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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, January 26, 2010

7:30 p.m.  
in

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

- Hugh Russell, Chair
- Thomas Anninger, Vice Chair
- William Tibbs, Member
- Pamela Winters, Member
- H. Theodore Cohen, 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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### PUBLIC HEARING

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### GENERAL BUSINESS

1. Board of Zoning Appeal Cases 194

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P R O C E E D I N G S

HUGH RUSSELL: Welcome. This is the meeting of the Cambridge Planning Board. And we will begin, as we always do, with an update from Beth Rubenstein.

BETH RUBENSTEIN: Thank you, Hugh.

I'm just going to announce a few upcoming dates. Our next Planning Board meeting will be next week, February 2nd, and just a reminder that this is our annual town gown presentation and we'll be meeting at the Senior Center across from City Hall on Mass. Ave. in Central Square, and we begin at our usual time.

Then we'll be meeting again on February 16th when we have a number of public hearings planned, including I think I have noted a hearing with the Cambridge Housing Authority's plans to rebuild Lincoln Way which I think will be very interesting.

And we'll also be hearing back from the

1 Rounder Records site folks about that  
2 additional, the square footage that they  
3 obtained as a result of being at the Board of  
4 Zoning Appeal.

5 And we also have a public hearing on a  
6 parking issue at Archstone-Smith residential.

7 In March our meeting dates are March  
8 2nd and March 16th. And for folks who really  
9 like to plan ahead, in April we'll be meeting  
10 April 6th and 20th, that's the first and  
11 third Tuesday of the month.

12 And I think that's everything I have,  
13 Hugh.

14 HUGH RUSSELL: Okay. Thank you.

15 So, the first item on our agenda,  
16 basically the only major item on our agenda  
17 tonight is Planning Board case 243,  
18 Alexandria Real Estate Equities, planned unit  
19 development Special Permit and project view  
20 Special Permit. And I believe Beth wants to  
21 explain to us the intricacies of these two

1 things that are going on simultaneously.

2 BETH RUBENSTEIN: I'll do my best,

3 Hugh.

4 I just thought for the folks who  
5 perhaps haven't been through a PUD permit  
6 process in a while, that it might be helpful  
7 for me to talk a little bit about that. So  
8 as Hugh mentioned, there are two different  
9 permits being sought here simultaneously.  
10 The first is the planned unit development  
11 permit. And I believe that Board Members  
12 have in front of them a small packet of  
13 materials from the Zoning Ordinance, Article  
14 12. If you want to just -- I'm not going to  
15 read every word, but if you like to follow  
16 along. I think it is probably helpful to  
17 note that the statement of purpose just what  
18 a PUD is.

19 And a planned unit development  
20 districts are intended to provide greater  
21 opportunity for the construction of quality

1           developments on larger tracks of land by  
2           providing flexible guidelines which allow the  
3           integration of a variety of land uses and  
4           densities in one development. And I think  
5           that's a very good description of the project  
6           that we're going to here about tonight.

7                     And in the PUD Special Permit it's a  
8           two step process. There are two public  
9           hearings. And tonight, of course, is the  
10          first public hearing. And there are a set of  
11          milestones and things that have to happen on  
12          a certain schedule. And I'll try and go  
13          through those. It's a little arcane but I  
14          think it's helpful to get the overview.

15                    Tonight's the public hearing so the  
16          clock begins ticking on these deadlines  
17          tonight. Within 21 days of the hearing  
18          tonight, the Planning Board is asked to make  
19          a determination regarding the project. And  
20          that's something that we tend to call the  
21          preliminary determination. And the reference

1 for the preliminary determination for those  
2 who want to follow along, is at 12.35.2. And  
3 essentially what happens at that stage is the  
4 Board is really giving the developer a sense  
5 of what additional items and modifications --  
6 items they'd like to see and modifications  
7 they'd like to see made when the project  
8 advances to the next stage. So tonight --  
9 and that's really very much in keeping with  
10 the kind of checklists that our Planning  
11 Board often puts together for a developer to  
12 say, gee, these are the things that would be  
13 helpful as we continue to look at the  
14 project. That's a discussion and a vote of  
15 the Board. And then as is our custom, the  
16 staff writes up the preliminary determination  
17 for the Planning Board's review.

18 In making that determination the Board  
19 is following a set of criteria that are  
20 included in the Zoning Ordinance at Section  
21 12.35.3. And those are very familiar to the

1 Board.

2 Then, wi thi n 59 days of tonight -- and  
3 actual ly let me start by sayi ng the 21 day  
4 peri od ends February 16th. Wi thi n 59 days,  
5 and that' s by March 26th, the devel oper comes  
6 back wi th the fi nal devel opment pl an, havi ng  
7 taken i n all the comments and questi ons and  
8 observati ons that are made by the publ ic and  
9 the Pl anni ng Board tonight. Wi thi n 10 days  
10 of that date or 69 days from tonight a second  
11 publ ic heari ng must be held. And these  
12 thi ngs coul d happen sooner, of course, but i f  
13 they' re not, they happen later. So by Apri l  
14 5th we woul d expect to have the second publ ic  
15 heari ng, and then wi thi n 90 days of tonight,  
16 that is by Apri l 26th, the Board is i n a  
17 posi ti on to deci de to approve or di sapprove  
18 the permi t.

19 I' ll just menti on a coupl e l i t t l e  
20 qui rks; those dates can be extended by  
21 agreement wi th the devel oper. I f we fi nd we

1 need more time, again, it's customary for us  
2 to ask -- and the developer to grant  
3 additional time if needed. We're on a pretty  
4 good schedule here. We may not need to do  
5 that, but that's possible.

6 And the other thing I would just  
7 mention is if the Board fails to act, it's  
8 what's called a constructive grant. So if  
9 the Board doesn't act, it's an automatic  
10 approval. So obviously we keep on a tight  
11 schedule and make sure everything happens the  
12 way it's supposed to.

13 So that's the PUD in a nutshell.  
14 Article 19 is what we call the Project Review  
15 Special Permit, and that has two components.  
16 There's a traffic component and an urban  
17 design component. That's something we do  
18 here quite frequently. The Board looks at it  
19 frequently, and this project simultaneously  
20 is getting an Article 19 permit. That is not  
21 a two-tier process, that's a one hearing

1 process. I believe the developer is starting  
2 the Article 19 process tonight and we'll be  
3 addressing some of those issues and their  
4 proposal, and thereto the findings under  
5 Article 19 will need to be made before that  
6 permit is granted. And we would expect that  
7 to be happening probably with the final  
8 development proposal.

9 So, the long and the short of it is by  
10 the end of April it's the proponent's goal to  
11 have those two Special Permits in place.

12 HUGH RUSSELL: Okay, thank you.

13 So what's going to happen tonight is  
14 first we're going to hear from the proponent.  
15 And I've been promised that they tried to  
16 schedule it for 45 minutes, and they're going  
17 to do their best to meet that. So it's a  
18 long presentation. There will be an  
19 opportunity for the Board to ask questions if  
20 they don't understand a particular thing.  
21 But we're going to try to leave those just

1 questions of fact rather than sort of a  
2 jeopardy thing where you phrase a statement  
3 as a question. Then there will be a public  
4 hearing. And the public hearing, anybody who  
5 wishes to speak, may speak. We have a three  
6 minute time limit, and I will go over the  
7 ground rules when that happens in about an  
8 hour. There's a sign-up sheet, which I  
9 assume is in the usual place by the window.  
10 And if you sign up, that helps us just go  
11 through the list, but anybody will be heard  
12 who wants to be heard.

13 So is there anything else anyone wants  
14 to do?

15 Mr. Rafferty, you may proceed.

16 ATTORNEY JAMES RAFFERTY: Good  
17 evening, Mr. Chairman and Members of the  
18 Board. For the record, James Rafferty with  
19 the law firm of Adams and Rafferty on behalf  
20 of the applicant Alexandria Real Estate  
21 Equities. Also on behalf of Alexandria are

1 attorneys Kevin Sullivan and William O'Reilly  
2 from the law firm of Wilmer Hale. If we go  
3 long, it's because they insist we provide a  
4 complete record so they ensure that we do  
5 that. We have committed ourselves to try to  
6 work upon the prior presentations we've had  
7 in both the pre-application conference, and  
8 as the Planning Board well knows, this  
9 particular PUD Districts, the 3A and the 4C  
10 that are the subject of this application,  
11 were the subject of extensive rezoning in a  
12 process that took nearly an entire year last  
13 year. So, there's a lot of institutional  
14 knowledge on the part of the Board about the  
15 district and the specifics of the zoning, and  
16 we hope to be able to simply refer to those  
17 without too much detail given our  
18 understanding of the Board's familiarity with  
19 that.

20 Tonight's proposal, as Ms. Rubenstein  
21 noted, really represents the first step in a

1 two-step process associated with the PUD.  
2 The first step is known as the Development  
3 Proposal. And what we have submitted here  
4 tonight, and which contains all of the  
5 information necessary to allow the Board to  
6 make the finding, is an application for a  
7 development proposal that responds to all of  
8 the requirements set forth in the Zoning  
9 Ordinance both for PUDs in general and for  
10 this PUD district in particular. As you  
11 know, Article 19 is a separate section of the  
12 Zoning Ordinance and that was adopted many  
13 years after the PUD controllers were put in  
14 place. So, particularly when it comes to  
15 traffic, there's a lot of overlap. So as it  
16 has been the practice at the Board in the  
17 past few years in PUD cases that also involve  
18 Article 19, we're holding -- petitioned to  
19 hold concurrent public hearings. The Article  
20 19 process as you know, as noted by  
21 Ms. Rubenstein, traffic, as well as urban

1 design. We think for efficiency what we've  
2 organized our presentation to really only do  
3 the traffic portion of the Article 19 hearing  
4 tonight. The development proposal does  
5 require a finding around traffic by the  
6 Board. And the Article 19 regulations also  
7 require a finding essentially that there's no  
8 effort, impact on existing city traffic. So  
9 rather than do that presentation twice, we're  
10 combining it so we have -- essentially have a  
11 two hearing process, and we've divided the  
12 Article 19 to reflect tonight's presentation.  
13 That works out well in terms of what the  
14 second part of the PUD process calls for; the  
15 final development plan.

16 So the final development plan, as you  
17 know, is when the developer takes the  
18 information and the feedback that's contained  
19 in the development proposal and brings  
20 forward some specific designs. So, tonight  
21 you'll hear us talking largely about concepts

1 and particular building sites, but you will  
2 not see the level of detail of a particular  
3 building that one -- the Planning Board  
4 members might be accustomed to in a hearing.  
5 That will take place, hopefully, at the  
6 second phase. Because it is our expectation  
7 that when we submit the final development  
8 plan, we will actually be also submitting an  
9 approval, a design approval on a specific  
10 building, 100 Binney Street. It will allow  
11 us to go from the abstract to the conceptual  
12 to application directly to a particular  
13 building. So that will come a bit later, but  
14 we don't want to appear to not be going into  
15 a level of detail that you would be  
16 accustomed to, but trust you will appreciate  
17 the need to follow the framework that's set  
18 forth in the Ordinance.

19 Having said that, I just want to  
20 introduce to you people who will be speaking  
21 with you. All of you would probably

1 recognize every one of them with one possible  
2 exception. Joseph Maguire, as you know, is  
3 the Senior Vice President with Alexandria  
4 Real Estate Equities. He would typically get  
5 up at this point and say how happy he was to  
6 be here and he's looking forward to the  
7 process. But he's allowed me to say that and  
8 save time. So don't think that the brevity  
9 of that reflection has a lack of sincerity or  
10 enthusiasm on Mr. Maguire's part. But it was  
11 felt that he would be most effective by not  
12 leaving his seat tonight. So he's agreed to  
13 do that.

14 David Manfredi we all know. And  
15 Mr. Manfredi and his firm Elkus Manfredi have  
16 been working now for a great deal of time on  
17 this project. He presented the  
18 pre-application conference to the Board. And  
19 tonight he will walk the Board through the  
20 site plan and the design principles and the  
21 design approach. All of that is set forth

1 basically between pages 12 and 18 of this  
2 submittal. But Mr. Manfredi is also mindful  
3 of the fact that the Board has a high level  
4 of familiarity with that aspect of the  
5 proposal as well. So in a departure from his  
6 normal procedure, he has promised to be  
7 exceptionally brief.

8 Christopher Matthews is seated next to  
9 Mr. Manfredi. He is a landscape architect  
10 with the Van Valkenburgh firm. He's adding a  
11 great level of perspective in -- at the  
12 design and site level around the landscape.  
13 So, tonight we'll share with you concepts  
14 that Mr. Matthews has, and then when we're  
15 back at some point at a later point in time,  
16 some specifics about it.

17 And then we have what would essentially  
18 be the heart of tonight's presentation. That  
19 would be Susan Sloan-Rosster from the firm  
20 of VHB. She's been working very closely with  
21 the Traffic and Transportation Department on

1 the traffic impact study and a range of other  
2 transportation related issues. So we are  
3 eager to share with you the very important  
4 transportation vision for the project and how  
5 with what we believe an appropriate amount of  
6 transportation planning, we can provide  
7 sufficient mitigation at every stage of this  
8 process to allow the Board to reach the  
9 finding around city traffic that is  
10 necessitated.

11 Finally, there will be some new faces  
12 you'll see at the end of our presentation.  
13 We have hired and are pleased to be working  
14 with an experienced design firm. I thought  
15 it was experienced design firm, but there's  
16 no Don that. They're called the Big Red  
17 Rooster. They're from Cleveland, Ohio. They  
18 are, as you might recall, that the PUD  
19 District really requires the proponent to put  
20 together a merchandising plan and come  
21 through with commitments around retail and

1 active streetscapes. So we have been pleased  
2 to bring in The Big Red Rooster, and they are  
3 full of innovative ideas, a fresh approach.  
4 They've been around studying the local  
5 population on several visits. Understanding  
6 the landscape and coming up with some pretty  
7 exciting ways to make this really succeed as  
8 a place. And we've certainly heard that  
9 throughout the whole zoning approval process;  
10 at the Ordinance Committee, the Council  
11 meeting, and the meeting with the neighbors,  
12 which is, you know, how is this going to  
13 work? And we set a challenge for ourselves  
14 that we can make the streetscapes and the  
15 ground floors of these buildings really  
16 active and engaged in a way perhaps that  
17 there aren't too many examples that are going  
18 on. So we've left a little bit of time for  
19 you to hear from them, and we think they will  
20 bring an interesting perspective, we hope, in  
21 allowing us to think how to build out this

1 project, to identify opportunities and make  
2 things happen here very early on that can  
3 lead to the type of environment we're all  
4 hoping to achieve.

5 So Mr. Manfredi is all set to go.

6 DAVID MANFREDI: Good evening. I'm  
7 going to be very quick tonight. I'm under a  
8 lot of pressure from Mr. Rafferty.

9 This is a drawing that you've seen many  
10 times before. It shows the five different  
11 parcels that were at the subject of the  
12 ordinance and designates with little boxes  
13 the allowable height and then overall  
14 allowable density. And everything that's  
15 here is what's also presented in the model.  
16 I'll just give you a reminder of the keys  
17 here. That what is shown as the kind of  
18 darker orange, a little bit hard to read, but  
19 the darker orange is commitment to retail,  
20 active retail uses on the ground floor in the  
21 first phase of the building. Meaning, as the

1 buildings are built, those are designated  
2 retail zones. At the intersection of Second  
3 and Binney is 41 Linskey and a small addition  
4 to 41 Linskey that is pivotal in terms of the  
5 transportation hub. But I'll call it an  
6 activity hub and explain that as we go along.  
7 The two residential buildings here on Third  
8 and in-fill construction here, those are the  
9 residential pieces.

10 Drilling down now between First and  
11 Third and really this is -- this really goes  
12 to the heart of everything we talked about  
13 during that original ordinance phase. What  
14 you can see here is that these buildings make  
15 possible Rogers Street Park. This is 2.2  
16 acres. We show it as a nice, green field  
17 because its design will obviously come out of  
18 the community. That's park No. 1.

19 And park No. 2 is the Triangle Park  
20 which is about 0.5 acres of green space.

21 That's the total accumulation of Alexandria

1 Real Estate and some other parcels that are  
2 controlled by the city and the state.

3 What I will remind you of, and what's  
4 become important, is really everything that  
5 relates to the public realm. Chris is going  
6 to talk about landscape, but we've spent a  
7 lot of time really defining a hierarchy of  
8 streets, understanding open space,  
9 understanding how buildings meet street, and  
10 also try to understand while there's a  
11 commitment of 20,000 square feet on the  
12 ground floor we're designing buildings that  
13 are 100, 150 year buildings that can be  
14 adaptable and reusable over time and really  
15 accommodate the kind of pedestrian activity  
16 that we see over that lifespan.

17 You'll remember this diagram. And it's  
18 really important to us. It designates  
19 pedestrian routes more importantly than  
20 vehicular routes. And those pedestrian  
21 routes are part of both the streetscape

1 network, but also a pedestrian network that  
2 is partially in place today that runs through  
3 the existing park with a skating rink that's  
4 now defined by 650 Kendall as well as the  
5 Vertex Building. That's the pedestrian route  
6 that will cross Linskey, come through our  
7 open space next to 41 Linskey, cross at the  
8 corner, go up Second Street. Obviously there  
9 will be pedestrian traffic that we encourage  
10 on First and on Third. And then there's the  
11 east/west traffic access to the Charles and  
12 into waterfront. But it's really this  
13 diagonal. You can see a slightly heavier  
14 line that you'll hear me talk a lot about.  
15 And then we designate these nodes, and some  
16 of which we have a lot of influence over,  
17 some of which we don't. But, again, it's  
18 part of a network of spaces through East  
19 Cambridge, open space active uses of  
20 different kinds and different character.  
21 Some more passive, some more active, some

1 hard, some group.

2 We have designated as part of the  
3 public realm what we believe is appropriate  
4 locations for loading docks and public  
5 entrances. All of the buildings as you  
6 remember, will have parking below grade. And  
7 the -- so the black arrows are designated as  
8 loading docks. Obviously we control a lot of  
9 this. We don't control what's existing at  
10 300 Third or what's existing at the parcels  
11 to the south. But the goal is to make those  
12 service entrances off of Linskey, off of  
13 Rogers, and make access, great access for  
14 parking similarly along, along Linskey, along  
15 Second Street, preserving Binney for  
16 pedestrian activity; that is, a minimum  
17 amount of curb cuts as much as possible, but  
18 also recognizing frontage on existing park  
19 and frontage on new park space and the  
20 relationship of pedestrian activity of those  
21 kind of building utilities.

1           This is in your package. All it really  
2           says is: That our design guidelines are  
3           largely compatible and consistent with the  
4           Eastern Cambridge design guidelines. There  
5           are some exceptions. Those exceptions are  
6           specific to site. And in those exceptions  
7           typically we are consistent with the spirit  
8           of the Eastern Cambridge design guidelines.  
9           And where we deviate is because of specific  
10          site constraints. You'll see it really has  
11          to do with where the appropriate setbacks  
12          are, how we create enough sidewalk to  
13          accommodate all of the activity we want to  
14          accommodate. But we've looked -- everything  
15          that's in our guidelines really springs out  
16          of Eastern Cambridge design guidelines. I'm  
17          not going to go through this because there's  
18          a lot of density of information here, but we  
19          talked about it at great length at the  
20          pre-application conference. And I will  
21          simply go through the categories here.

1 Streetscape types. When we talked about a  
2 hierarchy of streets, and I think that's  
3 fairly obvious, that Binney carries a lot of  
4 traffic. It is wide from curb to curb.  
5 We're looking very hard at the metrics and  
6 configuration of the street itself with the  
7 city. And it's really a study of hierarchy  
8 of different types of transportation.  
9 There's cars, there's pedestrians, there's  
10 bicycles. And we're spending a lot of time  
11 looking through alternatives that accommodate  
12 all of those and also make the best  
13 pedestrian environment we can. When we say  
14 local streets, we mean the cross streets:  
15 First, Second and Third primarily. And they  
16 are of a different nature also important to  
17 the pedestrian networking, but narrower  
18 streets and just different metrics in terms  
19 of sidewalks and edge conditions. And then  
20 the park edge streets which are really Rogers  
21 and Linskey, at least in our purview, how our

1 buildings address those park spaces.

2 We talked about urban space parks, and  
3 there's obviously the big parks. There's the  
4 Rogers Street Park and the Triangle Park.

5 There's a series of through block

6 connections. And what we talked a lot about  
7 during the ordinance approval was the need to  
8 create usable floor plates for life science  
9 kind of uses. But also make these blocks

10 permeable, both review corridors and for

11 pedestrian activity. And then there's

12 specifically gathering spaces. And I'm going  
13 to talk a little bit later about this

14 especially. And then finally there are those  
15 courtyards that are more internal, that are  
16 more amenities for residents in a residential  
17 block like that.

