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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, January 5, 2010

7:30 p.m.

in

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

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

Beth Rubenstein, Assistant City Manager
for Community Development

Community Development Staff:
Liza Paden
Les Barber
Roger Booth
Susan Glazer
Stuart Dash

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1 P R O C E E D I N G S

2 WILLIAM TIBBS: Welcome to the
3 January 5, 2010 meeting of the Cambridge
4 Planning Board. We have two public hearings
5 today. One is case No. 242, which is for 49
6 Cedar Street Special Permit to construct two
7 residential units. And we have case No. 38,
8 which is a Major Amendment to One Canal Park.
9 And before we get started on those public
10 hearings we can get an update from Beth
11 Rubenstein.

12 BETH RUBENSTEIN: Thank you, Bill.
13 I guess we're not a big group. Can everyone
14 hear, okay?

15 Upcoming meetings: Normally we would
16 be meeting January 19th, but that's the date
17 of the Special Election so no meeting that
18 night. And our next meeting will be January
19 26th. And for those folks who have been
20 following with interest, the development of
21 the Binney Street corridor, Alexandria will

1 be hear for the first of two public hearings
2 on their first -- the permitting natural
3 building. We've gotten through the zoning
4 and now we're ready to permit the buildings.

5 On February 2nd we'll have our annual
6 town down presentations, and those take place
7 at the Senior Center. And this year we're
8 going to hear from all four institutions. We
9 don't hear from Cambridge College every year
10 because they're a little less active, but
11 this year we're hearing from everybody.

12 February 16th we will also have a
13 meeting. We'll be back here at 344 Broadway.
14 And right now it looks like we've got a
15 public hearing on a Special Permit for the
16 Rounder Records site. This was an issue of
17 the additional GFA that they were granted by
18 the BZA, and if it changed the project, the
19 Board needed to see that. And we also may,
20 on that evening, be hearing from the
21 Cambridge Housing Authority on their plans to

1 seek the comprehensive permit for the work
2 they're planning to do to basically
3 completely rebuild the Lincoln Way --

4 ROGER BOOTH: That's a Special
5 Permit.

6 BETH RUBENSTEIN: Is it? Thank you.
7 That project is on Walden Street, I believe,
8 and is some 50, 60 years old, and the Housing
9 Authority is taking it down and completely
10 rebuilding it and they're seeking permits for
11 that. And I think that's what we have now.

12 And then again, you know, into the new
13 year in March, we'll be meeting March 2nd and
14 March 16th. And as of now, we have no
15 Council Committee meetings. The new city
16 council was inaugurated yesterday. There is
17 no Mayor as of yet, so there are no
18 committees as of yet. So no meetings to
19 announce. And I think that's it.

20 WILLIAM TIBBS: Thank you, Beth.

21 As I said, we have our first public

1 hearing. It's case No. 242 which is 49 Cedar
2 Street. Relative to how the public hearing
3 works, we start with the proponent giving
4 their presentation, and then the Board will
5 ask any clarifying questions that we'll have
6 that will be informational at this point in
7 time. And then we will open up for public
8 comment. There are sign-up sheets on the
9 side if you want to speak. But if you
10 haven't had an opportunity to sign up on the
11 sign-up sheet, we do give folks an
12 opportunity to speak at the end should they
13 change their mind or if they have an
14 opportunity. We ask that during the public
15 comment period that you keep your comments to
16 about three minutes. And we have a -- Pam
17 will be timing and giving people reminders
18 that they're getting close to their three
19 minutes. The recorder would like you to give
20 your name and spell your name and we also
21 need your address. And when you do come to

1 speak, you should come up to the podium if
2 you can and speak at the podium. Hugh
3 Russell, one of our Board members will not be
4 sitting on this particular public hearing so
5 we need to appoint an alternate associate
6 Planning Board member. And I do believe
7 that, if my memory is correct, that Charles,
8 you're up next in this election, if that's
9 all right with you, Ahmed?

10 AHMED NUR: That's fine.

11 ROGER BOOTH: And we have sort of a
12 background?

13 WILLIAM TIBBS: I'm aware of that.
14 And I was just getting ready to say that we
15 do have some background information on this
16 case before the proponent gives their
17 presentation, by the staff. So we'd like
18 them to do that.

19 LES BARBER: Les Barber, Community
20 Development Department. This provision of
21 the ordinance Liza tells me was actually

1 adopted in 1993. And the Board has issued
2 six of these permits, five of which have been
3 built. And Liza has actually prepared three
4 maps which show those projects as built. So
5 if the Board has an interest in looking at
6 that later, we have that available. It was a
7 provision which was intended -- well, it was
8 generated by lots of town house developments
9 in the Strawberry Hill area of the city out
10 near Mount Auburn Hospital, where there were
11 -- between several of the streets there were
12 a series of lots which were fairly typically
13 width but very, very deep, and they tended to
14 be abutting each other at the backs, at the
15 rear property lines. And there was a strong
16 community interest in preserving at least
17 some of the advantages of having this cluster
18 of open space abutting each other to the rear
19 of the lots which were fronting on the
20 streets. And there was a lot of town house
21 development at the time, and a lot of that

1 was occurring deep into the lots and there
2 was a sense that this -- this development was
3 disrupting and destroying the amenity of all
4 of this abutting open space. So the
5 provision was adopted, which requires if
6 you're building more than 75 feet from the
7 front property line, you had to come here and
8 get a Special Permit from the Planning Board
9 so that the Board could review the impact of
10 that additional development on abutting
11 properties and on the desire to encourage the
12 retention of as much open space in the back
13 of these lots as was possible. It wasn't
14 meant to prohibit additional development, but
15 it was to provide an opportunity to review
16 how additional development might best be
17 accommodated on these lots with the maximum
18 benefit to preserving this communal open
19 space. Accompanying this specific Special
20 Permit change was also a significant
21 reduction in the number of dwelling units

1 allowed in the Residence B District and the
2 reduction of the gross floor area that's
3 allowed. So I think that's basically the
4 history of the provision.

5 WILLIAM TIBBS: Thank you.

6 Would the proponent like to make their
7 case?

8 ATTORNEY ANDREW BRAM: Thank you.

9 Members of the Board, my name is Andrew
10 Bram, B-r-a-m, I'm an attorney with offices
11 in Cambridge at 43 Thorndike Street. I
12 represent the petitioners Mr. Silva and
13 Mr. Vower (phonetic) and their architect
14 Mr. Quinn.

15 As Les was just saying, this is a lot
16 that was sort of what this provision was
17 designed for, but we're not in Strawberry
18 Hill. A lot is 50 feet wide and more than
19 three times in feet is 185 feet deep. It has
20 an existing house on it here which will be
21 preserved and rebuilt, but will otherwise

1 stay where it is. It is essentially a
2 conforming structure as one minor side yard
3 setback that is non-conforming, but it
4 otherwise would be a conforming structure in
5 this Residence B District. What we propose
6 to do is add two structures in the back,
7 again, conforming small, single-family houses
8 in the back. What we're seeking from the
9 Board is approval to do these as detached
10 dwellings. This project could be built by
11 attaching these houses and staying within the
12 75 feet, but it would not, we think, be as
13 good for this lot or for the inhabitants of
14 these houses or for that matter the
15 neighborhood. By separating the houses you
16 can see we get a little better parking
17 arrangement rather than having the parking in
18 a row in from the street. There will be a
19 parking area between the first and second
20 house that will accommodate the cars. And as
21 I said, these are otherwise, you know,

1 conforming structures of the open spaces
2 preserved. You can see the intention in the
3 back of the lot where there will be
4 significant planting. And then we've
5 contacted all the neighbors from the
6 beginning. I've met with several neighbors.
7 I don't think you'll find that there's any
8 significant, if any, objection to this
9 proposal. There is one neighbor who is on
10 the -- I'm sorry, what side?

11 MALE AUDIENCE MEMBER: South side.

12 ATTORNEY ANDREW BRAM: The south
13 side of the lot who's house would be impacted
14 by the construction of this back house. And
15 as a result, a meeting with that neighbor we
16 have made a small change to the plans. It
17 doesn't change any of the dimensional issues,
18 but it is -- and I'm going to have Mr. Quinn
19 walk the Board through that, but it is a
20 small change from the plans that were
21 submitted with our application. We hope that

1 the Board will find it is a minor deviation
2 that this still could go forward this evening
3 and be voted on.

4 And with that I think I'll just let
5 Mr. Quinn walk you through the proposal, and
6 if necessary, come back and address the
7 Special Permit issues, although we feel that
8 under ten of all of the requirements, the
9 Board will take into account a Special
10 Permit, we have met that this is a better
11 overall development by attaching these houses
12 which would otherwise be permitted under
13 Zoning Ordinance.

14 PETER QUINN: Peter Quinn, Peter
15 Quinn Architects, 1955 Mass. Ave. and Porter
16 Square. I have some provisions. Is it
17 protocol to pass these out?

18 BETH RUBENSTEIN: Sure.

19 PETER QUINN: Would you mind passing
20 these down, sir?

21 The revisions that we are proposing are

1 very, very minor and I'll take you through
2 them, you know, as a matter of getting all
3 the T's crossed properly. You know, we
4 wanted to draw them up.

5 In any case what we're proposing here
6 conceptually is the existing house has a
7 small L on the back which we've moved. We've
8 received permission from the Historical
9 Commission to do that. And then we would
10 have a parking area that's landscaped on all
11 sides, and then have two single-families each
12 a little more than 1300 square feet so
13 they're two bedrooms on two levels. The
14 second level built under the roof. As you
15 can see here.

16 MALE AUDIENCE MEMBER: Mr. Quinn?

17 PETER QUINN: Yes.

18 STEVE CLARK: I don't mean
19 interrupt, to the L structure on the back of
20 the --

21 WILLIAM TIBBS: Excuse me, you're

1 not allowed to interrupt them as they're
2 doing their presentation. If you have a
3 question during the public comment period,
4 you can ask it and get your clarification.

5 PETER QUINN: It's about 300 square
6 feet of a one-story addition on the back of
7 the house which we would remove in order to
8 transfer some square footage to make it
9 available within the total FAR calculation.
10 The whole area surrounding these single
11 families would be landscaped, have patios and
12 would be done in a garden type setting. The
13 idea is to create, minimize the amount of
14 driveway and parking allowable for people to
15 walk to their houses using nice material such
16 as brick and perennial plantings. Using
17 existing trees on the property which are
18 marked on the plot survey as well.

19 There are a number of plantings around
20 the existing house, some that are actually
21 quite beautiful. We are going to try to keep

1 as many of those as we can.

2 The existing driveway such as it is is
3 a brick paver driveway so we can retain that
4 and extend it so that the exterior driveway
5 is brick paving. Just adding another high
6 quality finish to what is otherwise a pretty
7 simple development. These are small
8 buildings. The idea is to create kind of a
9 cottage like setting with a mixture of
10 materials, clapboard and wood or fiber
11 shingles, and then some board and bat
12 material up on the gable. Using double hung
13 windows, divided lights in the doors, small
14 canopies over the entries and so forth.

15 The change that I've referred to, the
16 package that you received prior to this
17 meeting had a door on the short end of the
18 building and we moved it to the long side at
19 the request of the abutting neighbor. So,
20 formerly it was right here. Now we're just
21 putting it on the side on both of these two

1 new buildings. And some window changes went
2 with that as well in order to reduce any
3 issues with privacy with the neighbor so that
4 these windows are high that face the
5 neighbor, and we added additional dormer
6 window back here. There was a dormer we just
7 made it a little bigger.

8 Okay. Contextually, we've superimposed
9 our plot plan on our Google Earth image. You
10 can see a lot of the lots in the area are
11 filled into the back. There's a very large
12 apartment building that's right here that's
13 brick. Two families. There's a large
14 apartment building here as well to the north.
15 And we feel that what we're doing does fit
16 into the overall context. We prefer not to
17 have to build it by right. The town house
18 plan that this actually gives quite a bit of
19 light and air to the neighborhood, allows
20 landscaping to come forward, and prevent the
21 idea of having, you know, one long continuous

1 bui l di ng whi ch i s wha t the zoni ng actual ly
2 al l ows but thi s same amount of square
3 footage. And basi cally thi s same bui l di ng i s
4 ju st turned and pushed together whi ch i s a
5 by-ri ght scenari o. Actual ly produces an
6 i nferi or plan. And the i dea of havi ng
7 separate si ngl e fami l i es i s more i n keepi ng
8 wi th the nei ghborhood --

9 PAMELA WINTERS: Si r, can you pl ease
10 put that up agai n, pl ease, ju st for a mi nute?

11 WILLIAM TIBBS: Thanks.

12 PETER QUINN: Sorry.

13 THOMAS ANNINGER: Can you expl ai n
14 wha t we' re l ooki ng at?

15 WILLIAM TIBBS: Expl ai n i t a l i ttle
16 bi t more.

17 PETER QUINN: Sure.

18 This i s the existi ng house whi ch under
19 the by-l aw -- and we' ve revi ewed thi s wi th
20 Ranji t and Les as wel l -- and under the
21 by-l aw, thi s becom es conformi ng. Then you' re

1 allowed to add onto it in the Res B Zone in
2 order to create potentially a town house
3 development which is allowed by right in the
4 Res B District.

5 So what we've done here is received
6 permission from the Historic Commission to
7 move this house so as to make it conforming.
8 So that would be essentially put on a new
9 foundation which they consider a demolition.
10 They've allowed that. We have a sign off
11 from that. So by doing that now we have a
12 conforming building. We've moved the element
13 back, and we would add a three-car garage.
14 So that's an attachment within the town
15 house -- the town house by-law. And then
16 continue with two new town houses to the rear
17 of that. Each one of these attached to the
18 other. These are exactly the same size as
19 the buildings that I just showed you.
20 They're just turned. But that creates a
21 continuous wall. I mean, we don't

1 particular ly want to build this, but it is
2 allowed under the by-laws. So we actually
3 think that what we're proposing is a better
4 plan not only for -- can I take this down
5 now?

6 PAMELA WINTERS: You know, I would
7 actually like to see them side by side if
8 that's possible.

9 PETER QUINN: Yeah, no problem at
10 all.

11 PAMELA WINTERS: Thank you.

12 PETER QUINN: Let's see if I get the
13 right one here. Here it is. If that helps.

14 PAMELA WINTERS: Yes.

15 PETER QUINN: So they're both -- you
16 can see there's the existing house right
17 there (indicating). And then this three-car
18 garage would be right there (indicating).
19 And then the other town house. This goes
20 back a little farther under the single-family
21 scenario with detached units (indicating).

1 We're allowed to go up to the rear setback,
2 which is 35 feet in this district by
3 calculation. I think part of this by-law
4 that Les was talking about increased the
5 setbacks in the rear for extra deep lots.
6 Because normally it's about 20 feet, and then
7 you keep adding more length, more depth to it
8 if you have an extra deep lot, if you have 35
9 feet. So our 35-foot line is there. So we
10 can go up to that under this by-law. Under
11 the -- we're not quite that far back. So
12 we -- this goes back. If we were to go back
13 another 10 or 12 feet, we would be at the
14 same line as that. By doing that and by
15 turning those units, we get light and air on
16 all those sides and create more of a garden
17 like setting rather than a kind of a town
18 house wall. I mean, if the client -- the
19 client has told me that he will build this if
20 he has to, but he would rather do this. I
21 think as benefits --

1 CHARLES STUDEN: Why do the units
2 that you're proposing to build, not the
3 existing house, not the new ones and diagram
4 to the right look so much smaller than the
5 ones on the diagram on the left? Is that
6 just a scale difference?

7 PETER QUINN: These are 22-by-30.
8 These are 20-by-30. I misspoke before. We
9 had different sizes depending on how much
10 square foot we could generate. Essentially
11 it's the same idea.

12 CHARLES STUDEN: These would be
13 smaller units in the diagram to the right if
14 you did that?

15 PETER QUINN: I did this particular
16 diagram early on in my process and I realize
17 I left some square footage on the table.
18 These would actually be bigger.

19 CHARLES STUDEN: I see.

20 PAMELA WINTERS: And could I ask
21 another question? What would the square

1 footage be in terms of the open space of the
2 one on the right versus the one on the left?

3 PETER QUINN: The open space on this
4 would probably be about the same as that. I
5 mean, it might be a small difference. And
6 the reason is that we'd have, you know, you
7 know, you can turn these and get a garage --
8 it's basically the same footprint. They're
9 just rearranged in different ways. Since you
10 can't count the parking area, you can't count
11 that as open space. That's, you know,
12 essentially the same as the garage for all
13 intentions and purposes. But I should point out
14 that we, we exceed our open space by quite a
15 bit, by about 25 percent I think.

16 PAMELA WINTERS: Thank you.

17 WILLIAM TIBBS: Are you done?

18 PETER QUINN: Yes, I think so.

19 Unless anybody has any specific questions.

20 WILLIAM TIBBS: Any other

21 informational questions from the Board before

1 we ask for a public comment?

2 Ahmed?

3 AHMED NUR: Mr. Quinn, I just wanted
4 to ask you one more time about these two
5 diagrams.

6 PETER QUINN: Yes.

7 AHMED NUR: Is it true the only
8 reason you're showing us the diagram on the
9 right is to say that it could have been this
10 way, but you actually prefer it that way
11 because it's -- landscape-wise and
12 architecturally it's more welcoming? Or are
13 you saying that the option is that or that?

14 PETER QUINN: There's no Special
15 Permit required with this. This is, as a
16 matter of fact, to be perfectly honest with
17 you --

18 CHARLES STUDEN: As of right. The
19 diagram on the right is as of right. You can
20 do that without coming before the Board?

21 PETER QUINN: That's right.

1 WILLIAM TIBBS: I for one am glad
2 you showed the difference.

3 AHMED NUR: I wanted to know why the
4 diagram on the right is up basically.

5 PETER QUINN: And to be perfectly
6 honest with you I actually started drawing
7 this one and got pretty far with it. And
8 then the client said, look, let's try doing a
9 single-family. Isn't there something we can
10 do? Sure it's a Special Permit. Who likes
11 going through that process? But looking at
12 the whole picture, this is a better, a better
13 plan all the way around. So it's a voluntary
14 thing.

15 AHMED NUR: Okay.

16 WILLIAM TIBBS: Yes -- no, again I
17 would have asked him to talk about the pros
18 and cons of doing this versus the as of
19 right. So I'm glad he actually showed that.
20 It's sort of similar to what we talked about
21 in the sign order. Can you show us what you

1 could have done and show us why you want to
2 make the change.

3 H. THEODORE COHEN: I have a
4 questi on.

5 WILLIAM TIBBS: Sure. Go ahead,
6 Ted.

7 H. THEODORE COHEN: So am I correct
8 then the as of right one you do have to move
9 the existi ng bui l di ng four feet?

10 PETER QUI NN: About four feet.

11 H. THEODORE COHEN: To bring i t i n t o
12 compl i ance.

13 PETER QUI NN: Yeah.

14 H. THEODORE COHEN: But the proposal
15 for the Speci al Permi t i s t o l e a v e i t w h e r e
16 i t i s?

17 PETER QUI NN: Yes.

18 H. THEODORE COHEN: But roll ing the
19 non-conformi ty i n the Speci al Permi t
20 procedure.

21 PETER QUI NN: Ri ght. We' re not

1 modifying that building in the sense of doing
2 anything to trigger a Special Permit just for
3 that building. So by leaving it, there's no
4 issue, I believe, under the language of the
5 Special Permit section that we're applying,
6 it doesn't require that any existing
7 structure be conforming as well. It's not
8 attached to it.

9 LES BARBER: And the problem with
10 the existing building is if you add onto it,
11 there are limitations in terms of the amount
12 of square footage you can add on to a
13 non-conforming building. So in order to use
14 the square footage they're proposing in the
15 as of right scheme, they have to make the
16 building conforming. And Peter made one
17 reference to the increased rear yard and
18 actually increased open space requirement in
19 this district. That occurred separately
20 through city wide in 2001. So that happened
21 after the adoption of the basic provisions.

1 PETER QUINN: Sorry to speculate on
2 your turf.

3 LES BARBER: That's fine.

4 WILLIAM TIBBS: Any other questions
5 from the Board?

6 Now, we'll go through the public
7 comment portion of the public hearing. And
8 again, for anybody who may have come in late,
9 we'd like you to keep your comments to three
10 minutes. We want you to come up to the
11 podium if you can, and I do have a sign-up
12 sheet. It looks like only one person has
13 signed up. So after that person has spoken,
14 if anyone else changes their mind or wants to
15 speak, we will allow you to do that. For the
16 recorder can you give your name and address
17 and spell your name? And Pam is going to
18 keep track of time and warn people if they're
19 getting close to their three minutes. And so
20 the first person I have is Richard Braun.

21 RICHARD BRAUN: Hello. My name is

1 Richard Braun. I am the owner of 51 Cedar
2 Street originally purchased year 2000. I
3 also coincidentally lived in the apartment
4 building abutting the other side of the
5 property in 1987 for a brief time. So I've
6 known the neighborhood, I've been part of the
7 neighborhood for a significant period. I
8 feel that the folks who are presenting this
9 are very well savvy, presumably have good
10 connections within the city, and hopefully
11 are well known for quality work and that I'm
12 not going to end up with problems next-door.
13 I haven't taken a position pro or con on the
14 project yet since I am still in discussions
15 with the developer. The situation is that
16 the neighbor had owned it for about, I'd say
17 20 years, put it on the market at fair market
18 price over the summer. Little did I know
19 that it would sell so quickly and sell to a
20 developer who would have plans like this.
21 Therefore, as you can imagine, it came as a

1 bit of a shock that I would have a proposal
2 for not one but two more buildings facing my
3 backyard. We have discussed the plan a
4 little bit. I've had a little bit of
5 accommodation since the original proposal.
6 One of the questions, of course, that came up
7 just now was the Option A or Option B plan.
8 That was originally put before a few of the
9 neighbors, and what was running through my
10 mind -- well, what if I don't want anything?
11 I assume that's not really an option since
12 people who own the property have the right to
13 do as they choose with it within the limits
14 set by city and state governments. And with
15 that in mind also I have to tread carefully
16 as I make my comments before the Board
17 because my right is almost identical to this
18 developer, and so, therefore, anything that
19 he does with his property, in theory, could
20 be done with mine some day. I don't have any
21 plans in the immediate future, but one of the

1 questions that I put to this developer is
2 well, suppose yours was Phase One and mine
3 were Phase Two, what changes would be made to
4 the plan to have both properties fit
5 together? And he essentially responded
6 saying Well, I'd build basically the same
7 thing on your lot as well. There is an
8 example if you zoom out a little bit on the
9 Google Earth view of the neighborhood. It
10 looks like there were four parcels combined.
11 And what they did in the past, built three
12 houses deep from the street was to build a
13 couple of private ways between the first and
14 second and the third and fourth lots. So
15 there are examples relatively few in this
16 subdivision. It's an interesting development
17 dating back 150 years. It was once a horse
18 racetrack and now it is quarter acre lots
19 that have rather been an eclectic mix of
20 different developments. With all that
21 background I wanted to go through the notes

1 that I've taken. I told you that I am the
2 owner since ten years ago. My lot line is
3 the longest shared lot line with the
4 particular property in question. So his
5 development will affect me more than the
6 others.

