large normally requires you to have a
3 soil mechanics or geotech engineering. Have
4 you hired one to take a look at the soil --

5 MEEHN SU GIM: Yes.

6 AHMED NUR: Okay, you have?

7 And any concerns that a third neighbor
8 is asking about there might be some chemicals
9 or some concerns, have you tried to share
10 with that or ask the question?

11 MEEHN SU GIM: No, nothing special.
12 It was clean and nice.

13 AHMED NUR: I'm sorry?

14 MEEHN SU GIM: Nothing special.
15 Clean and nice.

16 AHMED NUR: Nothing special? Okay.
17 And have you shared that with the neighbors?
18 Have neighbors come to you asking with their
19 concerns?

20 MEEHN SU GIM: No one complain about
21 it.

22 AHMED NUR: Okay. No one has

1 complained about it. The third person that
2 complained here.

3 MICHAEL MCKEE: Can I address it?

4 AHMED NUR: Sure.

5 MICHAEL MCKEE: Because I -- we made
6 as part of the commitments that we've made is
7 we did make commitments to have -- when we're
8 getting ready to start construction and when
9 we get the soils report which we don't have
10 the final soils report yet. We've done our
11 borings. We've just recently done the
12 borings.

13 AHMED NUR: Okay.

14 MICHAEL MCKEE: They found that the
15 clay or the soil was very buildable. They
16 didn't anticipate anything disastrous down
17 there. In fact, the basement of the old
18 church that used to occupy the site is still
19 down there. So most of our excavation is
20 actually going to be removing the rubble from
21 the old basement. But there was nothing in
22 the preliminary studies that -- or

1 preliminary drilling feedback that indicated
2 any problems at all. There was previously,
3 when Mr. Gim purchased the property, they did
4 a soils analysis on contaminants and it
5 didn't return anything. So -- but we have
6 committed as part of our previous approvals
7 to sit down, once we get our soils report,
8 with the neighbors, with the soils engineer,
9 to go through that with them, to answer any
10 questions that they have. We just haven't
11 gotten that far along in the process yet.

12 AHMED NUR: Thank you.

13 Second question is probably for you
14 would be -- I'm sorry, I said I was going to
15 ask one but I just thought of another one.
16 What's the width of the stacker? Is there a
17 standard?

18 MICHAEL MCKEE: They come in --

19 AHMED NUR: Nine feet?

20 MICHAEL MCKEE: -- there are
21 different widths. They come in eight,
22 eight-and-a-half, seven-and-a-half I think.

1 AHMED NUR: Seven and a half, eight,
2 okay. Is it up against the wall or can
3 people drive in or do they have to drive in
4 or back up?

5 MICHAEL MCKEE: No, they drive in.

6 AHMED NUR: They drive in?

7 MICHAEL MCKEE: Yeah.

8 AHMED NUR: Not against the wall?

9 Okay. Thank you.

10 MICHAEL MCKEE: It's occupying
11 basically a standard parking space is what it
12 does.

13 AHMED NUR: That's great.

14 And now my comment: Having first
15 experience as a valet, doorman, concierge
16 front desk in hotels. I absolutely have no
17 concerns with this number of cars in that
18 part of Cambridge. Usually Fridays and
19 Saturdays, weddings and functions, it's a
20 little concern and I raised my concern with
21 regard to self-parking. I think that number
22 changed. I'm very satisfied with that. The

1 rest of the check-in areas in my experience
2 varies. People don't come at the same time
3 in the mornings and so on and so forth. And
4 at that time heading towards Arlington, I
5 doubt that there is going to be that much
6 traffic. So that would be my comment and I'm
7 in favor of it.

8 Thank you.

9 HUGH RUSSELL: Tricia?

10 PATRICIA SINGER: I have no
11 questions having listened to my colleagues
12 and also having listened to the city's expert
13 and having heard from the city's expert that
14 they are comfortable with this proposal.

15 HUGH RUSSELL: Okay.

16 Actually, my own view is actually the
17 same as my colleagues. It's not a huge
18 garage and not a lot of cars involved. And
19 the Traffic and Parking Department is
20 satisfied that it has an ability to deal with
21 unforeseen circumstances. I think we should
22 approve this. So I think it was proposed a

1 motion on the floor to -- want to make that a
2 formal motion?

3 TOM ANNINGER: Steve, that was you.

4 STEVEN WINTER: Well, if we could
5 approve the major amendment as discussed here
6 using the -- all of the attachments to the
7 permit that we've agreed upon, I propose that
8 we approve major amendment to PB237.

9 HUGH RUSSELL: Is there a second to
10 that? Tricia?

11 H. THEODORE COHEN: Second.

12 HUGH RUSSELL: Is there any
13 discussion?

14 (No response.)

15 HUGH RUSSELL: All those in favor of
16 the motion?

17 (Show of hands.)

18 HUGH RUSSELL: There are five votes
19 in favor.

20 (Russell, Cohen, Nur, Singer,
21 Winter.)

22 HUGH RUSSELL: Those opposed?

1 (Studen opposed.)

2 HUGH RUSSELL: One opposed. And the
3 amendment is approved.

4 (Whereupon, a di scussi on was
5 held off the record.)

6 * * * * *

7 WILLIAM TIBBS: We' re goi ng to
8 swi tch to the next i tem of busi ness whi ch i s
9 the di scussi on and possi bl e recommendati ons
10 from the Connor peti ti on to amend the zoni ng
11 at Sherman and Wi nsl ow Streets. I was not at
12 the publ ic hearing, but I' ve been told that
13 the Board di d ask for some i nformati on and
14 Les i s goi ng to gi ve us an overvi ew and gi ve
15 us i nformati on. And because thi s i s a zoni ng
16 recommendati on, al l Board members can
17 actual ly vote on thi s regardl ess whether or
18 not they were at the meeti ng or not.

19 BETH RUBENSTEIN: Bi ll , i f I coul d
20 just refresh al l of our memory, the existi ng
21 zoni ng i n the area i s Res C-1 and the Connor
22 peti ti on was aski ng that the area be

1 down-zoned to a Res B. And I believe one of
2 the things that was talked about when last
3 this item was before us is whether or not
4 there was something in the middle, and indeed
5 there is which is the Res C. I think Les is
6 going to take us through a chart that Board
7 members should have that distinguishes those
8 three districts one from another.

9 HUGH RUSSELL: Are there copies of
10 the letter that was sent out by e-mail?

11 (Whereupon, a discussion was
12 held off the record.)

13 WILLIAM TIBBS: Okay.

14 LES BARBER: Just to recap again.
15 This is a proposal to rezone an area in the
16 vicinity of Sherman and Upland and Walden
17 from the existing Residence C-1 designation
18 to a Residence B designation. And I see most
19 of you have your colored maps there. The
20 area actually affected is surrounded by the
21 dark black line.