18 And then the last category, street wall  
19 types. And we had identified four types.

20 And what we're really getting at here, and  
21 you'll see it as we come forward with our

1 first building in more detail in a few weeks,  
2 is that the building -- buildings designed in  
3 this precinct we believe should address their  
4 orientation and should address the street.  
5 Meaning, that the north orientation is quite  
6 different from the south from the  
7 sustainability and solar orientation. It's  
8 also quite different of how it addresses  
9 Binney Street as opposed to how it addresses  
10 Linskey and how they meet park edges. And  
11 so, you will not see a building that is the  
12 same on all sides. You'll see buildings that  
13 really address street, that really address  
14 context that fit in place.

15 So, that's where we start. That's  
16 where we are today. And obviously the  
17 opportunity here -- this is, this is largely  
18 a truck-way today. It's not very pedestrian  
19 friendly. It is very wide, you know, largely  
20 surrounded by surface parking. And the  
21 opportunity is to make a really good urban

1 street with active edges and that really can  
2 accommodate pedestrians and bicycles as well  
3 as significant traffic. And that's, that's  
4 the vision taken from the same point of view.

5         Where you are is -- this is 100 Binney.  
6 And this is the building that we will talk a  
7 lot more about in a couple of weeks. But if  
8 you look at it in our model, it's that  
9 building right there. And really what this  
10 rendering is intended to convey is a couple  
11 of things. Most importantly the streetscape.  
12 And not in its specifics, but in the  
13 recognition that there are cars, pedestrians  
14 and bicycles and each of them have to find  
15 their appropriate place in relationship to  
16 the other. Second is that we can create  
17 really active edges here. And this will be  
18 gradual, it will take time. It won't always  
19 be in the first generation of buildings, but  
20 there is an opportunity between First and  
21 Third to really make a really good urban

1 street where streetscape is not just the  
2 horizontal plane by but the vertical plane.

3 And lastly the last message of this  
4 rendering is the buildings should be diverse  
5 in their architecture, in their material  
6 pallet. That it is about creating fabric in  
7 the city, not about creating an identifiable  
8 project. As you drill down into that  
9 intersection, I'm just going to give you a  
10 bit of a hint of 100 Binney which you're  
11 going to see a little bit more of. But the  
12 real point here is that, again, that  
13 streetscape, but also how important that  
14 intersection is. It's kind of the center of  
15 all of this in many different ways. We've  
16 got 41 Linskey to build on. The intent here  
17 is to make this a transportation hub, the  
18 activity hub where people come for a variety  
19 of different reasons having to do with buses,  
20 Zip cars, access to food and to coffee,  
21 bicycle storage, bicycle repair, all of those

1 kinds of things. The other thing, though, I  
2 can't help saying is that you begin to see  
3 how some of the design guidelines around  
4 setbacks and how the building can be shaped  
5 to have a scale at the street that's  
6 different than the scale above. How the  
7 buildings can be formed to really recognize  
8 open space at the ground level and how we can  
9 treat penthouses in a way that maybe is  
10 different than has been treated before both  
11 from an acoustical point of view but also a  
12 form giving point of view.

13 This is an elevation. Again, I'm  
14 giving you a bit of a preview to 100 Binney.  
15 But the point is to show how -- when the  
16 design guidelines are applied, what it looks  
17 like. So you're looking at the south side of  
18 Binney. This is 100 Binney, the address 100  
19 Binney. 41 Linskey. And so you're looking  
20 between Second and Third. Well, Second --  
21 Third would be way over here. 100 is in

1           between. And the break in the middle of the  
2           block. The point is we are developing a  
3           vocabulary that very specifically defines a  
4           ground level. And in the first generation  
5           that -- this represents the commitment of  
6           retail at the ground level. This is the  
7           building entrance and it's a through lobby.  
8           When I show it to you in plan, you'll see  
9           that it is truly a through lobby. Meaning,  
10          you don't have to get through security to get  
11          through the building. It can be very  
12          accessible. This is retail. We're literally  
13          shaping the massing of the building to allow  
14          that, that retail to have its own identity.  
15          And we're shaping the base of the building to  
16          the west so that it can accommodate retail  
17          over time. There's literally a separation.  
18          There's a change in materials.

19                 The second floor is pushed back and  
20                 then floors, three, four and five, that's at  
21                 approximately 75 feet. That's where our

1 obligation is to setback between 78 and 85  
2 feet, to setback and create a kind of street  
3 wall data. But we've taken that obligation a  
4 little bit further and said let's really  
5 define the base of the building. And so that  
6 over time as retail evolves on the street,  
7 this can take on the identity of individual  
8 tenants and it won't be the kind of sterile  
9 storefront that most buildings -- is the way  
10 most buildings accommodate retail is where  
11 all you get is a sign. And the goal is in a  
12 second generation, and I'm not sure when that  
13 is in the timeline, but over the history of  
14 the building, this could be five different  
15 tenants. It could be three different tenants  
16 that each have individual storefronts. This  
17 faint sort of line on the base of the drawing  
18 is intended what that storefront could look  
19 like. It could pop out. It could have soft  
20 bays. It could have hard bays. But every  
21 storefront be different, distinct to the

1           tenant having its individual signage, having  
2           three-dimensional signs, so that you get  
3           continuous retail all the way from that  
4           through block connection all the way over to  
5           41 Linskey with -- and I think I've used this  
6           word here before, retail is messy and good  
7           messy. And the difficulty modern buildings  
8           have meeting the street is that they're very  
9           clean. Retail wants to have all of diversity  
10          of kind of messiness and that's what makes  
11          good street. We're trying to design the  
12          bones of the building that could accommodate  
13          that sort of messiness.

14                 This is the ground floor of 100 Binney  
15          as we have now shaped it. And I'm not gonna  
16          spend a lot of time on this because it's the  
17          subject of two weeks from now, but you can  
18          see it has evolved. I will talk about just  
19          consistency with the design guidelines. One,  
20          there's the through building connection. And  
21          you can see it's separate from the core and

1           it's separate from security so that you can  
2           have that through building connection.  
3           Security is separate, and access to the  
4           building core is separate. The red lines  
5           designate what can be at the edge, retail  
6           edge over time. And that's the, that's the  
7           first generation. And in later generations,  
8           and that may be 20 years from now, this can  
9           accommodate retail. That's the elevation we  
10          were just looking at. This can accommodate  
11          retail. It's a park edge. This can  
12          accommodate retail. It's our through block  
13          passage. It relates to 41 Linskey. What  
14          we've really tried to do is think about where  
15          loading docks are, where access to parking  
16          below grade is in a way that gets it out of  
17          the way and creates opportunity for future  
18          active development.

19                   I'm going to drill down a little bit  
20                   more on that first generation which is the  
21                   base of this building and 41 Linskey. And

1 this is, this is really -- this has to work.  
2 If this works, it becomes the starter kit for  
3 the whole neighborhood. And so that's the  
4 building entrance. This is the first  
5 generation of retail. It's really -- as I  
6 said, intended to be defined by the building  
7 massing, takes on identity of the tenant.  
8 That storefront can be different from the  
9 building glazing. And then that passageway,  
10 we've got great plans for that passageway.  
11 There's 41 Linskey. There's a new addition  
12 in front of it which is intended to be a kind  
13 of small transparent pavilion building that  
14 can accommodate a coffee shop, a part of a  
15 restaurant, retail. But really be the hub of  
16 activity. If you look at it in plan -- now  
17 what I've drilled down to this is Binney, and  
18 this is Second. That's 41 Linskey. And I  
19 just want to take you through this a little  
20 bit because it tells a big part of our story.  
21 41 Linskey, you know the building, the

1 first floor is a half grade below -- half  
2 level below grade. Second floor is a half  
3 level above grade. That's not a great  
4 formula for good retail. But here's the big  
5 idea. That we build new construction. It's  
6 a one-story piece and it's at grade. And we  
7 build this kind of breezeway I'll call it.  
8 It's the connecting piece between the two.  
9 And it accommodates waiting for buses. This  
10 is our bus -- bus stop is right here on  
11 Second. It will accommodate the buses.  
12 There's covered outdoor space waiting for  
13 buses. There's indoor space waiting for  
14 buses. This is also -- 41 Linskey will be  
15 our primary bicycle storage. So you can come  
16 in here, you take your bicycle downstairs and  
17 a bike ramp to storage below grade. There's  
18 about -- there's parking for about 75 spaces  
19 below grade. There's space for bicycle  
20 repair below grade. There's also an elevator  
21 to take your bicycle below grade. The

1 opportunity for this is multiple. And  
2 obviously until you have a tenant, you don't  
3 really know what it is, but this could be a  
4 coffee shop. And all of this could be  
5 openable, like Sones on Newbury Street in  
6 the good weather. It could also be the kind  
7 of front of house for a restaurant where  
8 you've got cafe in the front of house and  
9 then you go up the half level of stairs and  
10 there's the dining room and there's the  
11 kitchen. It's a great example that I always  
12 use for this kind of split level, if you know  
13 Rocca on Harrison Avenue in the South End.  
14 It's exactly that kind of format. It's on  
15 two different levels. It has a kind of  
16 pavilion building. And I say that only  
17 because it's kind of proof of existence.  
18 That it could work in this kind of  
19 configuration.

20 I'm going to introduce Chris because  
21 now this view is a view into that active

1 space. And our view of this -- our vision  
2 for this active space is that over time it's  
3 activated on both sides. It is clearly a  
4 part of that pedestrian network, but it's  
5 also about bicycles, pedestrians. It's about  
6 access to public transit. It's our activity  
7 hub.

8 CHRISTOPHER MATTHEWS: So I just wanted  
9 to start with giving you an overview of the  
10 landscape and how it's structured in the  
11 project. And as David mentioned, the two  
12 parks, the Triangle Park and the Rogers  
13 Street Park, are outside -- out scope as  
14 landscape architects for Alexandria. They're  
15 going to be programmed, designed and procured  
16 by the city.

17 The piece that we've been working on  
18 for several months now really is two-fold:  
19 It's the streets, Binney Street, Rogers  
20 Street to the north and Linskey Way. And  
21 then the north/south streets: First, Second

1 and Third. And then the through block  
2 connectors which run north/south between  
3 those streets and really create this kind of  
4 much more open and filtered condition between  
5 the neighborhood, the East Cambridge  
6 neighborhood to the north and Kendall Square  
7 to the south. So now people will have -- you  
8 have many more options of routes as they head  
9 down into Kendall or up into the  
10 neighborhood. And I think that the sort of  
11 -- the main difference between what we're  
12 trying to do on the streets and what we're  
13 trying to do on the through block connectors  
14 is kind of to do with pedestrian speed, the  
15 intensity of the open experience, and the  
16 level of activity. And the reason that I say  
17 that is because these pieces of landscape are  
18 going to be part of everybody's every day  
19 life. The neighbors will walk through them  
20 everyday. The people working in the  
21 buildings will walk through them on the way

1 to work and on the way home as they arrive on  
2 the T or on the bus. They'll come down and  
3 use them in the lunch hour. And the idea is  
4 that there are no barriers in these  
5 landscapes. You're free to walk wherever you  
6 like. There are no fenced off areas. And  
7 the sidewalks merge into the through block  
8 connectors to create a tapestry of landscape  
9 that unifies the project. But there's going  
10 to be an awful lot of different things  
11 happening in different areas in the landscape  
12 based on what's happening in the buildings,  
13 where people are parking, where the buses are  
14 stopping, the way the retail and cafe area  
15 spill out on to the streets and sidewalks.  
16 So, we thought we would test out those  
17 general concepts in this landscape plan  
18 around 100 Binney. And you can see that  
19 we're establishing a continuous street trees  
20 both sides of Binney Street, new trees on the  
21 south side, street trees on Linskey Way and

1 Second Street. And the sidewalk varies in  
2 width as you walk along it. You can see that  
3 if you're walking along the south side of  
4 Binney, the building sets back and kind of  
5 gestures in the through block connector, it  
6 becomes gradually wider. And the idea is  
7 that you can lose this part distinction  
8 between, you know, what's the street and what  
9 are these more garden like and more richly  
10 planted areas between the buildings. So, you  
11 know, there are a few elements that -- that  
12 we'll be deploying in the landscape. And I  
13 think that dealing with the microclimate  
14 around these big buildings is important  
15 providing shade on the south side where the  
16 sun gets hot. Providing splashes of color,  
17 flower beds that we're indicating. This is  
18 all conceptual. But the idea is you work  
19 with the microclimate, with the structural  
20 landscape you see the right thing in the  
21 right place. When you walk between these

1 buildings with a canopy of trees overhead,  
2 you'll feel like you're below vegetation  
3 rather than necessarily below tall buildings.  
4 And it creates a kind of intimacy. And,  
5 again, a sort of slowness that we're really  
6 looking for that people will stop, there will  
7 be benches everywhere. There will be  
8 temporary furniture that you can lay out for  
9 events like we do in the Kendall Square Plaza  
10 with the summer programs that they have  
11 there. Permanent furniture, cafe seating as  
12 David mentioned, spilling out from the cafe  
13 here.

14 On the west side of the building  
15 there's an existing cut through where we're,  
16 we're working with David's office to  
17 accommodate the need to access the  
18 underground parking and making a much better  
19 pedestrian connection through that. And even  
20 thinking of ideas of vertical greenery up on  
21 the wall. So it would be like a corridor, a

1 corridor of greenery as you pass through.

2           Drilling into 41 Linskey, and I think  
3 David covered almost all of the points that I  
4 would have covered excellently. We're  
5 looking at introducing water. You know,  
6 whether it's fountains or something as a  
7 cooling element in some of the spots. And  
8 just generally having the ability to walk  
9 through -- meander through almost the  
10 landscape that has a kind of softness to it  
11 and a kind of lyrical feeling that will sit  
12 very nicely against the buildings. And I  
13 think that, you know, when we were meeting  
14 with the community, a question of evergreen  
15 planting came up. And I just wanted to  
16 emphasize that we'll be looking at all four  
17 seasons. You know, extending the flowering  
18 period of these landscapes and how you deal  
19 with evergreen plants in the winter where  
20 everything is grey and miserable even to the  
21 extent of maybe having bedding, bedding

1 plants, and I like particularly in particular  
2 spots. How they do in the Public Garden.  
3 Things that are not hearty in this climate  
4 zone, but if you put them out there in  
5 spring, it just gives you, gives you a bit of  
6 a lift as you walk passed. You can see the  
7 cafe terrace in here. And the guy with the  
8 bike indicates the people using the retail  
9 will be distributing bike parking throughout  
10 the landscape, too.

11 So, I think with that, Susan, I'll hand  
12 it over to you.

13 SUSAN SLOAN-ROSSITER: I'm going to  
14 begin by just giving you an overview, and  
15 you'll recognize some of the slides from the  
16 other speakers, but that's actually just  
17 reinforcing how much has been integrated with  
18 transportation very strongly throughout our  
19 planning process. And then I just want to  
20 give you enough background to go through the  
21 planning criteria, and that's really the

1 focus of what we'll go through and then the  
2 proposed mitigation.

3 THE STENOGRAPHER: Excuse me, Ma'am,  
4 could you please identify yourself for us  
5 again?

6 SUSAN SLOAN-ROSSITER: Susan  
7 Sloan-Rositer from Vanasse, Hangen,  
8 Brustlin.

9 The transportation vision which we have  
10 embraced and have incorporated into our urban  
11 forum is really to enhance the  
12 non-automotility to make transit as  
13 accessible as possible building on the mixed  
14 mode transportation center where we can have  
15 EZRide shuttles and perhaps in the future  
16 further development and urban ring there as  
17 well. Encouraging First Street as the  
18 corridor for vehicular movement is something  
19 that we've tried to design, too. And in  
20 order to try to minimize the impacts on the  
21 residential neighborhood.

1           We first filed our TIS in October,  
2 middle of October. And then we filed our  
3 revised TIS in November. And we were  
4 certified in -- on November 19th. We  
5 analyzed a Phase 1 program, build program and  
6 a fold bill program. The Phase 1 build  
7 included 100 Binney Street and 41, and across  
8 the street at 75 Binney. And I just point  
9 out that we analyzed that as the first phase,  
10 but -- and that may in fact be the first  
11 phase but that is just the example that we  
12 use, that's what we felt was the best and  
13 most likely scenario. And in the full build,  
14 it's the full program. And what we're  
15 showing here is the net new construction  
16 associated with that full program, the  
17 parking spaces for vehicles and also the  
18 bicycle parking.

19           Again, just reinforcing that we all  
20 have looked to creating these activity nodes  
21 and focusing on pedestrian access and how

1 pedestrians will be able to easily access our  
2 buildings.

3 The transit and bicycle center, the  
4 mixed mode center. This is something that  
5 when we're putting together the PTDM plan,  
6 we're looking very much to what activities  
7 related to transportation and management  
8 would be appropriate as well as the  
9 infrastructure. Is there opportunity other  
10 than having passenger shelters and the  
11 bicycle parking have some of the support  
12 programs also be operated out of the mixed  
13 mode facility.

14 On the parking side we're putting in  
15 the ratio that's in our zoning as 0.9 spaces  
16 per thousand square feet of retail and for  
17 research and development for the off street  
18 spaces. And one space per unit for  
19 residential. The net new parking is 1,290  
20 spaces. On street, we've emphasized how  
21 important that is for our retail uses and

1 activating our public realm. We'd like to  
2 see 30 to 40 spaces on Binney Street. Again,  
3 the transportation demand management program,  
4 we're working on that with the PTDM officer.  
5 And we're really using Alexandria's program  
6 at Technology Square as our model. They've  
7 been very successful in achieving their  
8 reduction goals, actually exceeding at  
9 substantially. And we're looking also to  
10 some new programs that the PTDM officer is  
11 looking for us to implement as well.

12 So in the TIS analysis we worked very  
13 closely of course with Traffic and Parking  
14 Department, and we sent them a letter as part  
15 of the process to say this is our approach to  
16 doing the study. And they scoped us for  
17 doing the TIS. They scoped us for looking at  
18 ten different scenario conditions. And those  
19 included the existing conditions in the a.m.  
20 and p.m. Then we're looking at a build  
21 condition for Phase 1 and a build condition

1 in the full build, both of which are  
2 unmitigated. And, again, we look at the a.m.  
3 and p.m. peak hours for those unmitigated  
4 situations. So that's our development  
5 program on top of the existing conditions.

6 And then we look at the full build  
7 program, and we see how we can mitigate any  
8 problems or issues that we see. And that's  
9 actually the seventh and eighth alternative.  
10 And the future alternative is adding in a  
11 growth rate of one percent for five years,  
12 and numerous -- I think there were 12 to 14  
13 different development projects that Traffic  
14 and Parking asked us to include that they  
15 felt might be in the future.

16 Now, I need to iterate that we do this  
17 analysis in a five-year period, but that is  
18 not to reflect the expectation that we would  
19 be successful enough to implement and  
20 construct all of the buildings in the  
21 five-year period. It's really more a 20-year

1 period that we're anticipating.

2 The mode chairs that we used were  
3 developed from using the PTDM monitoring  
4 reports. And from the monitoring reports we  
5 looked at for the Kendall Square area, for a  
6 lot of the facilities, they're kind of equal  
7 distance from where ours is in relation to  
8 Kendall Square. What were the average mode  
9 chairs that they achieved in terms of their  
10 auto which is carpooling and single occupant,  
11 transit, walking and bicycle. And those are  
12 the numbers that we used and that the Traffic  
13 Department agreed were good measures to use.

14 And then on retail and residential we  
15 used the census data that's also been used  
16 for our area for other residential  
17 developments there.

18 We did our counts in May of 2009, so  
19 there are recent traffic counts. We did our  
20 analysis based on the existing length and  
21 configuration of Binney Street, so what's out

1           there today. And we were not assuming the  
2           First Street was extended in our analysis.  
3           And, again, I have the future conditions of  
4           the background growth.

5                       Looking at the criteria which I'm sure  
6           you're all familiar with, we looked at --  
7           produced the information for all five  
8           criteria. And I'll just walk you through  
9           the results. We looked at 18 study area  
10          intersections. So we had a large study area.  
11          There were 15 signalized intersections and  
12          three unsignalized intersections.

13                      In the first criteria is the generation  
14          of daily and a.m. and p.m. peak trips.  
15          Remembering that we are analyzing all seven  
16          buildings within this analysis for our  
17          criteria. In Phase 1 we -- and in the build  
18          we exceed and trip the threshold for the  
19          daily trips as well as in the a.m. and the  
20          p.m. We thought it was interesting to look  
21          at individually not that we're analyzing



1 a little louder, please?

2 SUSAN SLOAN-ROSSITER: Sorry.

3 Criteria 3, traffic on residential streets --  
4 that's okay.

5 FEMALE AUDIENCE MEMBER: Can you  
6 repeat what you said on Binney and Land?

7 SUSAN SLOAN-ROSSITER: Oh, Binney  
8 and Land? Okay.

9 On Binney and Land that is currently  
10 the analysis that we do looks at how it's  
11 functioning today and then what it will do in  
12 the future. And then based on the Planning  
13 Board criteria, whether or not it's exceeding  
14 that criteria. In this case it is at a level  
15 of Service F and it is also continuing to be  
16 at a level of Service F.

