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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, July 6, 2010

7:00 p.m.

in

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

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

Susan Glazer, Acting Assistant City Manager  
for Community Development

Community Development Staff:  
Les Barber  
Stuart Dash

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

2 HUGH RUSSELL: Let's get started on  
3 our agenda. This is the meeting of the  
4 Cambridge Planning Board. And the first item  
5 on our agenda is the Board of Zoning Appeal  
6 cases. I'll ask Susan for her update after  
7 all the members arrive.

8 SUSAN GLAZER: Good evening. I just  
9 wanted to be sure that people can hear me.  
10 At any rate, do you want me to do the update  
11 now?

12 HUGH RUSSELL: Why don't we wait  
13 until the rest of the Board is here.

14 SUSAN GLAZER: That's fine.

15 HUGH RUSSELL: So the Board of  
16 Zoning Appeal cases. And, Les, you're going  
17 to handle it.

18 LES BARBER: We actually have a  
19 representative from Clearwire Communications  
20 bringing back a revised antenna that I  
21 believe you've seen before, and a proposed

1 new one that you may not have seen.

2 STEVEN WINTER: What street is this  
3 on?

4 ATTORNEY RICARDO SOUZA: 1100 Mass.  
5 Ave. and 10 Fawcett Street.

6 LES BARBER: Why don't we do those  
7 first, and if you have any issues with the  
8 regular cases, we can discuss those.

9 ATTORNEY RICARDO SOUZA: Good  
10 evening, Mr. Chairman and members of the  
11 Board. For the record, my name is Ricardo  
12 Souza from Prince, Lobel, Glovsky and Tye.  
13 I'm here on behalf of the applicant Clearwire  
14 which is licensed by the FCC to construct and  
15 operate a wireless telecommunications network  
16 for purposes of high speed internet access.  
17 And we've been before this Board and also the  
18 BZA for a number of sites here in the City of  
19 Cambridge. And these are two sites that  
20 you've seen before, but that we've gone back  
21 to the drawing board on so that we can

1 improve the design after hearing your  
2 comments on the initial proposal.

3 If I could, I'd like to hand out some  
4 plans and photo simulations.

5 HUGH RUSSELL: Great.

6 ATTORNEY RICARDO SOUZA: So, what I  
7 would suggest is that if I could ask the  
8 Board members to take a look at the plans  
9 that I've submitted just page C-1 as you can  
10 see, this building is located at the  
11 intersection of Mass. Ave. and Mount Auburn  
12 Street. And there's an existing wireless  
13 antenna installation already on the -- what I  
14 would call the penthouse of the building  
15 itself. The white penthouse. And when we  
16 were here last, we were asked to make some  
17 changes to try to congregate the antennas as  
18 best as possible, try to minimize visibility,  
19 and I think we've done that. If you look at  
20 page A-1, that would be the best way to --  
21 for me to sort of walk through the changes

1 that we've made.

2 A-1 has essentially two rooftop --  
3 excuse me, a rooftop plan on the left-hand  
4 side, and the -- the angle side of the  
5 building is Mass. Ave. and Mount Auburn is on  
6 the straight edge side. And there are some  
7 indentations in the building just to the  
8 north of that rooftop plan, and that was  
9 really the view that we were asked to try to  
10 work on to try to minimize visibility. And  
11 so one of the things that we've done is we've  
12 changed it from two wireless back hall dish  
13 antennas to just one. And so no longer will  
14 there be a back hall dish antenna on this  
15 facade. There will only be one located here  
16 (indicating). So that is a reduction in the  
17 number of antennas. And so the total number  
18 that we're proposing is three panel antennas  
19 and one dish antenna.

20 The photo simulations themselves, I  
21 think, depict best, if you go to the second

1 photo, which is this one (indicating),  
2 perhaps the third photo, excuse me,  
3 Mr. Winter. That's I think a wall that I --  
4 this is fairly exposed and you can see it  
5 from Harvard Square. And so, and originally  
6 we had a dish antenna located right in the  
7 center of that wall. We are no longer  
8 proposing any antennas there. And instead  
9 the panels themselves have also been pushed  
10 out to the edges of those walls. As you can  
11 see, if you turn to the next photo, an  
12 antenna that was located originally on the  
13 exposed facade here is now being pushed over  
14 to the edge adjacent to on another existing  
15 antenna that Sprint operates already on that  
16 facade.