22 And at the hearing we've provided two

1 sets of maps. The first set which is red and
2 yellow is illustrating rough approximation of
3 the floor area ratio of the lots in the
4 affected area as it is affected by the change
5 in the zoning district from Residence C-1 to
6 Residence B. And at the request of the Board
7 we inserted the intermediate Residence C
8 designation. And as you would expect, as you
9 go from the less restrictive C-1 through
10 Residence C through Residence B, more and
11 more lots become non-conforming as to floor
12 area ratio. I want to caution that no one
13 should use the FARs which are indicated on
14 the lots on these maps as definitive of what
15 actually exists on the site. What we use is
16 a category of analysis in the Assessor
17 records called Living Area. They actually
18 have two sets of numbers, Living Area and
19 Gross Floor Area. Neither one is exact
20 approximations of what the floor area is as
21 defined in the Zoning Ordinance. So for the
22 FAR maps essentially what we're showing is

1 general trends, and the number of lots
2 affected may go up or go down if you did a
3 detailed analysis of each building on each
4 lot. More definitive is the second set of
5 maps which is yellow basically with some
6 brightly colored lots scattered throughout.
7 And what this map is measuring is the
8 additional growing units that would be
9 permitted under the various zoning
10 designations. And if the lot is colored
11 yellow, it means there is no additional units
12 of housing allowed. It takes into account
13 what's there now, but we're -- the colors
14 reflect the additional units that would be
15 allowed above what is there now. And, again,
16 as you go through the maps down the ladder
17 from C-1 is to B, you can see that the number
18 of lots where additional units are allowed
19 declines, and it goes from 74 lots in the
20 current zoning where no additional units are
21 allowed, up to 87 lots where no additional
22 units are allowed in Residence B. These are

1 two-dimensional indicators of the effects of
2 the zone change. The chart is meant to
3 illustrate that there are indeed many other
4 changes that go along when you change the
5 zoning designation. And the chart sort of
6 illustrates those various changes. Setbacks
7 is an important change when you go from one
8 dimension -- one district to another. The
9 amount of open space that's required is in
10 changes. When you go from C-1 to B or from C
11 to B, you change the kinds of uses,
12 residential uses that are allowed. So each
13 one of those dimensional factors can impose
14 additional non-conforming status on lots. We
15 haven't measured that in the maps, but it's
16 important to understand that those
17 dimensional changes are also significant.
18 So, the Board, in looking at these, initially
19 the Residence C-1 map and the Residence B map
20 had a discussion about what the options might
21 be and in addition to simply accepting the
22 petition as is. One of the proposals was

1 perhaps to select an intermediate zoning
2 designation in the Residence C District and
3 apply that over the entire rezoning areas.

4 Another option could be to pull in the
5 area affected by the zone change to a more
6 appropriate distribution of lots. And if
7 that were to occur, it probably would be
8 pulling in the boundaries of the rezoning to
9 effect probably lots around the Winslow
10 Street which are the lots most phenomenalist
11 probably in the rezoning area. Allow the
12 most additional floor area, the amount -- the
13 most number of additional units probably
14 closer to the -- for instance, the Residence
15 B District proposed than other lots in the
16 district.

17 So that's basically the choice the
18 Planning Board can discuss. Well, perhaps
19 you can think of other choices. But we could
20 modify the district that's being proposed.
21 We could modify the boundaries of the area
22 proposed to be rezoned. We could recommend

1 not adopting the petition or recommend
2 adopting the petition as it was filed.

3 So, I'd be happy to answer questions or
4 explain anything further.

5 WILLIAM TIBBS: Questions? I guess
6 we could use the same procedure and maybe
7 just go down the Board and see if we have
8 questions or comments. And since we started
9 on this end, we'll start on your end. So,
10 Patricia.

11 PATRICIA SINGER: I have once driven
12 through and twice walked through this
13 neighborhood at this point. And one of the
14 things that really occurred to me coming down
15 and being there at ground level was that it
16 is a very nice and very pleasant place to be.
17 And I can understand that people would want
18 to protect that. But I think moving into
19 comment without question, I'm finding that
20 this request really seems to be targeted
21 against a very limited and small number of
22 properties and that makes me extremely

1 uncomfortabl e. And so, I will leave it at
2 that and listen to what my colleagues have to
3 say.

4 WILLIAM TIBBS: Ahmed? Steve?

5 STEVEN WINTER: My core value about
6 Zoning Ordinance is I think we should be
7 really careful when we change it or when we
8 play with it at all. And I must say I do not
9 see any compelling reason to change this
10 zoning.

11 WILLIAM TIBBS: Ted?

12 H. THEODORE COHEN: I too have
13 driven and walked around the area several
14 times now. I think it is a very interesting
15 area, but I too am concerned that this seems
16 to address or be aimed at one particular
17 block on a small number of lots. Which if
18 they were developed in full under current
19 zoning, would probably look exactly like all
20 the other blocks in the district. I am
21 mostly concerned, however, and I agree with
22 Steve that I don't think that we should

1 change zoning lightly and it could be the
2 result of a very thorough analysis and
3 investigation. But in particular, in this
4 case, I am very concerned if we were to
5 change the zoning, at the vast number of
6 properties that would become non-conforming
7 and would have to go through a variance
8 procedure for even the smallest modification
9 or addition to their property. And, you
10 know, while there's debate about how onerous
11 it is or is not, I just don't see the reason
12 to put such a tremendous number of people at
13 risk of having to go through the time and
14 expense of a variance procedure.

15 WILLIAM TIBBS: Tom?

16 THOMAS ANNINGER: I was not at the
17 previous hearings and discussion of what we
18 have before us, but I did walk the area twice
19 and have read all the letters. The letter
20 that I found the most persuasive was written
21 by Marcus Meister (phonetic), and I think
22 that has persuaded me that this is an

1 ill-advised change. I do think that Winslow,
2 if it were here alone before us as a separate
3 zone, is probably over zoned for what we've
4 got there. And it's unfortunate that it's
5 getting to a density that it doesn't seem,
6 doesn't seem quite right for that street
7 which is already very dense. So I -- if this
8 were framed somewhat more narrowly, I might
9 have had a different feeling. But what we
10 have before us, I can't see why we would make
11 a change affecting one street -- focusing on
12 one street that affects so many others.

13 WILLIAM TIBBS: Pam?

14 PAMELA WINTERS: Okay. First of
15 all, I really appreciate these maps being a
16 visual person. Whoever did the maps, they're
17 great and really sets the issues before you.
18 At the end of the last meeting we left it
19 that there were a couple of things we could
20 do. We could change the area to Res C. We
21 could address the boundaries, particularly
22 around the Winslow Street boundaries, or we

1 could change the zoning by what the residents
2 wanted. And I think that, you know, after
3 looking at the barrage of people who wrote in
4 saying that they did not want the zoning to
5 be changed, and given that what we had before
6 us, the boundaries that we have before us, I
7 think I'm going to go with my colleagues and
8 say that I don't think it's a good idea for
9 the zoning to be changed at this point. I --
10 you know, I am sympathetic with the Winslow
11 Street people, but I think given where the
12 boundaries are in this particular petition,
13 I'm going to say no.

14 WILLIAM TIBBS: Charles?

15 CHARLES STUDEN: I also was not at
16 the first hearing on this particular petition
17 but was very much persuaded by a letter that
18 we the Board received from Attorney William
19 Lyons regarding this proposal. And in it he
20 made a couple of points that I thought were
21 very, very important. One being that zoning
22 is or should be rooted in comprehensive

1 planning. And he makes note of the fact that
2 the City of Cambridge conducted a study of
3 Neighborhood 9 in 1993 and 1994, and that was
4 updated again and revisited in 2004. I am
5 not familiar with those studies. But I
6 assume he is correct in his contention there.
7 And that nowhere in that comprehensive
8 planning effort did the city to downzone any
9 of the residential areas in Neighborhood 9
10 which includes the Larsen Baskin property on
11 Winslow Street.

12 He also goes on to say that the
13 amendment does single out selective
14 properties for downzoning. My colleagues,
15 several of my colleagues have already made
16 that point and I concur with that.