17 A traffic on residential streets, we're  
18 looking at how the traffic is being  
19 distributed through the network. In the  
20 morning in the Phase 1 build we have an  
21 exceedance on Second Street in the morning

1           only. In the full build we have exceedances  
2           on the neighborhood streets of Second and  
3           Third and Fifth and also on Cambridge Street.  
4           And the colors there are showing you if it's  
5           in the morning only and in the evening only  
6           or both a.m. and p.m. peak hours.

7                     The fourth criteria of lane queue and  
8           that is increasing the number of vehicles who  
9           are waiting at the signal in the queue beyond  
10          a certain limit. In Phase 1 we have no  
11          increases in the exceedances. We have no  
12          impacts on those queues. And in the full  
13          build we have exceedances at, you know, the  
14          intersections of Gilmore and O'Brien and Land  
15          and Land and Binney Street.

16                    And in criteria 5 which is the  
17          pedestrian level of service, remembering that  
18          the Level Service D stays at a D or increases  
19          by three seconds, but in existing Level E or  
20          F would need to improve to a Level of Service  
21          D not to have an exceedance.

1           In the Phase 1 we have several  
2           situations where it is at a level of Service  
3           E or F, and it stays at a level E or F. And  
4           in the full build we, again, in both periods,  
5           will have -- the same locations where they're  
6           a level Service E and stay at a level service  
7           E in an unmitigated condition.

8           So in terms of improvements that we're  
9           looking at to address some of these threshold  
10          exceedances, we have looked and I think we've  
11          talked a bit about the redesigning of Binney  
12          Street, and in particularly doing  
13          intersection improvements at Binney and Land  
14          and at First and Second and Third. So  
15          improving that corridor, what we're looking  
16          at is coordinate a small system along Binney  
17          Street which currently does not exist there.  
18          That we would be replacing the small  
19          equipment and putting in the appropriate  
20          fiberoptics to create the information network  
21          that the city has now between their signals.

1           And in addition at Land and Binney we  
2           feel that we can make a significant  
3           improvement to the level of service there  
4           where in the -- currently there's one left  
5           turn lane. This is going north towards  
6           O'Brien and Gilmore Bridge. And in the  
7           morning peak hour a lot of people have  
8           experienced, and even in the p.m. where this  
9           is a difficult turn, and the queues can be  
10          far back. But looking at how the numbers and  
11          the signal timings can be distributed, we  
12          feel we can make a really significant  
13          improvement from a level of Service F to I  
14          believe a D in the morning of making this a  
15          double left turn lane, and then with  
16          coordinating the small at first to really be  
17          able to improve that experience  
18          significantly, we also feel that we can add  
19          an additional pedestrian crossing at this  
20          location which would help with some of the  
21          time that people are experiencing crossing at

1 Land Boulevard.

2 And just to review for the  
3 transportation improvements, really this  
4 integrated approach of the mixed mode  
5 transportation hub and focusing on  
6 improvements to the EZRide shuttle and the  
7 service, possible service enhancements that  
8 we think will be necessary, the coordinated  
9 signal system having a strong transportation  
10 demand management program -- I should have  
11 mentioned under PTDM that Alexandria is a  
12 major participant in the Charles River TMA  
13 which is representative participation in the  
14 TMA also for this project.

15 Thank you.

16 VICKIE EICKELBERGER: Hi. As Jim  
17 mentioned earlier, Genine and I are with a  
18 retail experience firm called Big Red  
19 Rooster.

20 HUGH RUSSELL: Give your name,  
21 please.

1                   VICKIE EICKELBERGER: Hi. Vickie  
2                   Eickelberger with Big Red Rooster.  
3                   E-i -c-k-e-l -b-e-r-g-e-r. And Genine Monks,  
4                   G-e-n-i -n-e M-o-n-k-s.  
5                   Thanks. Big Red Rooster is an  
6                   experience design firm, and all that really  
7                   means is we help our clients embody and  
8                   visualize their stories. And we do that in  
9                   many forms for all of our clients. In the  
10                  town of Lynchburg, Tennessee, we worked with  
11                  Brown Form and Jack Daniels to develop the  
12                  Jack Daniels. In Peoria we worked with  
13                  Caterpillar, a huge earth moving company to  
14                  tell a really unique story about their legacy  
15                  and involved retail in that. And here  
16                  locally we recently did a project for  
17                  American Express on Harvard Square. So we  
18                  have -- we're not only an experience firm we  
19                  do have a ton of experience. And we're  
20                  thrilled to be here tonight. We can't wait  
21                  to share with you how we've infused retail at

1 the street level.

2 But what's truly exciting is that we  
3 are here tonight. You know, Alexandria  
4 really showed a lot of insight and  
5 forethought bringing us in early into the  
6 project so that we can really connect that  
7 streetscape with the rest of the planning  
8 process. So, that's exciting for our team.  
9 You know, we begin every project with what we  
10 call a discovery phase, and that's really an  
11 immersion for our team in the community, into  
12 what's going on. We are -- we put our  
13 anthropologist hat on and spend many, many  
14 days observing across multiple day parts;  
15 what is the pattern? What is the traffic  
16 flow? How far do you have to walk to get a  
17 cup of coffee? Where are people hanging out  
18 at night? And one of the things that struck  
19 us right off the bat is how exciting it is,  
20 this confluence of this really vibrant  
21 residential area with this world class

1           academic innovation, biotech technology area.  
2           And so there's so much opportunity. And we  
3           really wanted to facilitate that confluence  
4           with this retail aspect.

5                        As you can see, one of the things that  
6           we really wanted to do is kind of create what  
7           we call a bump factor. So create  
8           opportunities for everyone who crosses paths  
9           throughout the day to have spaces where they  
10          can bump into each other. When Genine shares  
11          our concepts with you, you will see we have  
12          illustrated all kinds of gathering places,  
13          community places that really show a human  
14          aspect to this area that really create places  
15          for both pedestrians, residents, cyclists to  
16          really commune and come together.

17                        So on the next slide you will see that  
18          we really tackle this in three main areas.  
19          We're going to look at public art; public  
20          space and what that means; flexible spaces,  
21          how we're going to treat these areas in the

1 interim. And then finally, the retail spaces  
2 and how those projects will come to life over  
3 time.

4 So Gene is going to show us some  
5 concepts.

6 GENINE MONKS: Hi. Here on this  
7 slide you'll see we're kind of highlighting  
8 some of the inspirational public art and  
9 things that we can do with the public space.  
10 And here, instead of -- if you have  
11 installations within the public space, but  
12 you can also utilize innovative ways of using  
13 materials within the public space, whether  
14 it's on the sidewalk or on the streets or  
15 even utilizing at the bike rack level.

16 Here he's great story --

17 WILLIAM TIBBS: Excuse me. Could  
18 you go back a slide?

19 GENINE MONKS: Sure.

20 WILLIAM TIBBS: Can you tell us what  
21 you were -- I mean, what's in the pictures?

1 GENI NE MONKS: To go over --

2 WILLIAM TIBBS: Just what we're  
3 seeing, because you're introducing some  
4 concepts here.

5 GENI NE MONKS: And these are our --  
6 ten of big picture ideas. And here with --  
7 we're utilizing materials whether we're  
8 changing pavers on the sidewalks or we're  
9 painting on -- in different areas on the  
10 sidewalks or street areas and creating just  
11 kind of interesting artwork. Here in some of  
12 these images they're actually projecting on  
13 the walls some of the artwork and it becomes  
14 very kinetic, and it kind of braces the  
15 innovation throughout the area along with the  
16 kinetics in the area between the community  
17 and the pieces. And, again, here an actual  
18 installation piece. Okay?

19 As Vickie was saying, in our  
20 exploration through Kendall Square we  
21 discovered kind of our big inspiration which

1 was the Kendall band and the T station. And  
2 when we stumbled upon this, this grace piece,  
3 it was a great example of public artwork that  
4 we're talking about. And a story behind it  
5 as we learned, is that there was a real need  
6 for the communication in the community, as  
7 the artist Paul Matisse who would write  
8 letters, type up letters and leave them on  
9 the wall during his -- with his  
10 correspondence about the condition of the  
11 piece and when he was repairing the piece.  
12 And in response to that people were writing  
13 back suggestions that he could do to fix the  
14 piece, how great they loved it, how it  
15 changed their day -- their day-to-day  
16 routine. And it was just great to go down  
17 there and bang on those, on those handles and  
18 listen to the sounds. And so that became a  
19 real catalyst in terms of utilizing the  
20 public art. And when we say public art, we  
21 say some temporary but we also say some

1 permanent. So we would like to see some, you  
2 know, things change but also some permanent  
3 pieces.

4 Here in this slide, as Vickie also  
5 mentioned about flexible space, and when we  
6 say flexible space, we mean during the  
7 unbuilt areas that are happening while  
8 waiting development. And some things like  
9 concealing construction with temporary  
10 fencing or actually interacting with the  
11 fencing around the construction spaces or as  
12 large murals as you'll see down here. Also,  
13 the options of the roach coach or the meal  
14 coach. Also here, is a great image is the  
15 pop-up retail and which will change over  
16 time. These areas will always be changing  
17 over the process of development. And another  
18 one great here, too, is the pop-up shops.

19 Here we're showing a map of the  
20 possible retail locations. In green here  
21 you'll see the first generation within these

1 particular buildings, and in blue the  
2 potential future for retail within that area.  
3 And some of the retail we kind of discuss is  
4 restaurants, bike and repair shops,  
5 bookstores, salons, entertainment and places  
6 for local retailers.

7 And showing here are some of the  
8 inspirational retail imagery, talking about  
9 the -- at the graphic level at the exterior  
10 utilization of warm materials. The lighting  
11 -- utilizing the localized retailer. The  
12 markets, restaurants. And, again, as you can  
13 see up here, Chris had mentioned the vertical  
14 grass walls. And if you look at the top of  
15 this image, actually expressing that on the  
16 exterior of the buildings.

17 And as you'll see in a couple of the  
18 next slides we're highlighting some possible  
19 retail, just kind of showing you what can be  
20 done in comparison with the larger building.  
21 Here, in this drawing, possible retail.

1 We're bringing in at the exterior scale the  
2 first floor of the building, the use of wood  
3 tones and warmer materials which is kind of  
4 creating a human touch at the pedestrian  
5 level. That was the last one. So here we're  
6 kind of warming up with the wood and opening  
7 up with the clear glass to see in the retail  
8 and see the product inside.

9 Here we're talking about utilizing  
10 pockets of the building. To amplify the  
11 innovative and friendly look of retail. This  
12 is kind of a quick grab coffee shop which can  
13 serve the exterior community as well as the  
14 people working inside the building. So we're  
15 talking about the small pockets of retail  
16 within the same building.

17 Here, even the use of color and  
18 graphics and warm material which is very  
19 welcoming and creates a strong street  
20 presence. Even utilization of the carts and  
21 exterior which is engaging you at the

1 exterior before even entering the building.

2 And here we have an example of kind of

3 casual dining with some exterior seating.

4 It's kind of showcasing the patchwork of the

5 visual cohabitation that becomes kind of a

6 singular thought over time. And utilizing

7 the large glass that spans the exterior which

8 kind of provides an inviting visual element

9 across all day parts throughout the whole day

10 and evening.

11 VICKIE EICKELBERGER: Thanks, Genie.

12 And what you saw was a really quick

13 look at what was a really in-depth project,

14 taking a look at how to engage retail at that

15 pedestrian level. And as I said before, one

16 of the things that really struck us was this

17 confluence of both the community and the

18 innovation and technology coming together,

19 and so we really saw that as a very exciting

20 exchange. A tremendous, tremendous

21 opportunity really to amplify what is there,

1 and to really kind of create a new future for  
2 urban living. So, we're thrilled that, you  
3 know, this is just at the catalyst at the  
4 beginning stages of this project and look  
5 forward to where it heads.

6 ATTORNEY JAMES RAFFERTY:

7 Mr. Chairman, that's 53 minutes. So I like  
8 everything else about our representations,  
9 we're good for our word. I would just thank  
10 the Board for their attention. Draw your  
11 attention to Section 12.35.3 because, well,  
12 there are two relevant things if you'd look  
13 at under 12.350 what this night is about.

14 The purpose of the public hearing shall be to  
15 solicit public opinion concerning the  
16 development proposal. So clearly what comes  
17 next by way of public comment is as important  
18 as anything we've provided you with. And  
19 also, however, the ordinance in this section  
20 does provide some criteria for the Planning  
21 Board then to make a determination about the

1 development proposal. And it suggests and  
2 effectively it requires you to determine  
3 whether there is adequate compatibility with  
4 adjacent land uses, and we would suggest that  
5 given the mixed nature of this project, that  
6 this project meets that criteria. Whether  
7 there's a provision of adequate open space,  
8 and it should be noted that in addition to  
9 the open space you see depicted here, there  
10 are significant financial contributions. \$8  
11 million for the construction of the park, a  
12 conveyance upon the first building -- of  
13 completion of the first building. Similar  
14 contributions with regard to the Triangle  
15 Park. The zoning has a phasing system  
16 involved. So for every square foot or every  
17 building that gets built, gets built as an  
18 additional public open space requirement.  
19 Either actual land or money or towards the  
20 back end of the project, a contribution to an  
21 open space fund. That's relevant because one

1 of the things that the Board is told to  
2 review, to evaluate in its review, is the  
3 potential fiscal impact of the project upon  
4 the city. And in this case both in terms of  
5 the revenue being generated on the tax side,  
6 the real estate tax side as well the  
7 financial contributions associated with the  
8 project, that's an area where the project  
9 does similarly meet that criteria.

10 The issue about adequacy of utilities  
11 and other public uses, we've spent a great  
12 deal of time at the water department, the  
13 traffic department, and the public works  
14 department and our engineering teams working  
15 on all the stone water discharge and related  
16 issues. It would take a whole other evening.  
17 It's all in our report. I believe there's  
18 commentary from those departments that have  
19 been provided to the Board or will be over  
20 the course of the process. But suffice it to  
21 say, there is a full commitment, and is an

1           appropriately a requirement on the part of  
2           the city that this project not only not  
3           disrupt the system, but actually make it  
4           better. This is a combined sewer storm water  
5           system today, at the end of the day as a  
6           result of the project and infrastructure  
7           improvements will be done, a separation of  
8           those two systems will occur. The increase  
9           in pervious space and the treatment of storm  
10          water and waste water by best management  
11          practices will represent a net improvement  
12          and I think that should allow the Board to  
13          make a finding in that area as well.

14                   And finally, the adequacy and impact on  
15          traffic flow and safety that's certainly a  
16          large part of tonight's presentation and it's  
17          also embodied in the Article 19 presentation  
18          as well. I just want to underscore two  
19          things about that presentation that really I  
20          think would allow you to conclude that it's a  
21          very conservative analysis. If you cut what

1 Ms. Sloan-Rositer said, the model that is  
2 used here anticipates that all 1.7 million  
3 square feet gets built in five years, 2014.  
4 Mr. Maguire will be happy if he had a single  
5 building built in 2014. So when you see  
6 those numbers, they anticipate that this all  
7 gets done in all five years. That's not a  
8 knock on the analysis. It just happens to be  
9 the model. But there is an analysis that  
10 suggests a lot more traffic, much earlier in  
11 the life of the project.

12 The other piece of infrastructure  
13 that's not included and very relevant is  
14 First Street. First Street as you know today  
15 it goes up to Cambridge Street but does not  
16 cross over to O'Brien Highway because of the  
17 presence of the Lechmere Station and the  
18 Green Line embankment there. As part of the  
19 relocation of the Green Line, and there's --  
20 that is an ongoing project now being taken  
21 over by the state, and Ms. Sloan-Rositer's

1 firm is actually involved in the design of  
2 that and is very familiar with that. The  
3 relocation of that station, in addition to  
4 the benefits it will bring to the new station  
5 from a traffic flow perspective in Cambridge,  
6 the biggest advantage will be First Street  
7 will go up to O'Brien Highway Monsignor  
8 O'Brien Highway and traffic can turn left.  
9 So Third Street, which today is the only  
10 artery that allows you to go out of East  
11 Cambridge and get on to O'Brien Highway. So  
12 volumes will shift considerably to First  
13 Street. And the garage entrances and many  
14 aspects of this project and the traffic flow  
15 patterns are designed to direct as much  
16 traffic to First Street. That day we hope is  
17 within five to ten years. But that, that  
18 measure is not included in the traffic  
19 analysis. But it should be, it should harken  
20 a new opportunity for improved traffic  
21 circulation at least for that traffic that

1 heads north towards Route 93. So it's so  
2 much a big part of your finding both in the  
3 PUD process and the Article 19. I just  
4 wanted to take a moment to underscore that.

5 Having said that, thank you very much  
6 for your time and that would conclude our  
7 presentation.

8 HUGH RUSSELL: Okay. Thank you.

9 So, next I would ask my colleagues on  
10 the Board if they have questions that they  
11 need to ask at this point in time.

12 Charles.

13 CHARLES STUDEN: Yes, I actually  
14 have a question about the transportation  
15 analysis program. One of the -- excuse me,  
16 sheets talks about Phase 1 build out and full  
17 build out and the number of parking spaces.  
18 And there's an asterisk that I believe is  
19 meant to -- it's not there, but I think it  
20 applies to the full build out, 1,932 spaces.  
21 And it says this includes spaces allocated to

1 tenants of the Athenaeum Building. I'm not  
2 sure I understand that completely. Is that  
3 because there's surface parking at 50 Binney  
4 that has to be replaced --

5 ATTORNEY JAMES RAFFERTY: You are  
6 exactly correct.

7 CHARLES STUDEN: How many spaces is  
8 that? I'm just curious.

9 ATTORNEY JAMES RAFFERTY: The  
10 existing supply out there is about.

11 SUSAN SLOAN-ROSSITER: It's the  
12 supply for the Athenaeum.

13 ATTORNEY JAMES RAFFERTY: It's in  
14 two lots --

15 JOSEPH MAGUIRE: I'm Joe Maguire  
16 from Alexandria Real Estate Equities. The  
17 question is Athenaeum as a parking supply  
18 that exists at 195 First Street which today  
19 is where 50 Binney Street will be. That  
20 parking supply will need to go under one of  
21 our buildings. Whether that will be under

1 100 Bi nney Street. The parki ng supply i s  
2 approxi matel y 323 spaces at 0.9 spaces per  
3 thousand.

4 CHARLES STUDEN: I see. And 100  
5 Bi nney Street wi ll precede 50 Bi nney? So the  
6 spaces can remai n unti l thi s parki ng garage  
7 i s fi ni shed?

8 JOSEPH MAGUI RE: That' s correct.

9 CHARLES STUDEN: Okay. Thank you.

10 THOMAS ANNINGER: Do you own --

11 JOSEPH MAGUI RE: Yes, we own  
12 Athenaeum as wel l. And we al so own 300 Thi rd  
13 Street.

14 HUGH RUSSELL: Any other questi ons?

15 PAMELA WINTER: I was real l y  
16 i mpressed wi th Bi g Red Rooster. And you are  
17 a consul tant company; i s that correct? So  
18 you wi ll not be actual l y doi ng the work that  
19 you showed us; i s that correct.

20 VICKIE EICKELBERGER: Yeah. We are  
21 a consul ti ng -- we are worki ng i n partnershi p

1 with Alexandria and Elkus Manfredi. These  
2 are high level concepts at this point.

3 PAMELA WINTERS: All right. And do  
4 you think that the work that they suggested  
5 will actually come about in terms of public  
6 art and so forth and are you committed to  
7 their suggestions?

8 JOSEPH MAGUIRE: We're required to  
9 have a merchandising plan as part of our  
10 zoning. And we intend to have this firm  
11 working with us in creation of that plan, and  
12 we'll have a continued relationship with them  
13 during the process.

14 PAMELA WINTERS: Great. Thank you.

15 And I have one more question on the  
16 traffic. I noticed in the full build  
17 residential street volumes, that there is  
18 exceedances in both on Cambridge Street and I  
19 didn't know if you had any mitigation plans  
20 for that.

21 SUSAN SLOAN-ROSSITER: We don't at

1 this time.

2 PAMELA WINTERS: Okay.

3 HUGH RUSSELL: I'm going to ask  
4 after the public testimony I'm going to ask  
5 Sue Clippinger to present her report to us.  
6 And if there's more we can comment and  
7 discuss it at that time.

8 PAMELA WINTERS: Thank you.

9 HUGH RUSSELL: We've been sitting  
10 here for about an hour and a half. I think  
11 we should take a five to seven minute break  
12 before we start with public testimony. We  
13 can reconvene at nine o'clock.

14 (A short recess was taken.)

15 HUGH RUSSELL: We're going to begin  
16 taking public testimony now. And the -- when  
17 you come to speak, I ask you to come and  
18 speak at the microphone. When you arrive at  
19 the microphone, give your name and your  
20 address, spell your last name for the person  
21 who is trying to make a record of our meeting

1 and speak for no more than three minutes.  
2 And sitting to my left is Pam Winters, who  
3 has for the last several years, has been our  
4 reminder. So pay attention to Pam and she'll  
5 remind you when the end of the three-minute  
6 period comes.