7 PAMELA WINTERS: Excuse me. I just
8 want to make note of the fact that your time
9 is technically up, but we are going to give
10 you more time since you are an abutter and
11 since you are the only speaker tonight.

12 RICHARD BRAUN: Thank you.

13 WILLIAM TIBBS: You're the only one
14 who signed up so far.

15 RICHARD BRAUN: All right, well, I
16 will try to be brief.

17 The observations about that property is
18 that currently it does still have the largest
19 backyard in the neighborhood, so I would have
20 expected something to get built on it some
21 day. The main question in my mind is do we

1 really need to have three structures on it?
2 Could two do? The developers represented in
3 order to maximize his value this plan is the
4 one that makes the best sense for him, he'll
5 have to be the judge of that. Right now the
6 existing property house has five windows and
7 one front door that faces my lot line. The
8 original plan that was proposed to me had
9 subtracted one of those windows and one door
10 and then added four windows and two doors
11 facing this other lot line. The combination
12 that they've made to me so far is to subtract
13 one of the windows from each of the
14 properties. So at this point I would say
15 that the privacy issue has been addressed at
16 that level. The first floor windows will --
17 by their very nature, have a view into my
18 backyard because the tallest fence that could
19 be built by right is six feet. So if you're
20 standing on a floor elevation two feet off
21 the ground, then you will be able to see over

1 a six-foot fence. So, therefore, one of the
2 requests I would have in the issuance of any
3 permit to this developer, that we include the
4 landscaping requirement for that, that would
5 go above fence level.

6 There's another landscaping request
7 that I have, which is that although we've
8 lost a lot of vegetation -- I've brought some
9 photos of the backyard from my side's point
10 of view.

11 WILLIAM TIBBS: Can you just forward
12 us those?

13 RICHARD BRAUN: Oh, sure.

14 WILLIAM TIBBS: Start there.

15 Are they all the same?

16 RICHARD BRAUN: Yes, these are.

17 These photos, just to describe them for
18 the purpose of the record, the upper left
19 shows a summertime photo with the vegetation.
20 The one that I want saved is the lower part
21 of that which is about 12 to 15 feet high, a

1 Large shrub that would be right along the
2 edge of the driveway. The upper right is a
3 current photo from the snowstorm that just
4 happened -- that shows my lot on the left and
5 the location of the two buildings on the
6 right. There were a couple of trees that
7 were removed at the far right of that photo,
8 and there was a tree lost. I think it was
9 accidental, at the back edge of the lot. The
10 abutters behind. And then the lower left is
11 a fall photo that shows the pavers that were
12 preserved for recycling in this development,
13 and general view of the property with the
14 trees that have been removed by that point.
15 And then the lower right shows -- I presume
16 this was taken at the time of that first tree
17 removal.

18 Finalizing my comments there were two
19 similar properties built up in the last few
20 years. They're probably on his Google Earth
21 view. One is at 63 Cedar Street. They built

1 a large two-family at the back of the lot and
2 single-family at the front. It's been vacant
3 property at the time, and that is six lots
4 over from ours. And then there was another
5 one where they built a -- I believe it was at
6 59 Cedar Street, a few doors over where they
7 built a single-family in the rear of an
8 existing lot. So there's certainly an -- and
9 the expectation that this kind of activity
10 would happen.

11 Looking forward, the North Cambridge
12 Catholic school is now in the news, it's on
13 the market. One of the questions of public
14 policy that I'm sure interests all of you who
15 serve in this role is how much residents
16 versus how much school, church and other
17 retail type business do you want in a
18 neighborhood. So one of the concerns that
19 I'm sure this developer shares with me is how
20 many residential condo units can be built
21 over time? The other abutters that is of

1 interest here in that neighborhood is the
2 structure at 339 Cedar. If any of you have
3 seen the movie Grand Torino, you also know
4 what I'm talking about. It's basically a
5 crack house in the making where it was
6 foreclosed on and held by an out of state
7 partnership since the foreclosure. So that's
8 the one that I kind of wish this developer
9 would go off and demolish and redo.

10 WILLIAM TIBBS: You are getting a
11 little over -- well over your time. So if
12 you can wrap it up.

13 RICHARD BRAUN: What I'm seeking is
14 just to recap very quickly, is to limit the
15 windows facing the backyard, to relocate the
16 front doors to face away from my property
17 which he has done. Keep the bulk of the
18 living space towards the front of the
19 property, if possible. And one of the
20 questions to ask on that as by right issue, I
21 didn't even know you had to build within the

1 front 75 feet of the property until that was
2 brought up earlier. So if his by right
3 limits are less than what he's presented so
4 far, then I would ask that the Board consider
5 that before making a decision. Maybe we need
6 more time to finalize the decision.
7 Maximizing green space. Minimizing the
8 construction time affording privacy and
9 protecting that shrub.

10 Thank you very much.

11 WILLIAM TIBBS: Thank you.

12 Yes.

13 NANCY PETROV: Hi. My name is Nancy
14 Petrov. I'm at 55 Cedar Street. And my one
15 concern is just about when these houses are
16 constructed, the sort of engineering impact
17 of having the steam shovels dig up the
18 foundations that when I guess it probably was
19 maybe -- let's see, 59 or 61 Cedar Street had
20 a single-family put in the backyard. When
21 the steam shovel started digging, it's like

1 a -- it's like a Mack truck has suddenly hit
2 your house. I'm concerned about when this
3 construction takes place, I don't know, that
4 started in, I think, I believe March. I
5 don't know if the frozen earth has anything
6 to do with it, but I'm a little concerned
7 about that aspect of things. So that's my
8 comment.

9 WILLIAM TIBBS: Thank you.

10 Is there any -- yes, go ahead. Come up
11 to the podium.

12 STEVE CLARK: My name is Steve
13 Clark, C-I-a-r-k at 53 Rear R Cedar Street.
14 So not an abutter but one over. I just have
15 one question which is I need clarification
16 on, and that was alluding to the 75-foot
17 setback. Just information I don't know if
18 anybody would be in position to answer,
19 maybe, what -- I mean, is that right-hand
20 representation accurate about the as of right
21 part or not? I'm a little confused about it.

1 WILLIAM TIBBS: We'll take that
2 question in consideration and probably --

3 STEVE CLARK: We just don't know.

4 WILLIAM TIBBS: -- we'll see if we
5 can get some clarification when we ask our
6 questions.

7 STEVE CLARK: Okay. Another one is,
8 as part of the process, I'm getting the sense
9 that one, we could suggest stipulations that
10 go with granting this whatever you call it,
11 this.

12 THOMAS ANNINGER: Special Permit?

13 STEVE CLARK: Special Permit, thank
14 you. And I would, second, and argue strongly
15 for a stipulation about boundary landscaping
16 because it's definitely the case that
17 everybody is into everybody else's business
18 in the backyards there with only six-foot
19 fences, it's -- so I would put in a request
20 -- and second, on the vegetation to get above
21 the six-foot fence.

1 That's it, thanks.

2 WILLIAM TIBBS: Thank you.

3 Is there anyone else who would like to
4 speak on this issue? Yes, go ahead.

5 MICHAEL A. PINKSEN: Hello. My name
6 is Michael A. Pinksen. I reside at 43 Cedar
7 Street, Cambridge, Mass. I own that
8 property. Unfortunately it's in a trust
9 that's why the gentleman being foreclosed, on
10 I got very sick in '05. But this new
11 proposal here that I see with the two
12 families, I tend to like them more than
13 having a row house situation. It's more
14 amendable to the community, because I had a
15 big argument with 39 Cedar Street. They
16 wanted to knock it down and put a 49-foot
17 high massive structure, which is totally
18 unfriendly to the neighborhood, and that one
19 is a historic monument. Because Stradders
20 Park (phonetic) came down across the back and
21 ran down just outside of Rindge Avenue and

1 down Clifton and back up Harvey Street. And
2 the stables are right there next to the
3 gentleman who owns 51. That house there was
4 the stable. But this is a more amenable to
5 the neighborhood than I see being a row house
6 situation. One, the encroachment of that
7 house -- the existing house was only about
8 three feet from the property line so he has
9 to shift it. The only question I have is the
10 two new houses, what's the encroachment from
11 the property line to the structures.

12 PETER QUINN: That's twelve and a
13 half on one side and seven and a half on the
14 other.

15 MICHAEL A. PINKSEN: The long line
16 between 43B.

17 PETER QUINN: So it's seven and a
18 half here, and twelve and a half there.
19 That's per the zoning by-law.

20 MICHAEL A. PINKSEN: I thought the
21 encroachment of the city, because it's

1 changed numerous years. That I find more
2 amendable to the proposal of the row house.

3 My only question, argument against it
4 was the parking situation. It's a major
5 battle in Cambridge. I lived and resided my
6 residence all my life. My family's owned it
7 since 1928. We've been in Cambridge since
8 1922, you know. There's been a lot of
9 changes. And, you know, the condos, this is
10 more -- to me it's long term families and
11 that's what we need in the city. Long term
12 families. Don't come in and buy a condo and
13 move out in seven years. I'm more favorable
14 to that thing so I'm not opposed to it.

15 WILLIAM TIBBS: Thank you.

16 Anyone else?

17 Well, what we traditionally do is close
18 the public hearing for verbal comment at this
19 point in time and leave it open to written
20 comment until we make our decision. I'm
21 going to go off on a limit and say we can

1 probably make our decision so there won't be
2 too much for written comment. And if the
3 Board feels up to it, then -- good. So we're
4 going to close the public hearing for verbal
5 comment. And you can scribble something to
6 us before we make our decision, you still
7 can.

8 Any further questions or comments from
9 the Board? Tom?

10 THOMAS ANNINGER: I have some
11 questions. Can you tell us about the parking
12 situation which just came up? You've made
13 spaces for three cars?

14 PETER QUINN: Right.

15 THOMAS ANNINGER: What happens to
16 the fourth car?

17 PETER QUINN: Well, as I'm sure you
18 know, one of the by-laws, it's maximum one,
19 minimum one per unit. We have three units.
20 So we are required to provide three spaces
21 and we are not allowed to provide more than

1 three. So that's the by-law.

2 THOMAS ANNINGER: So that would be
3 left to the visitor -- a visitor would be
4 left to the street. Is there any sort of
5 area where a visitor could --

6 PETER QUINN: Yes.

7 THOMAS ANNINGER: -- spend some time?

8 PETER QUINN: You can pull over to
9 the side if need be. Or, you know, the
10 street -- the street curb cut has not changed
11 at all. It's exactly the same as it is.
12 We're not taking any spaces away from the
13 street as it is now.

14 THOMAS ANNINGER: It's not only that
15 but just the reality is the street is quite a
16 distance from the house in the back so that a
17 visitor would have to do a bit of a walk.

18 PETER QUINN: This is actually a
19 subject that I've researched quite a bit. I
20 designed a co-housing community with my
21 former business partner and we had people

1 walking over 300 feet to their cars and
2 they're perfectly happy to do so. It appeals
3 to a certain buyer because the trade-off is
4 they live in a garden setting and they don't
5 have to hear a car starting. So I would buy
6 that unit.

7 WILLIAM TIBBS: I would say as a
8 designer I hope so.

9 LES BARBER: Peter misunderstands
10 some regulation. There is no maximum for
11 housing. You can have as many dwelling units
12 as you want.

13 PETER QUINN: I'm striking out.

14 CHARLES STUDEN: Parking spaces.

15 LES BARBER: What did I say?

16 FEMALE AUDIENCE MEMBER: Dwelling
17 units.

18 LES BARBER: There is no maximum
19 parking space with the residential unit. One
20 is the minimum, but you can have more.

21 THOMAS ANNINGER: I have a feeling

1 that's going to alter your view of what
2 you're doing there.

3 PETER QUINN: True. You know, it is
4 possible to conceive of having more in that
5 case. That would be at the, you know, at the
6 discretion of the Board if that's something
7 you would want. You know, there's this whole
8 discussion ongoing in the city and elsewhere
9 about, you know, more car spaces you provide
10 for cars, the more they're going to get used,
11 the more people will use their car. This is
12 an area that is excellent for public
13 transportation because the electric bus line
14 is just a block away. It's a little bit
15 longer walk to Porter Square, so it's, you
16 know, I had a long discussion with Adam
17 Shulman at Traffic and Parking the other day.
18 I believe his final comment to me was exactly
19 like that. This is the kind of place where
20 we don't want to encourage too many cars.
21 And he also said the Board may very well want

1 you to explicitly provide a bike rack, you
2 know, in order to, you know -- but there is a
3 requirement for that so we know we'd have to
4 provide that for the buyers.

5 THOMAS ANNINGER: Well, I'm not
6 quite sure what happens now on the parking.
7 We can certainly leave it at three and be
8 done with it.

9 WILLIAM TIBBS: At this point
10 they're requesting three.

11 THOMAS ANNINGER: They're requesting
12 three and we're not.

13 WILLIAM TIBBS: Unless you think it
14 would be something different, I wouldn't vary
15 from the request.

16 THOMAS ANNINGER: It's a little bit.
17 The only thing I would have thought is that
18 it would be helpful to have some temporary
19 areas for a visitor or two.

20 PAMELA WINTERS: Visitors.

21 THOMAS ANNINGER: But on the other

1 hand, these temporary spots can become
2 permanent very quickly and that creates other
3 problems. So I'm not encouraging that
4 either. And I -- I'm just a little
5 uncomfortable that what you've done is based
6 on a misunderstanding of the maximum rules.
7 And I'm not quite sure what to do with that.
8 But I will move on, see what other comments
9 others may have on that.

10 I guess I want to deal a little bit
11 with your neighbor to the south. There's
12 another misunderstanding here that I think I
13 don't want to encourage, but on the other
14 hand I think we need to point out there is no
15 legal maximum of six feet for fences in
16 Cambridge. That always comes as a surprise
17 to a lot of people. All you need is a
18 Building Permit, and it's not difficult to
19 get a Building Permit for a fence higher than
20 six feet. I happen to think that -- I don't
21 want to encourage that. On the contrary, I

1 think the idea of some tall trees is a far
2 better solution than a higher fence, and I'm
3 not trying to encourage that, but that is
4 something that you might want to think about.
5 Seven or eight feet maybe can use some more
6 privacy.

7 PETER QUINN: That's what we have
8 here.

9 THOMAS ANNINGER: Than what you were
10 expecting with only six feet? On the other
11 hand I happen to think that over time you
12 will find this is an improvement over -- on
13 your land. These lots -- and I've taken a
14 look at them. In back they feel very much
15 like sand lots, like barren open space, like
16 dead areas. To me, they -- maybe the
17 neighbors see it differently. To me they
18 seem like they're crying out for some
19 activity that they don't now have. And I
20 think this -- there has been an improvement.
21 I think over time you will not find this an

1 invasion of privacy but an improvement. On
2 the other hand, I wanted to make sure that
3 when this gentleman at 51 comes forward and
4 asks us for the identical thing, that none of
5 the people who came in Phase One will find
6 anything to object about in Phase Two. That
7 would be terribly unfair, and of course the
8 Board will have to be cognizant of that. But
9 it would -- I guess you will no longer be an
10 owner of those back? How will that be? Are
11 you going to be parted of a condominium
12 association?

13 JAMES DOUGLAS: I'm one of the
14 owners. My name is James Douglas.

15 WILLIAM TIBBS: Address?

16 JAMES DOUGLAS: Office at 61 Main
17 Street in Malden. And home is 78 C Street,
18 Boxford. And actually I kind of came up with
19 this idea because originally we were just
20 doing this row. And then we were looking at
21 the Special Permit process and we kind of

1 fell into that we could do something really
2 unique. I've done a lot of town houses, and
3 the biggest disadvantage was do we really
4 want to go through a Special Permit if
5 everybody wants to beat us up? Sometimes
6 these things get, you know, they're not the
7 friendliest.

8 THOMAS ANNINGER: I don't understand
9 what you're talking about. Most people find
10 this process exhilarating.

11 JAMES DOUGLAS: Anyway, I kind of
12 came up with this idea. And I'm not just
13 saying I get excited. If you look at those
14 houses in the back, they got such a nice --
15 that backyard is 35 feet by 50 feet with all
16 trees and patios. I have never put anything
17 like that in the City of Cambridge, never
18 even close. The next one has a thousand
19 square feet of open space with patio. Again,
20 just never get a chance to do -- most of the
21 time you don't get a chance to do anything

1 different. You really don't get an
2 opportunity. And this was unique. And I am
3 excited about it in a different context. And
4 I just finished a project, and it was the
5 rows, but it was -- basically you had to do
6 it the way you always did it. And I would
7 really be excited to do this project. And
8 that's why we took the time to put the pavers
9 in. You know, we're planning on being very
10 energy efficient. We want to use some
11 product that is green. We're really excited
12 about this versus that (indicating). And to
13 me this is just such a better project.

14 WILLIAM TIBBS: How are you dealing
15 with ownership of the unit?

16 JAMES DOUGLAS: I'm sorry. The
17 ownership, it will be sort of like a condo
18 association. I mean, the individual homes
19 will have a maintenance agreement will have
20 to keep them up as they would for any condo
21 association. The driveway will be common to

1 everybody. There will be a plowing
2 requirement which will be the maintenance
3 fees. You know what I mean? There will be a
4 condo association with the owners. Each unit
5 is approximately 320 square feet so they'll
6 all have equal ownership. It will take two
7 out of three to make a decision.

8 PAMELA WINTERS: Could you describe
9 a little bit more what you're planning to do
10 for the landscaping in terms of the abutters
11 who had a concern about privacy?

12 JAMES DOUGLAS: I'll let Peter
13 answer that because he's a little bit more --

14 PAMELA WINTERS: Great, thank you.

15 PETER QUINN: So we do have a
16 six-foot high fence along that property line,
17 a good neighbor fence, so that it's equally
18 attractive on each side. And then in front
19 of that will be, you know, plantings of
20 columnar or hibbertia, the equivalent
21 cypress.

1 PAMELA WINTERS: Or hues?

2 PETER QUINN: Or hues if you can get
3 one that grows tall and straight, absolutely.

4 WILLIAM TIBBS: What's the
5 anticipated height of those once they're
6 fully grown?

7 PETER QUINN: Typically when you put
8 them in, they're four to five feet high. And
9 they grow -- I have one in my yard that's
10 over 30 feet.

11 PAMELA WINTERS: They grow tall.

12 PETER QUINN: You have to thin them
13 out over about ten years.

14 PAMELA WINTERS: Yes.

15 WILLIAM TIBBS: Does that answer
16 your question?

17 PAMELA WINTERS: Yes. Thank you.

18 WILLIAM TIBBS: Any other questions?
19 Steve?

20 STEVEN WINTER: I have really more
21 comments than questions. I just want to note

1 that Attorney Bram informed us that there was
2 no significant objections to the
3 neighborhood. And in fact, we've seen that
4 with the comments, and there are no letters
5 on record that show significant objections
6 and that's very meaningful. I think that --
7 I want to say that I really like the size of
8 the houses. I think it's the perfect size.
9 You've really done the right job with the
10 size. I think they fit nicely. Generally I
11 do not like in-filled development in
12 Cambridge house lots. However, there is
13 something compelling about these odd looking
14 lots, and I think we're taking note of that
15 as we do. But I think we are very careful
16 about it. And I think we have to be very
17 careful about it. In this case I think it's
18 appropriate and I think you've done a really
19 nice job with the design. I want to note
20 that the privacy issue and the landscape
21 requests are tied together, and I also want

1 to note that the proponent has met some of
2 the requests of the abutters in terms of the
3 privacy issues putting the doors in different
4 places and I think that's terrific. But I do
5 -- I would like to ensure -- to find some way
6 that the Board can ensure that the
7 landscaping will be done appropriately if
8 should we move forward, which I think we
9 should and grant this.

10 WILLIAM TIBBS: Comments? Any other
11 comments? I have a couple of questions.

12 Les, could you indeed just tell us
13 about the 75 feet so we have a clarification
14 as to what that means, the 75 foot?

15 LES BARBER: Yes. You're allowed to
16 have more than one free-standing structure on
17 a lot as of right provided all of the
18 development is within 75 feet of the front
19 yard.

20 WILLIAM TIBBS: Okay.

21 LES BARBER: This would -- the

1 scheme on the right would be considered a
2 single structure and it's not subject to that
3 75 foot limitation.

4 WILLIAM TIBBS: Okay.

5 And yours definitely --

6 PETER QUINN: Yes.

7 WILLIAM TIBBS: Can you talk a
8 little about what kind of construction
9 activity you're going to have and what kind
10 of protections you'll have for your
11 neighbor's properties and stuff like that?
12 Go by your general experience, what building
13 these kind of structures and how invasive is
14 it relative to other people's foundations and
15 stuff like that.

16 JAMES DOUGLAS: First of all, to
17 give you an idea, the foundation size of
18 these, doing the math really quick 13, 20
19 years, 660 square feet, that's not a very big
20 foundation or a very large hole that we're
21 digging 660.

1 WILLIAM TIBBS: What would you be
2 digging it with?

3 JAMES DOUGLAS: A back hoe. You're
4 not going to need a big excavator to dig that
5 small of a hole. It would only take one dig
6 to dig a hole. Each hole would take a day,
7 and then you have your foundation coming in.
8 They're very small. 660 square feet. If you
9 visited the site, it's perfectly flat. So
10 there's absolutely no grading issues as far
11 as when you're stepping a foundation. So the
12 time period of digging and putting in a
13 foundation would be -- I think it would be
14 well under 30 days. But to be safe, you
15 never know with weather. In 30 days you
16 could be out there framing. The city -- all
17 cities have their requirements. Temporary
18 fencing. Don't start your work until a
19 certain hour. Be done within a certain hour.
20 We also have to abide by all of that. And as
21 a matter of fact, I've had neighbors request

1 if it's at seven o'clock, not start until
2 eight. I always accommodated them. Told the
3 machine guy or the guys let's start a little
4 bit later. We realize that we're working in
5 an urban, city area. And I personally
6 knocked on every neighbor's door, took an
7 opportunity to meet each and every single one
8 of the abutters, went over the plan and asked
9 them if they have any questions or requests.
10 It's much easier. To be a good neighbor and
11 make friends is a lot -- I'm getting a lot
12 older than this, it's a lot better than
13 butting heads, and I try to be a good
14 neighbor whenever I could. So I hope that
15 answers your question.

16 WILLIAM TIBBS: Yes. Thank you.

17 THOMAS ANNINGER: Well, I think it's
18 time to face up to the ordinance and see
19 where this falls because 5.53 is a little bit
20 complicated to read. If I understand it
21 right, Les, maybe you can help me walk

1 through this. This is the back of the
2 section -- we're in Residence B?