17 He also suggests that the proposed
18 zoning amendment is spot zoning. In
19 particular because it does or would affect
20 certain selected properties within the larger
21 district. And, you know, I think finally I
22 don't see that there's any compelling public

1 purpose in doing what's being proposed here
2 so I also am very much opposed to this
3 change.

4 WILLIAM TIBBS: Hugh?

5 HUGH RUSSELL: I really have nothing
6 to add. I agree with all that's been said.

7 WILLIAM TIBBS: I wasn't at the
8 first hearing, too, but I did read the
9 letters. And I agree with my colleagues and
10 I'm particularly concerned about the large
11 number of non-conforming properties that this
12 would create. So I would be against it.

13 So in light of this conversation I
14 guess we should -- I guess we should do a
15 vote to make a recommendation to the City
16 Council that this not be approved. And all
17 those in favor?

18 (Show of hands.)

19 WILLIAM TIBBS: And I assume that
20 you've collected our rationale?

21 BETH RUBENSTEIN: Yes, I have.
22 Thank you. Thank you, Bill.

1 (Tibbs, Winters, Russell, Studen,
2 Anninger, Cohen, Nur, Singer, Winter.)

3 WILLIAM TIBBS: All right. I think
4 we can take a short break now and then we'll
5 come back and talk about Putnam Ave.

6 (A short recess was taken.)

7 * * * * *

8 WILLIAM TIBBS: Our next item of
9 business is the deliberation and possible
10 decision for case No. 240 which is 625 Putnam
11 Ave. It's a Special Permit and application
12 for 40 units of housing. And at the last
13 public hearing I guess the Board asked for
14 some -- just asked for some additional
15 information and some clarifying information,
16 and I do believe you have some stuff to
17 present to us. And then we did ask staff to
18 also give us some information. And Les is
19 going to do that afterwards. So whoever is
20 going to do that can start.

21 JANE JONES: Thank you members of
22 the Planning Board.

1 BETH RUBENSTEIN: Can you push the
2 button?

3 JANE JONES: Thank you members of
4 the Planning Board. I'm Jane Jones from
5 Homeowners Rehab. I want to give a quick
6 introduction on some of the questions that
7 we're going to be talking about.

8 One was an issue of zoning and the
9 abutting properties. What is the zoning of
10 that area which Les described?

11 Parking, more research -- we did a
12 little more research on the parking and the
13 organization of the Putnam Ave. property
14 house services and drop-offs are going to be
15 detailed with our property manager.

16 And also we looked into the side yard
17 setback requirement, the multiple setback
18 that was referred to by a Planning Board
19 member. We did a little investigation of
20 that and we'll give you the description of
21 that.

22 So those are the four items that we're

1 going to discuss and if you have any
2 additional items we'll talk about that as
3 well.

4 PETER DALY: Thanks, Jane.

5 I'm going to start off talking about
6 parking. This is something that we
7 researched a little bit more. And there are
8 three points we wanted to make about it.

9 One, is we surveyed an organization
10 like ours, Just-A-Start that's here in
11 Cambridge, and they had three properties that
12 are similar to what we're proposing as far as
13 income levels, free parking. And those, they
14 had slightly more than us. They had a need
15 of 55 percent of the residents had and used
16 the parking. Our survey showed about 52
17 percent. So they're both very close, and we
18 think that this is, you know, very compelling
19 information.

20 Another thing we said -- I was talking
21 to our resident service coordinator about why
22 we need less parking. And she said it's an

1 income issue. You know, quite frankly the
2 folks that we service in these properties
3 have incomes below \$40,000 all the way down
4 to very low income. And if you take somebody
5 who makes \$30,000, they're going to take-home
6 \$25,000. We're going to charge them \$9,000
7 as the affordable rent. So that leaves them
8 an income of about \$16,000 for everything
9 else. Car can easily cost \$6,000. So,
10 someone who -- at that income level chooses
11 to have a car, they're going to have 10,000
12 for everything else. Someone who doesn't
13 have a car is 16. And our resident service
14 coordinator actually does credit counseling
15 and budget counseling for folks and talks to
16 people about, you know, whether they really
17 need that car and how they can get along
18 without it. Finds out where the relatives
19 live, where their jobs are and how they can
20 access it. And so we think this another one
21 of those compelling reasons about why our
22 demand is low for parking.

1 And lastly we went back and took a hard
2 look at Trolley Square again and what's
3 happening there. And as we reported there
4 are 30 spaces that are similar to this site
5 here. And we had 15. And Jane went there
6 and took a number of pictures throughout the
7 day, and she never even got close to the 15.
8 So we're not sure who's got a car that's not
9 -- somebody might have gotten a permit but
10 maybe given up the car. And when you look at
11 this garage that took a lot of public subsidy
12 to build and being so underutilized, you
13 know, we really feel compelled to bring this
14 to the Board as a point that there's a lot
15 better uses for public subsidy than for
16 parking in this particular case.

17 So with that, I'm going to turn it over
18 to Nancy who is going to talk about some of
19 the other issues.

20 NANCY LUDWIG: And I'm going to hope
21 I can be heard from over here. I'm Nancy
22 Ludwig from ICON.

1 Two questions -- hi, I'm Nancy Ludwig
2 from ICON Architecture.

3 I wanted to respond to two questions
4 that came up in the public comment period at
5 our last meeting. The first was how we were
6 going to deal with trash coming in and out of
7 the building. And I just wanted to point out
8 on our landscape plan that we actually have a
9 separate trash room in the building which is
10 off our lobby that is down half a level from
11 our main level which is up four feet to allow
12 ingress and egress from the garage. The
13 trash room will have a compactor in it, and
14 at times -- how many days a week will trash
15 get picked up here? Three? Two?

16 PETER DALY: Two times a week.

17 JANE JONES: Two.

18 NANCY LUDWIG: Two times a week.

19 These doors will open and the compacted
20 trash will be brought out to the sidewalk.
21 That operation will happen within our 20,
22 almost 24-foot setback on this side

1 (i ndi cati ng). And the path that the trash
2 will come out is a fi ve-foot wi de paved path
3 that actual ly becomes our ci rcul ati on route
4 around our green spaces on the property. And
5 to that end it is hopefull y qui te l ushl y
6 landscaped to our nei ghbor' s si de. If you
7 remember there' s another si x-fami ly here
8 (i ndi cati ng) wi th a dri vewayagai nst it. And
9 so, the predomi nant wi dth of the si te is
10 gi ven over to the green space that wi ll be
11 adjacent to that property.

12 The other questi on that came out,
13 actual ly, a clari fi cati on of the mul ti plane
14 si de yard setback i n the zoni ng, we di d go
15 back and research. It was a great comment.
16 And overall -- and thi s is i n regards to the
17 Speci al Permi t request for a 10-foot setback
18 on thi s si de yard. Overall the bui ldi ng
19 fall s wel l wi thi n what woul d be al lowed for
20 the mul ti plane setback. However, wi thi n that
21 part of the zoni ng it sai s that thi s plane
22 must adhere to the setback for i ts own wi dth

1 and height. And when calculated -- cannot
2 sit in front of the setback that would be
3 required for only this plane. And in fact as
4 calculated, this plane would need just under
5 a 15-foot setback. So the overall building,
6 given the fact that the back wing sets back
7 so far, falls well within that. But this
8 plane would require almost a 15-foot setback.
9 So indeed we do need the Special Permit
10 allowance to have a 10-foot setback here.

11 JANE JONES: And I think Les can
12 follow.

13 LES BARBER: Well, the Board asked
14 us to look at two things: The sort of zoning
15 context and the planning rationale that
16 shaped that zoning context and the history of
17 the zoning that's occurred on this -- in this
18 area over the past. This map is reflecting
19 the existing districts and the various
20 dimensional features of those districts. The
21 yellow is as is typical in our zoning maps,
22 the lower density residential districts.