17 And if you turn to the last view, this  
18 is on Mount Auburn Street, we are once again  
19 utilizing a section of that penthouse that I  
20 think is less visible from the street given  
21 the lower section of the building. So it's,

1 we're trying to utilize that penthouse which  
2 is set in from the edge of the building  
3 itself, and that I think will allow us to  
4 minimize visibility of these antennas.

5 And so turning back to the plans on  
6 A-1, I'll walk you through the antennas  
7 themselves. Once again this is Harvard  
8 Street.

9 HUGH RUSSELL: Before you do that, I  
10 guess I'd ask my colleagues have they got the  
11 picture from the photo sims?

12 (Board Members: Yes).

13 HUGH RUSSELL: So I don't think you  
14 need to walk through the plans.

15 ATTORNEY RICARDO SOUZA: Fair  
16 enough, Mr. Chairman. I'm happy to answer  
17 any questions that the Board may have.

18 HUGH RUSSELL: It looks to me like  
19 you've accomplished what we hoped you would  
20 accomplish. And my colleagues are all  
21 agreeing with me. So we could write

1 something to the Zoning Board that says that.

2 ATTORNEY RICARDO SOUZA: Very good,  
3 Mr. Chairman. Thank you. That's all for  
4 this particular application.

5 If I can turn to 10 Fawcett real  
6 quickly.

7 HUGH RUSSELL: Sure. Do you want to  
8 pick these up?

9 ATTORNEY RICARDO SOUZA: Sure, I can  
10 use them for the BZA hearing.

11 CHARLES STUDEN: Save paper. We're  
12 all for that.

13 ATTORNEY RICARDO SOUZA: Absolutely.

14 The next application involves 10  
15 Fawcett Street. Which you've also seen. We  
16 were here and received a favorable  
17 recommendation. I have one change that I'd  
18 like to highlight for the Board. They are  
19 not -- it's not a significant change, but  
20 involves the movement of one of the dishes.

21 HUGH RUSSELL: Okay. So let's just

1 try it with the photo sims.

2 This is an engineering matter?

3 ATTORNEY RICARDO SOUZA: It's an  
4 engineering matter, that's exactly right.  
5 Essentially we had placed inadvertently two  
6 of the panel antennas to try to once again to  
7 (inaudible), instead we have to -- in order  
8 to avoid interference, we have to move one of  
9 the dishes just to the other side of the two  
10 panel antennas. And that view can be seen  
11 actually in the first page. And so  
12 originally the dish here, just to the left of  
13 these antennas is going to be proposed to be  
14 placed in between the two bracketed antennas  
15 right on the first view. And so instead  
16 we're proposing it just to the left. That's  
17 the only change. And once again that dish  
18 antenna will be painted to match the facade  
19 of the penthouse. We just want to make sure  
20 that the record was accurate with respect to  
21 the plans and photo sims.

1 HUGH RUSSELL: Okay.

2 PATRICIA SINGER: Just for the  
3 record, that's exactly the view that Tom was  
4 concerned with.

5 CHARLES STUDEN: I'm sorry, I'm not  
6 hearing very well. Is your microphone on?  
7 What did you say?

8 PATRICIA SINGER: I said just for  
9 the record I think that that was the view  
10 that Tom was questioning. That originally we  
11 thought that when you went by from this  
12 angle, you wouldn't see anything. And Tom  
13 actually went out and looked and realized  
14 that it was quite visible.

15 ATTORNEY RICARDO SOUZA: One of the  
16 things we can't, we don't have the right to  
17 do is alter the existing antennas that are  
18 there already which I think are the most  
19 visible. They were approved under the  
20 previous applications. And so what we're  
21 trying to do going forward is try to install

1           them in a way that minimizes visibility. So  
2           in this case we aren't proposing any  
3           additional panel antennas, we're just  
4           proposing the dish, the dishes. And there  
5           are a couple of antennas that do stick up  
6           above just slightly, the penthouse. We're  
7           not proposing to do that with these antennas.  
8           And I think going forward that will not be  
9           done. We will not be extending above the  
10          penthouse ever.