3 LES BARBER: Yes.

4 THOMAS ANNINGER: We have a choice
5 between falling under 1 or 2. Under 1 you
6 have to be within 75 feet. And as I
7 understand the plans, you don't meet the 75
8 foot requirement?

9 PETER QUINN: For the proposal, no.

10 THOMAS ANNINGER: For the proposal.
11 So we have to go to 2.

12 BETH RUBENSTEIN: Right.

13 THOMAS ANNINGER: And as between 2,
14 there's either A or B. And if you read B,
15 you wanted to go back to A because B is
16 almost incomprehensible. And, therefore, I
17 go to A.

18 LES BARBER: No, they're actually --
19 both apply.

20 THOMAS ANNINGER: A and B apply?

21 LES BARBER: Yes.

1 THOMAS ANNINGER: I don't think so.
2 Because if you read the end of A, it's either
3 A or B.

4 LES BARBER: You're right.

5 THOMAS ANNINGER: So what's the
6 word, they're disjuncted. And so, therefore,
7 I think if we can satisfy A while we're home
8 free. Is that your reading, Les?

9 H. THEODORE COHEN: A requires a
10 single structure.

11 CHARLES STUDEN: A is only if it's a
12 single structure. This is not a single
13 structure.

14 THOMAS ANNINGER: Development form
15 of two or more structures.

16 PATRICIA SINGER: Two or more.

17 THOMAS ANNINGER: I'm sorry, but two
18 -- when I say A, I mean 2A.

19 WILLIAM TIBBS: 2A.

20 LES BARBER: Yes, I think if you
21 find A is true, then you're okay.

1 THOMAS ANNINGER: Then we're home.

2 LES BARBER: Yes, if you think A may
3 not be true, then you have to make the
4 findings in the section B.

5 THOMAS ANNINGER: In B. Are we all
6 together on that?

7 WILLIAM TIBBS: Yes.

8 THOMAS ANNINGER: Okay. I think
9 what we have to focus on is A. I happen to
10 think that A is not, in this case, difficult
11 to satisfy.

12 STEVEN WINTER: I concur.

13 PATRICIA SINGER: So do I.

14 WILLIAM TIBBS: So do I.

15 THOMAS ANNINGER: So we don't even
16 have to belabor it.

17 H. THEODORE COHEN: Right.

18 THOMAS ANNINGER: We don't have to
19 go to B and I don't have to read out loud
20 grammatically A.

21 WILLIAM TIBBS: I would suggest if

1 you want to make a motion that it satisfies
2 A, you can do that.

3 THOMAS ANNINGER: Before I do that,
4 I guess I just want to make a strong nod to
5 see if we're all on the same page.

6 WILLIAM TIBBS: Yes.

7 THOMAS ANNINGER: Okay. Then I
8 guess I would move that we grant the Special
9 Permit requested under 5.53, 2A because we're
10 satisfied having heard the discussion, that
11 the development of these three structures --
12 two additional structures on the lot will, if
13 anything, reduce the impact of the new
14 construction if it were just a single
15 structure. So it really does come down to
16 what Pam asked us to do, just put them side
17 by side and decide which we think is an
18 improvement. And I think all of us agree
19 that the one on the left is separate
20 structures, reduces its impact and therefore
21 I move that we grant this Special Permit.

1 PATRICIA SINGER: Second.

2 WILLIAM TIBBS: Okay. We have a
3 second. And do we -- I guess there was some
4 talk about conditions.

5 THOMAS ANNINGER: Conditions, yes.
6 Do you want to say something about
7 landscaping, Pam?

8 PAMELA WINTERS: Yes. The
9 landscaping that you had mentioned in terms
10 of providing a hedge sort of thing.

11 PETER QUINN: Along the south edge?

12 PAMELA WINTERS: Right. And I guess
13 my concern is that if you do upright
14 vegetation, narrow columnar vegetation, that
15 they be planted close together so that they
16 do in fact provide a hedge. Because
17 otherwise it doesn't --

18 PETER QUINN: Sure.

19 PAMELA WINTERS: Okay.

20 WILLIAM TIBBS: Do we want them to
21 have the final landscape plan reviewed by the

1 city just to make sure it complies with what
2 they hear us saying?

3 BETH RUBENSTEIN: Reviewed by staff.

4 WILLIAM TIBBS: It will be reviewed
5 by staff.

6 PETER QUINN: We do it all the time.

7 THOMAS ANNINGER: I think the other
8 things that we heard that we might mention
9 for good measure is that construction will be
10 sensitive to the structures of abutters and
11 abutters to abutters. Also, for your
12 neighbor to the south, to the extent that you
13 can be conscious of what his longer term
14 interests may be. I think that is an
15 important thing to take into account. And we
16 urge you to continue to collaborate in order
17 to get the project that will satisfy
18 everybody. And it sounds to me like that's
19 not going to be a difficult thing to do. You
20 already started that process.

21 WILLIAM TIBBS: And since you

1 seconded, are you comfortable with the --

2 PATRICIA SINGER: I am comfortable.

3 I take that as a friendly amendment to the
4 motion.

5 WILLIAM TIBBS: We're about ready to
6 vote. Unless you have a question.

7 PETER QUINN: I just wanted to ask
8 that, you know, we submitted new plans
9 tonight. That those would be tied to this?

10 WILLIAM TIBBS: That's kind of
11 automatic.

12 BETH RUBENSTEIN: You're approving
13 the doors on the side?

14 WILLIAM TIBBS: Yes.

15 THOMAS ANNINGER: Which is part of
16 the process with your southern neighbor.

17 WILLIAM TIBBS: So we're approving
18 the plans that were submitted.

19 BETH RUBENSTEIN: Tonight.

20 WILLIAM TIBBS: As amended.

21 AHMED NUR: One quick question that

1 I meant to ask. I apologize this is late.
2 Snow removal. The house in the rear seems to
3 have a lot more lot. Did you say the entire
4 parcel will be shared amongst them and snow
5 removal, you know, if it's not being removed
6 out of property, where did you plan on piling
7 it?

8 PETER QUINN: There's room to pile
9 in here in this corner (indicating). You
10 know, there's room to get a pile over here
11 (indicating), and certainly along the sides
12 here of this driveway.

13 AHMED NUR: That's all. Thank you.

14 WILLIAM TIBBS: All right. We have
15 a seconded motion. All those in favor.

16 (Show of hands.)

17 WILLIAM TIBBS: It's unanimous.

18 (Tibbs, Winters, Singer, Nur, Cohen,
19 Anninger, Studen.)

20 BETH RUBENSTEIN: Take a break or
21 continue going?

1 WILLIAM TIBBS: We have other
2 business so if you could leave the room
3 quietly. Thank you.
4 (Whereupon, a discussion was
5 held off the record.)

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1 WILLIAM TIBBS: As I said, we have
2 another public hearing that we have to set up
3 for. So if folks can clear out, and settle
4 down, we'd like to get started.

5 This is our second public hearing.
6 It's case No. 38, and it's a Major Amendment
7 to One Canal Park. For folks who are not
8 familiar with our public hearing process, we
9 first ask the proponent to make their case
10 and make a presentation. The Planning Board
11 then asks, typically, informational
12 questions. We then open the hearing up for
13 public comment. We ask if you want to make a
14 public comment, that you sign up on the
15 sign-up sheet which is on the side. If you
16 have not been able to sign up on the sign-up
17 sheet, we give people an opportunity to speak
18 and if they change their mind, we ask you to
19 keep your comments to three minutes and to
20 come up to the podium. And when you do come
21 up to the podium, give the recorder your

1 name, your address and spell your name. And
2 Pam will be keeping track of time and
3 reminding people when they're getting close
4 to that time. So with that, the proponent
5 can get started.

6 And I understand you're going to give
7 us a little history because I think it's
8 going to be needed since we have a lot of new
9 Board members since this journey has started.

10 ATTORNEY KATHARINE BACHMAN: Okay.
11 Thank you very much, Mr. Chairman. My name
12 is Katharine Bachman. I'm an attorney with
13 offices at 60 State Street in Boston. I am
14 here on behalf of the building owner of One
15 Canal over in East Cambridge. Equity Office
16 Properties EOP One Canal, LLC. With me
17 tonight are Karen Baker and Mike Fitzgerald.
18 And we appreciate your taking the time to
19 hear us this evening.

20 The specific request that is before you
21 is essentially to allow the first floor of

1 this building to have included among its
2 permitted uses, office use. But let me take
3 you back a couple decades in time.

4 What is before you in the picture over
5 here and the copies for people like me who
6 are a little near-sighted, we provided to the
7 Board, this is an aerial view of the
8 Lechmere-Canal area. This is the
9 Lechmere-Canal, Monsignor O'Brien Highway.
10 Edwin Land Boulevard. This overall
11 development now seems like it's been here a
12 long time, but many of us I know in this room
13 and on the Board were here when this was a
14 dream and had other uses before it. The --
15 as you can see from this overall picture,
16 this is really a master plan area that
17 included a substantial residential building
18 and almost a million square foot retail
19 facility with a very large garage that
20 services it, and then three office buildings;
21 One Canal, Ten Canal and Two Canal. The

1 building that's the subject matter of the
2 hearing is One Canal right here (indicating),
3 located on First Street. One Canal was
4 actually built before the Galleria so it was
5 early in the process. And when it was
6 conceived, the urban planning principles of
7 the day which guide most of what you do in
8 Cambridge and in many other places, is to say
9 let's have an activated first floor while we
10 encourage economic development, jobs and tax
11 base with good retail -- I'm sorry, good
12 office uses above. And that was the concept
13 for One, for Two, for Ten, as for other
14 buildings in Cambridge and elsewhere with
15 this notion. But what came along was the
16 million square foot gorilla, in this case the
17 very successful and well used Galleria Mall.
18 But what it did in terms of demand for retail
19 space was to really take away the activity
20 that had been imagined that would be the case
21 that would be -- make active and successful

1 first floor uses at One Canal. And to --
2 just to give you a timing context, the
3 original permit for this building was --
4 dates back to 1984. The building was built
5 in the late eighties. As you know, it was a
6 difficult time in our economy as we are
7 experiencing again today. The buildings were
8 constructed by the original developer
9 purchased by Beacon Properties in 1993.
10 Karen's been with Beacon and now Equity for
11 20 years plus I guess and counting. And this
12 is -- this really from the beginning has been
13 a very difficult location for retail. The
14 one original tenant that remained until 2008
15 was East Cambridge Savings Bank. That was in
16 the location right here on the corner of the
17 building. There never was an ability to get
18 anything going on the canal side. And there
19 just has not been success here.

20 In 1999 I think was the first time that
21 the building owner came before the Board to

1 say we're just not having success in meeting
2 this retail requirement, may we have an
3 allowance for office use. And at that time
4 the Board said we really want retail. We
5 meant it, but we understand you're having
6 troubles, we will allow this for a temporary
7 period of time. Still no success. That's
8 when I entered in 2002. And I know Beth and
9 Les and some of the other Board members were
10 here as well. And, again, we came before you
11 because we kept trying to lease a space and
12 we were unsuccessful. The only tenant that
13 we have that was successful retail was the
14 bank. And so now -- and in 2002 what the
15 Board did was to say let's give it ten years,
16 by then North Point will be fully built out.
17 The Lechmere T stop will be torn down and
18 completely renovated. And this vision that
19 we had back in the early 1980s will be
20 realized. And there will be substantial
21 traffic appropriate to support this kind of

1 use. Well, we know that those things are --
2 made advances but still not the case.

3 So what we have in addition to this
4 context of the -- really, the big message
5 being people driving in and driving out of
6 the Galleria, shopping there, eating there at
7 the food court and leaving. The adjacent or
8 nearby developments that had been hoped for
9 have not been realized. We also have a
10 difficult building site. In terms of
11 visibility, as I'm sure you've heard in many
12 circumstances, retail visibility is very
13 important. So, no visibility on the canal
14 side. We have the in and out of the parking
15 garage and lack of traffic because of the
16 Galleria. But we, also for the building
17 itself, had a design that I'm sure was
18 beloved at the time it was conceived but it
19 is also an impediment to successful use for
20 retail here. And that is the use of the
21 Arcade. This is on the north side of the

1 building (indicating). And this is along
2 First Street (indicating). So in terms of
3 trying to market to retailers to get drive-by
4 traffic, they can't see what is inside. And
5 in fact when the client tried to work with
6 East Cambridge Savings Bank about renewing
7 its lease at the end of its term, they said,
8 you know, visibility is -- it's just too hard
9 for us. And another thing is, you know, is
10 the issue of co-tenancy having other tenant
11 people wanting to come, and if they're going
12 to bother with parking, being able to stop at
13 a couple of locations. There is no
14 co-tenancy around to generate excitement from
15 other retailers to make this happen.

16 We thought about what to do here and
17 what would be fair to ask so that we would
18 not have to keep coming back, as much as we
19 like to see all of you, but that would leave
20 open the door for what had been the vision in
21 the only area where there had been retail

1 activity and that's the East Cambridge
2 Savings Bank location. Back here it's along
3 the canal. There just isn't the foot
4 traffic. It just doesn't happen. Here we
5 have the Arcade, and that actually runs down
6 the front as well. What this is really good
7 at doing is -- to the extent that they're
8 office tenants is being an office building.
9 And in fact getting people to this part of
10 town is accomplished by the Galleria.

11 So what we've brought forward to you as
12 an application was a request that office use
13 being permitted without limitation as to time
14 in the areas of the building here along the
15 canal and along the First Street facade, but
16 that as to the retail space here, let's leave
17 it open, it could be, you know, things could
18 change over the long term, and let's have --
19 but let's have a long-term duration so we can
20 do lease commitments and so on to allow us to
21 live through this period of time in terms of

1 land use planning and have a 20 year window
2 for office use which you have to revisit the
3 issue.

4 And then finally there was a paragraph
5 in the 2002 restriction that talked about
6 requiring the Board sort of staff review of
7 office location within the space and blinds
8 and so on. And to the extent that we have
9 office uses, we'd like to not to have to have
10 those restrictions.

11 So, that's what I'd like to bring
12 before you. And now ask if you don't mind,
13 for Karen Baker who has worked with the
14 property for so long to say a few words about
15 the marketing activities and her efforts to
16 date.

17 KAREN BAKER: Good evening. I'm
18 Karen Baker, Senior Vice President of
19 Operations For Equity Office.

20 I've been involved with the portfolio
21 here in Boston for 20 years and was involved

1 with the Cambridge asset since their
2 acquisition by Beacon in 1994. From the
3 get-go, we had a great amount of difficulty
4 marketing the first floor successfully to
5 retailers. Number of reasons that Kathy has
6 already cited, not to be redundant, but
7 visibility, traffic, parking. The building
8 population itself is very small, can't
9 sustain a viable retail operation. And over
10 the years in the early -- in the beginning,
11 in the 90's there was a number of different
12 small type retailers that operated on the
13 first floor. None of whom were successful
14 for more than two years. I have firsthand
15 knowledge of that having had to have gone and
16 met with them and listened to the lack of
17 visibility, the lack of traffic, their lack
18 of ability to make a business viable and
19 work. In the end doing work outs with them,
20 rent relief with them, and in the end going
21 dark, which we don't want the space dark. We

1 want the space to be activated and animated,
2 but we cannot at this point in time do that
3 with retail. We, you know, we have
4 successfully been able to market it to office
5 use and, of course, the space is animated and
6 activated by that use.

7 The bank who left in May of 2008, when
8 they were leaving, you know, we were meeting
9 with them, we were trying to get them to
10 renew, said, look it, it's just not a good
11 retail location. We can't -- there's no
12 visibility and there's no traffic here. And
13 so, you know, we're asking here tonight let
14 us activate the space tonight with office
15 space until it's viable when the dynamics
16 change in the economy. When the dynamics
17 change in the neighborhood. And maybe
18 there's more residential and other
19 development that takes place that helps us
20 sustain a viable retail environment. Anyway
21 I thank you.

1 WILLIAM TIBBS: Are you done?

2 ATTORNEY KATHARINE BACHMAN: Yes,
3 thank you.

4 WILLIAM TIBBS: Do we have any
5 clarifying questions for -- yes, go ahead,
6 Steve.

7 STEVEN WINTER: I need to understand
8 a little bit more about the release of terms
9 and conditions on the regulation of window
10 treatments, please.

11 ATTORNEY KATHARINE BACHMAN: We went
12 back to say where are we at this moment in
13 time, and as we come before the Board, what
14 should we address so we don't have to, you
15 know, keep revisiting these issues. We went
16 back to the 2002 decision. The 2002 decision
17 said the Community Development Department
18 shall review and approve any substantial
19 change in the floor plan and organization of
20 office activities on the ground floor plan
21 uses and accommodated or encouraged to be as

1 active and as visually engaging as possible.
2 Review shall ensure that physically
3 accommodating any office use, no removal of
4 existing windows. That's okay. And no
5 blocking -- but no blocking off of those
6 windows by any opaque screens, furniture or
7 permanently closed blind or other device that
8 would substantially diminish the visual
9 accessing of space from the public park or
10 First Street.

11 And so, I mean, since so many office
12 users have computers when you have the light
13 from the outside they can't see their
14 commuter screen so hence the need for blinds.

15 WILLIAM TIBBS: Just for clarity,
16 though, I read that as permanently blocking
17 not temporarily blocking. So you --

18 ATTORNEY KATHARINE BACHMAN: I'm
19 happy to just have a clarification rather
20 than a deletion that we can have blinds and
21 close them if that would be more comfortable.

1 And it's fine to leave the windows. We don't
2 want to take them out. We just want people
3 to have blinds so they can successfully use
4 the space.

5 BETH RUBENSTEIN: And not permanent
6 blinds would be okay.

7 WILLIAM TIBBS: Any other? Yes,
8 Steve.

9 STEVEN WINTER: No, I'm sorry. I
10 was pointing to Hugh.

11 WILLIAM TIBBS: Hugh.

12 HUGH RUSSELL: I just wanted to
13 ask --

14 WILLIAM TIBBS: That's what you get
15 for not sitting in your seat earlier.

16 HUGH RUSSELL: I wanted to ask Roger
17 Booth if he would comment on this request.

18 WILLIAM TIBBS: And I was going to
19 do the same.

20 ROGER BOOTH: I wasn't really
21 prepared to comment on it, but certainly I've

1 I lived this for a long time as some of the
2 Board members have.

3 It's very true that we did have the
4 concept throughout the East Cambridge
5 riverfront that we would have active ground
6 floors as the attorney said. And we do have
7 to admit that that's been a very difficult
8 thing to achieve. And I think some of the
9 reasons that were given are valid ones. It's
10 been problematic. I would say that there was
11 a restaurant on the canal side of One Canal
12 Park, First Street Cafe was there a year or
13 so, but they failed pretty early. And
14 certainly for retail effect it's not easy
15 on-street parking. It's been a big problem.
16 So I'm very sympathetic to their issues. And
17 I get my sense is if we -- if the Board
18 doesn't preclude retail in the near or longer
19 term future, that would be a reasonable
20 thing. But it is not healthy to have dark
21 space. I mean, it's hard to argue that. And

1 this has been here for a long time. And I
2 think the East Cambridge Savings Bank is a
3 great local bank, and they're -- they have
4 always had an architectural sense. You know,
5 they've done beautiful renovation to their
6 building on Cambridge Street. Back when
7 George Wilson was here, he was the one who
8 wanted to be in the space because he was a
9 big part of the East Cambridge
10 revitalization. And so I suspect for the
11 bank it's sort of disappointing that it
12 didn't work out here. So, I guess my sense
13 is that I'm not sure I'd be comfortable
14 totally releasing them from the visibility
15 issues. I mean for one thing the Arcade does
16 provide a lot of shade so I'm not sure that
17 light on the computers is such an issue. As
18 long as that's something that can be dealt
19 with reasonably, but not have a permanent
20 blockage that would probably make sense.

21 WILLIAM TIBBS: Any other clarifying

1 questions before we go to public comment?

2 All right. We'll go to public
3 comments. As I said, for anybody who may
4 have come in late, keep your comments to
5 three minutes. Don't repeat what other
6 people have said. Come up to the podium to
7 make your comments unless you're unable. And
8 Pam will remind you as you get close to your
9 time that your three minutes is coming to a
10 close. And for the recorder, if you could
11 give your name and address and spell your
12 name when you come up. And I do have the
13 sign-up sheet, and for whatever reason if
14 someone changes their mind or wants to speak
15 and didn't sign up, you will have an
16 opportunity at the end.

17 And the first person I have who's asked
18 to speak is Alan Greene. And there are a
19 number of people, so what I'm going to do is
20 name the next person so they can at least
21 start to get ready to come up. And the next

1 person looks like is -- it's hard to read,
2 but Nancy Steining (phonetic).

3 FEMALE AUDIENCE MEMBER: No. I
4 don't wish to speak.

5 WILLIAM TIBBS: You're right.

6 FEMALE AUDIENCE MEMBER: I haven't
7 changed my mind, but I'll listen to everybody
8 else first.

9 WILLIAM TIBBS: You indicate that.
10 The next person would be Joe Avin.

11 H. THEODORE COHEN: I have a quick
12 question. This is the first of two public
13 hearings?

14 LES BARBER: This is a PUD and it is
15 a Minor Amendment. But the Board can
16 conclude -- if this is a Major Amendment
17 which under the ordinance is treated as if it
18 were a new permit, and the PUD requires two
19 public hearings. So you can schedule the
20 second public hearing as quickly as
21 everyone's schedule accommodates. There will

1 be yet another hearing.

2 WILLIAM TIBBS: When you're done
3 with public comment, we'll ask you about what
4 kind of findings if need be we need to make
5 for this public hearing so that we're clear.
6 But Alan.

7 ALAN GREENE: My name is Alan
8 Greene. I'm an East Cambridge resident. I
9 live at 82 Sixth Street. My name is spelled
10 A-l-a-n G-r-e-e-n-e. And I find it hard to
11 look at all of you so I'm going to stand over
12 here and I would like to refer to your
13 diagrams if I can. All right?

14 I live in East Cambridge. Basically
15 I'm not like one of these people who travels
16 to go to the Galleria Shopping Mall. I'd
17 like you to take a look at these boots.
18 These boots were not bought at the Cambridge
19 Side Galleria Mall. These were bought in
20 David's Shoe Store which is on First Street.
21 Okay? Why is that? Because the boots that

1 are sold there are of good quality. The
2 stuff that's sold at the Cambridge Side
3 Galleria Mall -- I like to try the analogy of
4 fast food, it's empty calories. There's
5 nothing there that I want to buy there
6 really. Okay? Living in East Cambridge I
7 don't have any place to buy a light bulb.
8 There's the CVS in the mall. That's it. I
9 have a Shaw's that's in the Somerville.
10 There's not a grocery store. Okay? There's
11 not a decent place to buy bread in my
12 neighborhood. What we need is retail.