1 It's actually Residence C-1, sort of a block
2 away from the site. And Residence C,
3 immediately adjacent, and actually including
4 about half of the site. The districts to the
5 east are special districts. Special District
6 8A and Special District 8, which were created
7 in the late nineties and early 2000s. This
8 area historically was an Industry B District,
9 which from the inception of zoning up to 1992
10 was a heavy industrial zone in the latter
11 years starting at about 1943. It was a
12 district that had no height limit, and a
13 floor area of four which was the highest we
14 had in Cambridge. Housing was not an allowed
15 use. And it reflected the actual uses
16 historically in this area which were heavy
17 industrial uses. And this IB District
18 actually went up and down the eastern, what,
19 20 percent of the city from Memorial Drive
20 here up to North Point, and included all of
21 the East Cambridge commercial areas. So that
22 IB District has over time been eroded away

1 and been rezoned with a number of different
2 districts, some of them existing in the
3 ordinance, some of them brand new.

4 Here in Cambridgeport, initially we
5 created the Special District 8 which actually
6 incorporated the existing Special District 8
7 as well as the Special District 8A. That was
8 a much lower density multiuse district. It
9 was a light industrial district which
10 introduced housing as a permitted use, gave
11 bonuses for housing and dormitories actually,
12 because MIT is a large property owner here
13 and has always indicated that dormitories are
14 housing for affiliates would be one of the
15 major uses they would make use of their sites
16 for. So the zoning reflected that. It also
17 reflected the importance of height
18 transitions between the neighborhood and the
19 Special District 8, which has for the most
20 part a height of 60 feet at the maximum.
21 There is certain transfer of development
22 rights opportunities for the creation of park

1 space, which actually would allow heights
2 higher than that if that mechanism were
3 implemented. But along the C-1 edge, the
4 height is established at 45 feet to allow
5 that transition between the residential
6 district and the industrial district.

7 In 2002 we thought again about what
8 ought to be going on in this area and created
9 the Special District 8A which sort of wraps
10 around in a U-shape in the AS&E building
11 which used to be a trucking terminal, is now
12 an R&D building. But in that whole swath it
13 was determined that indeed we would -- while
14 in Special District 8 we gave incentives for
15 housing here, we really wanted to mandate
16 housing and have that as at principal use,
17 housing and dormitories. So the Special
18 District 8A essentially is an exclusively
19 residential district, has dimensions similar
20 to the old 8A but just eliminates the
21 industrial uses that were formerly allowed
22 there.

1 And then finally this Residence C-1
2 District actually has been in existence
3 dimensionally, I mean, in terms of its
4 location on the map, since inception of
5 zoning. This has always been a residential
6 district. In the late eighties the section
7 from Chestnut Street down to Henry Street the
8 C-1 district was extended that had formerly
9 been an industry B District. When
10 Cambridgeport Commons Housing Development was
11 created, that IB District was rezoned to
12 existing districts now reflecting the actual
13 housing use of that site.

14 That's it. I'd be happy to. . . .

15 WILLIAM TIBBS: Do you or I guess
16 the proponent can answer this question, too.
17 Can you remind me of what the current -- what
18 the proposed FAR is?

19 LES BARBER: For the development?

20 WILLIAM TIBBS: For the development,
21 yes.

22 LES BARBER: That, I don't know.

1 JANE JONES: I should remember it
2 off the top of my head.

3 H. THEODORE COHEN: It says 1.5 on
4 the plans. And 1.75 for the other.

5 WILLIAM TIBBS: It's on the cover
6 sheet here.

7 PAMELA WINTERS: It's very tiny
8 letters.

9 WILLIAM TIBBS: 1.5 for the large
10 building and --

11 JANE JONES: And .75 for the smaller
12 building with a 30 percent allowed increase,
13 the allowed FAR for the C-1 parcel is .98 and
14 for the SDAA parcel is 1.95.

15 LES BARBER: So .75 and 1.5 are the
16 nominal housing FAR limitations. And then
17 the inclusionary bonus includes additional
18 FAR on top of that to the numbers we just
19 described.

20 WILLIAM TIBBS: Thank you.

21 Questions? Comments? I think this
22 time I'll start in the middle of the room and

1 al ternate back and forth. So let' s start
2 wi th you, Ted.

3 H. THEODORE COHEN: Wi th me?

4 WILLIAM TIBBS: Yes.

5 H. THEODORE COHEN: I have no
6 questi ons. My onl y comments are that I have
7 now wal ked the si te probabl y a hal f dozen
8 times and I' ve al so been usi ng the excu se of
9 goi ng by i t as an opportuni ty to dri ve
10 through Cambri dgeport and East Cambri dge
11 whenever I can. I see i t as a wi n/wi n
12 si tuati on. I thi nk that i t' s, you know, a
13 great proposa l. I thi nk the housi ng i s ni ce.
14 I personall y thi nk the desi gn, whi ch I
15 understand i s sti ll i n some sort of, you
16 know, desi gn devel opment stage l ooks fi ne to
17 me. I t keeps wi th everythi ng el se i n the
18 nei ghborhood. I have no probl ems wi th the
19 hei ght or the si ze. I have -- havi ng heard
20 the testi mony about the parki ng, I have no
21 probl em wi th the reducti on of the parki ng to
22 I guess .7. And I can understand that some

1 of the neighbors think that they're losing
2 open space in the sense of losing a pretty
3 unattractive, you know, industrial parking
4 lot, but I just think, you know -- I've seen
5 some young girls playing there on Sundays and
6 I can understand it's open space for them.
7 But I just think the benefits of this project
8 so outweigh any detriments, that I think it's
9 great.

10 WILLIAM TIBBS: Okay. Tom?

11 THOMAS ANNINGER: Okay. I too had a
12 chance to, together with Pam, to take a
13 careful tour of the neighborhood. I wasn't
14 sure I understood it well when I first saw it
15 and I had some reservations because of that.
16 I now understand it better. I think we took
17 a look at it from just about every angle we
18 could. And I think the massing makes perfect
19 sense to me. On Sidney Street it's the same
20 height, the same setbacks as other streets.
21 It fits in and fills in some missing teeth I
22 think somebody called it. So, I think on

1 Sidney Street it works just fine. I would
2 say the same for Putnam. Fourth floor is a
3 floor higher than the third story next-door.
4 In looking at it from every angle, I really
5 could not see how anybody really had a
6 legitimate complaint about their view putting
7 aside, of course, that they are losing some
8 sky and some sun.

9 The only exception to that is the very
10 three-story building at the corner. I think
11 it is of Sidney and Putnam. And I think of
12 all the people who spoke the other day. The
13 only one that I felt deserved a little bit
14 more credence, respect -- I think her name
15 was Mrs. Pearson. She is losing something.
16 I think we have to be honest about that. She
17 was able -- I'm not quite sure where her
18 apartment is, but her -- the eastern side of
19 that three-story building was in full sun for
20 a very good part of the day and it no longer
21 will be. I think it would have helped us and
22 it would have helped me if you had given a

1 better elevation, a better grasp of just what
2 it's going to feel like for her, for them,
3 after this building goes up so that we can
4 assess it. You've done some -- a bird's eye
5 landscaping, but it doesn't give us a
6 ground's eye view of just what this is going
7 to feel like. And I think she deserves that.
8 I guess I would like to ask have you met with
9 her? What have you done to sort of address
10 what I think is a legitimate change -- cause
11 for concern over a change in what she lives
12 every day. And I think at one point we have
13 to be sympathetic to people like that.