11                   HUGH RUSSELL: So if you look at  
12          pages three and four, you can see two dishes  
13          that are compared to the dishes. Page one is  
14          the same as page four.

15                   ATTORNEY RICARDO SOUZA: That's  
16          correct.

17                   HUGH RUSSELL: I myself do not have  
18          a problem with this.

19                   STEVEN WINTER: I also do not have a  
20          problem, but I do want to make a general  
21          statement. First of all, thank you for your

1 attention to the matter.

2 ATTORNEY RICARDO SOUZA: Of course.

3 STEVEN WINTER: In Cambridge we  
4 often say the devil is in the detail, and one  
5 of the reasons we have the urban fabric that  
6 we have is we pay attention to very small  
7 things like this. I have passed through  
8 towns in the urban core that have erected 90  
9 foot poles upon which are dozens and dozens  
10 of these transeptors, and on top of  
11 buildings. So it may seem like it's picking  
12 and choosing, but we really appreciate your  
13 attention to it because this matters to us.

14 ATTORNEY RICARDO SOUZA: Sure.  
15 Absolutely. We know that, and I've done a  
16 lot of work in Cambridge and that's one thing  
17 that, you know, we respect of course.

18 HUGH RUSSELL: Okay. So on this, do  
19 we have to take any action?

20 LES BARBER: Well, if you're fine  
21 with it, then we can -- I'm not quite sure --

1 if it's...

2 ATTORNEY RICARDO SOUZA: This one,  
3 it's continued to July 22nd.

4 LES BARBER: We can just indicate  
5 that we've seen the revision and have no  
6 problem with it.

7 HUGH RUSSELL: Okay. Thank you.

8 So, let's go back to the basic Board of  
9 Zoning Appeal agenda. Steve had a couple of  
10 questions.

11 ATTORNEY RICARDO SOUZA: Thank you  
12 Mr. Chairman. Thank you members of the  
13 Board.

14 STEVEN WINTER: Les, I had two  
15 questions on the BZA list. One was case 9955  
16 which is the Lesley University banner. And  
17 my -- I don't need to see any of the details,  
18 but my only question is is the new proposed  
19 banner the same size as the existing banners?

20 LES BARBER: As the banners that are  
21 already up on the Wendell Street site.

1 STEVEN WINTER: On the new  
2 dormi tory?

3 LES BARBER: Yes.

4 STEVEN WINTER: Okay. Got it.  
5 Thank you.

6 LES BARBER: And there are I think  
7 several of them.

8 STEVEN WINTER: Okay. And then the  
9 other case is right under it, 9956, 11  
10 Linnaean, and I am just curious what that  
11 means exactly to construct a curb cut to  
12 enable parki ng on existi ng open space. Is  
13 there currentl y parki ng on the space?

14 PAMELA WINTERS: I have the same  
15 questi on, too.

16 LES BARBER: I think it's just an  
17 open area on the lot, and the proposal is for  
18 the curb cut to allow access for parki ng.

19 HUGH RUSSELL: Do they have a si te  
20 pl an?

21 LES BARBER: I think they probabl y

1 do.

2 (Showing plans to Board members).

3 STEVEN WINTER: Les, can you point  
4 out again what's happening where?

5 LES BARBER: This is the area where  
6 the proposed parking -- it may not be a curb  
7 cut, and I don't know whether there is  
8 parking there. There have been a number of  
9 BZA cases.

10 HUGH RUSSELL: So this would  
11 constitute parking in the front yard setback?

12 LES BARBER: Yes.

13 HUGH RUSSELL: Which we don't like.

14 PAMELA WINTERS: Which we don't  
15 like.

16 H. THEODORE COHEN: That is the  
17 front yard.

18 HUGH RUSSELL: Well, both yards.

19 LES BARBER: And this, you know,  
20 it's fairly steep here, so it goes down.  
21 Fairly steep, fairly high retaining wall over

1 much of this periphery. It sounds like they  
2 have mounted the curb at this location which  
3 is illegal.