7 So, the first person on the list is  
8 Susan Corcoran. And the second person on the  
9 list if you can get prepared, if she decides  
10 she wants to speak is Heather Hoffman.

11 SUSAN CORCORAN: I'm Susan Corcoran  
12 C-o-r-c-o-r-a-n, 75 Cambridge Parkway. And  
13 at the beginning of the presentation you  
14 identified Binney Street as a truck way, but  
15 that was the last mention of trucks that I  
16 heard all evening. As it is now, we -- it's  
17 a major truck way, a state truck way, and  
18 there are tanker trucks going down that  
19 street all the time. And I didn't hear  
20 anything at all about, you know, how we're  
21 going to divert the tanker trucks. We're

1           especially concerned, you know, at that curb.  
2           If you do put in the coordinated street  
3           lights so that traffic can move more freely  
4           or quickly down Binney Street, that even  
5           increases the risk of a turnover at the  
6           Binney and North Land Boulevard. As you  
7           probably well know, each tanker trucks hold  
8           about 11,000 gallons of gasoline. If that  
9           tips over and burns and we can have a real  
10          disaster. And I didn't hear anything that  
11          addressed that issue and I'm very, very  
12          concerned about that.

13                 And the second big issue is, in the  
14          evening particularly, but on Land Boulevard  
15          going north, the queue goes from the Binney  
16          Street stop light back to the bridge over --  
17          the bridge over the broad canal. And we just  
18          didn't hear how -- we heard about the  
19          coordinated stop lights and the two left turn  
20          lanes, but it just seems as if that gridlock  
21          that we experience everyday -- and that's

1 just addressing the northern facing one  
2 because that's the one I try to cross. And  
3 of course that gridlock that goes from the  
4 Broad Street canal, that backup as you know,  
5 goes all the way up to 93. I've got my  
6 helpers from 75 Cambridge Parkway.

7 Thank you.

8 HUGH RUSSELL: Thank you very much.  
9 Is Heather Hoffman here?

10 HEATHER HOFFMAN: Hi.

11 HUGH RUSSELL: The next person is  
12 Charles Marquidt.

13 HEATHER HOFFMAN: Heather Hoffman,  
14 213 Hurlley Street.

15 And I mean there really isn't a lot of  
16 detail for me to comment on with this, but  
17 traffic I could make an observation on. When  
18 we were here to discuss the proposed zoning  
19 changes, and several people raised the issue  
20 of increased traffic and shouldn't we have a  
21 traffic study and all of that? And we were

1 told, no, no, no, that will be dealt with  
2 later. And it's really handy to do it that  
3 way because then you write into the zoning  
4 that we are now going to have tons more  
5 traffic but you couldn't talk about it at a  
6 time when it -- when you could have done  
7 something about it. You have to wait until  
8 now, and we're told yes, we're gonna keep our  
9 intersections at F and F and F with the  
10 occasional E. And so, I can testify, I don't  
11 drive down this, I walk down it, and there  
12 are blocks and blocks and blocks of backed up  
13 cars now. I don't expect it's going to  
14 improve.

15 The other thing I would say is that on  
16 First Street, the -- although the plan has  
17 been to make First Street replace Third  
18 Street, the state also has an idea that  
19 they're going to have parking up and down  
20 First Street and a dedicated bus line. If we  
21 add it up, we will note that there isn't

1 enough room for that. However, if they --  
2 even if they only do part of it, I don't  
3 think we're going to have a four lane wide  
4 First Street to take a lot of traffic. So, I  
5 don't think that that was figured into the  
6 traffic study.

7 Thank you.

8 HUGH RUSSELL: Thank you.

9 Next person is Charles Marquidt. After  
10 that Paul Cote.

11 CHARLES MARQUIDT: All right.

12 Charlie Marquidt, M-a-r-q-u-i-d-t, 10 Roger  
13 Street also known as River Court on your  
14 little diagrams there.

15 So I'm one of those residential  
16 buildings that seems to be getting left out  
17 of all the impact of the traffic study except  
18 for the Land/Binney impact. I didn't see the  
19 impact for the residential in my  
20 neighborhood. I'm going to focus on retail  
21 and the impact of retail and how important it

1 is to consider the overall effort. And  
2 second, the need to include what I believe is  
3 some other big things in the traffic study as  
4 we go forward. We spent sometime I think it  
5 was on January 5th talking about a request to  
6 take retail out of the zoning requirement,  
7 out of the Special Permit, I believe permit  
8 38. And we heard that they couldn't get  
9 stuff in, they tried, they worked really  
10 hard. Now we're seeing some great  
11 presentations with another firm Red Rooster  
12 which I admit they had not brought in. But  
13 we really need to make sure it's going to  
14 work. Because if you look around Cambridge,  
15 you lost University Florist just last week.  
16 You lost Pearl Art, today announced they're  
17 closing their doors. You lost Forest Cafe.  
18 We're losing retail all over the city. So  
19 now we're about to put more in and without a  
20 really good plan of what we're going to do  
21 here -- why don't we just take it from

1            somewhere else? And we need to make sure  
2            that the rents are reasonable to actually  
3            bring in what they're talking about.

4            Florist shops cannot go in East  
5            Cambridge at \$50 a square foot and actually  
6            sell something in the neighborhood in East  
7            Cambridge or anything else. That's my first  
8            concern about the whole retail.

9            Second, when I look at the traffic, I'm  
10          scared. I see F and I just heard about  
11          potential tip over truck and have a fire  
12          outside my building, and that really scared  
13          me. But we're going to move everything to  
14          First Street. And in the midst of all this  
15          we have major, major impacts of EOT projects  
16          that I don't know if we're considering. The  
17          rebuilding of the Longfellow Bridge, the old  
18          salt and pepper bridge. How is that going to  
19          impact traffic while this is ramping up? You  
20          hear about the Rutherford Ave. being changed  
21          to more of a boulevard, pushing traffic back

1           towards Route 28 and McGrath and O'Brien  
2 Highway. We're going to open up the First  
3 Street corridor with the T changes. And I  
4 know you guys are working with the T so you  
5 have that one covered. But I don't see where  
6 that's all being factored in.

7           And then the last thing that I didn't  
8 see, which would have been really nice to  
9 see, is my favorite intersection. Anybody  
10 who drives up and down Cambridge Street knows  
11 the intersection of Cardinal Medeiros and  
12 Cambridge Street and Warren Street. It is an  
13 intricate dance without a streetlight, but it  
14 is a traffic congestion nightmare waiting to  
15 happen. I would have really liked to have  
16 seen that intersection for the potential  
17 impact for this project on that place because  
18 that is the bottleneck that will go all the  
19 way up to Inman, all the way back up  
20 Cambridge Street. You have little impact on  
21 Cambridge between Sciarappa and Sixth and

1 Seventh. If there's a problem with Cardinal  
2 Medeiros in Cambridge, it's going to go the  
3 whole length. Otherwise I think we're making  
4 great progress. If we can get the pictures  
5 to reality in 20 years it will be a wonderful  
6 project.

7 Thank you.

8 HUGH RUSSELL: Thank you. Paul  
9 Cote, and next after him is Steve Kaiser.

10 PAUL COTE: Hi. Paul Cote, 85 Sixth  
11 Street, C-o-t-e.

12 I was one of the three or four members  
13 of the East Cambridge community that was part  
14 of the negotiation team trying to bring about  
15 this amendment in a reasonable way. And so,  
16 my first statement or question, I don't know  
17 if I'm permitted to ask a question, just to  
18 ask the Community Development folks if  
19 they've gone through this proposal line for  
20 line against the amendment and made sure all  
21 the numbers and phasing are as specified? I

1 presume you have. But if you just nod yes.

2 BETH RUBENSTEIN: Why don't you  
3 continue?

4 PAUL COTE: The other thing that  
5 I've noticed is in working through this  
6 negotiation, and this underscores what  
7 Charlie just said, one of our big concerns  
8 was whether the retail would be leased and  
9 successful. And we got in the letter of  
10 agreement the developer to an -- agreed to  
11 add a merchandising plan. And the intent of  
12 that plan wasn't just to make sure it looked  
13 cool or that it was, you know, hip as Big Red  
14 Rooster has done, but that it would be  
15 successful in this climate where we have  
16 vacant storefronts all over East Cambridge.  
17 And so our understanding was that the spirit  
18 of the merchandising plan would be to include  
19 assurances that the properties, the ground  
20 floor areas would be leased, which would  
21 include things like favorable terms. Plans

1 that if there were problems leasing it, that  
2 the developer would, if necessary, you know,  
3 not give it away but make sure there were  
4 tenants by mechanisms, economic or other.  
5 And so I haven't seen that, but I think that  
6 because this was one of the things that we  
7 insisted on and it was part of the  
8 negotiation, that the developer should be  
9 asked to submit a real merchandising plan  
10 that includes those kinds of assurances as we  
11 insisted on and wondering the negotiations.

12 Thank you.

13 HUGH RUSSELL: Thank you. Stephen  
14 Kaiser. And the next person will be Argie  
15 Staples.

16 STEPHEN KAISER: Yes, my name is  
17 Steve Kaiser, K-a-i-s-e-r, 191 Hamilton  
18 Street. I do have a prepared ten-page letter  
19 to submit to the Planning Board so I'll have  
20 to summarize. I would note that the deadline  
21 for MEPA comments is also today. They're

1           scoping an environmental impact report, so  
2           this is actually convenience. So the  
3           comments I have generated is both for MEPA  
4           and for the Planning Board. It deals with  
5           many similar issues.

6           I think there's no question here that  
7           traffic is the most important issue. It's  
8           the most deadly in terms of presentation and  
9           unexciting. And as someone who has been in  
10          the traffic engineering field for 30 years  
11          and is thankfully out of it, I think it's a  
12          very tragic profession that does not do the  
13          job that we need it to do, which is to have  
14          us understand traffic and what traffic means,  
15          what safety means, all of those issue. No  
16          discussion of safety tonight, for example.  
17          No pictures on the screen during the traffic  
18          presentation of what a car is or a truck.  
19          Traffic engineers never show pictures of  
20          that. I wish they were like architects that  
21          show the pictures. They don't show the

1 queues on Land Boulevard. Two of the pages  
2 in my letter show photographs of the five  
3 p.m. queues on Land Boulevard. Everything  
4 backed up. When was the last time you saw a  
5 traffic engineer show you a photograph of a  
6 queue? They don't do it. None of them.  
7 It's tragic.

8 I used to make fun of, you know,  
9 lawyers and architects but it's all good fun,  
10 and I'm just looking back on my own  
11 profession, and the traffic engineers have  
12 not done the job. They have just not done it  
13 and they haven't done it here. There was one  
14 number on the screen. I don't think anybody  
15 took notice of it, 7,002. 7,002. That's the  
16 number of daily trips that supposed to be  
17 generated. 7,000 number. The MEPA threshold  
18 for requiring (inaudible). So it's double  
19 the MEPA threshold. I'm reading the MEPA  
20 ENF, and the way I read that is this project  
21 is gonna generate 11,000 trips a day. It's

1 7,000. Is it 11,000? How are we going to  
2 handle that in East Cambridge? Any concern  
3 about that in the traffic presentation? Zip.

4 Enough said about the traffic.

5 Pedestrian bikes and transit is covered  
6 briefly in my letter as the main street  
7 design and noise from rooftop mechanicals. I  
8 see that all as opportunities. And I see  
9 some possibilities for this team to really do  
10 something imaginative. The urban ridge is  
11 dead. Don't anybody count on it. It's just  
12 been killed in terms of a MEPA review, that  
13 kills the whole project. Okay. So that  
14 takes care of those three.

15 There's also a concern in here that I  
16 have for public purpose of the tide lands.  
17 And the very last item I'd like to leave with  
18 you is when I spoke about the zoning to this  
19 Board, I indicated my unhappiness with the up  
20 zoning. The fact that we're basically  
21 increasing the value of the property. And

1 the threat here very quickly is legal. I  
2 didn't know it when I gave my testimony last  
3 time. It's Article 7 of the Declaration of  
4 Rights of the State Constitution.

5 PAMELA WINTERS: If you can make it  
6 quickly, sir.

7 STEPHEN KAISER: It's three lines.  
8 Government is instituted for the common good  
9 for the protection, safety, prosperity and  
10 happiness of the people and not for the  
11 profit, honor, or private interest of any one  
12 man, family or class of men. We just up  
13 zoned their property.

14 Thank you.

15 PAMELA WINTERS: Thank you.

16 HUGH RUSSELL: Next person is Argie  
17 Staples. And the next person on the list is  
18 Frances Garfield and I think she --

19 ARGIE STAPLES: Hi. My name is  
20 Argie Staples --

21 HUGH RUSSELL: -- may have left. So

1 next person after that is Sang Lee.

2 So if you could begin now, thank you.

3 ARGIE STAPLES: All right, thank  
4 you. My first name is Argie, like Margie  
5 without the M. It's A-r-g-i-e, Staples,  
6 S-t-a-p-l-e-s. I live at Ten Rogers Street.  
7 It's River Court.

8 I would really like to see this project  
9 built. I would love to see the retail things  
10 work out. We -- the last time I saw this  
11 project was in the summer of 2008, and I  
12 think they've done a good job of making some  
13 improvements along street level and bringing  
14 in retail ideas. But at the present there's  
15 some people -- they are just ideas. And I  
16 don't know what can be done to help them  
17 succeed, but I can tell you that at River  
18 Court we -- at one time we had three retail  
19 spaces on the ground floor; a delicatessen, a  
20 small grocery store and a dry cleaner. All  
21 of those three are out of business and went

1 out of business pretty much on their own.  
2 There was no parking place for anyone to stop  
3 if they were driving passed to say, hey, I  
4 need some milk. There's a little grocery  
5 store. There was absolutely no place for  
6 them to park. So I'm not sure where people  
7 are going to be parking for all these retail  
8 spaces on Binney Street. It's now a four  
9 lane thoroughfare. It has a median with  
10 plants and trees, and I'm just not sure how  
11 that -- he spoke of adding parking spaces  
12 along there. And that would be great, but I  
13 just don't know how they're going to get that  
14 done. The other problem I have is with the  
15 height of the building at 100 Binney Street.  
16 We saw drawings of 50 Binney Street. It's a  
17 beautiful thing. Both of those buildings are  
18 the one at 50. And the one at 100 Binney are  
19 really big buildings. They take up the  
20 entire block there, and it's -- as I saw on  
21 some of the plans, are 140 feet tall. Not

1 counting the utility structures on the top  
2 which I think add another 20 to 30 feet. So  
3 these are really tall structures. And I  
4 don't live in the shadow of what's gonna be  
5 100 Binney Street, but if I had a unit on the  
6 south side of River Court, I would be in the  
7 shade a lot of the day. And in the  
8 wintertime you're not gonna see the sun. At  
9 two o'clock in the afternoon the sun comes in  
10 your car window. So those buildings, if  
11 they're really 160 feet tall, are really  
12 gonna block the sun. If you were on the any,  
13 like seven floors and below, I think you  
14 would have trouble with your sunlight that  
15 you've enjoyed for 20 years in that building.  
16 I've lived in that building for 20 years.  
17 I'm somewhat worried about the height of  
18 those buildings. Also we use River Court's  
19 top layer in the summertime for -- we have  
20 picnic tables. We have tables and things up  
21 there. And I would like to see, you know, us

1 continue to use those and not be blocked by  
2 this tall building at 100 Binney. I think  
3 that's all I have. Let me just check. The  
4 other problem I have is empty retail.

5 HUGH RUSSELL: You're out of time.

6 ARGIE STAPLES: I didn't mean retail  
7 but all the empty buildings have been built  
8 in the last decade. We have a lot of them in  
9 East Cambridge right now and I don't know how  
10 you're going to fill them with technology.

11 Thank you.

12 HUGH RUSSELL: Sang Lee. And the  
13 next person is H. Hohenthal.

14 SANG LEE: My name is Sang Lee. I'm  
15 from 83 Cambridge Parkway. And previous  
16 speakers already, you know, emphasized what I  
17 wanted to say, but what I really want to say  
18 is about the traffic.

19 I live at -- right by the Land  
20 Boulevard at Binney, and as everybody have  
21 said earlier before, it is, just a huge queue

1 in the morning and also in the evening rush  
2 hour. And only thing I heard about the  
3 traffic mitigation plan was to set a  
4 coordinated street lights on Land Boulevard,  
5 First Boulevard, Second and Third. There are  
6 already a traffic lights all along those  
7 intersections right now. So how is this  
8 going to help us? I wasn't quite -- maybe I  
9 just didn't understand the presentation, but  
10 I didn't know how that's going to mitigate  
11 the traffic.

12 And the second thing is the small  
13 Triangle Park. I just think that's kind of  
14 doing a minimum service to the green space.  
15 If anybody has gone through the -- you're  
16 basically saying a traffic, huge highway,  
17 road. So I don't know what plans that are  
18 going to be implemented for that Triangle  
19 Park. I certainly wouldn't like to be  
20 spending more than five minutes or even less  
21 than that in that space.

1                   HUGH RUSSELL: H. Hohenthal I, did  
2                   you wish to speak? And the next person on  
3                   the list is Jose Bella.

4                   HEATHER HOHENTHALL: Heather  
5                   Hohenthal I, H-o-h-e-n-t-h-a-l-l. I'm a  
6                   resident at 75 Cambridge Parkway, and I just  
7                   wanted to reiterate what the other speakers  
8                   have said.

9                   My objections are mainly the traffic  
10                  congestion, particularly access for emergency  
11                  vehicles at times of the day when traffic is  
12                  heaviest. The heights of the building at the  
13                  corner of Binney and Land, and also the  
14                  success of the retail space there. I would  
15                  echo Mr. Cote's concern about the proforma  
16                  rents and how those retail tenants are going  
17                  to be able to survive. And it seemed in the  
18                  presentation that there was an emphasis on  
19                  the retail being added to the development  
20                  over time. And I just don't -- I'm concerned  
21                  what that time frame might be.

1 HUGH RUSSELL: Thank you.

2 Jose Bella.

3 JOSE BELLA: I don't wish to speak.

4 HUGH RUSSELL: Thank you. Stokes.

5 PETER STOKES: Hi, Peter Stokes,  
6 S-t-o-k-e-s. I'm member of the Cambridge  
7 Bicycle Committee.

8 ATTORNEY JAMES RAFFERTY: Can we get  
9 an address?

10 PETER STOKES: Oh, sure. I live at  
11 11 Leonard Avenue which is Inman Square, but  
12 I'm here as a member of the bicycle  
13 committee.

14 The bicycle and the pedestrian  
15 committee's had a look at these plans, and we  
16 provided you with a memo that identified a  
17 number of concerns and I just wanted to  
18 highlight a handful of them that have been  
19 talked about tonight.

20 One of them -- we certainly appreciate  
21 that something is going on here to create a

1 strip along Binney Street that's very, very  
2 different from what's there today. That's  
3 gonna attract a lot of uses. And our concern  
4 as we follow the project, is to make sure  
5 that they serve the need of the bicycling and  
6 pedestrian reasons that are going to have a  
7 variety of reasons to come here as retailers  
8 and tenants and also as people just passing  
9 through. This isn't an island. It doesn't  
10 exist in isolation. There are lots of  
11 reasons why people would be in this area and  
12 only one of them is to actually go to one of  
13 the buildings that are here. We certainly  
14 appreciate the efforts to break up the  
15 buildings and add passageways between them.  
16 We think this is really key to allowing for  
17 active, active use of the street. We look at  
18 a lot of the spaces. Some of the  
19 pass-through spaces. Some of the spaces  
20 adjacent to the Rogers Street Park and the  
21 park itself. And we wonder if more thinking

1 would be appropriate relative to shade and  
2 wind issues there. There are a lot of what  
3 are imagined as sort of active outdoor spaces  
4 on the north side of buildings where not a  
5 lot of sun is gonna fall. So we've looked  
6 forward to seeing more specific consideration  
7 of those issues.

8 We look at the pedestrian desire lines.  
9 I think the access to the buildings for  
10 tenants from the T stations is very well  
11 captured, but some other things not. We  
12 wonder if -- these are big blocks between  
13 Second and Third. And if some of the  
14 passageways are -- capture the kind of  
15 cut-throughs and the shortcuts and all of the  
16 other things that people are gonna do, the  
17 things that you need to enliven all the  
18 spaces around the margins of these buildings  
19 we can't write this off and say well, we'll  
20 just send them up to Third Street. For  
21 public access, and this has sort of been

1 highlighted, the Triangle Park at Land  
2 Boulevard, it's a difficult spot for  
3 pedestrians. It's a difficult spot for cars.  
4 It's also an opportunity. We have concerns  
5 again that the Binney Street be configured  
6 not just to support arriving at this  
7 development but passing through and making it  
8 part of a network that already exists in  
9 Cambridge. And we encourage you in your sort  
10 of visionary thinking to try to stretch that  
11 out to the river to make Cambridge Street  
12 really connect and see if there's anything  
13 that can be done with your thinking about the  
14 Triangle Park and with the traffic at Land  
15 Boulevard that becomes part of the thinking  
16 about this project and how it becomes  
17 networked with the rest of Cambridge.