14 PETER DALY: Well, one of the things
15 we intentionally did was to keep the setbacks
16 as much as we could. And that was one of the
17 reasons of moving the buildings over and
18 asking for the setback on the other side.
19 So, you know, that was what we did. And we
20 think that certainly goes part of the way
21 toward her concern. I think there's
22 inevitably going to be --

1 THOMAS ANNINGER: Those setbacks are
2 relatively substantial. What is it, 22 feet?
3 Not bad. And you seem to be doing some nice
4 landscaping. So in many ways it's going to
5 be an improvement except that she won't have
6 her sun every day.

7 PETER DALY: And we're certainly
8 going to work with all the residents, all the
9 abutters on landscaping, fencing and etcetera
10 as we get into the project.

11 THOMAS ANNINGER: I don't think it's
12 enough to ask you to come back and give us a
13 perspective on that, but I would urge you to
14 make a special effort with that building and
15 her in particular to see if you can make her
16 see the change as something that isn't all
17 negative which is how she worded it to us.
18 And I can see that from an elderly lady who's
19 had a long life there.

20 The only other thing -- so I think it's
21 fine. And I think it's an improvement and I
22 agree with what Ted just said. I would look

1 forward to having Roger work with you as you
2 elaborate and go from what I think you called
3 schematic to final drawings. I like
4 everything about what you've done. I think
5 there probably is some room still for
6 improvement as there always is. And I hope
7 you will take advantage of that as time goes
8 by to make it as pleasing and as
9 harmonious -- I'm not asking you to eliminate
10 any of the more modern facade. I think
11 that's fine, and actually helps set a certain
12 tone for the area. I'm certainly not for any
13 faux kind of oldie look just for the sake of
14 satisfying a couple of people who I don't
15 think deserve -- need to be satisfied. But I
16 urge you to give it all you can as you go
17 from schematic to final. So I look forward
18 to voting in favor of this.

19 WILLIAM TIBBS: Steve?

20 STEVEN WINTER: I concur with my
21 colleagues who have spoken so far. I'm in
22 favor of this. I do want to ask when I'm

1 finished if -- Hugh, did you have some design
2 concerns, and if so, I'd like to hear you
3 talk about those still. But in total I
4 concur with my colleagues and I'm ready to
5 approve this.

6 WILLIAM TIBBS: Pam?

7 PAMELA WINTERS: Well, I have to
8 concur with what Tom said. We did spend
9 sometime over the weekend walking over the
10 neighborhood. I think it's inevitable that
11 this area is going to be built up. And so --
12 and, of course, affordable housing is always
13 a good thing. I would -- I personally would
14 like to have seen that four-story building be
15 three stories. And I was wondering if you
16 had any shadow studies done? You did.

17 JANE JONES: We actually presented
18 them.

19 PAMELA WINTERS: I apologize. My
20 concern I guess is that little building, the
21 brown and white building across on Putnam.
22 It has a little teeny, narrow windows and I'm

1 just wondering if all the sun is going to get
2 blocked out from that whole side of the
3 building. But I don't know.

4 WILLIAM TIBBS: California Paint
5 building?

6 PAMELA WINTERS: No, it's this one
7 (indicating).

8 JANE JONES: The commercial
9 building?

10 WILLIAM TIBBS: The commercial
11 building. They don't need light. I'm
12 kidding.

13 PAMELA WINTERS: They have such
14 teeny windows and I'm thinking oh, gosh
15 they're not going to get any sunlight. Those
16 are my only comments.

17 WILLIAM TIBBS: Ahmed?

18 AHMED NUR: The concern that I've
19 raised in the last time we talked about this
20 was the parking situation on Putnam. And I
21 guess this question would be for the City in
22 terms of here at the City Clerk for ticketing

1 they have a certain address for special
2 high-rises, you can't have a residential
3 permit for this address. I wonder if you've
4 considered -- I'm assuming -- or have you
5 know who's got a parking space and who
6 doesn't? And if so, the remaining apartments
7 that don't have a parking space how do you
8 restrict them from them coming to the city
9 from getting a parking permit and parking on
10 Putnam Ave. or any other spot. That would be
11 one question that I have.

12 PETER DALY: One of the advantages
13 on Putnam Ave. right now it's unrestricted
14 parking. And in working with city traffic,
15 they went out and looked at the site, and
16 they said a number of those, and they said at
17 least six, can be converted to resident
18 parking.

19 AHMED NUR: Okay.

20 PETER DALY: So this is going to be
21 a gain for that area. And as we've been
22 looking at it, going out there and visiting

1 we see all the folks that are parking there
2 do not have Cambridge stickers. They are
3 people from outside who utilizing those. You
4 know, probably working in some of the
5 businesses around there. So we think that's
6 going to be a real add both to the site and
7 to the neighborhood.

8 AHMED NUR: Okay. Aside from that
9 I'm in favor, you know, along with the rest
10 of my colleagues.

11 WILLIAM TIBBS: Charles?

12 CHARLES STUDEN: I, too, am very
13 enthusiastic about this project. I actually
14 live not too far away from the site. I went
15 back again to look at it more carefully after
16 the discussion we had back a couple of weeks
17 ago. And I think that what I like about it
18 the most is that this really is an
19 opportunity to improve or extend the stock of
20 affordable housing in Cambridge. Not an easy
21 thing to do necessarily. And I think it's
22 doing it in a very respectful way given the

1 kind of development that surrounds the site.
2 I'm also very impressed generally with the
3 quality of HRI's, other developments which I
4 think is an important consideration in a
5 situation like this. You're an experienced
6 developer and I think this can work toward
7 our advantage. I also like the fact what's
8 being proposed, housing is consistent with
9 the extensive rezoning effort that was
10 undertaken some years ago to have more
11 residential uses in general being in this
12 area. And I like the idea that it's going to
13 be mixed income to make the neighborhood more
14 diverse and more interesting. Just one of
15 the reasons I chose to live in Cambridgeport
16 initially.

17 And then finally, because I think the
18 neighbors did express some concern about the
19 parking situation, I feel that the proximity
20 of the site to public transportation really
21 kind of mitigates that, and also the point
22 that you made earlier in your presentation

1 that the residents have limited incomes and,
2 frankly, that's going to limit their
3 ownership of automobiles generally. So I'm
4 not that concerned about the parking
5 situation, and I think that the Traffic and
6 Parking's suggestion that perhaps we can
7 create some additional residential parking
8 spaces is also something that will help in
9 that regard. So, yes, I'm very enthusiastic
10 about the project.

11 WILLIAM TIBBS: Patricia?

12 PATRICIA SINGER: Ditto with one
13 question. One of -- I need to be educated.
14 One of the requests in the Special Permit is
15 a waiver of the filing fee. And I need -- I
16 don't know what the history on that is.

17 THOMAS ANNINGER: That's a good
18 point.

19 BETH RUBENSTEIN: I'm glad you asked
20 that question. That's really not a matter
21 before the Board. That's a matter before the
22 City. And I'm going to guess that we'd be

1 happy to waive the fee.