13 Now, I want to refer to this particular
14 building here because this is an eye sore.
15 Okay? This was designed 20 years ago. It
16 looks like a block house. Yeah, nobody wants
17 to enter a building like this. But if we
18 look at these particular photographs, which
19 I'm glad to have them here, basically this is
20 a bank -- what is it, East Cambridge Savings
21 Bank? You know, I see that, I don't want to

1 enter it from street side because everything
2 is hidden on the inside. If you look at the
3 outside, there's no sign here that says East
4 Cambridge Bank. There is nothing inviting
5 anyone that would know to come in there. You
6 have to go inside the building already. I
7 would say activate this space. I would say
8 redesign the building to make it more
9 presentable for anyone to want to enter in
10 the first place. I don't think this building
11 was designed even with retail in mind. So I
12 would say that. Okay? So I'm against, you
13 know, changing this away from retail. We
14 need to activate the space in a positive way.
15 And that's -- through the weekends there are
16 plenty of people walking about, loitering
17 about, enjoying the park, it's a beautiful
18 park. It could be activated -- this area
19 right here, I had talked to someone -- I
20 haven't lived here but for about four years
21 but apparently there was a pizzeria here

1 maybe?

2 FEMALE AUDIENCE MEMBER: It went out
3 of business.

4 ALAN GREENE: It went out of
5 business. Right. It's not to say this
6 couldn't work because this is a beautiful
7 space. If this area here could be activated,
8 I'm sure people would be going there. We
9 have One First which is a very large
10 residential area. And now we have North
11 Point which is a huge residential tower. All
12 these people need to go somewhere. They're
13 not just going to the mall. So, that's
14 pretty much all I want to say here. Okay.

15 WILLIAM TIBBS: Thank you.

16 Joe. And the next person who has asked
17 to speak is Mark Jaquith.

18 JOE AVIN: My name is Joe Avin. I
19 live in East Cambridge. A-v-i-n. I live at
20 106 Spring Street. I am in opposition to the
21 request of Equity Office Properties. The

1 petition requests reasons that have no merit
2 and change for the PUD permit. My neighbors
3 20 years ago wanted retail and restaurants
4 along First Street. I was not here at the
5 present time. I've only been here for 15.
6 What we do need is retail as Alan suggested.
7 We need a supermarket. There is no
8 supermarket in East Cambridge. The other
9 thing that -- the City of Cambridge is
10 redoing First Street and limits one lane in
11 each direction on First Street. They're
12 going to be parking on First Street as well
13 in the near future. So I would say deny this
14 request, please, for the neighborhood.

15 Thank you.

16 WILLIAM TIBBS: Thank you.

17 Mark and the next person who asked to
18 speak is Heather Hoffman.

19 MARK JAQUITH: Good evening. My
20 name is Mark Jaquith. I live in East
21 Cambridge at 213 Hurley Street. Last name is

1 spelled J-a-q-u-i-t-h.

2 Good evening and thank you for the
3 opportunity to speak. I am here tonight to
4 oppose the amendment for One Canal Park from
5 their commitment to provide retail space on
6 the ground floor of their building. This is
7 a prime location located between the Galleria
8 Mall and a major public transit station, the
9 Lechmere Station. Foot traffic here is
10 tremendous. And there is ample parking in
11 the Galleria Mall, the municipal garage, and
12 the nearby MBTA lot. In terms of numbers of
13 foot traffic, according to the folks at the
14 mall, they receive about 10 million visits to
15 the mall from the MBTA. All of those people
16 walk directly in front of this building. And
17 in terms of the overhang, whenever there's
18 any kind of weather, they all walk straight
19 through that. And my general foot path to
20 work is down the canal everyday so -- and
21 back. And so I often see the back side of

1 that building, and there's tremendous traffic
2 back there too. To claim that it's not, is
3 just trying to hide the facts I believe.
4 Excuse me.

5 And contrary to the false statement in
6 their application, First Street is home to
7 quite a few vital retail businesses from
8 Cambridge Street to its junction with Land
9 Boulevard. These include Finagle a Bagel,
10 Benjamin Moore Paints, David's Shoes,
11 Christine's Restaurant, Dynarama, a framing
12 shop which just changed names, I can't
13 remember it right now. The CQI Day Spa, Pet
14 Co, Helmand's Restaurant, Simolan's
15 (phonetic) Restaurant and the Boca Grande
16 Restaurant. All and all what this
17 application does is -- excuse me -- I'm
18 having a dry throat -- is point out the
19 property owner's unwillingness to engage in
20 an honest, reasonable marketing plan for this
21 space. They should be made to do business

1 under the agreed -- under the terms of the
2 agreement that they originally made with the
3 City of Cambridge. This is also the wrong
4 time to reduce retail opportunities in an
5 area such as this which is on the verge of
6 quite a bit more tremendous growth.

7 Thank you very much.

8 WILLIAM TIBBS: Thank you.

9 Heather. And the next one who asked to
10 speak is John Paul.

11 HEATHER HOFFMAN: Hi, my name is
12 Heather Hoffman. I also live at 213 Hurley
13 Street, and I have lived there longer than
14 this building has been there. I remember
15 well when it was built. In fact, I can -- I
16 can tell you that where I was working a job I
17 started in 1987, my boss's son-in-law was one
18 of the owners of that restaurant on First
19 Street. And it was very successful for a
20 while and yes, the mall killed it. Mark was
21 not comprehensive in all of the untruths in

1 this application. I would even say lies.
2 And many of those have been exposed by the
3 testimony tonight of the proponent. It says
4 in here, the petitioner and its predecessor
5 Beacon Properties have had a consistent 25
6 year history of unsuccessful marketing
7 efforts for retail and restaurant or other
8 public uses in the first floor space. Well,
9 in fact the East Cambridge Savings Bank was
10 there for 20 years. The reason it died was
11 not visibility. I assure you the space in
12 front of it was illegally parked in during
13 banking hours solidly on Saturdays and often
14 during the week. The -- that was my
15 preferred branch. Anybody who was driving
16 was probably gonna go to the main office a
17 few blocks away. What this got was foot
18 traffic. It got tons of foot traffic. What
19 killed it was the Bank of America in the mall
20 because they're biggest business was
21 depositors from the stores in the mall. And

1 once the Bank of America was in there, if you
2 had your choice, would you walk outside or
3 would you stay in the mall to make your huge
4 deposits? Assuming business was good and we
5 all hope it was. That's what killed the East
6 Cambridge Savings Bank. And in fact, when I
7 asked the people in the bank why they were
8 closing, that is what they told me. Because
9 they lost the deposits from the mall. It has
10 nothing to do with visibility. And the --
11 and as Mark said, there are retail uses up
12 and down this street. David's Shoes has been
13 there for more than the 25 years that I have
14 lived there, and it's the only place that I
15 buy shoes. They get good business. That
16 canopy is where people go. Around the back
17 of the mall which is where I go in the
18 morning to go get my coffee, there are plenty
19 of people walking with me. And I agree
20 that's a much harder space to market because
21 of where it is, but along First Street that's

1 ridiculous. Do not be taken in by this. You
2 have been lied to in this application and I
3 have to say when I first read it, I was kind
4 of screaming at the computer screen: Lie,
5 lie, lie, lie. Okay.

6 Anyway, I'm here to oppose if you
7 hadn't guessed that. Thank you.

8 WILLIAM TIBBS: Thank you.

9 John. And the next person who asked to
10 speak is Jay Westerman.

11 JOHN PAUL: Yes, hi. John Paul.
12 P-a-u-l. Also an East Cambridge resident, 90
13 Spring Street. I think we need to consider
14 this: That if the original vision for First
15 Street was a good one, it still is. And what
16 we need to do is to not retreat from that
17 good vision but rather encourage it. Do
18 everything that's possible to encourage it
19 whether that's revisions to the way the mall
20 needs to operate, whether they need -- they
21 have very little, although they do have Best

1 Buy. But they have very little activity
2 along First Street. Perhaps they should.
3 Perhaps they need additional entries onto
4 First Street. There is -- it's not true that
5 there's only car traffic to the mall.
6 There's a huge amount of foot traffic, and I
7 think the mall itself on their web site
8 states like a million people or something
9 like that during the year. It's a huge
10 amount, okay? So whether it's adjustments to
11 the design of One Canal Park, whether it's
12 better signage, whether it's elimination of
13 the Arcade to provide street frontage as does
14 the Simolans, as does the Helmand's
15 Restaurant as does David's where you have
16 retail right on the street, whatever.
17 Whether it's with the retail -- I mean,
18 whether it's with a rental arrangement to
19 make it more attractive and affordable to a
20 potential tenant or whether it's to increase
21 the amount of square footage that could be

1 available to any one tenant. I think any of
2 those things -- the Planning Board, please,
3 please, please help us out in this
4 neighborhood. North Point is going to be
5 there in greater force as we hope in the
6 future. This neighborhood desperately needs
7 greater retail. It is possible. It is a
8 good vision. We do not need to retreat from
9 that vision. We need to find constructive
10 ways of achieving that vision, and we'd
11 really appreciate your cooperation to try to
12 attain that. Okay.

13 Thank you.

14 WILLIAM TIBBS: Thank you.

15 Next person is Charles. And after that
16 is it Eilan.

17 JAY WASSERMAN: Good evening. I'm
18 Jay Wasserman of 34 Second Street.

19 W-a-s-s-e-r-m-a-n. Again, just to iterate
20 some of the points already made, there's
21 tremendous amounts of traffic. As we have

1 been dealing with the MBTA and other pieces
2 of estate, we're very worried about the
3 crossing of McGrath because there are so many
4 people crossing that T station. Plus the --
5 that T station is happening within the next
6 few years, and we're looking forward to
7 possible new retail in that zone. And if --
8 this is all part of that. And for them to
9 retreat now is bad. They mention the beast,
10 the Galleria as being bad competition. Most
11 retail people don't see large competition
12 unless it draws it away as a bad thing. It
13 draws people to the area. It's a competitive
14 issue. Again, because it brings all the foot
15 traffic into Lechmere-Canal, day and night,
16 weekends, that canal is filled with people
17 coming to and from the Galleria. What
18 concerns me here is I'm sure this deal, as
19 many I've seen is made, the city is requiring
20 things at the retail, at the floor because
21 it's good for the community and the

1 developers happily agree to that because they
2 know they make their money upstairs. And
3 then they come back and they don't really
4 want to deal with the fact it's gonna be less
5 money made on that floor of retail. And I'm
6 concerned and we're concerned with other
7 developers doing this, that they're not
8 willing to do what it takes to get the retail
9 in there. That they really are probably
10 cutting corners, which is why retail is not
11 making it. And, again, you know, if they
12 came to us that they want to modify things to
13 encourage, make it better for retail, I think
14 they'd find the community would work with
15 them and be glad to see that. But to give up
16 and make it a business and close it off, is a
17 disaster in this whole area which is growing
18 rapidly.

19 And, again, just to iterate, we have a
20 lot more people living in the area. The one
21 first is across from them. The Archstone

1 Smith is about 150 feet from them. There's
2 been a lot of people moving in the
3 neighborhood. It's a growing neighborhood.
4 Now is not the time to be backing away.

5 Thank you.

6 WILLIAM TIBBS: Thank you.

7 After Eilan is Carol Bellew.

8 CHARLIE MARQUARDT: Thank you.

9 Charlie Marquardt, M-a-r-q-u-a-r-d-t. Ten
10 Rogers Street, probably about two blocks
11 south of the building. I just want to point
12 out something here that John did a great job
13 in presenting. There's a great vision for
14 this neighborhood. And we have another great
15 vision that we saw what, three or four weeks
16 ago for just four blocks south of this. And
17 Ms. Rubenstein mentioned earlier we're going
18 to talk about it in the next couple months to
19 start permitting Alexandria. If we have
20 Alexandria saying they have this wonderful
21 opportunity for retail, and we all saw those

1 beautiful pictures, that's just south of this
2 building down here. Now all of a sudden we
3 can't get retail in. I'm really concerned.
4 What is it? Do we have retail all of a
5 sudden four blocks south or no retail here?
6 Is Alexandria doing something that's beyond
7 what Equity Office is trying to do? They
8 mentioned Big Red Rooster. I haven't heard
9 any other marketing efforts put out here.
10 I'm sure you've done some marketing, but it's
11 sort of disconcerting to the rest of us in
12 the neighborhood that we have these open
13 buildings where we need retail in the ground
14 floor to make it a vibrant area, and we're
15 talking about vibrant only to hear that we
16 need to take away the retail half of it
17 forever, the rest of it for 20 years which is
18 as long as this building has been there and
19 let's close off the window treatments which
20 is just as an aside concerns me because we're
21 saying we wanted to put people in the offices

1 to make it vibrant and then block off the
2 offices. I don't consider a closed shade
3 blocking off the vibrant office to be a
4 vibrant outside. But to go back to my bigger
5 point. We have First Street, First Avenue,
6 that is a corridor for retail. A corridor
7 for development that will tie Lechmere
8 Station all the way in to that wonderful
9 Alexandria Development that we saw on all
10 those boards and wonderful pictures that got
11 us all excited about what could be down there
12 and we're about to make it dark, and have it
13 go dark permanently. And are we going to
14 have to reconsider Alexandria? Are they
15 going to come in and say we can't do it
16 either. And all of a sudden East Cambridge
17 is all the way to the ground, purely offices,
18 no good street life. No vibrant community.
19 And I hope that you hold their feet to the
20 fire and everybody else's feet to the fire.

21 Thank you.

1 WILLIAM TIBBS: Thank you.

2 As I said, Carol Bellew is next after
3 Eilan.

4 EILAN LEVY: Good evening. My name
5 is Eilan Levy. I live at 148 Spring Street
6 in East Cambridge. I'm going to reiterate
7 what Charles had just said. During the
8 recent election I conducted small interviews
9 with different running candidates and
10 existing city councilors, and one of the
11 questions I tried to understand what was
12 going on between the Planning Board and the
13 City Council when they were making amendments
14 or changing the zoning and how you would
15 apply it, and I think it was City Councilor
16 Kelly who explained to me that the City
17 Council was creating a buzz in which you guys
18 operate and tried to make decisions for the
19 benefit or interpret what that box was going
20 to look like. Well, what I understand as
21 being the disconnect now is that there are

1 many projects which are coming before you and
2 they're not treated in their entirety for the
3 whole neighborhood. As Charles has pointed
4 out, there is Alexandria, and Alexandria has
5 come up with a great project with lots of
6 development on the ground floor trying to
7 make our area vibrant. We have Third Street
8 where a lot of development has been going on,
9 and we have been pushing extremely hard to
10 get the retail floors to be, to be occupied.
11 And we have gotten the developer to agree
12 with us and push for that retail on the
13 ground floor. I think that either it is a
14 disconnect from the neighborhood who
15 misunderstand what the developers are trying
16 to do or is it a misunderstanding of the
17 proponent tonight who hasn't looked at what
18 the entire plan is and who else is building
19 in the neighborhood and what's happening. So
20 it is important for you to consider all the
21 projects linked together when you make a

1 decisi on of thi s ki nd. Thi s i s a very, very
2 bi g proj ect that encompasses a very l arge
3 area. The same way that North Poi nt was and
4 the same way that Al exandri a i s going to be.
5 And i n that context as Char les has sai d, you
6 have to put the feet to the fi re and abi de
7 what the basi c spi ri t of the l etter was when
8 the rezoni ng for Al exandri a was granted. And
9 that means that we want more retail. We want
10 more peopl e i n the street. We want Fi rst
11 Street that i s vi brant, that i s smalle r. We
12 want a new Lechmere Stati on that i s going to
13 bring peopl e to East Cambri dge, not away from
14 East Cambri dge. We want the Al exandri a
15 proj ect to be hel d to the fi re when i t comes
16 to retail because we need Bi nney Street to be
17 redevel oped and to be vi brant. We need a
18 nei ghborhood where we can l i ve, not a
19 nei ghborhood where we' re wal led i n, whi ch i s
20 what' s happeni ng ri ght now. As you see, our
21 nei ghborhood i s very ti ny houses and all

1 around big buildings and we're not getting
2 out of that. So in order to be able to live
3 there, we need that retail space. And in the
4 context of the whole neighborhood, which is
5 the context that you have to operate in, this
6 request is totally out of line and out of
7 line with any of the demands or requests that
8 have been made to this Board over the last
9 years that I have been a participant or
10 living in East Cambridge for about five years
11 and participating with East Cambridge
12 planning team which is about five years also.
13 So I would highly suggest that this, just
14 like I don't even understand why I'm here and
15 even talking about this or asking, but I feel
16 that I still have to fight to get you guys to
17 agree with us that retail is what we need.
18 The grand master plan for a neighborhood not
19 for a developer or part of the neighborhood
20 is what we need to consider, and therefore,
21 this retail, this demand is just out of

1 context and out of line with what basically
2 is being asked by the rest of the developer
3 and the neighborhood. And thank you very
4 much.

5 WILLIAM TIBBS: Carol.

6 And the next person who asked to speak
7 is Michael Heart.

8 CAROL BELLEW: Carol Bellew. 257
9 Charles Street. Well, everybody showed up
10 tonight because we haven't seen these guys at
11 the neighborhood meeting. We would have sat
12 and talked with them, conversed and said the
13 same thing we said tonight. We are not happy
14 with this. This is not the way we want East
15 Cambridge to be going. We're working our
16 hardest to triage to get this retail up and
17 started. That location has so many people
18 walking by it everyday. I am -- we
19 constantly get stopped in traffic with the
20 walk traffic that's there from the T.
21 Archstone has shown up. There's a ton of

1 residential there. Yes, we'd like to see
2 North Point done, but that's another whole
3 section of retail accommodation. To give
4 this up really grates us because it's not
5 going in the right direction for us. And it
6 is a vibrant area. There are a lot of people
7 there. The bank isn't there. Well, they're
8 only two blocks away from where they are. So
9 I'm not surprised they didn't go back home.
10 But that is a vibrant area. I don't see any
11 reason to be giving it to office space. It's
12 going exactly opposite of how we're trying to
13 go. And so we -- we're a little upset and so
14 we all showed up. And we're hoping you team
15 up with us and keep us on the right track.

16 Thanks.

17 WILLIAM TIBBS: Thank you.

18 Michael.

19 MICHAEL HEGARTY: Hi. Michael
20 Hegarty, H-e-g-a-r-t-y, 143 Otis Street in
21 Cambridge. I think with due respect to the

1 petitioner -- and I'm strongly opposed to the
2 proposal in front of us tonight. I think at
3 least giving the benefit of the doubt, the
4 petitioner, the owner of the property, the
5 employees, their counsel, I think we're
6 looking at -- we're not making an apples to
7 apples comparison here. I think we're
8 looking at apples to oranges. I understand
9 the point they're making, but I think that, I
10 think there's a paradigm shift in order here,
11 and I think as an example this is extremely
12 instructive to what we've got going on here.
13 I mean, the clearest example that's been
14 stated time and time and time again is we've
15 got the Lechmere T Station there, you've got
16 the mall there. And I don't know if it's a
17 million or ten million people, but if you
18 tell me that you've got a ground floor
19 location with a million people a year walking
20 passed it and you can't make a retail
21 operation work, there's a problem. Okay.

1 There' s somethi ng wrong. There' s a
2 di sconnect somewhere. Okay. I don' t know if
3 it' s in the willingne ss of the property
4 owner. I don' t know if it' s in the techni que
5 of the property owner, but there' s a probl em.
6 I don' t thi nk -- and I thi nk that' s a fair ly
7 sol id argument that if you got that kind of
8 foot traffi c on both sides of the bui lding
9 along the front, along the back, along the
10 sides, there is a way to make it work wi thout
11 much foot traffi c. And I challenge anyone to
12 take that to any busi ness school forum in the
13 country and put that forward and see if that
14 doesn' t hold true at least to some degree. I
15 thi nk in general what' s instructive about
16 thi s whole si tuati on is I thi nk we, as a
17 communi ty pri mari ly, the ci ty appoi nted
18 members and board, the ci ty staff, and the
19 ci ty el ected offi ci als need to work wi th
20 property owners and these type of l ocati ons
21 and make thi s kind of retail work. It is

1 viable. It is becoming more viable every
2 day. And I, I think this is, you know, this
3 is an isolated example of something that we
4 need to work on overall both in East
5 Cambridge otherwise -- especially in East
6 Cambridge. I strongly, strongly oppose this
7 petition this evening.

8 Thank you.

9 WILLIAM TIBBS: Thank you.

10 Michael was the last person who signed
11 up to speak. Is there anyone who didn't sign
12 up who would like to speak now? Go ahead.
13 Nancy is it?

14 BETH RUBENSTEIN: Barbara.

15 WILLIAM TIBBS: I'm trying to get
16 you up here, Nancy.

17 FEMALE AUDIENCE MEMBER: Actually, I
18 probably will come, just a couple of things I
19 have to say.

20 BARBARA BROUSSARD: We're probably
21 joined at the hip. Barbara Broussard,

1 B-r-o-u-s-s-a-r-d. And I'll speak as
2 President of the East Cambridge Planning
3 Team. The past 12 years, the East Cambridge
4 Planning Team has held the view that same
5 development in the neighborhood is mixed use.
6 It is commercial, it is retail, and it is
7 housing. And we have worked very hard to
8 make this mix work. We're working very hard
9 on the new design of Foley Square. We're
10 working with Kendall Square. We want First
11 Street and Third Street to be alive. Office
12 buildings with closed blinds actually don't
13 present in a very active use. We have been
14 told many times, and I've been president I
15 think close to 12 years, money is made
16 upstairs. Nothing is made on the ground
17 floor. They don't need it to pay the rent.
18 My neighbor who has had to leave told me that
19 the bank left because the rent was raised.
20 Whether that's true or not, I can't tell you.
21 I haven't gone to the bank, but I did tell

1 you I did use that bank branch. Very dark at
2 night, especially for someone who is a little
3 bit older. And I only used it when I was out
4 walking the dog so I felt a little safer.
5 There was no lighting, no signage. I knew it
6 was there because I had been there during the
7 day. I've lived in Europe for many years,
8 and the Arcade, you can have those little
9 swinging signs that indicate that there are
10 buildings -- there's nothing there. What it
11 says to me is that no one made an effort.
12 You can give the space away. What it does
13 for your other tenants is to bring people in.
14 The mall has plenty of tenants. The
15 neighborhoods wants to go there. There's a
16 whole lot of retail, small retail and medium
17 size retail that is lacking. We're just
18 waiting for someone to decide to build it.
19 And I hope you do keep their feet to the fire
20 as you will Alexandria. We need the retail
21 and we need it today. We don't need to take

1 a step backwards. The vision for this area
2 was correct whether it was 20 years ago or 10
3 years ago.