18 PAMELA WINTERS: Excuse me, sir,  
19 your time is up.

20 PETER STOKES: Oh, sorry.

21 PAMELA WINTERS: But as part of the

1           committee, I would like to hear the rest of  
2           your comments if that's okay with the rest of  
3           the Board.

4                   HUGH RUSSELL:   Yes.

5                   PETER STOKES:   More than happy to do  
6           that.

7                   PAMELA WINTERS:   Is that all right  
8           with the rest of the Board?

9                   All right, go ahead continue, please.

10                  PETER STOKES:   Okay.  I'll continue  
11           and try to be brief.

12                  The other thing we note about bicycle  
13           parking adjacent to the entrances of the  
14           buildings, I might have misheard -- I thought  
15           I heard that this would ultimately be the  
16           responsibility of the retail tenants.  We  
17           want to make sure that bicycle parking, both  
18           street side, because this is supposed to be  
19           an active street, and at all building  
20           entrances is explicitly considered and  
21           included because it really -- that's the way

1 to make sure that happens. And it is a  
2 necessi ty. Sort of by hook or by crook it  
3 happens and we need to be invi ted by those  
4 users.

5 The last thing I just wanted to menti on  
6 was the desi gn of the passageways. We  
7 certai nly want to be creati ve and invi ting  
8 there as we can, but also want to accommodate  
9 the signi fi cant traffi c that's expected. You  
10 know, the idea is to invi te peopl e and  
11 encourage peopl e to use these passageways for  
12 whatever transport uses they have. And when  
13 I look at some of the concepts, I guess I  
14 woul d want to make sure they're appropri ate  
15 for peopl e who are paci ng through, not to get  
16 too carri ed away wi th the sort of  
17 experi enti al angl e of just bei ng there. The  
18 real i ty is bi cycles and strol lers and thi ngs  
19 li ke thi s are at best lar ge, awkw ard parcel s  
20 that peopl e are carryi ng. Peopl e are gonna  
21 ri de through these thi ngs mounted as well and

1 we hope they can do this responsibly, it can  
2 be done. But it's a lot more difficult when  
3 you have steps, if you have blind corners, if  
4 you have not clear sight lines to where  
5 you're going if you have a lot of sort of  
6 torturous paths and sharp corners. We want  
7 to make sure those spaces are usable for all  
8 of those people that they don't seem to be  
9 sort of engineered to create conflict.

10 That's all, that's all that I wanted to  
11 say about this today. And again, most of  
12 these comments you'll find in the memo we  
13 submitted to you. Thank you.

14 HUGH RUSSELL: Thank you.

15 That's the end of the people who signed  
16 up. If there are other people who wish to  
17 speak, raise your hand.

18 (No response).

19 HUGH RUSSELL: Okay. I do not see  
20 anyone else who wishes to speak.

21 PAMELA WINTERS: Should we close?

1                   HUGH RUSSELL: I don't think we  
2 should close the hearing because there's more  
3 information to come in the Article 19  
4 portions. And in fairness to the public when  
5 that information comes, they should have the  
6 opportunity to comment on that.

7                   WILLIAM TIBBS: Just for clarity,  
8 Beth, we do need a second public hearing  
9 anyway and it is going to be a public hearing  
10 then. So, would they have the opportunity to  
11 say that or just to clarify?

12                  BETH RUBENSTEIN: I think it's up to  
13 the Board. You can have a choice, leave it  
14 open tonight or if you decided to close it  
15 tonight, yes, there's another public hearing  
16 at which time comment can also be taken on  
17 the remaining parts of the Article 19 design  
18 review. I think you could do it either way.

19                  HUGH RUSSELL: I think it's a good  
20 suggestion.

21                  ATTORNEY JAMES RAFFERTY:

1 Mr. Chairman, can I note a procedural matter?

2 The development proposal requires a  
3 public hearing which this was. Article 19  
4 also has a public hearing. At some point for  
5 the Board to make a determination on the  
6 proposal, the public hearing on the proposal  
7 would need to close. The final development  
8 plan has its own public hearing and the  
9 balance of the Article 19 public hearing we  
10 would certainly expect to remain open because  
11 there's a whole lot more to cover under  
12 Article 19, but just to alert the Board, at  
13 some point the public hearing on the  
14 development proposal would need to close in  
15 order for you to make the findings at some  
16 point in this process.

17 HUGH RUSSELL: You want to make a  
18 motion, Tom?

19 THOMAS ANNINGER: Well, I understand  
20 just about everything. Are you saying that  
21 we have two concurrent hearings going on

1 right now?

2 ATTORNEY JAMES RAFFERTY: At the  
3 moment we do.

4 THOMAS ANNINGER: At the moment we  
5 do. And what you're really saying at a  
6 minimum we need to close the -- what we've  
7 been calling the initial development  
8 proposal?

9 ATTORNEY JAMES RAFFERTY: I would  
10 say from our perspective.

11 THOMAS ANNINGER: Yes.

12 ATTORNEY JAMES RAFFERTY: We have  
13 concluded our presentation on the development  
14 proposal. We have not concluded our  
15 presentation on the Article 19, nor have we  
16 even submitted the final development plan  
17 which would only come about after a  
18 determination on the development proposal.  
19 So, there will be new filings and new public  
20 hearings in the context of the PUD, and there  
21 will be further hearings in the context of

1 the Article 19.

2 THOMAS ANNINGER: When do you plan  
3 to do the Article 19 piece?

4 ATTORNEY JAMES RAFFERTY: It will be  
5 driven by when there is a determination on  
6 this initial proposal, because the -- like  
7 this process, as has been done in other PUDs  
8 with concurrent Article 19 jurisdiction, our  
9 expectation would be that the hearing on the  
10 final development proposal would also be a  
11 continuation of the hearing on the Article  
12 19.

13 THOMAS ANNINGER: Well, then I  
14 think -- I think we can close the initial  
15 development proposal hearing without any  
16 trouble. Whether we leave it open, which  
17 seems to make some sense to me, the Article  
18 19 piece until we complete that.

19 ATTORNEY JAMES RAFFERTY: I think  
20 you have to because we haven't completed our  
21 presentation under Article 19.

1                   THOMAS ANNINGER: I think it's a  
2 little twisty here. But we should close one  
3 and leave open the other.

4                   ATTORNEY JAMES RAFFERTY: That's  
5 exactly what I was trying to say.

6                   HUGH RUSSELL: I'm hearing that as a  
7 motion?

8                   THOMAS ANNINGER: Yes.

9                   HUGH RUSSELL: Any discussion?

10                  All those in favor.

11                  (Show of hands.)

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

14                  HUGH RUSSELL: What that means is  
15 that there would be no opportunity for public  
16 testimony tonight but you're certainly  
17 welcome to listen to us.

18                  THOMAS ANNINGER: And of course even  
19 with a closed hearing we'll always consider  
20 written comments.

21                  WILLIAM TIBBS: Right.

1 HUGH RUSSELL: Yes.

2 THOMAS ANNINGER: It is not closed  
3 for written comments.

4 HUGH RUSSELL: Okay.

5 So now we have to think about what  
6 we're going to do tonight in our discussion.  
7 We have about an hour. And we haven't heard  
8 from the City's Traffic and Transportation  
9 Department. We haven't heard from members of  
10 the Board. I think we should try to get as  
11 many questions out on the table which then  
12 become part of the determination. So would  
13 you like to hear Sue Clippinger next?

14 ALL: Yes.

15 HUGH RUSSELL: Sue or Adam?

16 SUSAN CLIPPINGER: Sue Clippinger.  
17 So, you have a letter. I think we tried to  
18 identify the issues of concern, not all of  
19 which you have specific recommendations, and  
20 I can just go through them very quickly.

21 We have looked at parking, as always

1 we' re worki ng wi th Al exandri a to understand  
2 the parki ng associ ated wi th the Athenaeum.  
3 There was some confusi on i n terms of  
4 i nformati on that we have, and that wi ll be  
5 done. We have al so put on the tabl e our  
6 ongoi ng i nterest, whi ch you' ve heard before  
7 that for a project close to transi t, a  
8 resi denti al project close to transi t there  
9 may be opportuni ties to consider l ess than  
10 one space per uni t. Thi s i s not somethi ng  
11 that the proponent has requested as part of  
12 thei r appli cati on, but I thi nk i t' s somethi ng  
13 that i t i s at l east wi se for us to be  
14 encouragi ng them to thi nk about, and that can  
15 be thought through as we go forward. And  
16 al so as we' ve sai d a coupl e other ti mes, i n  
17 thi s project there i s a garage whi ch i s  
18 servi ng both empl oyees and resi denti al and  
19 there' s an opportuni ty for shared parki ng  
20 there.

21 We have done a l ot of work wi th

1 Alexandria to think about Binney Street which  
2 is not yet complete, and that work will be  
3 ongoing. I think it's very positive and  
4 we'll be able to share information with you  
5 guys in the future so that you understand  
6 what we think is possible there as an  
7 opportunity. And we will, of course, work  
8 with them in thinking about the other streets  
9 and, you know, design improvements or parking  
10 changes that can support the project.

11 And then the transportation center is  
12 -- and activity on Second Street is a really  
13 exciting opportunity that we're starting to  
14 hear more and more about in detail about  
15 what's an opportunity there. And I think  
16 it's going to be a really nice transportation  
17 piece on this project.

18 The traffic signal improvements, Susan  
19 Sloan-Rosseter mentioned them. It's  
20 something we're interested in. They're not  
21 going to make traffic go away, but obviously

1 when we're thinking about Binney Street, one  
2 of our goals is to make sure we can manage  
3 all of the activities there, whether it's  
4 buses, cars, pedestrians and bicycles in the  
5 best way possible both to meet the needs of  
6 the project as well as to meet the broader  
7 needs of the city in terms of the role that  
8 corridor plays.

9 I was reminded tonight in comments from  
10 the public, the concern people have about  
11 Land Boulevard which is actually not under  
12 our jurisdiction, and some of the challenges  
13 of the three signals that are currently under  
14 the control of the Department of Conservation  
15 and Recreation. And I know we've talked  
16 about focusing on Land and Binney, but I  
17 think again, there may be some opportunities  
18 there to look for ways to try to manage that  
19 more effectively. I know that sometimes the  
20 DCR does not have the opportunity to do  
21 signal adjustments very often or very

1 responsively, and there may be some  
2 opportunities there which we've not really  
3 looked at beyond Land and Binney.

4 The bicycle parking, I think there was  
5 a nice slide today talking about their  
6 interest in doing more parking than the  
7 zoning minimum which is the issue that we're  
8 teasing up given the high volume of bikes that  
9 are proposed to come to the project, and the  
10 growth that we've seen in the city to make  
11 sure that we're not making a mistake in not  
12 having sufficient bike parking which I think  
13 is not going to be a controversial issue.

14 There are bike and ped counts that were done  
15 early in the project in bad weather which we  
16 want them to do over. I think this is  
17 probably not a big issue.

18 And then finally probably one of the  
19 more important aspects of the project is  
20 trying to make sure that everything that can  
21 be done to protect the neighborhood and

1 residential streets from anymore traffic than  
2 what is likely to be a part of a reasonable  
3 build out of the project. It's hard to build  
4 a project without any traffic. This is a  
5 proposal that has a very low mode split, a  
6 very strong commitment to a parking supply  
7 that reinforces that single occupant vehicle  
8 mode share and ongoing work with the PTDM  
9 planning officer on the parking  
10 transportation demand management program.  
11 So, I think one of the most important aspects  
12 of trying to deal with the traffic is to --  
13 is the ongoing efforts we'd always make to  
14 get people to not drive at all. To make sure  
15 that all the people who can take transit, who  
16 can walk or take a bike, use EZ Ride,  
17 telecommute or carpool or anything else that  
18 those efforts are being done. And then to  
19 try to make sure that for those people who do  
20 have to drive, that we're doing everything we  
21 can to manage those on the streets where

1 they're most appropriate. And obviously Land  
2 Boulevard and O'Brien Highway is one of the  
3 more congested intersections probably in the  
4 whole city. So you know, that is a bitter --  
5 there's not like there's a lot of capacity  
6 there, but I think there are some  
7 opportunities to manage this.

8 And so in looking at this we are  
9 talking about doing something which is  
10 similar to an approach we took when the  
11 Cambridge Research Park was being developed  
12 which is to do monitoring during the project,  
13 to understand if traffic is actually worse  
14 than what was anticipated in the traffic  
15 study so that there's an opportunity to try  
16 to deal with that.

17 So that's the quicky list of the, you  
18 know, the issues of concern. I think that  
19 we've teed up and are happy to answer  
20 questions if members have them.

21 HUGH RUSSELL: I think it might make

1 sense to ask all our traffic questions here  
2 and have our questions to Sue and then have  
3 an internal question.

4 WILLIAM TIBBS: So are you basically  
5 saying that you're in the process of  
6 determining whether the mitigating things  
7 we're going to do to take care of the various  
8 exceedances that was mentioned or how  
9 they're --

10 SUSAN CLIPPINGER: I think the  
11 mitigations are all in -- within the list of  
12 categories I've just gone through. And in  
13 some of these cases, the exact details of  
14 what we think is the appropriate thing is  
15 something we're continuing to work with  
16 Alexandria on.

17 WILLIAM TIBBS: That's what I mean.  
18 You're still -- and I guess this is a  
19 question for you: Do you anticipate that by  
20 the final public hearing we will have more --  
21 we'll know better what some of those things

1 are?

2 JOSEPH MAGUIRE: Yes, that's the  
3 intent.

4 ATTORNEY JAMES RAFFERTY: I should  
5 note, Mr. Chairman, our response in response  
6 to Mr. Tibbs' question, the memo that find  
7 themselves into a Special Permit would occur  
8 at the final development plan as well as the  
9 Article 19 Special Permit. But that level of  
10 detail is not typically resolved at this  
11 level where we're just doing the initial  
12 development proposal.

13 HUGH RUSSELL: Other people? Ahmed.

14 AHMED NUR: Yes, I was just going to  
15 ask you if you took into consideration the  
16 loading docks along Linskey Way? It looks  
17 like that one of the graphics is showing this  
18 is a pedestrian walkway. You're going right  
19 behind 100 and around Second. It looks like  
20 there's a one, two, three, four grade loading  
21 dock and I just wanted to know if you took

1 into consideration (inaudible). And it also  
2 looks like one that's a surface loading dock  
3 at Rogers Street Park right across from the  
4 parkway, the impact that might have on the  
5 pedestrian as well as on the playground and  
6 the park.

7 SUSAN CLIPPINGER: Yes, I think in  
8 terms of the general concept of the location  
9 of it, I think they make sense. I think some  
10 of the project team has identified the  
11 efforts they've made to try to make sure that  
12 their positioned in such a way that encourage  
13 the traffic toward Binney or toward First  
14 Street. Obviously this specific design of  
15 any individual building can get looked at at  
16 the point of which the building is  
17 specifically before you.

18 AHMED NUR: Sure.

19 HUGH RUSSELL: Steve?

20 STEVEN WINTER: Thank you.

21 Sue, I wanted to ask a question about

1 the bicycle parking, your recommendations for  
2 bicycle parking. And I don't have a problem  
3 with providing for new and innovative modes  
4 in Cambridge and I think it's fine, I'm there  
5 with it. But your recommendation's for a  
6 lot. And I'm wondering is the proponent  
7 cooperative with that number? I mean, in  
8 your negotiations between 375 to 400 bicycle  
9 parking spaces. Will the proponent be  
10 providing that many?

11 SUSAN CLIPPINGER: I saw it on the  
12 slide so I assume that they are.

13 ATTORNEY JAMES RAFFERTY: The term  
14 negotiation is, you know, relative. Traffic  
15 is famous for one way streets in Cambridge.  
16 Whatever she wants she gets.

17 STEVEN WINTER: It's different with  
18 bicycles.

19 Okay. And I was also interested in a  
20 traffic monitoring program. And my question  
21 is: What duration do these things last? And

1 do we have examples from the Cambridge  
2 Research Park practice? How long does that  
3 monitoring stay in place typically?

4 SUSAN CLIPPINGER: We have the one,  
5 the one example from Cambridge Research Park.  
6 There's another kind of monitoring that's  
7 part of the parking and transportation demand  
8 management ordinance, but that's a separate  
9 kind of monitoring. I forget the duration if  
10 there is one of Cambridge Research Park. And  
11 I think obviously that's a very good question  
12 on your part.

13 STEVEN WINTER: And the other thing  
14 that I would like to understand is what the  
15 long term benefits are for the study like  
16 that. And I'm not saying there aren't long  
17 term benefits, but I think if we're going to  
18 ask the proponent to do these things, we need  
19 to really be able to say this is why this  
20 cost is justified, this is why I want you to  
21 do this. So I'll stop with that.

1           And I also want to tell you from my  
2           perspective, I think that we need to do  
3           anything we can to reduce the number of  
4           vehicles parking to -- it's not going to be  
5           easy for us to create situations where people  
6           use their cars less. And I think that you  
7           bump into this a lot when you are trying to  
8           limit the number of parking spaces. And I  
9           just want to tell you that you have support  
10          from me on this. And I think there's a lot  
11          of other people in Cambridge too. We want to  
12          reduce the number of vehicles in the city.  
13          And we want to do it now rather than in 20  
14          years when it's a really serious problem. So  
15          I wanted to make that comment to you.

16                    Thank you, Mr. Chair.

17                    HUGH RUSSELL: I guess we'll just go  
18                    along the table.

19                    H. THEODORE COHEN: I think I have  
20                    two follow-up questions coming from what's  
21                    come before.

1           The first is Mr. Stokes raised an  
2           interesting issue about bicycles being  
3           difficult to maneuver around areas set up for  
4           pedestrians. Am I correct in my assumption  
5           that the various passthroughs in the middle  
6           of the blocks and through the buildings are  
7           not intended for bicycles, bicycles being  
8           ridden? That if a bicyclist is going through  
9           there, presumably they're being walked?

10           SUSAN CLIPPINGER: That's not my  
11           jurisdiction.

12           H. THEODORE COHEN: Okay.

13           SUSAN CLIPPINGER: I think you need  
14           to ask that.

15           ATTORNEY JAMES RAFFERTY: Are you  
16           asking are people riding bicycles through the  
17           buildings?

18           H. THEODORE COHEN: Not through the  
19           buildings but through the passthroughs.

20           ATTORNEY JAMES RAFFERTY: I think  
21           we're treating those, the notion is like

1 they're like sidewalks and they don't tend to  
2 accommodate bicycle riders riding their  
3 bicycles, but I think that's our thinking and  
4 that's -- I think consistent with municipal  
5 regulations around where one can ride a  
6 bicycle in the city.

7 HUGH RUSSELL: Yet, you have an  
8 entrance to bicycle storage and repair  
9 facility off of one of those.

10 ATTORNEY JAMES RAFFERTY: Well, they  
11 have to dismount and wheel it up. I mean,  
12 they're more than welcome, but I don't think  
13 they get to ride right into the facility, no.

14 H. THEODORE COHEN: Okay.

15 And the second issue is, you know, I  
16 certainly can support the concept of reducing  
17 cars in this area in general, but I think  
18 that runs directly in the face of the issue  
19 of retail businesses need parking. And other  
20 than I think the 70 spots that are proposed  
21 on Binney Street, either you or the

1           devel oper, where do peopl e envi si on that  
2           parki ng -- there wi ll be short term parki ng  
3           for the retail busi nesses?

4                   SUSAN CLIPPI NGER:   There' s qui te a  
5           large number of metered spaces i n the area  
6           and we can certai nly come back and provi de  
7           you wi th a map that j ust shows where al l  
8           those l ocati ons are.   Some on Thi rd, on  
9           Rogers, on Second, on Fi rst Street there wi ll  
10          be some.   So, you know, there' s a vari ety of  
11          l ocati ons and we can certai nly provi de that  
12          to you.

13                   H. THEODORE COHEN:   I woul d  
14          appreci ate that, you know, a map or a number,  
15          you know, what off street -- what on street  
16          parki ng there i s now, and the map woul d be  
17          great so that we can then correl ate i t wi th  
18          some of the proposed retail spaces.

19                   THOMAS ANNIN GER:   I j ust wanted to  
20          understand more cl early the numbers for the  
21          parki ng spaces that we' re tal ki ng about.   On

1 the residential -- on the retail side you're  
2 comfortable with 0.9 per thousand, am I  
3 right?

4 SUSAN CLIPPINGER: That's the lab  
5 building.

6 THOMAS ANNINGER: What did I say?

7 SUSAN CLIPPINGER: Retail.

8 THOMAS ANNINGER: Did I say retail?  
9 The lab building's 0.9 per thousand, and  
10 that's a given and everybody has accepted  
11 that. And I think that's in the ordinance.