2 THOMAS ANNINGER: Because you're
3 paying it yourself essentially?

4 BETH RUBENSTEIN: Sure.

5 WILLIAM TIBBS: Are you done,
6 Patricia?

7 PATRICIA SINGER: Yes.

8 WILLIAM TIBBS: Hugh?

9 HUGH RUSSELL: I really have nothing
10 to say but good things about this project. I
11 think the initial bold move of dividing the
12 program into two buildings and pulling those
13 buildings apart is the thing that makes the
14 development really sing. It means that the
15 people who live in the existing building on
16 the corner have -- still have some long views
17 and look into a garden. One thing that's not
18 real clear from the site plan is the
19 three-story building on Sidney Street as two,
20 one-story wings on the back so that if you're
21 in the second or third floor of that
22 building, the space seems even wider. That

1 was again a very, very smart thing. The
2 tweaking of the elevations so that there's a
3 three-story corner salon along Putnam Avenue
4 with a setback not only makes it somewhat
5 more interesting, but it also picks up that
6 three-story scale. So I think it's really --
7 excellent design.

8 In terms of the parking waiver, I think
9 they should be commended for precisely the
10 argument that's being made. It's a bad use
11 of public money to build empty parking
12 spaces. And that, you know, if you -- there
13 are 12 spaces I guess you have in that
14 building, and so that's enough to build one
15 more unit somewhere. And so, you know,
16 that's worth doing. So I really feel -- I
17 mean, I'd be delighted to move that we grant
18 the relief sought and the Special Permit's
19 and the setback and all the rest.

20 WILLIAM TIBBS: I don't live too far
21 from here either. I think a little farther
22 than you, but not much. But I do live in

1 Cambri dgeport. My mai n concern -- there was
2 a lot of -- at the publi c hearing there was a
3 lot of concern about the densi ty of the --
4 the feel ing of densi ty of the number of uni ts
5 as well as traffi c. And I'm glad, Les, that
6 you went through thi s hi stori cal analysi s as
7 well as the analysi s. I say that at the
8 publi c hearing that one of the concerns I had
9 was I was concerned that the neighbors here
10 just don't understand the visi on that that
11 map represents. And what it basi call y says
12 is that there's si gni fi cant densi ty that can
13 happen, and that we speci fi call y back in 19
14 -- I'm sorry, 2002 created a zone which thi s
15 is in where we wanted to encourage more
16 housi ng. And that thi s is right in the
17 mi ddle of a transi ti onal area between the
18 resi denti al densi ty and the potenti al hi gher
19 densi ty el sewhere in the purple area up
20 there. And so I thi nk you've just done a
21 good job of desi gn as others have sai d in
22 doi ng that. So I thi nk that it's -- thi s

1 project does exactly what the zoning is
2 asking it to do. I'm sorry, we can't, we
3 can't be negative because of that. So, I
4 too, think it's a good project and I would
5 approve it.

6 So I guess I will entertain a motion
7 from whoever wants to make it. Everyone is
8 looking at you, Hugh.

9 CHARLES STUDEN: Well, I thought you
10 started it. I was actually going to second
11 it, but I realize that Bill hadn't made his
12 comment yet.

13 HUGH RUSSELL: Right. So I would
14 move that we would grant the permits needed
15 for the project. I have -- I don't have the
16 paperwork in front of me to enumerate those
17 permits, but I believe it's not much. It's
18 the parking reduction, the setback and the
19 multi-family review. And I think it's been
20 amply demonstrated that it meets the criteria
21 for these components.

22 PAMELA WINTERS: Do you want this?

1 I don't know if this is it or not? Is this
2 it?

3 HUGH RUSSELL: So that's my motion.

4 CHARLES STUDEN: I second it.

5 THOMAS ANNINGER: This is not big
6 enough for Article 19.

7 BETH RUBENSTEIN: No.

8 CHARLES STUDEN: I second the
9 motion.

10 WILLIAM TIBBS: We have a seconded
11 motion. Is there any comment?

12 (No response.)

13 WILLIAM TIBBS: All those in favor?

14 (Show of hands.)

15 WILLIAM TIBBS: Approved.

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

18 PETER DALY: Thank you very much.

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

21 CHARLES STUDEN: When do you expect
22 to start construction on this project?

1 PETER DALY: Now the other hard
2 part. The other hard part is raising the
3 funds, and this is a tough environment.
4 Unfortunately, we've got a track record and
5 affordable housing trusts will play an
6 important role hoping to spearhead that. So
7 we think we probably -- if we get a little
8 luck, maybe sometime in late summer.

9 CHARLES STUDEN: Do you get in line
10 with the affordable housing trust, are there
11 other projects in front of you? I'm not
12 familiar how that works.

13 PETER DALY: There is a line but
14 we've been talking to the city about this for
15 a long time. It's not at the end of the
16 time.

17 THOMAS ANNINGER: Any money from the
18 reconstruction act?

19 PETER DALY: Unfortunately not for
20 projects like this. But tax credits, federal
21 tax credits is something that we use in a lot
22 of our developments and, you know, we're

1 talking to the state with them. They're
2 coming back for a site visit, and having this
3 decision tonight will persuade the state a
4 long way again.

5 Thank you for your time.

6 WILLIAM TIBBS: Thank you.

7 Our next order of business is the
8 proposed Zoning Board of Appeal.

9 LIZA PADEN: Hello.

10 One of the cases that I wanted you to
11 take a look at this evening, if you could, is
12 yet another sign at the new retail building
13 at the Ground Round site. And this is the
14 last retail space in that building for the
15 newly named -- it used to be Cappy's Liquors.
16 They're moving to the front building now, the
17 new building as Save More Spirits.

18 THOMAS ANNINGER: They used to be on
19 Fresh Pond?

20 LIZA PADEN: Pardon? Yes. And the
21 applicant's sign fabricator is here as well
22 as his nephew, excuse me. And they are here

1 to make a presentation and their case for
2 their variance which won't be heard until
3 September 24th, but I wanted you to take a
4 look at it now rather than later.

5 CRAIG MURPHY: Thank you. I'm going
6 to add these two drawings for you. I
7 actually believe I made the right amount.
8 Which I'm very happy about.

9 PAMELA WINTERS: Okay.

10 CRAIG MURPHY: I might be close.

11 WILLIAM TIBBS: We'll share.

12 CRAIG MURPHY: You may have to
13 share.

14 My name is Craig Murphy. I'm with the
15 Cambridge Prographic. This is Michael
16 Weiner, he is the nephew of Larry Weiner who
17 owns Save More Spirits. And the big issue
18 here is that if you're familiar with this
19 particular property, it aligns with -- not
20 quite parallel with Wheeler Street. And so
21 it kind of comes in as almost a triangle.
22 And as you get to the edge of the building

1 toward Save More Spi ri ts and the bank it gets
2 closer or less than a hundred feet from
3 Wheeler Street and therefore we need the
4 variance. There's a tenant -- what we're
5 calling new tenant that's an unoccupied spot
6 next to Save More Spi ri ts. That property
7 right there is more than a hundred feet.
8 Save More's is at about 95 feet from Wheeler
9 Street. So there's a difference of about
10 five feet there. And if the variance --
11 we're praying that the variance would go
12 through. Otherwise on drawing B it will be
13 really kind of a postage stamp size sign when
14 you're looking from Wheeler Street, and it
15 wouldn't do justice for the whole retail spot
16 as well as would make it very difficult for
17 Save More Spi ri ts to do business there being
18 that he would be overwhelmed by the other
19 tenant's signs. There's a -- he was actually
20 going to be taking the new tenant spot. And
21 as a favor to the landlord, moved over to
22 where he is right now because there was some

1 thought that maybe Sleepy's wanted the larger
2 space. And, in fact, they didn't do it and
3 now Save More Spirits is in this predicament
4 of being less than a hundred feet.