4 Thank you.

5 WILLIAM TIBBS: Thank you.

6 Is there anyone else?

7 FEMALE AUDIENCE MEMBER: Oh, Nancy
8 please.

9 NANCY STEINING: I have to climb
10 over 20 people. I agree with everyone else.
11 I think you are -- the city is requiring
12 retail on all the ground floors for all of
13 the 15 acres of Alexandria and they did it
14 for Third Street. If you're going to still
15 require it, I think you should also require
16 it of this particular group. She spoke about
17 the Arcade and the difficulty of it. I
18 remember living in Switzerland for a year,
19 too long ago, in Switzerland, the main street
20 was an arcade. It was covered over walkways
21 so the people were protected from whatever

1 kind of horrible weather was coming down, and
2 there were little shops all the way along
3 with little signs and people were trotting in
4 and out and going wherever they were going.
5 It could be done. But I -- people haven't
6 made the effort. And I question whether it's
7 really been a high priority of the owner not
8 to get a high rent because it seems to me
9 that Alexandria will give some concessions
10 for the first number of years and -- perhaps
11 these people did, I do not know, but I would
12 ask that question.

13 Thank you.

14 WILLIAM TIBBS: Could you give me
15 your name?

16 NANCY STEINING: Oh, I'm sorry. I'm
17 Nancy Steining, S-t-e-i-n-i-n-g and it's 75
18 Cambridge Parkway.

19 WILLIAM TIBBS: Anyone else? I
20 guess with we can -- unless you tell me
21 differently -- we will close the verbal

1 comments to this public hearing even though
2 there is a second public hearing that is
3 required. You have a question? Yes.

4 ATTORNEY KATHARINE BACHMAN: Might I
5 have a moment of opportunity for rebuttal?

6 WILLIAM TIBBS: We don't rebut. We
7 may ask you some questions to clarify.

8 ATTORNEY KATHARINE BACHMAN: Very
9 good.

10 WILLIAM TIBBS: Yes, it's not a
11 rebuttal kind of thing. It's us listening to
12 their comments and then we'll ask you if we
13 need clarifications or whatever. But anyway,
14 we're going to close the public hearing for
15 verbal comment, but leave it open for written
16 comment. And if that's the Board's pleasure?
17 Good, we'll do that.

18 And I guess my question is does the
19 Board have questions or comments? And could
20 you also clarify if we need to make some
21 finding in this public hearing to lead to the

1 next one or if it's just two public hearings?

2 LIZA PADEN: The preliminary
3 determination for the first phase of the PUD,
4 any questions that you want to have answered
5 for the next phase. The direction you want
6 them to go in answering and presenting for
7 the second public hearing. I think it's a
8 little bit different because it's the use
9 that's being changed, not an entire building
10 that has design features. But that's all
11 part of the discussion for the second
12 hearing.

13 WILLIAM TIBBS: Thank you.
14 Patricia? Let me turn my head this way.
15 Both of you?

16 HUGH RUSSELL: I was pointing to
17 Charles.

18 WILLIAM TIBBS: Charles.

19 CHARLES STUDEN: I first want to say
20 that I actually thought that the applicant
21 did a very good job of making the case for

1 why we should consider what they're asking
2 for. At the same time I understand and
3 appreciate the community's concern about
4 wanting ground floor retail because it's
5 something that I think I, and probably
6 everyone else who sits on this Board with me,
7 also would like to see happen. On the other
8 hand, I don't think that it's in anyone's
9 best interest to continue to have vacant
10 ground floor space in that building. And
11 perhaps what we need here is some kind of a
12 compromise that satisfies the applicant as
13 well as the community. And I'm not sure
14 exactly what that's going to be yet. But I
15 did appreciate the comments we got from the
16 community.

17 What I'm interested in in the comments
18 that the applicant made. They said that --
19 let's see here -- they said that the
20 petitioner's experience at One Canal Park is
21 consistent with other nearby properties which

1 have not had success in attracting retail,
2 restaurant and other public uses to their
3 first floor spaces. I wondered if you had
4 any specifics about that, because I would be
5 interested in knowing which nearby properties
6 have had similar difficulties and what the
7 reasons for that might be. I find the fact
8 that the Cambridge Side Galleria has been
9 built and that the retail and restaurant uses
10 in that building make it very, very difficult
11 for buildings like One Canal Park to compete.
12 And I suspect that may be the case for other
13 buildings. But I'd like some specifics if
14 you have them. And you may not. And maybe
15 you can come back at the second hearing with
16 a little more about that, please.

17 WILLIAM TIBBS: Do you want to
18 comments on that now or wait?

19 ATTORNEY KATHARINE BACHMAN: Let me
20 just appreciate the opportunity to come back
21 next time. Let me just mention Ten Canal

1 totally surrounded by the Galleria Mall had a
2 similar condition and it was relieved by the
3 Board because it was totally unsuccessful.
4 Nobody was over here. And if you go by Two
5 Canal which we have no interest, it's closed
6 blinds over here and closer to the T and the
7 only thing that's there is a Bank of America
8 ATM which is all I can see when I go by. But
9 there's no retail here.

10 CHARLES STUDEN: And I presume that
11 the principal reason that retailers are
12 objecting to these sites is location? And by
13 that I mean, you know, they're not visible,
14 they're not accessible. What is the reason
15 for this difficulty in getting retail?
16 Because, again, I would assume that -- I
17 mean, the applicant, you're interested in
18 making money.

19 ATTORNEY KATHARINE BACHMAN:

20 Exactly.

21 CHARLES STUDEN: If you can get a

1 retail tenant on the ground floor, you're
2 going to put one there.

3 ATTORNEY KATHARINE BACHMAN: Of
4 course.

5 CHARLES STUDEN: I'm assuming.

6 ATTORNEY KATHARINE BACHMAN:
7 Exactly.

8 CHARLES STUDEN: And for 25 years
9 you're struggling to do that. To me that's
10 incomprehensible that it's taken this long.
11 I understand it. The retail environment is
12 very, very difficult. It's more difficult
13 now than it has ever been. So I'm -- again,
14 you know, I understand the community's
15 concern. I'd like to see retail there, too,
16 but, but, what is preventing it really?

17 ATTORNEY KATHARINE BACHMAN:
18 Exactly. Well, I think you know one, a way
19 to look at this, I feel very sympathetic to
20 the community's commitment to a master plan
21 and feeling that a vision that has been

1 embraced should not be abandoned. The
2 vision, though, that this building was
3 created under was a vision 25, maybe 30 years
4 ago, whenever it was, that people started
5 thinking about this of a master plan
6 community where there would be residential,
7 where there would be retail, where there
8 would be economic development opportunities
9 to support the tax base and the office users.
10 It was, and I know some of you were here, it
11 was a master plan community, and that was the
12 vision and it was realized. I can only say
13 -- and, Karen, you may want to say -- why
14 don't I turn the floor over to you to talk a
15 little bit more about the marketing efforts.
16 Because. . . .

17 KAREN BAKER: We have a fiduciary --

18 ROGER BOOTH: Can you please use the
19 microphone?

20 ATTORNEY KATHARINE BACHMAN: Karen
21 Baker.

1 KAREN BAKER: We have a consultant
2 Dartmouth Group who is a very reputable
3 detailed consultant who is on board with our
4 entire portfolio. We have a fiduciary
5 interest to our investors to lease this
6 space. There is no one that has wanted to
7 lease this to retailers more than we do.
8 It's good for the tenants. It's good for us
9 to market to our office tenants that there
10 are amenities in the building, that there is
11 food service in the building. This has been
12 very important to us.

13 The Dartmouth Group, the Dartmouth
14 Group has been casting a very wide net to
15 when the bank was leaving to find other banks
16 to come in and, you know, they were told, and
17 I -- they were told that the lack of parking
18 is an issue for the banks.

19 MALE AUDIENCE MEMBER: There's so
20 much parking in that neighborhood.

21 KAREN BAKER: Well, people want --

1 WILLIAM TIBBS: Excuse me, we can't
2 have the audience -- we cannot have the
3 audience making comments as people are making
4 it.

5 KAREN BAKER: And it's the lack of
6 parking and lack of traffic on the street for
7 banks. That they were told directly by other
8 local banks. And we also showed this to
9 places like Au Bon Pain and Panera and got
10 the same comments from them as well. And,
11 you know, when people park at the Galleria,
12 they go into the Galleria, they come up into
13 the food court, they're not going to walk
14 over to our building to go to Au Bon Pain
15 when they're in the middle of a fabulous food
16 court. The mall is well attended and, you
17 know, has the mix of tenants that draws
18 people there and keeps them there. And we
19 don't -- we don't have that kind of synergy
20 with other buildings around us. Whether it's
21 a co-tenancy that creates the energy and

1 synergy that all retailers need to survive.

2 WILLIAM TIBBS: Thank you.

3 I just want to make one comment. You
4 know, this decision, the first decision was
5 made in 2002 and Pam and Tom and Hugh and I
6 were on the Board at that time. I think it's
7 -- I just want to say that I think it's
8 really important for us to -- with that
9 perspective, to make some comments on this as
10 we're going through. I'm not sure we were
11 going to do that anyway, but I wanted to make
12 that case.

13 Tom.

14 THOMAS ANNINGER: I wanted to make
15 two comments which perhaps are questions.
16 I'd like to understand the distinction if we
17 treat this as a site that might be a
18 restaurant site, it's not entirely clear to
19 me why Helmand Restaurant is so successful
20 and this corner could not be. Helmand does
21 not have parking. There's a great deal of

1 parking just across the street here. So
2 parking, if anything, would favor your side
3 over Helmand. Helmand does not have an
4 arcade, but it is a very undistinguished box
5 of a building that wouldn't draw anybody and
6 it is several blocks from the mall. So
7 people have to really walk there to get
8 there. It is a destination restaurant. It
9 isn't a restaurant where there's foot
10 traffic. You go there only for one reason
11 and that's to go to the restaurant. And if
12 you go there, you'll see Roger Booth there
13 all the time. And I'm sure he would be happy
14 to come to something just across the street
15 from Sears if we had one there.

16 The other comment I want to make is the
17 decision we made a few years ago to
18 temporarily allow office space. Isn't that
19 what we did?

20 WILLIAM TIBBS: Yes.

21 ATTORNEY KATHARINE BACHMAN: Yes.

1 THOMAS ANNINGER: The problem with
2 that, and it's the same problem I have with
3 this 20-year idea, I find that somewhat
4 self-fulfilling. If you have the momentum of
5 office space and all you really need to do is
6 to prepare the space for office space, you
7 will have office space. I thought many of
8 the comments that were made that if it -- if
9 the arcade is a barrier, if it isn't
10 inviting, one of the things that we find in
11 Cambridge, and in other places, is there is
12 an organic way of making it inviting,
13 possibly by eliminating the arcade. I don't
14 know. I'd have to take a look more carefully
15 at what the sidewalk would allow. But it
16 seems to me that there is some potential for
17 moving everything out to the -- and including
18 the arcade as part of the space. And I'm
19 sure we would be interested in hearing about
20 any kind of a renovation of that sort. But I
21 have a lot of trouble with perpetuating the

1 office space with any idea that we might
2 revert back to some sort of springing retail
3 use. It's not gonna happen. Precisely
4 because I come back to this point that I
5 think is very self-fulfilling what you've
6 done, and we either have to make a decision
7 for the long term of office or not. And I'm
8 very reluctant to do that, to make that
9 office decision at this point.

10 WILLIAM TIBBS: Pam.

11 PAMELA WINTERS: Oh, I just -- it's
12 -- I'm torn. But I do agree with what Tom
13 just said. And I'm wondering if there's some
14 way -- I think Charles mentioned this before,
15 if there's some way that we can kind of
16 negotiate, you know, perhaps having some
17 office and some retail. I don't know if
18 that's possible in this situation, but you
19 know, just -- was that what you had in mind,
20 Charles, when you made that comment?

21 CHARLES STUDEN: Well, that's what

1 the applicant is proposing. If you look at
2 the diagram that's on the Board right there,
3 it's just -- I think the community is
4 suggesting that that is not a reasonable
5 compromise. They're looking to have the
6 entire ground floor be retail if I'm
7 understanding this correctly.

8 PAMELA WINTERS: So that's just that
9 little --

10 THOMAS ANNINGER: No, they're
11 proposing 20 years of no retail.

12 CHARLES STUDEN: That's right. But
13 eventually that retail could, after 20 years,
14 could be re-examined and come back at that
15 point.

16 PAMELA WINTERS: So is that the only
17 retail that shaded area, is that the only
18 retail that you had proposed to stay retail?

19 ATTORNEY KATHARINE BACHMAN: This is
20 what we had proposed.

21 PAMELA WINTERS: To stay retail?

1 ATTORNEY KATHARINE BACHMAN: Well,
2 we asked that all of it could be used for
3 office for this and perpetuity for up to 20
4 years. And I think my client will need to
5 reflect on the comments that had been said.
6 But what clearly comes to mind is the thought
7 of there is First Street, as a portion of the
8 building as to which there has been much
9 commentary. But then there's all this at the
10 back that is not in the same line of traffic.
11 Even the commentary about, you know, one can
12 imagine thinking about First Street,
13 separately from the rest of the, you know,
14 over to here, and one can think about timing
15 as necessary.

16 PAMELA WINTERS: Maybe that would be
17 a negotiation point that we can think about
18 sort of splitting the building. It's just a
19 thought. Maybe, you know, part retail, part
20 office. I don't know. I am uncomfortable
21 with the 20-year time frame though.

1 WILLIAM TIBBS: I think in light of
2 my own request, I think we should give our
3 comments for those who were on the Board.
4 I'll do that. I remember this very vividly,
5 and at the time I really was concerned that
6 regardless of the passed failures or whether
7 there was a proactive or active marketing as
8 to what is the good retail that could go
9 there that competes with all the stuff that's
10 around it, and I do remember being concerned
11 exactly with what Tom just said which is if
12 we do this temporary thing, there's not a lot
13 of impetus, and it becomes a reactive
14 marketing, i.e. Au Bon Pain and Panera. I'm
15 not a marketer. I would say that's not a
16 great amount of people to have in that
17 location given the type of Galleria
18 competi ti on. And I'm just hoping or wishing
19 that there were a little bit more creative
20 marketing kind of focus or planning that can
21 do that. I mean, one of the people who spoke

1 at the -- for the public comments mentioned
2 Big Red Rooster which, you know, from -- and
3 I think you need to -- you just need some
4 creativity there. And then for me, at least
5 for the request for the next meeting, I
6 really like to hear if you have the Dartmouth
7 Group as your consultant, I'd like to hear
8 from that consultant as to not necessarily
9 why it's not working but what have they done
10 and their opinions of what can work here as
11 opposed to what hasn't worked here. Because
12 I think what hasn't worked here gives you a
13 good example of what not to do. What I
14 haven't heard yet or what a real, just an
15 idea of what the marketing history has been
16 and what the efforts have been to convince me
17 that -- and in a lot of ways I'm mixed, I
18 think retail is important, I think office use
19 within a barter context might possibly work
20 there, but I haven't been convinced. I
21 wasn't convinced last time and I'm not

1 convinced now as time goes by. I understand
2 the marketing efforts and the history and
3 things that have been tried that really were
4 researched to see that it really could work
5 there. And I do find that you, because I was
6 here the last time, and you mentioned this
7 idea about how well North Point was going to
8 be there and it isn't. Well, it kind of is.
9 I mean, if anything, the T station is closer
10 than it ever has been. And you have a
11 humongously residential development across
12 the street. So if there's ever an
13 opportunity that a good marketer can really
14 think about, how do we get people here. And
15 then I look at the Arcade and, you know, I
16 see, I see chairs there. I walk in Central
17 Square and my God, it's hard for me to walk
18 down the street because I'm bumping by all
19 these little tables and chairs because of all
20 these people scooting out, particularly in
21 the summer to just try to capture some of

1 that street. And so, yeah -- and signage and
2 marketing and all that kind of stuff. I just
3 want to know that an effort has been made.
4 I'm the first -- I'd be the first person to
5 say if an effort had been made and it just
6 hadn't worked hal l e l u j a h, you're convi n c i n g
7 me. I have those reservations because of the
8 temporary use that we've allowed, it doesn't
9 give you the motivation to hi t thi s reall y
10 hard. That's just a concern I have just
11 based on my reacti on from bei ng here l a s t
12 time. I know I'm going to -- not that I
13 haven't been there a zillion times, but in
14 the context of thi s heari ng I know -- I'm not
15 sure about other Board members woul d j u s t
16 go down there and take a good solid look at
17 thi s.

18 Roger, can you remind me of what the
19 history is of sequence, particul arly relative
20 to One Canal Park, Two Canal Park and the
21 Galleria. What came first? And what came

1 second? And what was -- because in my mind I
2 remember the last time there was some issue
3 around that, particularly with Two Canal Park
4 and I'm just wondering if you can clarify.

5 ROGER BOOTH: Yeah, I'll try.

6 WILLIAM TIBBS: I'll be specific:
7 Was there anything about the design of One
8 Canal Park that other buildings around it has
9 caused to not work or was -- what was the
10 context by which that building was designed
11 and what works in terms of these arcades and
12 other stuff that was happening?

13 ROGER BOOTH: Well, do I have a
14 three minute limit here? One of the very
15 first things that got built was the first
16 phase of Thomas Graph's Landing. It was all
17 out here by itself. We built the Lechmere
18 Canal Park in four phases starting in 1982,
19 and there were, depending on the grant that
20 we got from the Federal Government we were
21 able to little by little build the park. So

1 the park was actually here before the
2 Galleria Mall got here. I believe, and maybe
3 Les can help with memory here. I believe Ten
4 Canal Park and One Canal Park were very close
5 in time.

6 MALE AUDIENCE MEMBER: Ten came
7 first, Roger.

8 ROGER BOOTH: Ten came first.

9 HUGH RUSSELL: I have a list here.
10 Roger, I have a list of the properties and
11 permits which was given to me in 1999 when
12 the same subject was under discussion.

13 ROGER BOOTH: Oh, yeah.

14 HUGH RUSSELL: Do you want to
15 refresh your memory?

16 ROGER BOOTH: Thank you.

17 Ten Canal Park had Pizzeria Uno on the
18 ground floor. And that didn't make it. I
19 think probably because it was too --

20 HUGH RUSSELL: Want me to hold onto
21 it and give you the three dates when you need

1 them?

2 ROGER BOOTH: Okay. Thomas Graph's
3 Landing had a requirement for ground floor
4 retail as well and the Board dropped that at
5 some point.

6 HUGH RUSSELL: 1994.

7 ROGER BOOTH: 1994.

8 And certainly for Ten Canal Park and
9 Thomas Graph's Landing, they're not in that
10 foot traffic that everybody's been talking
11 about. So I think they're more
12 understandable perhaps.

13 WILLIAM TIBBS: Yes.

14 ROGER BOOTH: And particularly given
15 the food-related use that was here, there was
16 also I guess Baruffi's Deli (phonetic) was in
17 some of that space as well. There's Pizzeria
18 Uno and Baruffi's at the same time in the
19 early 80's -- mid-80's I guess. So the
20 question of whether -- and then Two Canal
21 Park was actually the last building that was

1 built in this whole complex and that was --

2 HUGH RUSSELL: '97. Well, the

3 permits --

4 ROGER BOOTH: The permit was '97,

5 and it was built a few years after that. So

6 for a long time this was like a bathtub.

7 They built a foundation and it was a kind of

8 negative thing here. So I think partly some

9 patterns got set I think. And, again, the

10 First Street Cafe was in here. Ted Fuchillo

11 (phonetic), I thought was a great cafe when

12 it started. And then it was very slow. I

13 sat there one time an hour and no one came

14 and served. So I think there's just kind of

15 a sense that it wasn't working. And once a

16 retail area gets a bad reputation, it's very

17 hard to pull it up. And certainly they have

18 the competition from the Galleria Mall is a

19 big issue. So I mean the question this

20 Board's asking, what kind of uses could you

21 get in here? And I agree, Panera is

1 something you'd find in the food court so you
2 don't want something like that. The question
3 of whether the Arcade could be retrofitted,
4 maybe that's worth looking at. I mean,
5 you've got this space here. But the problem
6 is you've got these very heavy pilasters that
7 are hard to work around. Maybe it's worth
8 thinking about. But it's sure been a long
9 time that it hasn't worked. And certainly
10 from this image as people have said, it's not
11 appealing. If you had signage here, would
12 that help. It probably would. And if you
13 had glass coming along here, maybe that would
14 help.

15 THOMAS ANNINGER: That's right.

16 ROGER BOOTH: But it's --

17 WILLIAM TIBBS: Also, I just want to
18 say, and it's the same thing that Tom said.
19 It's just the attitude. If it is a
20 destination place, then it's a different
21 attitude that you have as opposed to a more

1 commercial retail kind of space where you're
2 waiting for per chance passersby to come in
3 and use it as opposed to something. I'm not
4 sure what that is. I'm not a marketer or
5 whatever.

6 Yes, Ted.

7 H. THEODORE COHEN: Well, I think
8 everybody is saying the same thing. And I
9 think if -- I go there quite frequently, and
10 the Arcade is really unpleasant unless it's
11 pouring rain and you're walking under it. I
12 think if it could be glassed in and brought
13 out to the street, that might be a big help.
14 But I also think if you think about the
15 stores on the other side that are successful,
16 they're not your common mall stores and they
17 all are destination type stores. David Shoes
18 is a great discount shoe store which has
19 parking in the back. You've got Pet Co.,
20 you've got a mattress store. You've got lots
21 of things that would draw people there for

1 that purpose. So I think, you know, the Au
2 Bon Pain and Panera Bread is not going to
3 work there next to the mall. Maybe if you
4 can get a destination restaurant or some
5 other things, that people will go there and
6 deal with the fact that there isn't great
7 parking right there. I understand what the
8 neighbors are saying, but when I go there, if
9 I have to park, either you have to park
10 several blocks away or you go into the mall
11 parking lots and then you're in the mall
12 already and so why go outside if you can find
13 what you want. Hearing what the neighbors
14 say about grocery stores, it's hard to
15 believe that something like a Store-24 or a
16 Tedeschi's wouldn't be successful because
17 there's no market, there's no food anywhere
18 there other than if you go into the mall like
19 a CVS. So I think it is a hard issue. I
20 think it's unpleasant there right now and I
21 can understand why it hasn't -- retail hasn't

1 succeeded. But I think maybe there is
2 something that can be done to improve it and
3 to make it work. The back part of the
4 building, you know, it's pretty in the
5 summer, but.

6 ROGER BOOTH: You mean along the
7 canal?

8 H. THEODORE COHEN: Along the canal.
9 It's pretty in the summer and it's nice to
10 sit out there even if you're in the mall food
11 court, but that takes it a long distance away
12 to get to the other side. And once the
13 weather turns bad, certainly nobody wants to
14 sit outside and whether you want to go there
15 unless it becomes a real destination type
16 restaurant.

17 ROGER BOOTH: I forgot there was,
18 for a while, a cafe in this spot. I think it
19 was after the First Street Cafe was there.

20 MALE AUDIENCE MEMBER: Roger, they
21 had another problem getting started when

1 everything was getting going in the eighties,
2 remember Barney, Ently and Marcus, they had
3 to abandon their site. This project started
4 sitting next to an excavated hole in the
5 ground. Which is another reason why Steve
6 and I took that project over.