4 PATRICIA SINGER: When I lived on  
5 Linnaean Street my living room window looked  
6 out on to this site, and as a matter of  
7 practice, people have been in the past drove  
8 over the curb in the winter to park there.  
9 But it is a lawn and at different points in  
10 the past people have actually put grass  
11 there.

12 LES BARBER: I believe there was an  
13 application for a curb cut down on Warren  
14 (phonetic) Street to put in a parking space,  
15 and to my recollection that was denied.

16 HUGH RUSSELL: The parking in the  
17 front yard, you know, we understand the  
18 difficulty with this parcel finding a place  
19 to put an off street car, and if the Board is  
20 going to consider allowing parking in the  
21 front yard setback, then the nature of the

1 materials and the screening become very  
2 important to try to minimize the impact on  
3 the rest of the street.

4 STEVEN WINTER: Mr. Chair, I'd like  
5 to be just a little stronger and say that for  
6 my own part I strongly oppose putting  
7 vehicles on spaces that previously have been  
8 open space.

9 LES BARBER: Well, it isn't that  
10 it's necessarily a required open space.  
11 They --

12 STEVEN WINTER: No, no, this I know.  
13 It's privately owned, yes.

14 LES BARBER: Almost by definition  
15 parking always goes on open space. It's not  
16 parking before that.

17 STEVEN WINTER: But you understand  
18 the concept that I'm talking about, which is  
19 that I -- I dislike filling the urban fabric  
20 with the vehicles where there were none,  
21 etcetera, etcetera.

1 LES BARBER: Okay.

2 STEVEN WINTER: Thank you.

3 HUGH RUSSELL: Okay. Are there any  
4 other cases that people have questions on?

5 H. THEODORE COHEN: Actually, can I  
6 just follow up on the last one?

7 Les, do you know if there is street  
8 parking there?

9 LES BARBER: There is. I don't know  
10 whether it's probably just on one side of the  
11 street. I suspect.

12 H. THEODORE COHEN: So if they got  
13 the curb cut, would they be giving up a  
14 parking space on the street?

15 PATRICIA SINGER: No, because it's  
16 on the other side.

17 LES BARBER: No, I think the parking  
18 is on the other side.

19 H. THEODORE COHEN: It's on the  
20 other side.

21 HUGH RUSSELL: Okay. Any more

1           di scussi on on the Zoni ng Board?

2                       (No response.)

3                       HUGH RUSSELL:   Okay.   Then, Susan, I  
4           think we have to ask you to gi ve your update  
5           now.

6                       SUSAN GLAZER:   Okay.   Thank you.

7                       This i s our July 6th meeting and we  
8           have another meeting -- we have another  
9           meeting i n July on July 20th.   At that time  
10          there wi ll be a publ ic hearing on a PUD  
11          renewal for the project that was at the  
12          corner of -- or i n the area of Bent, Fi rst  
13          and Charles Street.   This permi t had a one  
14          year time framework on it and they woul d like  
15          to start constructi on i n that time period so  
16          they' re comi ng i n essenti ally for renewal of  
17          the existi ng Speci al Permi t.   And i n addi ti on  
18          to that, under general busi ness, MIT wi ll be  
19          before the Board to show some i deas that they  
20          have for the Kendal l Square area and  
21          redevel opment i n that to make i t a more

1           lively area. And Cambridge Research Park  
2           will be here for design review of Building F  
3           which is close to the canal. They want to do  
4           some housing there.

5                     Meetings in August right now are  
6           scheduled for August 3rd and August 17th. On  
7           August 3rd will be the second public hearing  
8           for that PUD renewal for Bent, First and  
9           Charles Streets.

10                    And for those looking further out  
11           meetings in September right now are scheduled  
12           for September 7th and 21st.

13                    HUGH RUSSELL: Okay. Thank you.

14                    Steve Kai zer, you're sitting in the  
15           back row. Would you let me know if you can't  
16           hear me?

17                    STEVE KAI SER: I couldn't hear the  
18           CDD speaker. I think there's a bad mic on  
19           that side.

20                    HUGH RUSSELL: I think you're right.

21                    So we're going to go onto the first

1 item on our public hearing agenda. It's a  
2 City Council petition to amend Article 7.000,  
3 signs and illumination.