12 ATTORNEY JAMES RAFFERTY: That's  
13 correct.

14 BETH RUBENSTEIN: That's correct,  
15 that's in the zoning.

16 THOMAS ANNINGER: Now, I tried to  
17 read the zoning quickly and I thought I saw  
18 in there that for residential it was accepted  
19 that there would be one space per unit. If  
20 it were reduced as you're suggesting to 0.8,  
21 that a deviation from the ordinance or is

1           there room for that?

2                       SUSAN CLIPPINGER:   Between Les and  
3           Jim Rafferty believe that's a variance that  
4           you can grant but you've not been asked to  
5           grant it.

6                       ATTORNEY JAMES RAFFERTY:   Speci al  
7           Permi t.

8                       SUSAN CLIPPINGER:   Speci al Permi t?

9                       ATTORNEY JAMES RAFFERTY:   Ri ght.

10           The ordi nance al lows the appl i cant to avai l  
11           themselves or to -- the ordi nance for thi s  
12           PUD di stri ct recogni zes what i s a generi c  
13           provi si on under Arti cle 6.   It says a  
14           proponent can come i n and seek a Speci al  
15           Permi t to reduce the requi red amount of  
16           parki ng.   So, that' s how i t treats i t.   But  
17           there i s no separate cal l out for resi denti al  
18           parki ng i n thi s di stri ct di fferent than the  
19           overal l ci ty ordi nance around ci tywi de  
20           ordi nance around resi denti al parki ng whi ch i s  
21           one per dwel l i ng uni t.   But we are mi ndful of

1 the fact that recent residential development  
2 in the area suggests that the demand might  
3 not be there. And what I think the  
4 suggestion of Ms. Clippinger was that some  
5 language that when that the proponent should  
6 be encouraged to look at the parking spot at  
7 the time that they go to permit or construct  
8 a residential building and it might, it might  
9 warrant encouraging the applicants to seek  
10 that Special Permit. We just are not seeking  
11 it in this go-round because we don't know  
12 enough about residential parking whether it  
13 would be condos or rentals.

14 THOMAS ANNINGER: So in the  
15 development proposal, be it the initial or  
16 the final one, what would we be approving?  
17 What would we be saying about that ratio?

18 ATTORNEY JAMES RAFFERTY: I suspect  
19 that you might choose to say something along  
20 the lines of what Ms. Clippinger has  
21 suggested that at the time of residential

1 construction, if you thought it was a valid  
2 point, that the applicant should be  
3 encouraged to analyze, demand and see whether  
4 seeking relief would be appropriate. I think  
5 the point you're getting at is a very salient  
6 one. I don't think we can compel an  
7 applicant to seek the zoning relief for  
8 something when their project complies with  
9 zoning.

10 THOMAS ANNINGER: Right.

11 ATTORNEY JAMES RAFFERTY: And I  
12 think we're trying to avoid that scenario.  
13 That we recognize that at some point that  
14 might be a valid and appropriate thing to do,  
15 but to impose a requirement for us to seek a  
16 Special Permit, what would happen if we  
17 didn't get it? And the whole problems that  
18 that creates at that point.

19 THOMAS ANNINGER: That seems like a  
20 good solution to me which is to encourage it  
21 at the time.

1                   SUSAN CLIPPINGER: I think there's  
2                   some value to if the Board feels this way,  
3                   identifying this as something that they're  
4                   comfortable with both for the consideration  
5                   of this project and the other projects that  
6                   are in residential close to transit.

7                   THOMAS ANNINGER: Well, we just had  
8                   this discussion not long ago with Rich  
9                   McKinnon. So it's the same idea, and I think  
10                  we're open to it. I don't know whether  
11                  that's a matter of negotiation, one way  
12                  negotiation that you're talking about or  
13                  whether it's a -- this spin on it that you're  
14                  talking about which is we can't impose upon  
15                  you to require a Special Permit makes it --  
16                  gives it a special angle to it that we have  
17                  to take into account.

18                  All right, thank you.

19                  HUGH RUSSELL: I guess I'll take my  
20                  turn in the rotation. I'd like to see a  
21                  response from the applicant on all of the

1 pedestrian bicycle committee points. I  
2 thought it was a very thoughtful analysis.  
3 And there were a couple of things that came  
4 up in the testimony that might be worth a  
5 narrative at discussion about any impacts of  
6 the Longfellow Bridge work and potential  
7 changes to Rutherford Avenue and how that  
8 might affect volumes. And then other point  
9 was the -- in looking at the street plan  
10 designs, it seems to me, maybe Third Street  
11 is a little different than Second Street and  
12 that maybe the appropriate width of sidewalk  
13 along Third Street at the new residential  
14 retail building might be different than the  
15 11 feet with the tree pits going in. Maybe  
16 that's a detail for the design of that  
17 building itself, but I want to make sure  
18 there's enough space to be able to look at  
19 that in the future.

20 Pam.

21 PAMELA WINTERS: Well, two out of

1 three of my questions have been asked and  
2 answered so, I just have one last one.

3 A resident had mentioned their concern  
4 about tanker trucks going down Binney Street  
5 and I was wondering if you could allay her  
6 fears about that or if you had any thoughts  
7 about the tanker trucks going down Binney  
8 Street.

9 SUSAN CLIPPINGER: I probably can't  
10 allay her fears, although hopefully they  
11 won't roll over and create a fire. But Land  
12 Boulevard, Binney Street down to both Main  
13 and Vassar are truck routes. The Mass. Pike  
14 requires hazardous vehicles to get off the  
15 exit 18 River and Western. There's  
16 restrictions in the tunnel sections into  
17 Boston. So, there are a lot of trucks that  
18 are seeking access to the Chelsea Everett  
19 area, fuel farms. So we live with the  
20 geography that we've inherited, you know. So  
21 there will always be tankers and trucks using

1           these streets. I think we, you know, it's  
2           not a new condition and, you know, these are  
3           also trucks that pass through the heart of  
4           Central Square, and in an area that's also an  
5           active retail area. So I believe that if I  
6           had my druthers, they'd go away. But I think  
7           it is possible to create a vibrant urban  
8           area, retail space with all the goals that  
9           Alexandria (inaudible) truckers and tankers  
10          using that road.

11                   PAMELA WINTERS: And we've never had  
12          an opportunity with tanker trucks in that?

13                   SUSAN CLIPPINGER: Knock on wood.  
14          Yes.

15                   PAMELA WINTERS: Okay. Thank you.

16                   WILLIAM TIBBS: I'm going to tag on  
17          to that one and I guess I'm going to, having  
18          heard what you just said, I guess I have a  
19          question which you don't have to answer now,  
20          but at least in your -- as you come back to  
21          us, is there anything about that truck

1 traffic that -- or how are you considering  
2 that truck traffic in terms of the kind of  
3 imagery and the kind of place that you want  
4 to create and does it affect it or are we  
5 slowing trucks down are we speeding them up?  
6 There's no -- your great rendering don't have  
7 a truck in them. So I just want to -- I'm  
8 interested in you as a developer are just  
9 treating that issue and given the safety and  
10 overturn and all that stuff that Sue just  
11 mentioned. I'm just interested in just what  
12 your attitude is about it.

13 I'm also going to piggy-back on Ted's  
14 comment on customer parking and, Ted, you  
15 kind of asked Sue, and Sue you said you were  
16 going to show what we had. I just wanted to  
17 get clarification from you as to what you're  
18 attitude was about customer parking. And I  
19 do want to say that in my mind part of any  
20 merchandising plan is also figuring out where  
21 your customers are going to park, and it

1 helps -- I think it's not just an issue -- if  
2 you're saying it's only on street parking, I  
3 guess I need to hear that. But if -- I would  
4 hope that is part of some strategy that  
5 you're trying to do to improve the retail in  
6 the area that you as the developer might have  
7 options that go beyond just the street  
8 traffic. And, again, you don't have to  
9 answer that right now.

10           And then relative to the bicycle issue,  
11 I guess I'm -- you know, Mr. Rafferty, you  
12 said obviously we do -- we don't allow -- as  
13 far as bicycles on sidewalks and stuff. But  
14 one of the things that impressed me about  
15 what you showed me tonight is just how broad  
16 and wide and interactive those cross streets  
17 can be or cross zones can be. So, I would --  
18 I'd like to see a more thoughtful approach to  
19 how you're going to integrate bicycles  
20 travelling through there. They're much  
21 bigger, and it's not such a sidewalk. Do you

1 want to have a lane very much like we have  
2 with parks and stuff? That people can drive  
3 up to the bicycle store and pedestrians are  
4 separated from that? I'm interested in  
5 hearing that, again, what you as the  
6 developer goes beyond what the city is,  
7 quote, unquote, providing. And I think  
8 that's, that's it for my traffic questions  
9 relative to this.

10 HUGH RUSSELL: Charles.

11 CHARLES STUDEN: When I look at the  
12 entrances to the various parking garages that  
13 are proposed, most of them with the exception  
14 of one, make sense to me. The one that I  
15 question, and I'm wondering if perhaps it  
16 could be relocated, has to do with the garage  
17 at 100 Binney Street off of Linskey Way.  
18 Curiously that entrance goes through the  
19 mid-block connector and it seems unfortunate  
20 that we have to have an entrance to a parking  
21 garage that significantly narrows the

1 pedestrian space between those two buildings,  
2 between 300 Third and 100 Binney. Binney  
3 Street, that block is the longest block in  
4 the development as well, so to me that  
5 mid-block connector is a very important one  
6 especially because it's on access with the  
7 park and ice skating rink across from Linskey  
8 Way. So, you know, and I know that this is a  
9 -- not an easy thing because of the grades  
10 and so on and also because of the way the  
11 building is being configured, but is it  
12 possible, the loading dock right now for 100  
13 Binney is located on Linskey Way toward the  
14 center of the building. Is there some way to  
15 get the entrance to the garage out of that  
16 mid-block connector and into the building? A  
17 way that would free up that space for  
18 pedestrians.

19 ATTORNEY JAMES RAFFERTY: Well, we  
20 can share with you --

21 HUGH RUSSELL: I think maybe you

1 should take that as a request to show us your  
2 thinking on that in the alternatives rather  
3 than trying to answer it tonight.

4 ATTORNEY JAMES RAFFERTY: Fine.  
5 Sure.

6 CHARLES STUDEN: Yes.

7 ATTORNEY JAMES RAFFERTY: Suffice it  
8 to say it's been a subject of a great deal of  
9 thought about impacting the Binney Street  
10 sidewalk between all that, but we'd be happy  
11 to share all that with you.

12 THOMAS ANNINGER: Can I ask one  
13 question?

14 HUGH RUSSELL: Sure.

15 THOMAS ANNINGER: One more traffic  
16 question. The other day I was driving around  
17 and I think it was on Linskey Way. I took a  
18 right turn from I guess it was Binney and  
19 went around a block and I -- I'm not sure  
20 what street it was on, but all of a sudden I  
21 find myself going west. And in the middle of

1 the street there was a one way sign stopping  
2 you from going through and forcing me to do  
3 something that seemed pretty (inaudible).  
4 Can you tell me what you -- from the look on  
5 your face you know what I'm talking about.

6 ATTORNEY JAMES RAFFERTY: You were  
7 on Linskey headed towards Third Street.

8 THOMAS ANNINGER: Yes.

9 ATTORNEY JAMES RAFFERTY: And you  
10 couldn't go to Third Street and you had to  
11 take a left in what felt like a driveway.

12 THOMAS ANNINGER: That's correct.  
13 Can you tell me what's going on there? And  
14 is that going to change maybe?

15 SUSAN CLIPPINGER: That's part of  
16 the work with Cambridge Research Park which  
17 we had done trying to do everything we could  
18 to encourage the vehicles going -- especially  
19 in the p.m. peak when they're leaving, to go  
20 toward First Street and not to use Third  
21 Street by making Third Street not accessible

1 from Linskey. It has a great intention.  
2 It's a little bizarre in the implementation.

3 HUGH RUSSELL: Ahmed.

4 AHMED NUR: Yes, I just have one  
5 question for Sue with regard to Triangle  
6 Park. Some of the residents were saying that  
7 maybe traffic was going to divert from Third  
8 to First. How is that going to affect -- is  
9 there a light -- I can't even remember  
10 actually -- on Linskey Way to cross over to  
11 the park? How did the pedestrian get from  
12 there to this park? And if they do, I guess  
13 this would be for the developer or maybe, you  
14 know, is there any walls or -- I see some  
15 trees around it. Is there anything that can  
16 divert the view of the people that are at the  
17 park to enjoy the park?

18 SUSAN CLIPPINGER: I mean, just in  
19 terms of the traffic, the traffic volumes on  
20 that section of the First Street between  
21 Binney and the merge with Land Boulevard are

1 much lower than anywhere else on those  
2 streets because it's not really a major  
3 destination point. So one of the advantages  
4 for that particular side of Triangle Park is  
5 that the quality and the scale of that urban  
6 street is probably as small as any of the  
7 streets you're seeing there, and we're  
8 looking at providing parking along the side  
9 that abuts 50 Binney Street. So you would  
10 have a smaller cross section, a more urban  
11 street, a much more sort of low key  
12 environment. It doesn't carry anything like  
13 the volumes that First Street north of Binney  
14 Street carry. So I think there's a real  
15 opportunity as they're working on their  
16 design, to have that Triangle Park to feel  
17 like it's not separated on the First Street  
18 side from the development, and that will be  
19 -- it's probably the best pedestrian  
20 connection and connection to the project.

21 AHMED NUR: Okay.

1                   WILLIAM TIBBS: I just would like to  
2 second that idea as you're looking at what  
3 things you can do which are under your  
4 control.

5                   HUGH RUSSELL: Okay. So have we  
6 completed our transportation and traffic  
7 comments?

8                   Well, I'm thinking that we made a lot  
9 of progress on the determination. And should  
10 we attempt to now open up to all the other  
11 questions and see if we can lay out the rest  
12 of the questions and maybe even to a point of  
13 actually reaching a determination tonight?

14                   So, why don't we start down the table  
15 with Charles opening up the subject if you're  
16 ready.

17                   CHARLES STUDEN: Sure. I guess I  
18 want to start out by saying something that I  
19 said earlier to David which had to do with  
20 the application itself. I was struck by how  
21 complete it was and thorough and easy to

1 follow and that made me very, very happy.  
2 But, the truth is, of course, this is a very,  
3 very large development project. 1,750,000  
4 square feet. We're doing our best here to do  
5 it in a way that respects the existing  
6 development. And also to try to make certain  
7 that the ground level, which so often is a  
8 big concern of developments like this, is one  
9 that's lively and functional and an  
10 attractive place to be. I'm a little  
11 concerned that the 20,000 square feet of  
12 retail that's currently proposed as part of  
13 this development proposal is a very small  
14 percentage of the total square footage, and  
15 understand that the goal of course is to have  
16 a lot more in the future. But I think that  
17 what we're trying to do here tonight is to  
18 look at this project and come to the  
19 conclusion that the benefits of the project  
20 outweigh any adverse effects it might have on  
21 the community. And I know that the traffic

1 is certainly one of those and we're going to  
2 talk about that a little bit more in the  
3 future. I believe the overall benefits are  
4 very significant. That by moving forward  
5 with this project, we maintain Cambridge's  
6 primacy in the life sciences which is  
7 important. And that this means jobs for  
8 people, which is also very important  
9 especially in this economy. And related to  
10 that, of course, is the whole issue of the  
11 tax base, real estate taxes that this will  
12 generate. But, the planner and the landscape  
13 architect in me and the residents of the city  
14 of Cambridge, the part of it that really  
15 appeals to me is the Rogers Street Park.  
16 This is a very, very rare opportunity that  
17 scarcely comes to any city to have a two acre  
18 park in a location like this as part of  
19 what's being proposed here. So I think these  
20 are very, very significant. I don't have any  
21 real issues or questions relative to the

1 development proposal other than the questions  
2 that have already been brought up. There is  
3 one thing, though, that I would just ask you  
4 to clarify, and that has to do with the two  
5 courtyard spaces.

6 The one at 161 First Street and then  
7 the other at 225 Binney. I believe there are  
8 only two. In the narrative it talks about  
9 those spaces as possibly having public  
10 access. And I'd really like to have those be  
11 publically accessible. And I'm not sure why  
12 you're saying they may be as opposed to will  
13 be and perhaps you can clarify that at some  
14 point.

15 ATTORNEY JAMES RAFFERTY: The short  
16 answer is because they're residential  
17 buildings, and the courtyards are envisioned  
18 as amenities for the residents.

19 CHARLES STUDEN: I see. Only to be  
20 used by the residents of those complexes.

21 JOSEPH MAGUIRE: That's true for 161

1 First Street. Binney Street is a commercial  
2 building.

3 CHARLES STUDEN: I see.

4 HUGH RUSSELL: Okay.

5 Bill.

6 WILLIAM TIBBS: I have a couple of  
7 issues. I think the -- or just questions.  
8 The first is just about phasing in general  
9 and that, and just what your strategy is or  
10 whatever. I think with North Point and other  
11 fairly large developments of the city, at  
12 least to have an understanding of what your  
13 thoughts are based on how to understand the  
14 components of that and how things should be  
15 linked and tied together. So if you can be  
16 prepared to talk about that, particularly  
17 relative to the landscape. I'm sure you'll  
18 be -- Sue will be talking to you about that  
19 relative to traffic mitigation stuff that  
20 she's working with and the retail.

21 And that leads me to my second point

1        which is around the merchandising plan. I  
2        was impressed with some of the ideas that Big  
3        Red Rooster kind of presented, but I do want  
4        to really distinguish between what I call  
5        those -- I don't want it to sound by any  
6        means negative -- the touchy-feely stuff to  
7        the stuff that really makes the place work.  
8        Small scale versus medium versus large. I  
9        mean, what do we need to make this stuff  
10       work? In your presentation The Big Red  
11       Rooster did they talked about localized  
12       retailing. And I mean -- or you said a  
13       legalized retailer, and you had a guy  
14       standing there. I'm interested in just what  
15       that is and is that a strategy? And what are  
16       the things that helps? What are -- I think  
17       the retail -- you're creating a -- one of the  
18       things that I'm impressed with, you're  
19       creating a place that's very different than  
20       what's there now. And the retail piece of  
21       that is such a strong element of what's going

1 to make or break that place. So the last  
2 thing we want is something that's just a  
3 truck route going through bigger buildings.  
4 And the vibrancy of the kind of imagery that  
5 you have is so retail based, and I think  
6 it's important in your merchandising plan or  
7 your approach to it even if you don't, you  
8 know, have every little detail in the plan,  
9 what works. And what works in other places  
10 and how can that be transferred here. And  
11 more important, having sat on the Board for  
12 such a long time and listening and seeing how  
13 retail comes and goes, I think -- I forgot  
14 the woman, the one who said that, you know,  
15 in her building that has a lot of residents  
16 in it, they couldn't even keep a cleaner  
17 going. I mean, regardless of the fact that  
18 people couldn't stop there, I think it's very  
19 important to hear what are the challenges and  
20 what are the kinds of things that you can do  
21 as part of your merchandising plan to

1 overcome those challenges. And I don't know  
2 what those are, but I just want to, you know,  
3 more strategy relative to how to make retail  
4 work, because I think those of us who have  
5 been here a long time, just see a very mixed  
6 bag of stuff going on here. And I need to  
7 have a much better understanding as to, you  
8 know, what works and what doesn't. And as an  
9 economic -- does the developer have to, or  
10 the owner have to be flexible in terms of  
11 rents they charge and the kinds of things --  
12 do you designate small stuff? Do you make  
13 places that are targeted areas that you go  
14 to? I was just in New York and I went to a  
15 restaurant, you know, and the restaurant  
16 itself was not in a great place, but it  
17 definitely was a place where a lot of people  
18 wanted to go to. And so they got there and  
19 they found out how to park and get there. So  
20 I just don't understand all that stuff. So  
21 opposed to more wood and signs and banners,

1 we've seen a lot of that. What really are  
2 the kind of strategies that make retail work  
3 as part of that plan? And I think that's it  
4 for the time being.

5 PAMELA WINTERS: So, I'm not going  
6 to really make any comments because my  
7 colleagues have said what I was going to say.  
8 And the issues involving traffic, the project  
9 being a benefit to the city and also concerns  
10 about the retail. So I'm not going to  
11 repeat, you -- both of you said it very  
12 eloquently.

13 HUGH RUSSELL: Okay. We received a  
14 letter from the city about water upgrades and  
15 about street light upgrades and I'd just like  
16 to put those -- make sure those are on the  
17 list. They seem to me to be clear statements  
18 of things that need to be addressed.

19 In the merchandising plan I'm not quite  
20 sure how that fits into the overall  
21 regulatory piece, but I'm guessing it's a --

1 something that we would have approved in the  
2 final condition. And I'm wondering if you  
3 can address at that time what you would do in  
4 the currently seen strategy of the spaces  
5 that are designated for future use. I mean,  
6 if you know a company puts a -- you know,  
7 leases three or four floors of the building,  
8 they put an absolutely crucial function in  
9 one of those spaces on the ground floor, it's  
10 going to make it more difficult to turnover.  
11 But on the other hand if somebody is leasing  
12 three or four stories of your building, you  
13 want to be as accommodating as you can and  
14 you want to have a use there that might be as  
15 conducive as possible to helping this  
16 temporarily. So I don't have any solution, I  
17 just say that's an issue to be addressed.