7 ROGER BOOTH: So maybe we can try to
8 put together that history a little better.
9 Hugh had the list.

10 WILLIAM TIBBS: Understanding what
11 the ideas were, what were the goals at the
12 time. And sometimes those goals don't work
13 anymore.

14 ROGER BOOTH: Maybe try to map that.
15 Map all the steps and when things happened.

16 WILLIAM TIBBS: The other thing is
17 just like we've looked at what -- what's the
18 vision, what was and should be now the vision
19 for this piece of First Street and how does
20 this building play into that the vision?
21 Particularly with the changes that are much

1 more closer happening with the T station.
2 And even the stuff that already existing now
3 and in the North Point. But what is that
4 vision of these first few blocks? I mean,
5 what -- and yeah, and as I said, I'm mixed
6 because if in that vision having a building
7 that's all, you know, that's all office, that
8 doesn't bother me as long as there's some
9 activity along the street that does that.
10 However, I just don't want to give up on the
11 retail unless I've really heard that they've
12 tried and that they've really looked at the
13 residential nature of this neighborhood.
14 It's not just drawing more people here, but
15 just looking at okay, we now have
16 significantly more residents here than we
17 have. We have a residential neighborhood, is
18 there some things there that this building
19 could actually serve, whether it's a
20 supermarket or whatever, but something that
21 as a residential demand that people have just

1 missed, you know, as they're looking at this.

2 Anyway that's -- Hugh?

3 HUGH RUSSELL: I'll accept your
4 challenge to comment. I have actually very
5 little to add to what my colleagues said. I
6 think yes, explore the glassing in of the
7 Arcade if that's the problem or part of the
8 problem. That solution then generates more
9 retail square footage which may not be what
10 you want. I don't -- I think -- I'm prepared
11 to give up on the retail use on the canal
12 side of the building. I sat on the Board a
13 while in the nineties while we allowed that
14 to happen at Four Canal Park, at Ten Canal
15 Park and also the case of this building that
16 allowed it to do that on that side. But
17 First Street is very different. And I think,
18 you know, the national retail strategy is not
19 going to work. It's got to be an intense
20 local retail strategy. I look at what
21 Harvard University has done in some of their

1 academic buildings, their residential
2 buildings in the middle of the square. You
3 know, their tenants in those buildings that
4 serve the populous, probably a different
5 populous in Harvard Square. But, you know,
6 Felix Shoe Repair has been in one of
7 Harvard's buildings for nearly 100 years. 25
8 years ago it got shuttled off to a back
9 corner when the rent started going crazy.
10 And in the latest rework of that building,
11 they're back out in front. And they're
12 probably not paying a terrific rent because I
13 don't think they can pay a terrific rent.
14 But they provide an important service, and
15 you know, you probably can't put a poetry
16 bookstore on First Street and have it be
17 successful as you can on Plympton Street.
18 But, again, I don't think the Grolier
19 Bookstore pays much rent, but it provides a
20 needed service in that spot. Now, what I've
21 heard is one of the important needed services

1 is groceries. And that's been a problem in
2 Harvard Square. And the latest solution to
3 that is something called The Market in the
4 square which is a mixture of a serve yourself
5 deli and groceries. And the serve yourself
6 deli is always mobbed.

7 PAMELA WINTERS: Right.

8 HUGH RUSSELL: And I love the fact
9 that they have sushi chefs so you get fresh
10 sushi out of that case. We talked about
11 David's Shoes. I never actually been to
12 David's Shoes, but it sounds like it's a
13 locally owned business, it has a particular
14 -- I have -- since my partner brought his cat
15 to live here, I discovered Pet Co. And we're
16 major kitty litter purchasers and catnip
17 purchasers. If I couldn't park in their
18 little six car parking lot, it would be much
19 more difficult. So -- but somebody
20 mentioned, and I'm curious about it, is
21 whether -- is there going to be street

1 parking on First Street being considered or
2 planned?

3 ROGER BOOTH: It's being considered.
4 I don't know if that's been firmly
5 established. Sue Clippinger has been very
6 concerned about looking at traffic numbers.
7 Because if North Point does eventually build
8 out and we have Alexandria, she's very
9 worried about not being able to handle that
10 traffic being able to -- it's very important
11 obviously to keep the traffic out of the
12 neighborhoods. So maybe the First Street --
13 she's still wavering a little bit. We'd love
14 to see the on-street parking to support the
15 retail, no question. But she doesn't want to
16 preclude handling the traffic there as
17 opposed to in the neighborhood.

18 HUGH RUSSELL: I mean, could it be
19 that it might be on-street parking for, you
20 know, for a period of time?

21 ROGER BOOTH: Yes, something like

1 that.

2 HUGH RUSSELL: To allow businesses
3 to get more established when additional
4 development occurred the foot traffic would
5 take over. Clearly if you can go Helmand as
6 a tenant, that would be fabulous. You know,
7 there are some people who -- and there are
8 plenty of restaurants like Helmand in the
9 city, you know, several dozen, and none of
10 them want to move. And probably you've tried
11 talking to national chains and they're
12 adamant. But I think Helmand, it's like a
13 one off restaurant that provides the kind of
14 food and the kinds of service that you can
15 get no place else in the whole region. So
16 it's that kind of creativity that in finding
17 the tenants -- I don't -- I don't think it's
18 time to give up on First Street.

19 PAMELA WINTERS: Good.

20 HUGH RUSSELL: But something's got
21 to change because it's not, it's not been

1 working. So I think you have to look at this
2 with a bigger vision to see what might --
3 what could be changed to make it workable.

4 WILLIAM TIBBS: Yes, Steve.

5 STEVEN WINTER: Mr. Chair, I first
6 want to say that David's is the most
7 wonderful shoe store in the entire world.
8 That's just all you can say about David's.

9 HUGH RUSSELL: Do they sell the
10 Crocks?

11 STEVEN WINTER: No.

12 First of all, I want to thank the
13 proponent for being part of this process and
14 for being here with us. And I think it's
15 important to recognize the proponent's here
16 to work with us and to be a good faith
17 partner and I appreciate that. And I want
18 you to know that. The, you know, what I know
19 about retail and marketing couldn't fill a
20 book. My guess is I have a lot of company in
21 this room. I think there are some people who

1 have groundi ng in i t. But I thi nk we make a
2 lot of mi stakes when we try to deci de what
3 retail shoul d look li ke when that' s not what
4 we do. That' s not what I do. That' s not my
5 professi on. I don' t know about it. I coul d
6 make some good guesses, but that' s not where
7 I ought to go. So I really li ked what I
8 heard about havi ng Dartmouth Group come in
9 and talk to us. And we need a presentati on
10 that gives us something about trends and
11 condi ti ons in the metro area. Trends and
12 condi ti ons in Cambri dge. Maybe some urban --
13 other li ke si mi lar mi nded urban areas. So we
14 can really make some fact based assessments
15 on gee, are there other ways we coul d go
16 here? And I thi nk that woul d be really
17 hel pful to all of us.

18 Thank you.

19 WILLIAM TIBBS: Pat, any comment?

20 PATRICIA SINGER: I' d li ke to add on
21 to what Steve just sai d. I thi nk an analysi s

1 I like that should consider all of the things
2 that have been permitted. Because one of the
3 -- the flip sides that we've heard from the
4 community is that there is so much growth
5 planned for this area and that it's not
6 realized yet. So we're talking about 20
7 years as a temporary period and for part of
8 the building permitted, I think that maybe
9 part of what we should be thinking about in
10 these compromises is maybe a ten year
11 condition to allow some of this growth to be
12 realized. And that might make it a little
13 bit easier for the retail to come in. But
14 since we're all talking antidotally tonight,
15 I would add that I live between Harvard
16 Square and Porter Square and I regularly walk
17 to the mall, and I wish there were sort of an
18 intermediate level kind of place that's not
19 very expensive but that's not a mall that we
20 could go to sort of as part of our
21 destination.

1 BETH RUBENSTEIN: You mean food?

2 PATRICIA SINGER: Food. In this
3 case I'm specifically talking about food.
4 But I don't live in that neighborhood so I
5 can't speak to the issue of grocery. I can't
6 speak to the issue of a pharmacy, a local
7 pharmacy or a pharmacy that does things for
8 you or things like that. What would I need
9 if I lived there? I don't know. And maybe
10 one of the things that we could ask for the
11 neighborhood to do together is to help us
12 with this, is think about what is your ten
13 highest things that you would like to have
14 come in here? What would you support?
15 Because you haven't supported what was there
16 somehow. And I don't mean that in a
17 negative. I don't go to a cafe everyday. I
18 can't afford it frankly. So what kind of a
19 retail could this community support? Let's
20 put the burden back on the people who are
21 asking to tell us what would work. Not

1 somebody from out of town even if they do
2 have expertise. They don't live there.

3 WILLIAM TIBBS: Ahmed.

4 AHMED NUR: Thank you. I just have
5 one more thing to add that my colleagues have
6 said. And that is walking along First Street
7 either coming from the Green Line or to
8 Cambridge Side Galleria, when I saw the bank,
9 I didn't even know the bank moved out. And
10 then I looked and imagined what this place
11 would look like with offices, shades down,
12 walking down that road basically in the
13 winter cold, I didn't like the idea at all.
14 But, that's just the way -- how I felt.
15 However, taking up where Pamela left in
16 regards to maybe increasing, if that's what
17 you meant, the retail area, have you
18 considered which side would be better for
19 you? Because I understand also they are in
20 the back row over there as a public comment
21 that she sympathizes with you on the canal

1 side, that it is kind of hidden. But on the
2 First Street side have you considered what
3 would be, if you were to enlarge on the
4 water, whether it is the northwest corner or
5 the, you know --

6 KAREN BAKER: The First Street side
7 would be the most likely side to work with
8 versus the back side.

9 AHMED NUR: Okay.

10 KAREN BAKER: If we were going to
11 have to work with a piece of it, that would
12 be the area that we would probably be more
13 successful working with.

14 AHMED NUR: It's a very -- for me,
15 it's a very difficult case to seriously think
16 about. We have to check with everyone else.

17 Thank you.

18 WILLIAM TIBBS: And something we can
19 talk about at the next hearing. But just
20 this idea of what that vision is of First
21 Street and what it is. One of the things

1 that has always struck me is just the oddest
2 thing is how the Galleria just turns a flat
3 face to First Street. All the activities on
4 the other side of the street, you can't even
5 get in the Galleria for, you know. If you
6 miss that -- what used to be the Lechmere,
7 that's my -- shows you how long I've been on
8 the Board. The Best Buy entrance, you're
9 going a long way before you can even get in
10 there. And I don't know if that is -- you
11 know, just from a sense of vision and how you
12 work with that, that could be a negative. If
13 you're interested in being on the street and
14 not interested in going in the mall, there
15 isn't any competition from the mall. So that
16 because -- and it's built that way, so that
17 -- but, so it's -- so it's a very odd thing,
18 so I think we need to -- we need to look at
19 it from a different perspective. It's a
20 joint effort. There are things we can do
21 with parking on the city side to help. I

1 think that's helpful. And I think the key
2 thing for the proponents is not see this as
3 one little building and trying to struggle
4 and trying to rent its floor space, but
5 really seeing what is the bigger vision what
6 it can contribute to and see if that helps in
7 that process.

8 I don't know, I guess we should talk
9 about what we want to happen at the next
10 hearing or what we want to talk about.

11 BETH RUBENSTEIN: Yes, procedurally
12 at some point the Board is asked to make a
13 preliminary determination. You don't have to
14 say yea or nay to do that. So if you choose
15 to do that tonight, it can be in the form, of
16 you know, we find that these are the issues
17 we want to hear more about and we write that
18 up as a preliminary determination. I think
19 there's no reason not to do that. And I
20 think we have a pretty good sense of what
21 your questions are. And then we go to the

1 next hear. So we probably should get a vote
2 on that preliminary determination.

3 WILLIAM TIBBS: Based on Beth's
4 comments, does someone want to try to make a
5 motion on that order?

6 HUGH RUSSELL: So preliminary
7 determination is that we are not convinced
8 that retail should be removed from First
9 Street, and that we want -- and the Board
10 wants the avenues explored that we've
11 discussed previously. We view this as a very
12 serious step if we were to grant the relief
13 sought and don't want to do it without
14 overwhelming, you know, documentation.

15 WILLIAM TIBBS: I guess I'll ask the
16 Board is that what you feel? Good. Do I
17 have a second?

18 PAMELA WINTERS: Second.

19 WILLIAM TIBBS: Any comment before
20 we vote?

21 THOMAS ANNINGER: Well, I think that

1 together with what Beth said as an analytical
2 framework that we address the issues that
3 have been raised by the comments that we've
4 had to deal with the fact that we recognize
5 it's not an easy issue at the same time that
6 we're -- I think I agree with everything that
7 Hugh said. But I think we need to go further
8 and at least to analyze these issues and try
9 to get them. The only issue that I was not
10 convinced is the historical one. Yes, we can
11 talk about what the vision was back then, but
12 I think we're talking about today and
13 tomorrow. And that's what I really like us
14 to work on.

15 BETH RUBENSTEIN: And I think we can
16 go fairly quickly through the history and
17 move into a discussion of what the current
18 vision is for First Street.

19 WILLIAM TIBBS: And as the person
20 that brought it up, I would concur with you,
21 that I think understanding that context is

1 helpful for me at least, it's not about what
2 it was but where we're going.

3 BETH RUBENSTEIN: And I think the
4 Board very recently in the Fanning Petition
5 was looking at the housing in East Cambridge.
6 We'll bring that map out again. That was
7 helpful in how many residential units and
8 just counting First Street, LS&T and
9 Archstone-Smith, that's almost a thousand
10 units right there and that's very close by,
11 and we can draw the circle a little larger so
12 we'll bring that back, too.

13 THOMAS ANNINGER: I guess the other
14 thing we do in a preliminary determination is
15 not only ask the staff to work on these
16 issues but to ask the proponent to respond to
17 what we've been talking about. And to see if
18 in the spirit of what we've been struggling
19 with you might have some ideas yourself on
20 how to deal with this.

21 KAREN BAKER: Right.

1 THOMAS ANNINGER: It's not just
2 proof of what you've not been able to do.
3 It's more what can you do going forward.

4 WILLIAM TIBBS: And as the seconder,
5 do you agree with his clarification of what
6 we just said?

7 PAMELA WINTERS: Yes.

8 WILLIAM TIBBS: We have a seconded
9 motion.

10 All those in favor?

11 (Show of hands.)

12 (Tibbs, Winters, Singer, Nur,
13 Winter, Cohen, Anninger, Russell.)

14 WILLIAM TIBBS: Obviously feel free
15 to talk to staff if you need to. I think we
16 definitely need a break. Can we take a break
17 for ten minutes before we go on to the next
18 business.

19 (A short recess was taken.)

20

21

1 WILLIAM TIBBS: All right. So our
2 next item on agenda is our case No. 175.
3 It's a Major Amendment to permit a reduction
4 in the number of parking spaces for the
5 housing and office research and development
6 uses at one Leighton Street. And is that
7 something that you're going to address?

8 RICHARD MCKINNON: Mr. Chairman, my
9 name is Rich McKinnon. I live at One
10 Leighton and I represent Archstone. I need
11 another month to prepare and be ready for the
12 Board. Most of that time I'm going to need
13 to work on my speech that I'm going to make
14 you all listen to. Here's what's happened.

15 We have a drop dead date of tonight in
16 order to meet the zoning requirements, and
17 I'm asking for the extension really for two
18 reasons:

19 Your staff and Sue Clippinger, they've
20 been great. We've reached an agreement on
21 what we, we think is responsive. And when we

1 come back to the Board, two problems:

2 One is Archstone New England. Their
3 development division doesn't exist anymore.
4 The last of the employees is gone. I report
5 to Archstone New York, and that young fellow
6 that I report to there, he's now gone. So I
7 have to -- I want to make sure that Archstone
8 is fine with the language I've negotiated for
9 them before I come back to you. I also
10 wanted to make sure that the language was
11 fine before I went back and spoke to my
12 neighbors so I could answer their questions
13 in the basis of a decision that we'll be
14 coming before you with. Basically it just
15 gives me time to make sure that Archstone is
16 okay with what we're doing. And on the basis
17 of that I'll go back down and meet with my
18 neighbors and answer the questions that they
19 had, and that some of them arrived at the
20 Board for you folks. Jay Wasserman and Mary
21 Ann DeNofreo (phonetic). I think it's time

1 well spent. I need it and I look forward to
2 seeing you on the 16th of February.

3 WILLIAM TIBBS: So, we -- this
4 requires granting the Board extension of time
5 until March 2nd?

6 RICHARD MCKINNON: Correct. And I
7 thought we'd give Li za and you folks a couple
8 weeks after that to put it together and do
9 the notice.

10 WILLIAM TIBBS: Do we have a motion?

11 HUGH RUSSELL: (Show of hand.)

12 WILLIAM TIBBS: From Hugh.

13 Do we have a second?

14 THOMAS ANNINGER: (Show of hand.)

15 WILLIAM TIBBS: We have a second.

16 All those in favor?

17 (Show of hands.)

18 WILLIAM TIBBS: There you go.

19 (Tibbs, Winters, Singer, Nur,

20 Winter, Cohen, Anninger, Russell.)

21 (A discussion held off the record.)

1 WILLIAM TIBBS: Next order of
2 business is case No. 141, Cambridge Research
3 Park. They want to make a day care and
4 allowable use. My understanding, and correct
5 me if I'm wrong, the day care use is
6 allowable but we -- it is required that they
7 come back to us to specifically request it?

8 LIZA PADEN: Right.

9 As outlined in the permit of Cambridge
10 Research Park, there was a list of allowed
11 uses, and specifically in that permit it said
12 if what you're proposing to do is not on this
13 list, you have to come back to the Planning
14 Board for them to review and to accept it as
15 an allowed use. And this has been done --
16 previously by the Planning Board for the
17 Bubble Tee Restaurant, retail and for fast
18 order of food in the same building. This
19 building, the Vertex Building sometimes known
20 as Building A for people who were here for a
21 long time. And it now has a number 675 West

1 Kendall Street. It was also required for the
2 coffee shop that was in the pavilion parking
3 building. So what this entails now is in the
4 corner of the building of the Vertex Building
5 where Linskey Way and West Kendall Street
6 come together and that's why I gave you the
7 larger site plan, they are proposing to put a
8 preschool. And there's a letter from the
9 architect outlining what the preschool looks
10 like as far as the age of the number of
11 children will be. They are requesting that
12 the Board understand that there will be
13 shades used in the windows because the kids
14 need to take a nap. Things like that. So,
15 you know, it's interesting coming this
16 evening with the discussion of retail uses on
17 ground floor which is a requirement in this
18 building.

19 There's two, there's an existing
20 restaurant on the ground floor of this
21 building and there's going to be another

1 restaurant on the ground floor of this
2 building. And this school would take space
3 at the dock Linskey Way and on that corner.
4 They're proposing to have conforming signage
5 though they don't have the signage worked out
6 yet with the landlord. So, we do have a
7 representative from the school if you have
8 any questions about the school. The staff
9 has looked -- yes.

10 STEVEN WINTER: Sorry, Liza, the
11 only question I have is I wanted to know a
12 little bit more about the parking --
13 permission to use West Kendall Street, a
14 private way for child drop off and pick up.

15 LIZA PADEN: Right. They're --
16 right now West Kendall Street, that section
17 is a private way, it's on the property
18 itself, right? And that they're proposing
19 that what drop off and pick up they have by
20 vehicle would be done at that location. They
21 see a lot of children coming and going,

1 ei ther thei r parents work at One Kendall I
2 Square -- not One Kendall I Square. I 'm sorry.
3 At Cambri dge Park or in the immedi ate
4 vici ni ty or I live in the immedi ate vici ni ty.
5 So they don' t see there' s going to be a lot
6 of peopl e actual ly dri vi ng up, parki ng, goi ng
7 in to get ki ds. And they do have a process
8 where ki ds are ready, that thei r parents call
9 ahead so there' s a mi ni mum amount of time for
10 thi s pick up and drop off.

11 LES BARBER: Normal ly wi th day care
12 all of that occurri ng on publ ic streets. And
13 in thi s case there are lots of pri vate
14 streets where all of that ki nd of happens.

15 STEVEN WINTER: So it mi ti gates it
16 as an i ssue real ly?

17 LIZA PADEN: It' s all contain ed on
18 the property i tsel f. And the door, and it' s
19 right in front of where thi s door wi ll be.

20 STEVEN WINTER: The other thi ng I
21 wanted to menti on is the day care centers are

1 really important urban amenities for
2 families. They're really, really important.
3 And of course a day care center would have a
4 different way that they would want to face
5 the public through the window for the safety
6 and security of the children. So all that
7 makes good sense to me.

8 WILLIAM TIBBS: Ted?

9 H. THEODORE COHEN: I think it's a
10 great idea. There are lots of downtown
11 office buildings that have day care office
12 buildings and it's delightful to see the
13 little kids around town and being pushed in
14 their strollers or walking around. And I
15 think for the public at large, it's nice. I
16 think for the people who are working in
17 buildings it's nice. And I think it can be
18 an amenity for the neighborhood itself. And
19 it's almost a retail use from my point of
20 view because it's, you know, it's not an
21 office use but it's related to it and it

1 relates nicely to the neighborhood.

2 LES BARBER: Brian Gazy (phonetic)
3 who is the manager for the Alexandria
4 properties --

5 BETH RUBENSTEIN: Twinning.

6 LES BARBER: Twinning. Came in a few
7 weeks ago and indicated there are about nine
8 leases in this complex for retail uses. And
9 as you may know, there's a big restaurant now
10 under construction in the -- what's the --
11 Boiler Mark Building. So it seems we've
12 passed a threshold and beginning to get the
13 retail.

14 WILLIAM TIBBS: Any other comments?
15 Do we have a motion?

16 HUGH RUSSELL: The only other
17 comment is that this is at a corner of a
18 building that faces a skating rink, faces a I
19 guess actually a parking garage and a
20 building across the street that's not
21 fabulously screened. So in terms of, you

1 know, the other retail kind of uses, this is
2 the best place to back off from the walk in
3 retail. But it's going to provide life and
4 interest to the people who are walking on the
5 streets.

6 WILLIAM TIBBS: Do I hear a motion?

7 STEVEN WINTER: I may be able to do
8 this.

9 The Board. Regarding PUD Special
10 Permit No. 141, approves listing preschool as
11 allowed use at the Cambridge Research Park.

12 LIZA PADEN: Thank you.

13 WILLIAM TIBBS: Do we have a second?

14 H. THEODORE COHEN: Second.

15 WILLIAM TIBBS: Any other discussion
16 before we go?

17 All those in favor?

18 (Show of hands.)

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

21 FEMALE AUDIENCE MEMBER: My name is

1 Frita and I wanted to introduce myself. I
2 don't know if this is totally out of order.
3 We're really excited. This will be our
4 seventh location and we're all about
5 community. And you're right, there's nothing
6 I like watching children in the neighborhood
7 and we're just really excited to be here.
8 So, thank you.