5 PAMELA WINTERS: What's going to go
6 into the new tenant spot, do you know?

7 CRAIG MURPHY: It's unknown at this
8 point. I don't know. Michael, do you know?

9 MICHAEL WEINER: Nothing yet.

10 PAMELA WINTERS: Okay.

11 CRAIG MURPHY: It's unknown.

12 WILLIAM TIBBS: And just for clarity
13 the B shows what size the sign would be?

14 CRAIG MURPHY: It would be 24 square
15 feet.

16 WILLIAM TIBBS: Conforming?

17 CRAIG MURPHY: Yes, conforming.

18 WILLIAM TIBBS: And A is showing
19 what you're proposing?

20 CRAIG MURPHY: What we're proposing.
21 And A would be what the tenant next to us
22 would have as well, so it's pretty much

1 i denti cal .

2 WILLIAM TIBBS: Any comments or
3 questi ons?

4 Go ahead, Char les and then Steve.

5 CHARLES STUDEN: Are there other
6 Save More Spi ri ts i n Cambri dge?

7 CRAIG MURPHY: There i s a --

8 MI CHAEL WEI NER: No.

9 CRAIG MURPHY: No, that' s i t, ri ght?

10 CHARLES STUDEN: I n Massachusetts?

11 MI CHAEL WEI NER: Hi . I ' m Mi chael
12 Wei ner. There i s a Save More Li quors on
13 McGrath Hi ghway. And a Save More Li quors on
14 Mysti c Val ley Parkway, but not a Save More
15 Spi ri ts.

16 CHARLES STUDEN: Same owner?

17 MI CHAEL WEI NER: Same owner.

18 CHARLES STUDEN: So there' s no
19 brandi ng i ssue i n terms of si gnage. The
20 reason I ' m aski ng thi s questi on, and maybe
21 thi s i sn' t an i ssue before us. I know i t' s
22 more the si ze more than anythi ng. But thi s

1 sign is quite different from the other signs
2 that appear. It's, you know, a printing on a
3 board. I assume this is something that's
4 just mounted against the brick, is that what
5 it -- could you describe what the sign is
6 going to be made of?

7 CRAIG MURPHY: Yes. Actually,
8 that's a good question. There's a back
9 drop -- it's an a channel lettered sign. So
10 each letter is individually made and
11 illuminated externally so the light will
12 shine forward like Sleepy's does. We put it
13 on a backdrop just to sort of control the
14 background from being brick to just sort of a
15 burgundy background. Sometimes on channel
16 letters you'll have either a raised way,
17 which I think you'll see on Sleepy's. And I
18 think Chipotle's is like that.

19 CHARLES STUDEN: Yes.

20 CRAIG MURPHY: But the T-Mobile
21 sign, which is not in that picture, but
22 further along on the same building has a full

1 background and I think that background is
2 black. And we're just proposing a burgundy
3 background.

4 CHARLES STUDEN: Okay. You know,
5 thank you, that's helpful. I agree that I
6 think the relief that you're seeking here
7 seems to make sense. I don't like the way
8 drawing B looks. I think it does look out of
9 scale.

10 CRAIG MURPHY: It would literally be
11 half.

12 CHARLES STUDEN: But you have to do
13 that by the circumstance of the building
14 because the setback on Wheeler Street. I
15 like drawing A better.

16 CRAIG MURPHY: Thank you. And I
17 believe the bank has already applied and
18 received a variance as well.

19 WILLIAM TIBBS: Steve?

20 STEVEN WINTER: That actually was my
21 question. So I'm all set, thank you.

22 WILLIAM TIBBS: Anything else?

1 Patricia?

2 PATRICIA SINGER: Ahmed pointed out
3 to me there's something that's red and white
4 under. It looks kind of like a parking
5 direction. And I think it's not part of what
6 we're talking about but it is confusing.

7 CRAIG MURPHY: That is correct.
8 That is actually just a temporary banner
9 which we were granted some sort of temporary
10 signage while we're going through this
11 process.

12 WILLIAM TIBBS: It's in the picture?

13 CRAIG MURPHY: It's going to be out
14 of there very shortly.

15 WILLIAM TIBBS: Hugh?

16 HUGH RUSSELL: So there are three
17 good things about this.

18 The first thing is we constantly ask
19 people to show us what's permitted versus --
20 and it's a great argument. That's the first
21 comment.

22 Second, they have a very good argument

1 because it is strange building that slips
2 over the line, and, you know, at 95, 100
3 feet.

4 The third thing, which they didn't
5 mention this, is the back of the building in
6 terms of the parkway. And so I think, I have
7 no problems with this.

8 THOMAS ANNINGER: Although what's
9 different about this building and what I
10 actually like about it is that the parking is
11 in the back. So you will spend more time in
12 the back really than in the front. You'll
13 just drive by the front barely even having
14 time to look at it. But the back is very
15 important. This is where the action is.

16 HUGH RUSSELL: For people coming to
17 use the building, the sign's facing the
18 parkway just let's you know that there's some
19 usage there.

20 THOMAS ANNINGER: There's something
21 going on there, that's right.

22 HUGH RUSSELL: And this is something

1 that's pertinent.

2 THOMAS ANNINGER: This counts.

3 CRAIG MURPHY: This counts, you're
4 right. And everybody has the same rules
5 because of the proximity to the parkway on
6 the back side the rules are different.

7 THOMAS ANNINGER: That's right.
8 This is actually an improvement to the
9 rotary, this whole thing I think.

10 CRAIG MURPHY: It is a nice
11 property.

12 THOMAS ANNINGER: The fact that
13 you're building -- you're not building --
14 you're just a tenant, right?

15 CRAIG MURPHY: Right.

16 WILLIAM TIBBS: Pam?

17 PAMELA WINTERS: Oh, I was just
18 curious, do other Save More Spirits have that
19 same logo?

20 MICHAEL WEINER: Currently they
21 don't, but we're in the process of working
22 that out as far as our website. And in order

1 to change the logo on the signs at those
2 locations we would have to go through a
3 similar process.

4 PAMELA WINTERS: Oh, oh, oh, okay.
5 I'm just curious.

6 So in other words, then, it is going to
7 be on a board rather than cut-out letters
8 like the other -- like Sleepy's; is that
9 correct?

10 CRAIG MURPHY: Yes. They will be
11 individual cut-out letters and illuminated.

12 PAMELA WINTERS: It's not going to
13 be just stuck on a board --

14 CRAIG MURPHY: No, it won't be flat.
15 It will be very dimensional.

16 PAMELA WINTERS: Okay, very good.
17 Thank you.

18 CRAIG MURPHY: Thank you.

19 WILLIAM TIBBS: And the olives in
20 the martini glass will sort of move back and
21 forth?

22 CRAIG MURPHY: Yes.

1 LIZA PADEN: No, they won't move.

2 That's not allowed.

3 BETH RUBENSTEIN: If we start

4 moving that means --

5 THOMAS ANNINGER: Then you'll really

6 need a variance for that.

7 LIZA PADEN: Another variance.

8 CHARLES STUDEN: Is it allowed to

9 flash green?

10 CRAIG MURPHY: It would be very,

11 very stagnant, but beautiful.

12 STEVEN WINTER: What is our action?

13 LIZA PADEN: Your choice is to, you

14 know, no comment, comments.

15 STEVEN WINTER: You said it very

16 nicely.

17 LIZA PADEN: I'll just put in the

18 comments.

19 CRAIG MURPHY: Does anybody want to

20 keep these?

21 WILLIAM TIBBS: You can use them for

22 the BZA.