18 And then the last thing is streetscape  
19 and facade types. There's a lot of detail  
20 thinking there, and it's built on a lot of  
21 experience that people on your team have had,

1 and I assume that Roger has been talking to  
2 you about that. And I just think that -- I  
3 don't see anything except for that one  
4 comment about there's great sidewalk. But  
5 I'd like to be able to continue with the  
6 staff to refine, if necessary, and maybe we  
7 should ask at some point the staff to comment  
8 to us on those proposals.

9 Those are my comments.

10 THOMAS ANNINGER: Okay. The  
11 proposal is very complete and very thorough  
12 and has covered a lot of ground that I think  
13 is all well done. I think our job is in part  
14 to look for those areas where maybe some of  
15 the things are not fully flushed out. I want  
16 to touch on one that Charles mentioned and  
17 didn't linger over, and that's the 20,000  
18 retail.

19 As you read through, this the word  
20 retail comes up in almost every paragraph.  
21 It's overpowering in its excitement about

1           what it is that the vision that you have. On  
2           the one hand you hear people from the  
3           neighborhood and I understand that, worried  
4           how you're going to even pull it off. On the  
5           other hand, when I read through it, I didn't  
6           understand where that number 20,000 came  
7           from. If you did all the retail that seemed  
8           -- that you seem to be talking about, I don't  
9           see how 20,000 would be even close to enough  
10          to meet the need for all of the hope that  
11          you've created in this document. Can you  
12          give us an idea just how the numbers add up  
13          to 20,000? It doesn't come from the  
14          ordinance as far as I can tell or does it?

15                   ATTORNEY JAMES RAFFERTY: It does.

16                   THOMAS ANNINGER: It is in the  
17          ordinance?

18                   ATTORNEY JAMES RAFFERTY: Yes.

19                   THOMAS ANNINGER: And is it a max?

20                   BETH RUBENSTEIN: Minimum.

21                   ATTORNEY JAMES RAFFERTY: Minimum.

1                   THOMAS ANNINGER: And when you're  
2                   tal king 20,000, you're treating that also as  
3                   a mi ni mum?

4                   ATTORNEY JAMES RAFFERTY: Well, as a  
5                   starti ng poi nt.

6                   THOMAS ANNINGER: As a starti ng  
7                   poi nt.

8                   MALE AUDI ENCE MEMBER: As an  
9                   obl i gati on.

10                  JOSEPH MAGUI RE: It's an obl i gati on  
11                  that we provi de at least that 20,000 square  
12                  feet. We laid that out in the various points  
13                  in the bui lding in the darker areas, the kind  
14                  of light brown areas on thi s map. They're  
15                  laid out in the key points. So usual ly  
16                  that's going to show up orange. Retail on  
17                  the first floor, 270 Thi rd Street. There's  
18                  pieces of retail here and here and here and  
19                  here. And in the corner of --

20                  THOMAS ANNINGER: If you add those  
21                  all up and they all became retail, what would

1 that add up?

2 JOSEPH MAGUIRE: That's 20,000.

3 That's the minimum. And what we have  
4 committed to is that we will develop these  
5 buildings in such a way that there's much  
6 space as possible could be turned over to  
7 retail use going into the future. I will  
8 tell you that as we get into our  
9 merchandising plan, you know, 20,000 square  
10 feet may not be the number we end up with.  
11 We may end up with something larger. I'm  
12 thinking it might be larger. But we didn't  
13 want to over promise based on all the empty  
14 storefront that we saw, you know, in the  
15 area. And we felt comfortable that we could  
16 get to at least that 20,000 minimum square  
17 feet and possibly more.

18 ATTORNEY JAMES RAFFERTY: Just to  
19 follow up, it wasn't a very extensive point  
20 of discussion with the department, the  
21 Ordinance Committee and the neighborhood

1 working group. In the language, the  
2 ordinance goes on to say there's a minimum of  
3 20 but there's a requirement that the ground  
4 floor of these buildings be designed in order  
5 to be able to accommodate future retail. So,  
6 that's the presentation where Mr. Manfredi  
7 was going with the balance of 100 Binney  
8 Street building. We probably should have  
9 noted not only do we want that to happen,  
10 frankly we're required to design the building  
11 that way. So that when those opportunities  
12 present themselves, we couldn't say from a  
13 design perspective say sorry, that building  
14 doesn't work there because it's got a blank  
15 facade or it's got something that doesn't  
16 work. These at the ground floor are required  
17 to over time evolve into retail and that's  
18 one of the design standards or criteria for  
19 this district.

20 THOMAS ANNINGER: And do you have  
21 any idea if those spaces that you create the

1 framework that are functional retail that are  
2 above and beyond the 20,000 what would that  
3 add up to?

4 DAVID MANFREDI: If you took all of  
5 the storefront on both sides of Binney and  
6 you took it to a retail depth of say 60 feet,  
7 there's another 40,000 square feet in  
8 addition.

9 THOMAS ANNINGER: I guess in the  
10 final development proposal I would be  
11 interested to see some more discussion of  
12 that so we can understand better how 20,000  
13 adds up and what you just talked about.  
14 That's No. 1.

15 No. 2, there's a phrase in here, and  
16 you said it again today, Mr. Manfredi, a  
17 commitment to diversity in architecture.  
18 Now, this is no slight to you, Mr. Manfredi,  
19 with whom we've had a traffic relationship  
20 and a lot of success in a number of projects.  
21 But when that concept came up at North Point,

1 not always the best of references, we  
2 actual ly had a commi tment to use a di versi ty  
3 of archi tects to meet that di versi ty of  
4 archi tecture. And I guess I wanted to  
5 understand how you thought you woul d address  
6 the di versi ty that you're tal ki ng about. And  
7 you don't have to answer that tonight  
8 necessari ly. I woul d put that as a questi on,  
9 but I thi nk i t needs some more expl anati on.  
10 As to just how you're going to get there.  
11 The -- I guess the underlyi ng vi ew i s one  
12 archi tect to one extent i s to bei ng asked to  
13 do more di versi ty than perhaps he has wi thi n  
14 hi m. And I thi nk we need to ask maybe to  
15 thi nk about going to others.

16 ATTORNEY JAMES RAFFERTY: Hi s i dea  
17 of di versi ty to have Mr. El kus do a bui l di ng.

18 THOMAS ANNINGER: Exactl y.

19 JOSEPH MAGUIRE: We pl an -- wi th  
20 Davi d, wi th 100 Bi nney Street we pl an on  
21 havi ng another round sel ecti on process where

1 we go out and solicit bids from other  
2 architects. So we're going through a process  
3 sometime in the next three, four months  
4 internally to identify another architect to  
5 again, diversity was wanted and we're going  
6 to move forward on that. So we plan on each  
7 time we're looking at a structure just  
8 looking at architecture.

9 THOMAS ANNINGER: Thereto I would  
10 like to see that addressed in a final  
11 development proposal.

12 ATTORNEY JAMES RAFFERTY: No such  
13 commitment on legal.

14 THOMAS ANNINGER: Diversity, there  
15 might be a good idea. We like continuity.  
16 Let's move on.

17 HUGH RUSSELL: Ted.

18 H. THEODORE COHEN: Comments have  
19 covered almost all of my points. I want to  
20 clarify one or two things.

21 Am I correct the concept that what is

1 shown there, 20,000 retail is shows up on the  
2 plans as first generation?

3 ATTORNEY JAMES RAFFERTY: Yes.

4 H. THEODORE COHEN: And what shows  
5 up here is second generation is some of this  
6 space that you hope that you're designing for  
7 future retail if it comes to that.

8 DAVID MANFREDI: Correct.

9 H. THEODORE COHEN: But these great  
10 drawings second generation are not what we're  
11 going to see immediately, certainly not in  
12 this economy.

13 JOSEPH MAGUIRE: We don't know.  
14 We're gonna market, and retail is a very  
15 important amenity to our buildings and we're  
16 gonna do our best to maximize the retail at  
17 these locations.

18 H. THEODORE COHEN: Great. And that  
19 leads to my second point which goes back to  
20 the merchandising plan and what everybody  
21 else has been talking about, which is that if

1 we're looking, at you know, a 10, 15, 20 year  
2 build out, you know, at what point do you  
3 envision reaching some sort of critical mass  
4 that will be able to sustain the retail so  
5 that the initial, you know, you're going to  
6 build 100 first and that will have some  
7 retail in it. But you're not going to have  
8 additional residential nearby and other  
9 projects in the area aren't going to exist  
10 yet. And so that retail has to be sustained  
11 by something. And I'm just curious as to  
12 what you're marketing and merchandising plan  
13 is, you know, whether they get subsidized  
14 somehow or just what you envision is going to  
15 sustain, you know, the early people who go on  
16 who are not going to have a large enough  
17 population base to really sustain retail  
18 until the whole project gets done.

19 HUGH RUSSELL: Another way of  
20 answering that is looking at the radius of  
21 businesses where they're tracking people

1 from. Is there, you know, thousands of  
2 people within walking distance, tens of  
3 thousands of people within walking distance?  
4 So then, it's a very rich question.

5 Steve.

6 STEVEN WINTER: Thank you.

7 Mr. Manfredi, is it possible that we  
8 can develop a new sector of personal i ty,  
9 multiple personal i ty sector where an  
10 architect can use another personal i ty?

11 DAVID MANFREDI: I'm working on  
12 that.

13 STEVEN WINTER: The importance of  
14 the Rogers Street Park, let's not forget when  
15 we're talking about this project. That's a  
16 big deal. Let's not forget that.

17 And the other piece is -- I also  
18 believe that the commercial RND office need  
19 high scale, high risk jobs that's really  
20 important. Let's not forget that either.  
21 Both of those things are.

1 I definitely need more detail on the  
2 merchandising plan and the outcomes and how  
3 those outcomes might be measured. I think  
4 the proponent might be wise to put a little  
5 context around Triangle Park before even you  
6 work some kind of community process. I don't  
7 know how you're doing that. I think I would  
8 like to know how the proponent sees that  
9 space being used? Is it open to look across?  
10 Is there -- what kind of things are being  
11 used?

12 ATTORNEY JAMES RAFFERTY: It's the  
13 city's park. We convey to the city.

14 BETH RUBENSTEIN: Both of the parks  
15 are designed to be by the city. As has been  
16 noted, the developer is donating the land to  
17 the city and also \$9 million. Even we ought  
18 to be able to do it for \$9 million. They're  
19 planned to be designed by the city.

20 STEVEN WINTER: Okay. I'm fine with  
21 that.

1 I would like the proponent to do the  
2 due diligence that's required to look at the  
3 requirement of some kind of pedestrian  
4 crossing between Third and Second on Binney  
5 where the building is open there right in the  
6 middle. Now, it could be that it doesn't fit  
7 with traffic design. That's fine, I'm  
8 willing to accept that. I think there's a  
9 desire line that goes through that, through  
10 that gap into Rogers Park, and I'm just  
11 wondering if we couldn't exploit that with  
12 some kind of technology at the signalling or  
13 something. I don't know what, but I would  
14 just like that to be looked at to see if  
15 that's possible and see if that's workable.  
16 And in fact, it might not be and I'm willing  
17 to accept that.

18 And the last comment I had is -- I also  
19 think that we had have thoughtful comments  
20 from the bicycle committee that made me think  
21 about what is the, what is the intended use

1 of those wonderful public spaces in between  
2 those buildings. And I think that the design  
3 of them can help us understand -- they're not  
4 for bicycles. The design of it can help us  
5 to understand they're for strollers and  
6 children to be walking in all those kinds of  
7 things. But I would like some real  
8 deliberate intention from the proponent that  
9 says this is what these are for and this is  
10 how they're being built and this is how we  
11 see them being used. That kind of guidance  
12 is welcome.

13 ATTORNEY JAMES RAFFERTY: In the  
14 building 100 plan, and we've gone to work on  
15 it. We do call out specifics. But building  
16 100 is seen as being developed in conjunction  
17 with the -- what do we call that? 41  
18 Linskey, the maple syrup building. In that  
19 space that Chris has begun to work on is a  
20 big part of the site plan for building 100.

21 STEVEN WINTER: Thank you,

1 Mr. Chairman.

2 HUGH RUSSELL: Ahmed, do you have  
3 any comments?

4 AHMED NUR: All my questions have  
5 been answered except the only one that I have  
6 is probably, and you don't have to answer  
7 this right now, but probably the phase you're  
8 still doing building 100 first and 50, is  
9 that what you're planning for Phase 1.

10 JOSEPH MAGUIRE: Phase 1, and this  
11 is Phase 1 IS as well as 100 Binney Street  
12 and 75 Binney Street. So we're trying to get  
13 at the beginning of the cluster. We picked  
14 those two buildings because they're two  
15 different sizes which could mean different  
16 types of tenants. So that's it.

17 AHMED NUR: I guess what I would  
18 like to see in-depth is foundations, how far  
19 you're taking them down as far as soil and  
20 grout. It sounds like Binney Street is a  
21 truck road. So engineer and soil testing

1 would be for our next meeting. I'd like to  
2 have it, information on that. And to see if  
3 Roger wanted to take the microphone and tell  
4 us what you think of -- I know you did it  
5 last time.

6 ROGER BOOTH: Maybe the next time.

7 AHMED NUR: That's great.

8 HUGH RUSSELL: So here we are, it's  
9 10:30. Do we feel that we want to make a  
10 determination tonight or start all over or do  
11 we need to take a few weeks to think about it  
12 and do it at a later date? Ted?

13 H. THEODORE COHEN: I think I would  
14 like to think about it. Go back, and look at  
15 the site again. And also I think we've  
16 requested an awful lot of information from  
17 the developer and from traffic and parking  
18 that I think I would like to see before we  
19 make a determination.

20 ATTORNEY JAMES RAFFERTY: Can I just  
21 raise a point on that because I'm trying to

1 sort through. Some of this information came  
2 -- seems it should find itself into the final  
3 development plan. I wonder if the Board  
4 might be assisted by looking at 12.35.3 and  
5 those, if the Board concludes that those  
6 three criteria cannot -- a determination  
7 cannot be reached without additional  
8 information, we would obviously -- you  
9 wouldn't make it. But there is one part of  
10 me that thinks given the nature of that  
11 determination on page 12-4 lots of this  
12 information really seems more appropriate for  
13 the final development plan.

14 BETH RUBENSTEIN: And, Hugh, if I  
15 may, Lester is just reminding me, and I think  
16 I may have said it earlier, the preliminary  
17 determination often does what you all have  
18 done tonight; that is, points the way for the  
19 additional items that you want to see in the  
20 final development plan.

21 ATTORNEY JAMES RAFFERTY: In the

1 prior paragraph it basically says the Board  
2 can approve, approve upon further information  
3 in the final development plan, or -- I won't  
4 mention the third one because we don't like  
5 that concept.

6 HUGH RUSSELL: So we're talking  
7 about a conditional approval?

8 ATTORNEY JAMES RAFFERTY: Right or  
9 subject to the following information being  
10 included in the final development plan.

11 HUGH RUSSELL: Right.

12 Does everybody have that?

13 THOMAS ANNINGER: We don't have  
14 25.3.

15 ATTORNEY JAMES RAFFERTY: Mr. Chair,  
16 if it helps, the last few of these I've done  
17 with the Board have been conditional  
18 approvals with subject to the additional  
19 information. It certainly preserves the  
20 Board's options.

21 WILLIAM TIBBS: I sure feel more

1 comfortable with a conditional approval than  
2 an approval because it keeps it clear.

3 THOMAS ANNINGER: I'm not sure  
4 there's a clear understanding of what we're  
5 talking about.

6 WILLIAM TIBBS: This comes up almost  
7 every time we talk about this.

8 THOMAS ANNINGER: I'm not sure what  
9 Ted was exactly getting at, but I got the  
10 feeling that he thought that if we gave it  
11 approval, we had given it approval. Maybe I  
12 misunderstood what he was saying, but that's  
13 not what I think you're asking for. We're  
14 talking about the initial development  
15 proposal which is seen as an -- is this a --  
16 I usually see in general terms is it  
17 conceptually a satisfactory approach to this  
18 very large project that we're talking about.  
19 And if we put conditions on it, those  
20 conditions, as usually framed in by questions  
21 that need to be addressed in the second round

1 when we have yet another public hearing and  
2 we have a chance to really dig in deep to see  
3 whether this answers all of the questions  
4 that we have. I frankly don't see after what  
5 we did rather thoroughly tonight back and  
6 forth that there will be any further  
7 questions that need to be addressed at the  
8 initial development proposal stage which  
9 can't be addressed at the final one if they  
10 happen to have not been fully ventilated  
11 tonight. So, I would have thought just  
12 contrary which that we've done as much as we  
13 usually do for an initial development  
14 analysis, and I think everybody does agree  
15 that there's been such a thorough vetting of  
16 this project giving the whole year that was  
17 spent on it, given the more detailed PUD  
18 language than we've ever seen in the  
19 ordinance, and all of those requirements seem  
20 to have been met, what we will have to do, as  
21 somebody said at the podium, somehow we need

1 some statement, perhaps a combination of  
2 things. But from the Community Development  
3 Department that all of the many detailed  
4 requirements of the ordinance are being met  
5 except for perhaps those areas where we have  
6 to make a determination, a judgmental  
7 determination, and there are a number of  
8 those. But I think we need, in terms of  
9 process, a combination of a statement from  
10 the Community Development Department.  
11 Perhaps the Department of Public Works and  
12 perhaps others, traffic and so on, that all  
13 of the technical things have been met and  
14 maybe we need to then focus carefully on  
15 where we have to make findings that they have  
16 been met on a judgmental basis. And then I  
17 think we're ready to -- we will be ready to  
18 face the final development proposal. But I  
19 can't see why we can't do the initial  
20 approval tonight.

21 HUGH RUSSELL: If you look at the

1 three numbered items that were, that we would  
2 be considering, one is with the general  
3 development controls set forth in Section  
4 12.50. And I would agree that none of us on  
5 the Board have read it line by line, item by  
6 item analysis of that. But at the same time  
7 no one has said, brought up any point that  
8 says that it's not true. So we have no  
9 evidence that it isn't true. We have a  
10 commitment to do that.

11 Two is conform with the planning and  
12 that's the same question and I would say  
13 that's the same answer that they -- they've  
14 attempted to do that. No one has pointed out  
15 anything that they've failed to do. That  
16 doesn't mean that there might not be  
17 something that might be found. I think we  
18 can comfortably make both of those findings.

19 And the third one is an interesting  
20 general statement, provide benefits to the  
21 city which outweighs adverse impacts. And we

1 are to consider the quality of the design,  
2 compatibility with adjacent land uses,  
3 traffic flow, utilities and other public work  
4 impact on public facilities, potential fiscal  
5 impact. And I think we can also -- what  
6 we've heard evidence of some negative  
7 impacts, I think the overwhelming evidence is  
8 that positive impacts on these categories.

9 STEVEN WINTER: I concur.

10 CHARLES STUDEN: I do, too.

11 PAMELA WINTERS: And also it says we  
12 shall consider. It doesn't say that we need  
13 to.

14 HUGH RUSSELL: I think it's a  
15 balancing act. And the basic balancing is  
16 that we -- there are going to be more trips  
17 to this area, and that's going to be not  
18 great in some places as identified in the  
19 study. And there is to what mitigation can  
20 accomplish. That's basically the only  
21 negative that we've talked about. And I

1 would also characterize the Traffic and  
2 Parking Department's report as not alarmist  
3 at all. And I think if you read that report,  
4 they're saying this is a manageable situation  
5 for us in the city. We can handle it. It's  
6 going to take some work. It's going to take  
7 some thinking in the next few months. It's  
8 going to take some thinking as things change  
9 over the next -- over the duration of  
10 construction of the project, whatever number  
11 of years it might be. So I myself feel like  
12 we've done the work we have to do tonight  
13 because we're not precluding of bringing up any  
14 issue that has not occurred to us at the next  
15 stage.

16 WILLIAM TIBBS: Again, in the past  
17 we've done a conditional approval which to me  
18 seems to be the approach that would make  
19 sense. It still gives us flexibility because  
20 it's conditional. But, yes.