9 WILLIAM TIBBS: Thank you.

10 H. THEODORE COHEN: Can I ask a
11 quick question of staff? What's happening
12 with the constellation? Wrong question?

13 BETH RUBENSTEIN: Unfortunately not
14 much. As we understand it, they're still
15 fundraising. I wish I could give you a
16 different answer.

17 (A discussion off the record.)

18

19

20

21

1 L I Z A P A D E N: And now we've come to
2 the part of the evening that everybody looks
3 forward to, the telecommunications antenna
4 installations. We actually have four this
5 evening. It's okay. Actually, some of them
6 have been to the Planning Board before, but
7 permits that were granted and not built; is
8 that correct.

9 M A L E A U D I E N C E M E M B E R: That's right.

10 L I Z A P A D E N: This is a situation
11 where Clearwater -- Clear Wireless, sorry.
12 There was an application made for an
13 installation. It was approved by the Board
14 of Zoning Appeal, and that approval expired.
15 So Adam's here to go through them. We have
16 three of them -- do you have a particular
17 order you want to go in?

18 A T T O R N E Y A D A M B R A I L L A R D: I do not.

19 L I Z A P A D E N: Okay. On the top of my
20 pile is 1815 Massachusetts Avenue. And this
21 installation is also known as the Leslie

1 Uni versi ty ri ght outsi de of Porter Square.

2 STEVEN WINTER: Are these listed in
3 addi ti on to --

4 LI ZA PADEN: These are in addi ti on
5 to those.

6 WI LLIAM TI BBS: I was looki ng for
7 those.

8 LI ZA PADEN: Those won' t be on that
9 list yet. So thi s i nstal lation -- di d you
10 bri ng other copi es wi th you?

11 ATTORNEY ADAM BRAI LLARD: I di d.

12 LI ZA PADEN: Maybe I can start thi s
13 here.

14 PAMELA WI NTERS: Is thi s the Sears
15 bui l di ng?

16 LI ZA PADEN: Yes, it i s. You' re
17 repl aci ng some of these antennas, too, ri ght?

18 ATTORNEY ADAM BRAI LLARD: Yes. I
19 can speak to the Board.

20 LI ZA PADEN: Go ahead.

21 ATTORNEY ADAM BRAI LLARD: Thank you,

1 Li za. Thank you, Members of the Board. Just
2 for the record, Adam Brail lard with Prince,
3 Lobel on behal f of the appl i cants
4 Clearwi rel ess. I t' s an affi l i ate of Sprint
5 Spectrum.

6 As you can tell by thi s i nstal l at i on
7 whi ch i s a proposal to i nstal l or modi fy the
8 exi sti ng i nstal l at i on, the exi sti ng Sprint
9 Nextel i nstal l at i on currentl y on the facades
10 of the bui l di ng l oca ted at 1815 Massachusetts
11 Ave. otherwi se known as the ol d Sears
12 bui l di ng or Lesl i e Col l ege. The proposal ,
13 whi ch I bel i eve may have been i n front of
14 thi s Board as a recommendi ng Board i n the
15 past maybe i n the past two or three years.

16 WILLIAM TIBBS: You may want to
17 remi nd us what the timi ng of thi s was when i t
18 was approved before?

19 ATTORNEY ADAM BRAI LLARD: My
20 understandi ng i s that I haven' t -- I di dn' t
21 see any paperwork from thi s Board so I' m not

1 sure when.

2 WILLIAM TIBBS: Do you know that,
3 Li za, when it was approved before?

4 LIZA PADEN: By the BZA?

5 WILLIAM TIBBS: Yes. I guess the
6 real question is are we looking at something
7 that was approved several years ago or are we
8 looking at something that was relatively
9 recently within a year?

10 LIZA PADEN: It's within the last
11 five years.

12 ATTORNEY ADAM BRAILLARD: Within the
13 last three years I believe. Anyway, there
14 are some changes to that prior approval which
15 is why I want to meet before the Board. The
16 installation currently consists of six panel
17 antennas, two antennas per sector, three
18 sectors. What the applicant proposes to do
19 is add one antenna per sector. So add three
20 additional panel antennas, and then also add
21 three, what we call back hall dish antennas.

1 The panel antennas would be substantially
2 similar to the existing antennas as you can
3 see in the photos. And the back hall
4 dish antennas would be one foot in diameter.
5 And that's essentially the installation. The
6 other part of the installation will be to add
7 one radio cabinet on the existing platform
8 where the existing radio cabinets are. And
9 run one conduit consisting of two, one-inch
10 coaxial cables from the proposed antennas and
11 back hall dishes to the new radio cabinet.
12 So essentially that's the installation.

13 WILLIAM TIBBS: And you're doing
14 that in the dark brick areas of the --

15 ATTORNEY ADAM BRAILLARD: That's
16 right.

17 WILLIAM TIBBS: And you're painting
18 them all to match.

19 ATTORNEY ADAM BRAILLARD: Painting
20 them one color to match that dark brick
21 color.

1 WILLIAM TIBBS: And in your view it
2 seems lighter than the panel. Is that an
3 issue with the sims or is that some intention
4 there?

5 ATTORNEY ADAM BRAILLARD: It's
6 probably an issue with the sims.

7 LIZA PADEN: He has the -- Bill has
8 the older pictures than what you have.

9 WILLIAM TIBBS: This was in his
10 package.

11 LIZA PADEN: That's what I just gave
12 you?

13 WILLIAM TIBBS: No, you gave us --
14 you can see it. There are three lighter
15 color things down here. This is view 3.

16 PAMELA WINTERS: I don't have 3.

17 ATTORNEY ADAM BRAILLARD: The --

18 WILLIAM TIBBS: I'm just asking.
19 But that's not -- is that an intention or is
20 that just the way the --

21 ATTORNEY ADAM BRAILLARD: The

1 existing antennas which on that view -- it's
2 shown as existing.

3 AHMED NUR: (Inaudible.)

4 ATTORNEY ADAM BRAILLARD: Right.

5 That particular view, view 3. I don't think
6 there's an actual existing for some reason.

7 WILLIAM TIBBS: You see it has three
8 existing and one --

9 ATTORNEY ADAM BRAILLARD: Right.

10 Oh, okay.

11 WILLIAM TIBBS: It's just the light.

12 All your other sims, the colors are really
13 matching the brick. This one is not. I
14 wanted to get that to your attention.

15 ATTORNEY ADAM BRAILLARD: It's not
16 intentional. I'm not sure why it's lighter.
17 It will be painted to match.

18 WILLIAM TIBBS: And if they appear
19 to be lighter, you'll make sure they blend
20 in.

21 ATTORNEY ADAM BRAILLARD: I was

1 going to say for 288 Norfolk Street where we
2 had that issue and the applicants learned
3 from that.

4 THOMAS ANNINGER: Can I ask a
5 question?

6 WILLIAM TIBBS: Sure.

7 THOMAS ANNINGER: This side is
8 facing what direction, north, east?

9 WILLIAM TIBBS: View 3?

10 THOMAS ANNINGER: Is that the key
11 thing to look at? And before you put
12 anything on there, how many are on there?

13 ATTORNEY ADAM BRAILLARD: In view 3
14 there's two existing that you can see right
15 away on the dark.

16 WILLIAM TIBBS: On the bottom part?

17 ATTORNEY ADAM BRAILLARD: On the
18 dark, correct.

19 THOMAS ANNINGER: Below the band?

20 ATTORNEY ADAM BRAILLARD: Correct.

21 WILLIAM TIBBS: On the outside.

1 ATTORNEY ADAM BRAI LLARD: Everythi ng
2 el se i s exi sti ng.

3 THOMAS ANNIN GER: What i s everythi ng
4 el se?

5 ATTORNEY ADAM BRAI LLARD: The di sh
6 at the top.

7 THOMAS ANNIN GER: Yes.

8 ATTORNEY ADAM BRAI LLARD: To the
9 right, the antenna that' s --

10 THOMAS ANNIN GER: Protrudi ng.

11 ATTORNEY ADAM BRAI LLARD:
12 Protrudi ng.

13 THOMAS ANNIN GER: Yes. And down
14 bel ow there seems to be one, i t' s very hard
15 to see.

16 ATTORNEY ADAM BRAI LLARD: There' s
17 one down bel ow. That' s exi sti ng.

18 THOMAS ANNIN GER: Are they al l
19 yours?

20 ATTORNEY ADAM BRAI LLARD: No. The
21 only ones that are the appli cant' s and/or

1 Sprint Nextel are the ones right below the
2 band and then the proposed dish that's just
3 above the band on the left.

4 THOMAS ANNINGER: And is there no
5 way of -- you're trying to add some power, is
6 that it? Some coverage?

7 ATTORNEY ADAM BRAILLARD: That's
8 right.

9 THOMAS ANNINGER: The more antennas,
10 the more coverage?

11 ATTORNEY ADAM BRAILLARD: That's the
12 -- really the laymen's way to put it.

13 WILLIAM TIBBS: There's a different
14 type of coverage, too?

15 ATTORNEY ADAM BRAILLARD: I started
16 to explain to this Board a couple weeks
17 ago --

18 WILLIAM TIBBS: It's the 4G thing?

19 ATTORNEY ADAM BRAILLARD: 4G thing.

20 WILLIAM TIBBS: I'm impressed. I
21 only have 3G.

1 ATTORNEY ADAM BRAI LLARD: Sprint,
2 and you may see on the commercials where
3 they're saying they're building the largest
4 4G network. It's a high speed, reliable,
5 safe broadband internet service to compete
6 with the Comcast and the Verizons of the
7 world. So in your handheld you not only have
8 internet with you, you have high speed
9 internet.

10 THOMAS ANNINGER: And the
11 engineering does not enable you to combine
12 these G's into the existing?

13 ATTORNEY ADAM BRAI LLARD: That's
14 right.

15 THOMAS ANNINGER: In an approved
16 version of the existing?

17 ATTORNEY ADAM BRAI LLARD: That's
18 right. Sprint will be using three different
19 technologies. The IDN technology that comes
20 from the Nextel antennas, the CDMA which is
21 the high broad -- high bandwidth Sprint

1 installation, and then the -- what this
2 installation is called, the WI-Max which is
3 comparable to WI-FI in the form that it
4 provides internet service but it's much more
5 robust, it has a much bigger footprint, much
6 more secure than the WI-FI, so we call it WI
7 Max and it's the WI Max.

8 WILLIAM TIBBS: So really to get at
9 the issue which kind of is interesting for us
10 is that the, not you, as well as the other
11 providers are actually broadcasting several
12 types of service which are in a sense
13 overlapping. So you have regular phone
14 service and then you have internet service
15 and you have whatever this new thing is. But
16 it's, your question is really why can't you
17 just take down the old ones and put in these
18 new 3G's? And they really are people have
19 regular cell phones that don't have WI-FI.
20 And then you got the new ones that require
21 the 3G service and this is sort of -- what

1 that's saying to us, it's not one kind of
2 service that -- it used to be that you --
3 whenever people came to us, they needed
4 better coverage. Now they not only need
5 better coverage but they need additional
6 service on top of the coverage they already
7 have. What that means is there's going to be
8 just a proliferation of more things because
9 they can't take down the old ones. It's not
10 like the -- it's not like the 4G is going to
11 do everything that they need to be done with
12 all the other services. It's just one thing
13 that's doing, which is new and is great. I
14 have 3G so I'm sure 4 will be even better on
15 my device. But we're having these layers and
16 stuff. With all this stuff up there it's
17 going to be more and more stuff.

18 H. THEODORE COHEN: Can I -- not to
19 steal Tom's thunder, but I think this is the
20 most unattractive -- currently it is the most
21 unattractive array of antennas, I think, in

1 the entire city, especially since it's on
2 this particular building. And I think it's
3 pretty shocking that Leslie has allowed this
4 to occur and that they're willing to allow it
5 to occur even further. And I'm also curious
6 whether the Historical Commission has any say
7 in the matter. Because I think this is a
8 pretty impressive building. And, you know,
9 even though they're painted red, they're
10 painted red with faux grouting on them. It's
11 unattractive from every viewpoint.

12 THOMAS ANNINGER: It's clutter.

13 H. THEODORE COHEN: But it's
14 horrible clutter.

15 PAMELA WINTERS: They're getting
16 paid for it.

17 THOMAS ANNINGER: Not that much.

18 H. THEODORE COHEN: Yes, I know
19 they're getting paid for it. Not that much
20 apparently.

21 PAMELA WINTERS: Will this also be

1 for Sprint customers?

2 ATTORNEY ADAM BRAILLARD: Clearwire
3 Sprint customers.

4 PAMELA WINTERS: Just Sprint?

5 ATTORNEY ADAM BRAILLARD: Right.

6 THOMAS ANNINGER: This is only one
7 side of the building. What about all the
8 other sides?

9 ATTORNEY ADAM BRAILLARD: The
10 proposal is to add one panel antenna per
11 sector. So one antenna on each side as well
12 as one back hall dish antenna on each side.
13 So essentially three different sides.

14 PATRICIA SINGER: Where is the one
15 with the dish going? Is it going on the top
16 with the equipment?

17 ATTORNEY ADAM BRAILLARD: It is
18 going either above or below the proposed
19 panel antenna. The best way to take a look
20 at that is to look at the plans or the photo
21 sims whichever you're more comfortable with.

1 PATRICIA SINGER: I do better with
2 photo sims.

3 WILLIAM TIBBS: You're saying
4 regardless of how the sims look when you look
5 at the building it's --

6 H. THEODORE COHEN: It's ugly.

7 WILLIAM TIBBS: The sims don't do it
8 justice to how bad they look.

9 H. THEODORE COHEN: I think the sims
10 look pretty awful. And I think the reality
11 is very awful. A major building on Mass.
12 Ave. when we spent so much time talking about
13 say what, you know, the building around the
14 Saint James Church might look like and we
15 talk about this building and that building
16 and we gave Harvard a hard time a month or so
17 ago. And I just think this is just awful. I
18 think it's awful since the antennas went up,
19 and the thought of putting more....

20 PAMELA WINTERS: We are having the
21 town down report coming up soon and maybe we

1 need to discuss that with Leslie.

2 THOMAS ANNINGER: Maybe it's a good
3 point at that, raise it then. But maybe
4 there's some way to ask Leslie to work
5 with --

6 WILLIAM TIBBS: All the providers.

7 THOMAS ANNINGER: -- with you in
8 particular because you're the one asking for
9 something, to see if there isn't a better way
10 possibly, possibly no way, I know that's not
11 what you want to hear, but I find it
12 difficult to give -- just to continue it, to
13 give a favorable recommendation to this even
14 though it does meet the color and below the
15 corneous line requirements that we've come up
16 with. On a building of this stature with
17 this amount of hardware already on it, I find
18 it difficult to be very positive about piling
19 on. And without asking the institution that
20 has been so community-minded to listen to our
21 thoughts on it before we close on this deal.

1 PATRICIA SINGER: And just to say --
2 to add to that, I think there's equipment
3 being proposed for the deck as well. And the
4 reason I asked about the disc is to find out
5 whether it was breaking the roof line. I
6 think it by way of degree the things that
7 break the lines of the building are worse
8 than the things that are camouflaged into the
9 building to the best of their ability.

10 ATTORNEY ADAM BRAILLARD: The
11 installation requires no sky penetration.

12 PATRICIA SINGER: Okay, I'm sorry.
13 I misunderstood that. I thought you said
14 there was something going on the deck.

15 ATTORNEY ADAM BRAILLARD: The only
16 part of the installation that's going to go
17 above any plane of the roof would be
18 additional radio equipment cabinet. But I
19 believe that is on the lower part of the
20 building.

21 PATRICIA SINGER: Okay.

1 ATTORNEY ADAM BRAI LLARD: And you
2 can see that on A2 of the plans.

3 L I Z A P A D E N: And I don' t thi nk
4 that' s vi si bl e from the street because i t' s
5 set i nto the --

6 ATTORNEY ADAM BRAI LLARD: Ri ght.
7 I t' s behi nd.

8 L I Z A P A D E N: I t' s behi nd the parapet
9 and i t' s al so set i n the --

10 P A T R I C I A S I N G E R: You don' t see i t
11 from the pi ct ures?

12 L I Z A P A D E N: Ri ght.

13 ATTORNEY ADAM BRAI LLARD: Wi th
14 respect to the Hi stori c Commi ssi on I met wi th
15 Sarah Burke. You have to do that before you
16 fi l e the appl i cati on wi th the Board of Zoni ng
17 Appeal s. And she sai d that because of the,
18 thi s -- ei ther renovati ons or desi gn of thi s
19 bui l di ng, when i t was ei ther constructed or
20 renovated, that they di dn' t have the
21 juri sdi cti on to revi ew thi s bui l di ng, so i t

1 didn't fall within the town's or the local
2 historic.

3 THOMAS ANNINGER: We don't know
4 about those things.

5 WILLIAM TIBBS: Yes.

6 ATTORNEY ADAM BRAILLARD: District
7 commission. With respect to the way the
8 Board's been handling the prior applications,
9 I think you guys have been doing a great job.
10 Some of the prior installations haven't gone
11 -- or the Boards have noted that either the
12 color has faded on the existing antennas or
13 they were never colored the right way. I
14 think the applicant has proven in the past
15 we're installing them not just the way we're
16 going to install them, but fix what's there.
17 And if that's one of the criteria that the
18 Board wants to think about or at least
19 provide me with some guidance, then the
20 applicant's more than willing to list on
21 that.

1 WILLIAM TIBBS: I like your idea of
2 also asking Leslie to just meet with all the
3 providers and see how -- it may be that with
4 newer equipment, regardless of the service
5 they can do something just a lot neater and
6 may be putting something here and tweaking
7 something else. It's almost like we've --
8 it's the, you know, we've hit the threshold
9 of how much you can put on there before you
10 really have to rethink of what you're doing
11 as opposed to -- I would agree with that.

12 THOMAS ANNINGER: Sometimes when we
13 cross the line and ask to go from the
14 engineers to the architects, things do
15 improve. And maybe we're at that point where
16 it's time to take a look and -- I don't know
17 exactly what it is that you would like us to
18 say, but we would encourage you to come back
19 to us with a better proposal.

20 ATTORNEY ADAM BRAILLARD: I guess a
21 little more than that would be helpful.

1 HUGH RUSSELL: Trying to answer
2 that, I look at it as a little different way.
3 It seems to me that this is the guy who's
4 trying to put on the antennas in a way that
5 is as sympathetic as possible for the
6 building. And there are half a dozen other
7 antennas that are really gross.

8 WILLIAM TIBBS: Yes.

9 HUGH RUSSELL: Now, it appears that
10 maybe his antennas have faded or don't quite
11 match and he said he'll fix that. And the
12 problem is us, you know? And this is not an
13 i-phone. The problem is people are getting
14 more and more service on these wireless
15 devices and they're going to need more
16 antennas.

17 PAMELA WINTERS: Right.

18 HUGH RUSSELL: You know, if it was
19 just this plain old cell phone, it would be
20 set for a week or two. But, you know at some
21 point everybody is going to have a cell

1 phone. But with the internet service coming
2 through those devices, it's a hell of a lot
3 more data, a hell of a lot more information,
4 and so. . . .

5 WILLIAM TIBBS: But I do think that
6 we're -- you know, as I look at it in
7 particularly the Harvard installation, that's
8 what we did, we asked Harvard to coordinate
9 with their installer and just come up with a
10 better plan for using their building in a way
11 -- and I think that, you know, clearly they
12 are willing to do what they need to do, but
13 it's not just their issue. It's -- it's all
14 the other providers, too. And a lot of other
15 stuff from the providers. I think in the
16 immediate past, just at least asking Leslie
17 to step up to the plate and see if we can get
18 some architectural opinion as to what's the
19 best way -- if we were requesting all of
20 these providers to kind of update their
21 stuff, is there some way of doing that?

1 Would be a different -- what approach? Or if
2 they're using the same strategy, can they get
3 a lot of the crap out of there.

4 PATRICIA SINGER: And that's a
5 question I have: Is there a requirement when
6 it becomes obsolete and maybe that's not the
7 right word, when it's no longer useful is
8 there a way to take it down?

9 ATTORNEY ADAM BRAILLARD: It's not
10 only in the lease but it's written into a lot
11 of the --

12 PATRICIA SINGER: Ordinance?

13 ATTORNEY ADAM BRAILLARD: The Board
14 of Zoning Appeals.

15 WILLIAM TIBBS: In some case it's
16 not obsolescence, it's just old. It's still
17 working and it's old. And if you keep piling
18 on, you'll get something that visually
19 doesn't work right where they may need to
20 update it just to make it look better after
21 sometime. So I'm not sure if that's in the

1 lease or not, but I think we're -- it sounds
2 like we're getting to that point on this
3 building that we're just piling on so much
4 that it needs a more coordinated look at how
5 to solve the problem.

6 THOMAS ANNINGER: And the only
7 coordinator can be the owner. It seems as
8 positive as you are in the way you approach
9 this, it seems unfair and not very effective
10 to have you sort of fix the competitor's poor
11 design.

12 ATTORNEY ADAM BRAILLARD: Sure. And
13 that would be -- I wouldn't be able to sell
14 that to my client.

15 WILLIAM TIBBS: We don't want you to
16 do that.

17 THOMAS ANNINGER: I think that
18 bringing Leslie in gives us a chance.

19 PAMELA WINTERS: I have a question.
20 Why did you choose this particular tower? Is
21 it because it's centrally located and at a

1 certain height? Or why did you choose this
2 location?

3 ATTORNEY ADAM BRAILLARD: What
4 you'll see with all of these Clearwire
5 installations is that they are kind of an
6 overlay on the Sprint network. So what we're
7 trying to do is install these Wi Max
8 installations at the Sprint sites and
9 basically increase the Sprint installation.
10 So it wouldn't -- it would be a lot -- it
11 would be much more difficult to go across the
12 street or down the street on a building that
13 didn't have a Sprint installation and try to
14 tie that back into the network. We try to
15 use existing installations that have been
16 previously approved within the business
17 district, trying to stay away from as many
18 residential districts as possible.

19 PAMELA WINTERS: If it wasn't here
20 it would be someplace else?

21 ATTORNEY ADAM BRAILLARD: Right.

1 PAMELA WINTERS: So people could get
2 their --

3 HUGH RUSSELL: Like on the church
4 tower next-door.

5 ATTORNEY ADAM BRAILLARD: I saw
6 that.

7 H. THEODORE COHEN: Hugh, I agree
8 with you that, you know, this is not an issue
9 that's going to go away because we're all
10 going to use our cell phones and do more and
11 more things. And I know the
12 Telecommunication Act restricts what
13 municipalities can do to regulate things.
14 But I think we, and maybe society as a whole,
15 has to -- have to acknowledge that we're
16 going to have to live with these things and
17 maybe there is an alternative to cluttering
18 up every building with them. Maybe, you
19 know, one large monopole somewhere in the
20 City of Cambridge is a better solution to
21 going on all the buildings. And I'm just

1 throwing that as sort of -- I think that's
2 something we as a Planning Board and the
3 whole city has to come to grips, and society
4 has to come to grips with, you know, how are
5 we going to deal with this? Like at some
6 point a decision was made that underground
7 utility cables were better for communities.
8 Some communities, and, you know, stringing
9 them all across poles. So I think we're
10 reaching a point where, you know, this is not
11 good and you got to try to come up with
12 something else that we like better. And at
13 some point we say no. And from my point of
14 view Leslie on this particular building has
15 crossed the line and we ought to say no and
16 we ought to have them come up with a better
17 solution.