1 CRAIG MURPHY: Oh, okay.

2 THOMAS ANNINGER: I don't see how
3 they can do otherwise, now that they've
4 already done it. We urge them to grant this.

5 CRAIG MURPHY: Yes.

6 LIZA PADEN: Okay.

7 CRAIG MURPHY: Did you want to hang
8 on to that?

9 THOMAS ANNINGER: You can have it
10 back.

11 STEVEN WINTER: May I make a comment
12 before the proponent leaves. I just want to
13 say this. It's been my experience that the
14 City of Cambridge does in fact work very hard
15 to accommodate business interests and
16 commercial interests, although we have a
17 reputation that I think has lingered from
18 years back. This is a real good example of
19 that and wanted to take note of that. Thank
20 you for coming in.

21 MICHAEL WEINER: Thank you very
22 much.

1 CRAIG MURPHY: Thank you.

2 LIZA PADEN: I have the contact
3 information and I'll get you the comments.

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

6 LIZA PADEN: Does anybody have any
7 other questions for the rest of the BZA
8 agenda for September 10th?

9 PAMELA WINTERS: What is the 12
10 Shady Hill Square? Oh, wait. I should know.
11 Okay. I should know this. Is this the
12 square -- okay. Thank you, Liza.

13 THOMAS ANNINGER: Is there a BZA --

14 LIZA PADEN: For September 10th?

15 STEVEN WINTER: Mr. Chair, I have a
16 comment or a question, please.

17 WILLIAM TIBBS: Go ahead.

18 STEVEN WINTER: Liza, on the curb
19 cut on the Hammond Street case 9828, I guess
20 my only question is are curb cuts generally
21 seen as standard operating procedure? Is
22 there a -- that's not the way I should say

1 this. In my neighborhood curb -- we don't
2 like to add new curb cuts because it's -- it
3 chops up the sidewalks, it makes things
4 difficult for the children who walk to
5 school, etcetera, etcetera, etcetera. What
6 does this proponent have to show to prove
7 that the curb cut is required and won't
8 impact negatively?

9 LIZA PADEN: Well, this is a
10 variance. The curb cut's not meeting the
11 dimensional regulations. They are citing
12 that they have a hardship to be able to have
13 a car that's accessible because of a medical
14 need of one of the family members. The way
15 the house sits on the lot, which I can show
16 you --

17 STEVEN WINTER: So there currently
18 is a curb cut or is not a curb cut?

19 LIZA PADEN: This is a new curb cut
20 that's proposed. This is the part that's
21 they're proposing that's beside the house,
22 and they're proposing to put a curb cut here,

1 but you see it's not set off on the lot line
2 far enough. They don't have the setback.

3 STEVEN WINTER: Oh.

4 H. THEODORE COHEN: Is there a curb
5 cut now?

6 LIZA PADEN: No.

7 PAMELA WINTERS: Liza, does the
8 Council do the curb cuts?

9 LIZA PADEN: There's a process where
10 the City Council also has to act on the curb
11 cuts. So first, you have to get permission
12 from the Board of Zoning Appeal to waive the
13 dimensional regulation. Then you have to go
14 to City Council to cross the sidewalk.

15 PAMELA WINTERS: Okay.

16 LIZA PADEN: It's a two-step
17 process. Sometimes you're proposing a curb
18 cut that conforms to Zoning and then you just
19 go to the City Council.

20 THOMAS ANNINGER: The Shady Hill
21 appeals --

22 PATRICIA SINGER: Can we go back to

1 the curb cut for one minute?

2 I live around the corner from this
3 house, and I have to tell you that since I
4 moved in in about 2002, I've had to park away
5 from my house twice. So that's all I wanted
6 to add. There's plenty of parking in this
7 neighborhood. Now if there's a medical
8 necessity that somebody needs a wheel chair or
9 something like that --

10 WILLIAM TIBBS: Very immediate and
11 very adjacent.

12 PATRICIA SINGER: Exactly. Then
13 obviously I eat my words. But if it's just
14 for a matter of convenience, frankly --

15 LIZA PADEN: Well, they're citing
16 that the daughter has a neurological disorder
17 and that they're looking for -- I mean, I'm
18 just telling you what's in the application.

19 PATRICIA SINGER: I'm not a doctor
20 and I don't want to get into that. But as I
21 said, this is not a neighborhood where it is
22 difficult to park.

1 WILLIAM TIBBS: Near your house.

2 PATRICIA SINGER: Yes. Well,
3 they're directly behind me practically.

4 THOMAS ANNINGER: So they have
5 plenty of room.

6 WILLIAM TIBBS: Do we not want to
7 make any comments?

8 PATRICIA SINGER: That's really for
9 the benefit of the room not for anybody else.

10 STEVEN WINTER: We assume that kind
11 of due diligence will happen at other stops
12 along the way. My thought was simply I would
13 like to put the brakes on any curb cuts to
14 make absolute certain that it's necessary.

15 WILLIAM TIBBS: We can make that
16 comment I think.

17 LIZA PADEN: What comment is that?

18 WILLIAM TIBBS: That we feel that it
19 should be absolutely necessary. That should
20 be a good reason.

21 STEVEN WINTER: Due diligence should
22 show --

1 WILLIAM TIBBS: Or we shouldn't say
2 anything.

3 THOMAS ANNINGER: I guess I would
4 argue that -- not argue, but my view on curb
5 cuts is that Council gets involved, Zoning
6 Board gets involved, this has got a long
7 history to it. I -- in my ten years I cannot
8 remember us getting involved in a residential
9 curb cut issue, and I think we ought to
10 continue our non-involvement in such matters.

11 CHARLES STUDEN: I agree with Tom.

12 STEVEN WINTER: I'm happy to take
13 that position.

14 WILLIAM TIBBS: Yes, me too. Okay.
15 No comment.

16 LIZA PADEN: No comment.

17 As far as Shady Hill is concerned, what
18 was your question? I might try to answer it.

19 THOMAS ANNINGER: I've never really
20 -- I thought that had all been resolved. And
21 now the way this looks, it looks like it --
22 there's yet another round of battle. Am I

1 wrong about that?

2 LIZA PADEN: Well, what this is
3 listing that this is a re-advertisement, and
4 the only thing I can assume is that they're
5 having to go through a procedural process to
6 bring it into compliance with some
7 advertising or something.

8 Do you know if it's something else?

9 LES BARBER: I don't know any of the
10 details. And there's a thick layer of
11 interpretations and legal --

12 PAMELA WINTERS: Legal documents I'm
13 sure.

14 LES BARBER: -- documents and
15 whatever. I don't think it's anything you
16 want to tread on or into.

17 THOMAS ANNINGER: No, of course not.
18 I was just puzzled because I thought we had
19 seen the last of it, but I guess I'm wrong.

20 WILLIAM TIBBS: Ahmed.

21 AHMED NUR: I'm new to the board so
22 I just wanted to know is this open to the

1 publ i c or do we cl ose everythi ng?

2 BETH RUBENSTEIN: I t' s open to the
3 publ i c.

4 LIZA PADEN: Thi s i s sti ll on the
5 transcri pt.

6 AHMED NUR: I know they won' t want
7 to read i t.

8 BETH RUBENSTEIN: I t' s on the
9 record.

10 HUGH RUSSELL: We' re l osi ng our
11 audi ence. I thi nk we shoul d go home.

12 WILLIAM TIBBS: I thi nk we' re
13 adj ourned.

14 (Whereupon, at 10:00 p. m. , the
15 meeti ng was adj ourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
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this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
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IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of September 2009.

Catherine L. Zelinski
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