21 H. THEODORE COHEN: I certainly have

1 no di ffi cul ty ma ki ng the fi ndi ng s re qui red by  
2 12. 35 thi s eve ni ng. My con cern i s maybe more  
3 a se man ti c one, and I thi nk i f we di d  
4 any thi ng, i t wou ld be a con di ti on al ap pro val  
5 whi ch 12. 35. 2 say s wi th re com men da ti on s and  
6 mo di fi ca ti on s we threw out a lot of  
7 con di ti on s for the devel o per to con si der and  
8 to re port back to us on and for per haps staff  
9 to con si der and re port back to us on. So I  
10 don' t know i f we were to take a vote thi s  
11 eve ni ng and ma ki ng a con di ti on al ap pro val  
12 whe ther we' re ac tu al ly a ma ki ng any  
13 re com men da ti on s for mo di fi ca ti on s or whe ther  
14 there are thi ng s that wi ll come up that, you  
15 know, Steve asked about can you have a cross  
16 walk in Binney Street, but he' s pre pared to  
17 say i t doesn' t work. So are we ma ki ng the  
18 re com men da ti on that we want him to pur sue  
19 some thi ng like that or do we want them to  
20 come back and say thi s re al ly doesn' t work  
21 for X, Y or Z? Si mi lar ly the ac cess to 100

1 Binney Street works best at this location  
2 because of these five rationales, even though  
3 we understand why you might prefer it in a  
4 different location. It just feels that if we  
5 decide this evening, we are not giving the  
6 developer enough direction or an opportunity  
7 to explain why some things work and other  
8 things don't. I view it more as an  
9 opportunity to be working with them to help  
10 them come up with the final plan that we're  
11 all happiest with. But I certainly have no  
12 objection and I feel we can certainly  
13 conclude that we -- I'm comfortable with  
14 making the findings on 35.3.

15 CHARLES STUDEN: I have a concern  
16 around the timing, Beth. It says here that  
17 within 21 days after this hearing I believe  
18 we have to make a determination concerning  
19 the development proposal. So the question  
20 would be can this be rescheduled and be back  
21 within three weeks? Otherwise the last

1 sentence says if it doesn't happen within  
2 that specified time, the development proposal  
3 should be considered approved. Or is that  
4 wrong?

5 BETH RUBENSTEIN: Well, as noted  
6 earlier, I guess I -- let me just venture an  
7 opinion. I think you're close, too. And I  
8 would also venture to say I don't think that  
9 by pointing the way to the developer, you're  
10 not approving or disapproving any of the  
11 answers tonight. And I think even the  
12 language of the ordinance at 12.35.2 does say  
13 if the Planning Board approves the  
14 development proposal or conditionally  
15 approves the development proposal with  
16 recommendations for modifications then the  
17 developer must submit a final development  
18 plan. In other words, you're giving them the  
19 green light to go the next step. You haven't  
20 made up your mind. You haven't made heard  
21 everything you're going to hear from them. I

1 would venture the opinion that I think you  
2 can move ahead.

3 To answer your question, Charles, the  
4 21 days is February 16th. Our next meeting  
5 is the Town Gown night. Obviously that  
6 wouldn't be a business night. The 16th is  
7 the busy night. If we didn't do it tonight,  
8 I think we would want to ask for more time so  
9 we can obviously not be in a constructive  
10 grants situation.

11 ATTORNEY JAMES RAFFERTY:

12 Mr. Chairman, I suppose one way to --

13 HUGH RUSSELL: If you would permit  
14 me.

15 ATTORNEY JAMES RAFFERTY: Sorry.

16 HUGH RUSSELL: I think the -- this  
17 is not the first PUD that's been involved  
18 with on this Board. And basically the  
19 language in this provision is defective in  
20 terms of the timing and the process. You  
21 can't, you can't do -- you can't consider the

1 proposal , I look at alternatives and direct  
2 modifications and do it all in 21 days. So  
3 in practice what we have done is list  
4 objectives and keep beating them until the  
5 final permit is achieved and so that it will  
6 come back with their final proposal. They  
7 might, you know -- they can submit written  
8 information as answers or we can consider  
9 along the way, but ultimately we're going to  
10 be satisfied before we approve this. We will  
11 consider everything as much as it need to be  
12 considered. And if 90 days isn't enough time  
13 to do it, but I think if we -- I think we're  
14 -- I think we've got the issues out on the  
15 table now. And it's -- if we wait for four  
16 or five weeks to give the go-ahead, I don't  
17 think we're going to -- I don't see what it  
18 benefits us. In some ways, I think it's  
19 better to get them working clearly now and  
20 maybe think about ways to reroute the  
21 numbers, and the next time this comes up we

1 can have a better answer.

2 H. THEODORE COHEN: Well, I don't  
3 have strong feelings on it, and if it's the  
4 pleasure of the Board to go forward this  
5 evening, I'm fine with that.

6 WILLIAM TIBBS: I guess it gets back  
7 to that semantics question that you had  
8 earlier which is if we say conditional is the  
9 fact that we're not being very specific about  
10 what the recommendations for modifications  
11 are, is that going to be problematic? And I  
12 guess I just don't know that. I know on  
13 other ones -- this PUD is not, from my point,  
14 it's -- it doesn't have a lot of issues that  
15 I have concerns about. But I have other big  
16 concerns in other PUDs that we needed to, you  
17 know, we needed to sort things out before we  
18 went to the next step because it is -- I  
19 think -- one way I think about it is why do  
20 we have two steps? It's -- we don't have two  
21 steps just to hear it and, you know, suggest

1 things and then go to the second. We have  
2 two steps to agree to something and then go  
3 to the next step. And that initial agreement  
4 -- or we have two steps so that we can say no  
5 at this phase based on these criteria. So, I  
6 guess I'm comfortable with doing it  
7 conditionally. I feel a little uncomfortable  
8 with having a blanket approval just because  
9 we brought up some issues that need to be  
10 modified. In practice I think we're doing  
11 what Beth said. But I think Ted does bring  
12 up an interesting point which is, you know,  
13 he's the much more -- you know, he's the  
14 lawyer so that I just want to make sure that  
15 whatever we do, that it makes sense. It's  
16 not -- it's almost not an intent issue. It's  
17 just making sure that we're doing it right.  
18 And you're right, Hugh, the language doesn't  
19 help us here. But I'm comfortable with doing  
20 it conditional. We've done that in the past  
21 and we have not done very specific

1 recommendations in the past. In the past  
2 we've done similar to what we've done which  
3 we've indicated things that we're concerned  
4 about, and those were the modifications that  
5 we would like them to address, but we didn't  
6 specifically say we want you to change it  
7 here, here and here. And if that's doable,  
8 I'm comfortable with it.

9 HUGH RUSSELL: So I think it sounds  
10 like first if we do it tonight it would be  
11 conditional?

12 PAMELA WINTERS: Right.

13 HUGH RUSSELL: And it seems like  
14 what we want is possibly before the  
15 presentation of the final development plan  
16 they have reports back so that we can talk  
17 about some of these issues where we've asked  
18 for information?

19 AHMED NUR: Right.

20 THOMAS ANNINGER: It comes to the  
21 same thing I think.

1 WILLIAM TIBBS: Yes.

2 THOMAS ANNINGER: I think your  
3 response will be their final development  
4 proposal. We can then do what we always do.  
5 We can address it, and if there's a problem  
6 in the area, we'll keep working on it until  
7 we get it right. I'm not sure I see the  
8 distinction. I think what I'm hearing is  
9 that we're ready to go to the next stage,  
10 which is to approve the -- what we've heard  
11 tonight subject to all of the questions and  
12 issues that have come up and need to be  
13 addressed and we can go to the next round.

14 HUGH RUSSELL: So is that a motion?

15 THOMAS ANNINGER: Yes, it is. I  
16 guess it is. I want to address -- ask again,  
17 looking at Beth, the question that I tried to  
18 raise, and I don't know whether this is one  
19 that you think is worthy of a question or  
20 not, but this ordinance is extremely detailed  
21 more so than I think we're used to in some of

1 the other PUDs. And as I work my way through  
2 it, there are a number of things that I think  
3 need to be satisfied, most of which we are  
4 not able to do ourselves by looking at the  
5 presentations and so on. Many of them are  
6 measurable. Many of them require other  
7 departments. How should we deal with that  
8 aspect of it? Because this is a little  
9 different from what we've had to tackle  
10 before.

11 BETH RUBENSTEIN: I think Mr. Cote  
12 raised the issue, and it's a good one. I  
13 think you can and you should count on us to  
14 go through the ordinance as it was just  
15 redrafted a year ago and make sure that  
16 everything that needs to happen has happened.  
17 I will point out, a lot of the things that  
18 need to happen aren't going to happen for a  
19 while as you know. But we certainly will go  
20 through -- obviously to date the staff has  
21 gone through the application and made sure

1 that it is consistent with everything that  
2 need to be in the application which isn't a  
3 small matter all by itself. But we will go  
4 through everything that's in the ordinance,  
5 the timing of everything, and make sure that  
6 everything's been agreed to. As I said, a  
7 lot of it comes later. You know we didn't  
8 get to everything tonight. The merchandising  
9 plan, they come annually until everything is  
10 filled up and another ten years. So we will  
11 make sure all those milestones have been hit.

12 THOMAS ANNINGER: It might help us  
13 also to flag those areas because not only  
14 does it say a lot of things have to be met  
15 but it also says the Planning Board has to  
16 find so and so. And if we go through a  
17 careful final resolution, I think we're going  
18 to need to make all those findings. And it's  
19 not easy to do that sitting up here working  
20 through the ordinance. It's almost  
21 impossible.

1                   BETH RUBENSTEIN: We'll aid you in  
2                   that. We can make a list to help in the  
3                   findings.

4                   HUGH RUSSELL: I'm sure Mr. Rafferty  
5                   would like to participate in that process,  
6                   too.

7                   LES BARBER: You may remember that  
8                   North Point went on to 70 pages doing exactly  
9                   that. That's what you knew when you're  
10                  approving the final development plan. You're  
11                  not approving anything now. You're  
12                  procedurally allowing it to move forward with  
13                  your advice as to which direction they should  
14                  go. And the approval is for the final  
15                  development plan with a very elaborate set of  
16                  conditions in that decision.

17                  THOMAS ANNINGER: If I'm not  
18                  mistaken -- I'm not sure Mr. Rafferty is  
19                  going to like this, but if I remember it  
20                  correctly, for North Point why I think we  
21                  went through the process of writing a draft

1 of those 70 pages and using that as a tool  
2 for our findings.

3 LES BARBER: Exactly.

4 THOMAS ANNINGER: Approving that in  
5 the final vote.

6 LES BARBER: Yes.

7 THOMAS ANNINGER: Which is different  
8 from our usual process. I mean, maybe you'll  
9 have no problem with that. It might delay  
10 things, but you'll have to wait for the final  
11 one way or the other anyway.

12 ATTORNEY JAMES RAFFERTY: Right. To  
13 Mr. Barber's point, it strikes me that the  
14 test is all -- the modification here on the  
15 conditional approval will be that the  
16 petitioner respond to the issues raised  
17 during the deliberation session which will be  
18 consolidated by Mr. Barber and his  
19 colleagues. But if we don't, it doesn't  
20 strike me that any of the questions or issues  
21 that we're being asked to examine would

1 require a response in order for you to make  
2 the finding on the 12.35.3, which ultimately  
3 says that do the benefits outweigh that. So  
4 I'm advised by my colleagues from Wilmer and  
5 Hale that if there were such a vote, that a  
6 reference to that section of the ordinance  
7 and a finding to that would establish a clear  
8 record.

9 HUGH RUSSELL: Okay. Are we all on  
10 Board to do it now?

11 THOMAS ANNINGER: No transcript can  
12 quite capture the look on your face.

13 HUGH RUSSELL: So I believe we have  
14 a motion that's been made. That to condition  
15 the approved proposal, that motion is  
16 building on our discussion of the items in  
17 12.35.3; items 1, 2 and 3 which I took us  
18 through. It's built on comments from  
19 everybody on the Board as to the items to be  
20 given to us to be considered for  
21 modifications. So I think that's it. Now,

1 do we have a second?

2 CHARLES STUDEN: Second.

3 HUGH RUSSELL: Does anyone want to  
4 say anything before we vote?

5 All those in favor?

6 (Show of hands.)

7 HUGH RUSSELL: All members voting in  
8 favor.

9 (Russell, Anninger, Nur, Winters,  
10 Cohen, Winters, Tibbs, Studen.)

11 HUGH RUSSELL: I would ask the  
12 people present to allow us to complete our  
13 business tonight which is a consideration of  
14 the Board Zoning Appeal case. Please leave  
15 the room quietly.

16

17

18

19

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21

1                   HUGH RUSSELL: I'd like to go  
2 through the Zoning Board of appeal cases.

3                   LIZA PADEN: There's three  
4 tel ecommuni cati ons. You've looked at two  
5 al ready. There's one you have not looked at  
6 and that's at 1558 Massachusetts Avenue. I  
7 di dn' t see anything in the other cases, but  
8 if there's any questi ons, I can answer those.

9                   The case at 1558 Mass. Avenue, which is  
10 the case No. 9884, the instal lati on is on the  
11 roof of a resi denti al bui ldi ng and they have  
12 made modi fi cati ons to the instal lati on, to  
13 the ai r condi ti oni ng uni ts on the bui ldi ng to  
14 deal wi th the noi se i ssues, and they're going  
15 to put screeni ng around it. They are usi ng  
16 the fake or the -- what's bei ng cal led the  
17 steal th chi mneys to put the antennas into and  
18 that -- those new antennas i nsi de these  
19 chi mneys are the onl y thi ngs you see.

20                  WILLIAM TIBBS: The ai r condi ti oni ng  
21 is for the bui ldi ng or the uni ts?

1                   LIZA PADEN: For the units for the  
2                   installation.

3                   PAMELA WINTERS: Where is this?

4                   LIZA PADEN: This is at Fallon  
5                   Street and Mass. Ave. There's that  
6                   residential building.

7                   PAMELA WINTERS: Okay.

8                   STEVEN WINTER: Is it a  
9                   single-family dwelling.

10                  ATTORNEY ARTHUR KRIEGER: Five-story  
11                  apartment building. I can pass out the key  
12                  to the photosims which will orient people.

13                  Good evening, Art Krieger from Anderson  
14                  and Krieger for At&T.

15                  So this is just north of the Christian  
16                  Science Church. Not Christian Science.

17                  H. THEODORE COHEN: No, it is.

18                  LIZA PADEN: Christian Science.

19                  ATTORNEY ARTHUR KRIEGER: North of  
20                  the common.

21                  PAMELA WINTERS: Okay, I know where

1 it is.

2 (Whereupon, a discussion was  
3 held off the record.)

4 CHARLES STUDEN: Where are the  
5 pictures of what it looks like? The  
6 installation.

7 ATTORNEY ARTHUR KRIEGER: I've got  
8 pictures.

9 LIZA PADEN: And Tom has the photo  
10 sims.

11 ATTORNEY ARTHUR KRIEGER:  
12 Mr. Chairman, shall I do this in order?

13 HUGH RUSSELL: Yes.

14 WILLIAM TIBBS: Why don't we review  
15 it first.

16 HUGH RUSSELL: Do you have more  
17 copies of the photo sims?

18 ATTORNEY ARTHUR KRIEGER: Yes, I  
19 have photo sims here, a bunch of them.

20 HUGH RUSSELL: Can you pass those  
21 around?

1                   ATTORNEY ARTHUR KRIEGER: These are  
2 again before and after shots paired on each  
3 sheet.

4                   Since the initial application was  
5 submitted, we needed to make two changes.  
6 One was to move the air conditioning units up  
7 from the ground level. Actually, they were  
8 one floor below ground. We were concerned  
9 about noise. Primarily reverberating to the  
10 condos just north of the building right  
11 next-door there are a set of yellow condos  
12 between Mass. Ave. and Fallon, and the air  
13 conditioning unit's down there, although  
14 close to the equipment that's in the  
15 building, we're not talking rooftop equipment  
16 at least. In the basement storage lockers  
17 will be the equipment. So the air  
18 conditioning is going to be outside of those,  
19 that room. But we realized it should be  
20 moved up on the roof to deal with the noise  
21 issue.

1           Also the depiction of five existing  
2 chimneys that dot the roof of the building is  
3 wrong. They were portrayed at ten feet tall  
4 which is the proposed stealth chimneys, but  
5 that's not right. They're only about six  
6 feet tall. The proposed chimneys will be  
7 taller than the existing actual chimneys on  
8 the building which there are five. So these  
9 photo sims show --

10           HUGH RUSSELL: And your chimneys are  
11 sort of modeled on the size and shape of the  
12 existing chimneys it looks like.

13           ATTORNEY ARTHUR KRIEGER: They're 30  
14 inches square which is -- I mean, the  
15 existing ones are rectangular. In the cross  
16 section they're not square. But yes, it's as  
17 close as we can come.

18           THOMAS ANNINGER: How many stealth  
19 chimneys are there?

20           ATTORNEY ARTHUR KRIEGER: There are  
21 three pairs of stealth chimneys. The one on

1           Fallon Street, it's not the issue because the  
2           angle, the steep angle of any visibility.  
3           You don't see them from Fallon. Where you  
4           see them in shots 3 and 4 from -- that's 3A  
5           and B and 4A and B is across Mass. Ave. is  
6           where you see them the most. And 2. All the  
7           shots across Mass. Ave.

8                     Now, if the Board is uncomfortable with  
9           the height of those chimneys and the  
10          visibility, I have -- we have another  
11          modification. I just don't have copies for  
12          everybody. Another modification that we can  
13          propose. We met -- my office met with  
14          Ms. Paden this morning about what you're  
15          looking at which is the ten foot chimneys,  
16          and I think she did not have a problem with  
17          it. And if the Board has a problem, I'm  
18          prepared to discuss the chimneys.

19                    THOMAS ANNINGER: Tell us.

20                    WILLIAM TIBBS: You opened the door.

21                    ATTORNEY ARTHUR KRIEGER: I opened

1 the door.

2 WILLIAM TIBBS: You can't throw that  
3 one out.

4 ATTORNEY ARTHUR KRIEGER: I haven't  
5 seen ten foot high steal th chimneys.

6 THOMAS ANNINGER: That's high, ten  
7 foot?

8 ATTORNEY ARTHUR KRIEGER: Yeah. On  
9 the Fallon Street side it would have to be  
10 ten feet because three-foot parapet. But  
11 Fallon Street has a three-foot parapet and  
12 those would stay at ten feet high. As I  
13 said, those -- that pair of chimneys is not  
14 really the problem in terms of impact.

15 Two sectors facing Mass. Ave, we could  
16 move them closer to the edge of the building  
17 and lower them, basically keeping the one  
18 foot setback to one foot height ratio, but  
19 ten feet up and ten feet back, they could be  
20 six feet high and six feet back. That would  
21 make them the same height as the existing

1 chimneys. And so I have one set of photo  
2 sims. I have one set of photo sims of what  
3 that would look like which I can pass out.  
4 And I have plans if you want to see that  
5 skew.

6 CHARLES STUDEN: Can you just  
7 summarize, are they less visible when you do  
8 that from the street?

9 ATTORNEY ARTHUR KRIEGER: Yes.

10 CHARLES STUDEN: I think that's what  
11 we should do.

12 WILLIAM TIBBS: You don't have to --  
13 just do it. You'll find that at 11:10 at  
14 night, we make decisions very quickly.

15 THOMAS ANNINGER: Sometimes. It  
16 makes sense what you said. I think it's more  
17 -- I think a ten foot stealth chimney is very  
18 high. What you've done in taking into  
19 account parapet makes a whole lot of sense  
20 and I think therefore we have a favorable  
21 recommendation to the six foot.

1 AHMED NUR: I have a question. The  
2 existing one is masonry and the new ones are  
3 not? Stealth?

4 ATTORNEY ARTHUR KRIEGER: They're  
5 even masonry or masonry looking.

6 AHMED NUR: Because the color looks  
7 different. I can see the color grout color  
8 on the existing.

9 HUGH RUSSELL: I think they have to  
10 be fiberglass.

11 WILLIAM TIBBS: They can't be  
12 masonry.

13 ATTORNEY ARTHUR KRIEGER: Brick.  
14 The six foot ones will certainly be less  
15 visible from a distance because based on the  
16 angle, you'll actually get the advantage of  
17 six rather than ten. Close up, because  
18 they're closer to the edge, I don't know  
19 exactly what the impact will be but I think  
20 it's better.

21 THOMAS ANNINGER: Ahmed is saying

1 the color ought to be right.

2 ATTORNEY ARTHUR KRIEGER: And we'll  
3 get the color right.

4 H. THEODORE COHEN: There is no  
5 close-up view there because you're right on  
6 the street or you're across the street.

7 ATTORNEY ARTHUR KRIEGER: Right.

8 H. THEODORE COHEN: In all accounts  
9 smaller is better.

10 THOMAS ANNINGER: Okay.

11 HUGH RUSSELL: So we're going to  
12 characterize as a very responsive and  
13 recommend that the Board approve this  
14 installation.

15 LIZA PADEN: Anybody else have any  
16 other BZA comments? Okay.

17 Your parting gifts for this evening are  
18 the Town Gown reports for next week.

19 HUGH RUSSELL: We're adjourned.

20 (Whereupon, at 11:15 p.m., the  
21 meeting adjourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRI STOL, SS.

I, Catherine Lawson Zelinski, a  
Certified Shorthand Reporter, the undersigned  
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I further certify that the testimony  
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IN WITNESS WHEREOF, I have hereunto set  
my hand this 9th day of February 2010.

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