18 WILLIAM TIBBS: Since we have three
19 more to do --

20 LIZA PADEN: Yes.

21 WILLIAM TIBBS: -- how do people

1 feel about --

2 LIZA PADEN: So consensus is?

3 WILLIAM TIBBS: Consensus seems to
4 be that we would like Leslie to come in and
5 at least discuss a strategy as to how they
6 can improve the installations on this
7 building and with these installations which
8 appear to be crossing the line as to what is
9 allowable. I think what we're saying is we
10 just can't, regardless of what he's doing,
11 what he likes to do, we can't take this one
12 provider at a time.

13 LIZA PADEN: Right. So you're
14 recommending against this one. Is that what
15 you're saying?

16 PATRICIA SINGER: I think we're not
17 recommending for or against. We're asking
18 for --

19 LIZA PADEN: I just want to be clear
20 because I'm not.

21 H. THEODORE COHEN: I would

1 recommend against.

2 LIZA PADEN: You're recommending

3 against? Hugh's not.

4 PAMELA WINTERS: I think we need to

5 talk to Leslie.

6 LIZA PADEN: You're not making any

7 -- that's okay. I can write that up, you're

8 not making any recommendation.

9 HUGH RUSSELL: The recommendation is

10 not to grant this today until this other

11 process takes place.

12 WILLIAM TIBBS: Yes, until -- yes.

13 LIZA PADEN: Okay. Thank you.

14 PAMELA WINTERS: I think there's

15 Wi-Fi in this building.

16 LIZA PADEN: So in order not to have

17 confusion, I'll collect up these pictures.

18 I'll collect up these pictures and move on to

19 the next.

20 THOMAS ANNINGER: It's getting

21 easier.

1 L I Z A P A D E N: We' re movi ng down to
2 Harvard Square. The next one is the one
3 that' s i n Harvard Square.

4 W I L L I A M T I B B S: Just for truth i n
5 adverti si ng and everythi ng, I wi ll say that
6 my -- I vi si ted my mother duri ng Chri stmas,
7 she l i ves i n an i ndependent l i vi ng pl ace.
8 They don' t have W I -F I i n there. And my 3G
9 worked. And I coul d go on the i nternet and
10 do stuf f. So I had -- I understand, as you
11 sai d, we -- I understand the need. I was
12 actual l y very pleased to see that we were
13 that tied to the W I -F I i n bui l di ngs and that
14 we coul d have thi s broader servi ce. So the
15 real questi on is j ust how do we do i t?

16 L I Z A P A D E N: I have menti oned to
17 Adam that the peopl e who are provi di ng the
18 photo si ms for thi s appli cant at thi s moment
19 are not doi ng a real l y good j ob and they
20 shoul d consi der reworki ng that because I
21 thi nk i t' s very hard to tel l wi th the

1 photographs and what they're proposing to see
2 what's in the actual proposal.

3 The next one is in Harvard Square and
4 it has other installations on their existing.
5 1420-1440 Mass. Avenue. And this
6 installation, the Board commented recently on
7 an installation that they wanted it to be
8 worked on from the Church Street facade.
9 This is the -- it's hard to describe. You'll
10 see it. It's on an elevator override. And
11 from the Church Street facade the Board asked
12 that the arrangement be changed. And it was
13 amended. This installation, again, has the
14 antennas that will line up with the existing
15 antennas and -- I can't see who else is on
16 here. Who else is on here? Is it all just
17 you?

18 ATTORNEY ADAM BRAILLARD: I think
19 so.

20 LIZA PADEN: I misspoke. Clearwire
21 is the only one who is going to be on this

1 bui l di ng.

2 HUGH RUSSELL: So the bui l di ngs are
3 col l ege house bui l di ngs and the arrow poi nts
4 to the Harvard Methodi st Church. So I assume
5 the arrow i sn' t correct?

6 LIZA PADEN: Where are you poi nti ng
7 to?

8 HUGH RUSSELL: The arrow i s actual l y
9 there.

10 LIZA PADEN: Ri ght.

11 HUGH RUSSELL: As you sai d. . . .

12 LIZA PADEN: For a mi nute I thought
13 you sai d the photo si ms. I was goi ng to say
14 I di dn' t see the church on there.

15 ATTORNEY ADAM BRAI LLARD: I t' s al so
16 a. . . .

17 (A Di scussi on Hel d Off the Record.)

18 LIZA PADEN: I f you' re on the roof,
19 you' re goi ng to see that.

20 ATTORNEY ADAM BRAI LLARD: That was
21 added because we coul dn' t get a shot of the

1 dish antenna that we're proposing to
2 installing from the street or from the public
3 way dish.

4 WILLIAM TIBBS: You can't see from
5 the public street at all?

6 ATTORNEY ADAM BRAILLARD: No. Those
7 are dish work TV antennas. Those are
8 existing.

9 LIZA PADEN: Well, they serve the
10 building?

11 ATTORNEY ADAM BRAILLARD: Right.

12 LIZA PADEN: That's not part of
13 this.

14 WILLIAM TIBBS: Where are yours?

15 ATTORNEY ADAM BRAILLARD: Where the
16 two arrows -- right and left of the sims.

17 LIZA PADEN: That's existing.

18 WILLIAM TIBBS: Okay.

19 THOMAS ANNINGER: This is mostly
20 replacement except for the dishes?

21 ATTORNEY ADAM BRAILLARD: Exactly

1 that's what it is. It's replacing two panel
2 antennas. It's adding one in the front with
3 -- where -- and then the two dish antennas.
4 The Historic Commission has a -- has
5 jurisdiction. We're going to be meeting with
6 them in early February.

7 THOMAS ANNINGER: This doesn't seem
8 so problematic to me. I think we can move on
9 from this one.

10 LIZA PADEN: What do you call it?
11 Hugh, called it the college house.

12 HUGH RUSSELL: College house
13 building.

14 LES BARBER: It's where Store 24 is,
15 is it? Right on the corner of Church Street
16 and Mass Ave.

17 LIZA PADEN: You have the Body Shop.

18 HUGH RUSSELL: And CVS.

19 LIZA PADEN: It has an elevator
20 override. It has a tall grey building on the
21 top.

1 H. THEODORE COHEN: That's what this
2 is?

3 LIZA PADEN: Yes.

4 WILLIAM TIBBS: Are we comfortable
5 with making no comment on this one?

6 THOMAS ANNINGER: No comment or
7 saying this seems --

8 PAMELA WINTERS: Okay?

9 H. THEODORE COHEN: Tolerable.

10 THOMAS ANNINGER: Replace many for
11 the most part with very minor adjustments
12 that are probably -- with these small
13 satellite dishes that are probably not
14 visible from the street.

15 WILLIAM TIBBS: Right. And we let
16 the Historical Commission do their thing.
17 Got that?

18 LIZA PADEN: Yes, I do.

19 And the last one is moving down to
20 Central Square, 678 Mass. Ave. This building
21 is also known as the Tax Man to some people.

1 PAMELA WINTERS: That's where I get
2 my taxes done.

3 LIZA PADEN: So at the corner of
4 Massachusetts Avenue going down to River
5 Street, Western Avenue.

6 AHMED NUR: Across the street from
7 there, yes.

8 THOMAS ANNINGER: Say that again.

9 LIZA PADEN: If you're on Mass.
10 Avenue, it's on the south side of
11 Massachusetts Avenue going towards Western
12 Avenue.

13 PAMELA WINTERS: It's next to the Au
14 Bon Pain.

15 HUGH RUSSELL: Actually, is that in
16 the building or next-door?

17 PAMELA WINTERS: Maybe in the same
18 building. Well, it's right next-door.

19 THOMAS ANNINGER: Harvard and
20 Central?

21 LIZA PADEN: It is Central Square.

1 When you see it, you'll recognize it. I have
2 a site map. It's across the street from the
3 that GIA building. It's not the gas building
4 anymore. Across the street from Holden's
5 Trust. I think they're in the building
6 next-door. But you got it. That's it.

7 AHMED NUR: H&R Block when they're
8 out of season.

9 LIZA PADEN: I don't know. They
10 always have a Tax Man sign in the store, you
11 know.

12 ATTORNEY ADAM BRAILLARD: Again --

13 WILLIAM TIBBS: So the only change
14 is in view 3?

15 ATTORNEY ADAM BRAILLARD: The
16 changes would be --

17 WILLIAM TIBBS: Did I skip over?
18 View 1 is just a -- we're not doing anything
19 to view 1.

20 ATTORNEY ADAM BRAILLARD: Right.
21 The photo sims -- it's hard to get an angle

1 to see what we're actually going to propose
2 to install.

3 WILLIAM TIBBS: In view 2 you're not
4 doing anything there?

5 ATTORNEY ADAM BRAILLARD: Right.

6 WILLIAM TIBBS: Only view 3?

7 ATTORNEY ADAM BRAILLARD: View 3 is
8 where you can see the difference. Just
9 because of the height of the building versus
10 the how it's juxtaposed to the public ways.

11 HUGH RUSSELL: You really don't see
12 that side of the building.

13 WILLIAM TIBBS: You don't. Yes,
14 it's very hard to see. I go by there a lot.
15 And the fact that they're avoiding the
16 ornamental facade --

17 ATTORNEY ADAM BRAILLARD: Right.

18 WILLIAM TIBBS: I have no problems
19 with this one.

20 And you're keeping with the character
21 of the encroachment?

1 ATTORNEY ADAM BRAILLARD: Yes.

2 We're conforming to the ordinance.

3 WILLIAM TIBBS: So we're not totally
4 against everything you do.

5 LIZA PADEN: Okay, and that's it for
6 Mr. Brailard. And I think the next case we
7 have -- the last one is the one you were
8 waiting for is the new proposal for Harvard
9 University.

10 WILLIAM TIBBS: So you're all in the
11 back listening to this talk about Leslie
12 going, yes, yes, they made us do it.

13 ATTORNEY ARTHUR KRIEGER:

14 Mr. Chairman, Members of the Board, my name
15 is Art Krieger from Anderson and Krieger in
16 Cambridge representing At&T. With me is
17 Maria Apes, A-p-e-s. And Mark Verkennis,
18 V-e-r-k-e-n-n-i-s from Harvard. They want to
19 address Harvard's interest in this because
20 it's Harvard's as well as At&T's proposal.

21 You recall the history I know we were

1 here on Hill es Li brary and then went to the
2 BZA on that proposal , and as a result of both
3 Boards' vi ews we took your counsel and went
4 and looked for al ternati ve si tes. And the
5 site we're here to propose on tonight is
6 Gil bert Hall which is also on that side of
7 the Radcl iff Quad. It's one of the flat roof
8 bui ldi ngs to the north of Hill es. And what
9 I'd like to do is start out by passi ng --
10 it's really the cover sheet of the photo si ms
11 which I'll get to in a moment, but it will
12 orient you to the campus. I have more copi es
13 if you need it.

14 So thi s is the Radcl iff Quad wi th
15 Hill es at the bottom, left corner of it. The
16 whi te square atri um. And north of that you
17 see really fi ve bui ldi ngs. It's Bi ngham,
18 Dani el s, Gil bert, the Courier House entrance
19 and then --

20 THOMAS ANNINGER: These are al l
21 dorms are they?

1 MALE AUDIENCE MEMBER: All part of
2 Courier House, they're dormitories.

3 ATTORNEY ARTHUR KRIEGER: Part of
4 Courier House, and the address is on Linear
5 Street. They're all at the top. They're all
6 one unit. You see which one is Gilbert. And
7 it's -- they've been existing penthouses that
8 I'll show you in a moment. And this is going
9 to be located right above the S on the word
10 site on this. So it's on the campus side
11 almost no, if any, visibility from any public
12 streets. It's on the inside of the building.
13 So that's the orientation. It provides the
14 same coverage essentially as Hillies would
15 have, but is I hope more palatable location
16 for the Boards.

17 The second thing I want to do --

18 WILLIAM TIBBS: These arrows
19 indicate the views you're going to be showing
20 us?

21 ATTORNEY ARTHUR KRIEGER: Yes, one

1 through five going clockwise from the
2 right-hand side. Those are the five
3 different views. We'll have the photo sims
4 in a moment. Before we get there I thought I
5 would pass out copies of sheet Z4 from the
6 application which is the isometric plans so
7 you can see the facility and then we'll get
8 right to the photo sims. This sheet I may
9 not have quite enough for everyone. Sorry.

10 What you see across the building,
11 across the top of it is the existing elevator
12 penthouse. You've got the existing elevator
13 penthouse. And off at right angles to that
14 pointing into the campus is the proposed
15 equipment, the screening and the equipment
16 shelter around the equipment. One cable tray
17 running to the opposite side of the existing
18 penthouse for the antennas on the left-hand
19 side. One down to the ballast mounted
20 antennas at the right hand, lower right-hand
21 end of the building, and the third set of

1 antennas will actually be within the
2 screening wall of the equipment. So not
3 visible from outside anywhere. So you've got
4 three pairs of antennas, typical antenna
5 sizes with the roof mounted. Cabling trays
6 that aren't visible from anywhere. And
7 that's the facility.

8 I'm getting to the punch line as
9 quickly as I can. Photo sims. What I have
10 here --

11 WILLIAM TIBBS: The drum roll is
12 occurring.

13 ATTORNEY ARTHUR KRIEGER: I've got
14 about half a dozen sets where I actually put
15 the before and after for each photo on one
16 page. And then I have -- and let me just
17 pass these out, maybe every other member, and
18 then I have others where you'll need to take
19 them apart. Actually, I have -- here's
20 another.

21 PAMELA WINTERS: Thank you.

1 AHMED NUR: Is this one set?

2 ATTORNEY ARTHUR KRIEGER: Yes,
3 should be five sheets, each one with a
4 picture on it before and an after. Everybody
5 have access to one?

6 PAMELA WINTERS: Can I ask you, I'm
7 curious how far out does your signal extend?

8 ATTORNEY ARTHUR KRIEGER: The signal
9 from this site?

10 PAMELA WINTERS: Yes. I'm just
11 curious. I mean, roughly a mile or half a
12 mile?

13 ATTORNEY ARTHUR KRIEGER: Well, it
14 extends but the question is extends at a
15 particular level of coverage.

16 PAMELA WINTERS: Okay.

17 ATTORNEY ARTHUR KRIEGER: The
18 coverage maps that were attached to the
19 application show that this campus is roughly
20 bisected. The quadrangle is roughly bisected
21 between the good signal that's adequate for

1 indoor use and all the different applications
2 the 3G applications that we're trying to
3 serve, and the signal that's adequate on the
4 street but not good enough on the street or
5 for the new applications. This would bring
6 the left-hand of the campus up to the current
7 standard, the standard we're trying to
8 achieve as well as the neighborhood across it
9 would extend across garden to the left.

10 THOMAS ANNINGER: I don't think we
11 need to belabor this. It's so late.

12 ATTORNEY ARTHUR KRIEGER: I didn't
13 mean to.

14 WILLIAM TIBBS: It's exactly what we
15 think.

16 THOMAS ANNINGER: I think you've
17 done it. You put it on a less significant
18 building and you've made it less prominent.
19 I don't know what more one can ask.

20 WILLIAM TIBBS: And you've been
21 creative in your design approach in a way

1 that's not messy and well organized. And
2 even the fairly large roof structure that's
3 on your first view is just done well.

4 PAMELA WINTERS: I agree.

5 ATTORNEY ARTHUR KRIEGER: I'm not
6 saying a word. Keep going. As you did with
7 MIT if you could make a positive
8 recommendation rather than just a neutral,
9 that would be most helpful.

10 WILLIAM TIBBS: This is probably the
11 most positive installation I've seen in a
12 long time. This is the kind of thing we want
13 to encourage.

14 THOMAS ANNINGER: Is Li za gone?

15 LIZA PADEN: I'm here. I heard you.
16 Got it.

17 THOMAS ANNINGER: The process worked
18 well and I think we can make a positive
19 recommendation.

20 ATTORNEY ARTHUR KRIEGER: Then I
21 hope the BZA will see it the same way on the

1 14th and we appreciate your time.

2 WILLIAM TIBBS: Thank you.

3 So I guess our last business is the
4 election of the new Board Chair. I just want
5 to say as the outgoing Chair, that I -- this
6 has been a pleasure over the last two years
7 and my second term.

8 BETH RUBENSTEIN: And we want to
9 thank you for doing it. And doing it well.
10 Thank you.

11 WILLIAM TIBBS: Thank you.

12 And I think that the way we've done
13 this in the past is someone makes a proposal
14 or a recommendation.

15 BETH RUBENSTEIN: We can open it up
16 for nominations.

17 WILLIAM TIBBS: Open it up for
18 nominations.

19 STEVEN WINTER: Do we start with the
20 Chair?

21 BETH RUBENSTEIN: I think anybody

1 that wants to make a nomination --

2 PATRICIA SINGER: I would start to
3 then, and I would like to start with a
4 nomination of the Chair. It gives me great
5 pleasure to forward Hugh Russell's name for
6 Chair for the next year. Hugh has been a
7 member of this Board for many years. He's
8 given us a lot of fabulous insights. We've
9 benefited from his experience and
10 leadership. I think there is just a
11 disappointment that we had to wait so long to
12 come to this moment, and I'm very grateful
13 and pleased that his life has taken the turn
14 that allows me to forward his name at this
15 time.

16 WILLIAM TIBBS: I guess, Hugh,
17 obviously you don't mind your name being
18 forwarded? And as a person who for many
19 years said that this is something you didn't
20 want to do, you might want to comments on
21 that.

1 HUGH RUSSELL: So to paraphrase,
2 Mr. Dickens: Russell is willing.

3 STEVEN WINTER: Mr. Chair.

4 THOMAS ANNINGER: I missed the punch
5 line. You have to say it again. I'll get it
6 from somebody else.

7 HUGH RUSSELL: I think it's David
8 Copperfield.

9 STEVEN WINTER: I'd like to nominate
10 Tom Anninger as Vice Chair. I have a brief
11 comment.

12 Tom has significant experience with our
13 Planning Board processes. He understands
14 them. He understands how they work, and I
15 think that's important. The things I'd like
16 to say is that Tom is able to successfully
17 engage all of our players, the public, the
18 proponents and the staff in relevant dialogue
19 to the issues that we're looking at. Also,
20 and I think this is something that we all
21 share and we all look for, all of us on the

1 boards, and that is that Tom shares this very
2 strong sense that we have never to forget the
3 citizens' right to participate fully in this
4 process, that we have within the parameters
5 that are set for them. That door is always
6 open. And the other thing that I'd like to
7 say is that, Tom, as we do here on this
8 Board, has a clear vision of why our
9 neighborhoods are important and has a
10 sensibility that looks at -- very carefully
11 weighs neighborhood impacts with proposed
12 in-fill construction or new construction when
13 deciding when that construction is in fact
14 appropriate. And sometimes it is and
15 sometimes it isn't. And I think that's an
16 interesting line that we all walk. And, Tom,
17 you do that very well. And the last thing
18 that I'd like to say is that Tom is
19 unfailingly polite.

20 THOMAS ANNINGER: Thank you.

21 WILLIAM TIBBS: So we have a

1 nomi nation for Hugh as Chair and Tom as Vice
2 Chair. Do we have a second?

3 PAMELA WINTERS: I would like to
4 second that.

5 WILLIAM TIBBS: Okay, good. And any
6 other di scussi on before we vote?

7 All those in favor -- wait, wait.

8 AHMED NUR: Sorry. Yes, I just
9 wanted to make a comment since I'm the last
10 associate of the Board, member of the Board,
11 to say that I'm very happy for that and I
12 wanted to say thank you to Pamel a for being
13 here absol utel y.

14 PAMELA WINTERS: Thank you.

15 AHMED NUR: Yes. Thi s i s real l y
16 good and I'm looking forward to seei ng these
17 two guys. I've seen your role, but I'm
18 looking forward to it. But also, it's
19 di ffi cul t I guess to ful fi ll thei r posi ti ons
20 because everyone has a uni que posi ti on. So
21 that's all.

1 PAMELA WINTERS: Thank you.

2 WILLIAM TIBBS: We have a second in
3 motion.

4 All those in favor?

5 (Show of hands.)

6 (Tibbs, Winters, Singer, Nur,
7 Winter, Cohen, Anninger, Russell.)

8 WILLIAM TIBBS: I happily pass the
9 baton or whatever, the gavel that we don't
10 have.

11 THOMAS ANNINGER: I'd like to make a
12 motion to thank both Bill and Pam. I think
13 you both grew into the job. Bill, you did,
14 of course, a lot of work and I think you
15 ended up very comfortable in the job doing
16 something very well and carrying us through a
17 lot of difficult nights.

18 PAMELA WINTERS: Definitely.

19 THOMAS ANNINGER: And we're all
20 grateful and thank you for your efforts. And
21 I'd like us all to agree with me on that.

1 WILLIAM TIBBS: Thank you.

2 HUGH RUSSELL: This is not a
3 surprise to me, and in thinking about this,
4 I'm thinking I've been hearing people's
5 suggestions about how we might be able to
6 tweak the way we operate so that things are a
7 little better. And Charles has been after me
8 to have us consider possibly starting a half
9 an hour or an hour earlier. One of my pet
10 peeves is that everybody sitting along this
11 table can't see each other. So we want to
12 maybe try to cantor the tables a little bit
13 so that we can make more contact. I think
14 the most -- to be the most significant piece
15 is asking, discussing this with Tom, asking
16 him to play a particular role in our
17 deliberations to keep track of the issues
18 that are floating around on the complicated
19 cases so that we can, you know, be a bit more
20 organized. He's been doing that all along,
21 but I think have it more focus on that, I

1 think it will help us to maybe move more
2 rapidly through some of our deliberations.

3 And Pam has agreed to continue on as
4 time keeper.

5 PAMELA WINTERS: I have.

6 HUGH RUSSELL: That is a wonderful
7 thing for me.

8 THOMAS ANNINGER: And does it very
9 well with grace.

10 WILLIAM TIBBS: Firmness and grace.

11 PAMELA WINTERS: That's all I have
12 to do is just (indicating).

13 LIZA PADEN: But with a smile.

14 PAMELA WINTERS: Thanks.

15 WILLIAM TIBBS: Okay. I guess we
16 are adjourned.

17 (At 11:25 p.m., the
18 meeting adjourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRI STOL, SS.

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