4 LES BARBER: Les Barber from  
5 Community Development. This is a City  
6 Council petition which is adopting some  
7 language that we had forwarded to the Council  
8 in part as a result of a discussion that CDD  
9 staff and the Planning Board had about a year  
10 and a half ago. Maybe April, I think Li za  
11 told me, with regard to possible refinements  
12 and changes to the Zoning Ordinance,  
13 including the introduction of maybe some  
14 significant policy changes which would  
15 address issues that the Planning Board had  
16 seen evolving and developing over the years  
17 of administration of the Ordinance. And  
18 obviously we've had a busy season with a  
19 variety of projects, and there had been  
20 recently, particularly concern expressed on  
21 the part of the BZA and actually some

1 property owners that the typical route that  
2 we have been taking, that has been taken in  
3 the past to sort of relax the Zoning  
4 Ordinance through the Variance process was  
5 causing the BZA some difficulty because they  
6 were finding it hard to find the rationale  
7 under the State Ordinance to grant the  
8 Variances which are supposed to be granted  
9 for hardship. And the Board had experienced  
10 recurring proposals under the Sign Ordinance  
11 that the Board thought, probably with some  
12 consideration, might be allowed either as of  
13 right or by Special Permit. So in response  
14 to that atmosphere and the fact that the  
15 business of the Board had slowed down a  
16 little bit, we thought maybe we would submit  
17 at least some of the proposals that we had  
18 discussed last year. And the set of  
19 proposals here are mostly either a couple of  
20 obvious tinkering in combination with three  
21 or four major policy proposals that are

1           significant changes to the Ordinance and  
2           justify some further discussion. They aren't  
3           all of the multitude of small changes that  
4           were reviewed about a year and a half ago.  
5           So, I will attempt to describe exactly what's  
6           being proposed here, and indicate to the  
7           Board and to the audience that there are  
8           copies of the specific language, as well as a  
9           little presentation which illustrates the  
10          major policy initiatives on the side window  
11          there and people are welcome to take that.

12                 There is a recent change to the Open  
13          Meeting Law. And we've actually distributed  
14          to you a number of communications from the  
15          public. And the Open Meeting Law now  
16          suggests that we should indicate for the  
17          record, the documents that are before the  
18          Board and being considered by the Board. So  
19          I think I'll just take the opportunity to let  
20          you know what you have in front of you, not  
21          describing the content, but just who sent

1           them. We have a letter from Terrence Smith  
2           representing the Chamber of Commerce. We  
3           have a letter from Representative Walz also  
4           expressing an opinion on the proposal. A  
5           letter from Charles Sullivan who's the  
6           Executive Director of the Historical  
7           Commission. A letter from Stephen Pettibone  
8           who is a resident of Cambridge. A letter  
9           from Colleen Clark, also a resident of  
10          Cambridge, and a resident from Ronald  
11          Axelrod, a resident of Cambridge.

12                 So, let me briefly review what's being  
13          proposed here.

14                     HUGH RUSSELL: Les, I thought we got  
15          some additional matters in our packet.

16                     PAMELA WINTERS: Right, we did, Les,  
17          actually from a Philip Ray Garth (phonetic)  
18          from Intersystems.

19                     LES BARBER: If in fact we did, and  
20          you have them, let's indicate what they are.

21                     HUGH RUSSELL: Let's take that

1 listing right now.

2 PAMELA WINTERS: Okay.

3 HUGH RUSSELL: So there's a letter  
4 from Lawrence Chan directed to the Board of  
5 Zoning Appeals. There is a letter from the  
6 Chamber of Commerce as you listed that. A  
7 letter from the Tim Rowe Cambridge Inhibition  
8 Center. And I think we received --

9 PAMELA WINTERS: Kevin Crane, right?

10 HUGH RUSSELL: Yes.

11 And the last one is from Philip Regan.  
12 Okay.

13 LES BARBER: Okay?

14 PAMELA WINTERS: Yes.

15 LES BARBER: If anything else pops  
16 up, you can introduce it later.

17 PAMELA WINTERS: Okay.

18 LES BARBER: There are I think five,  
19 six basic proposals here or maybe five basic  
20 proposals, and actually six changes to the  
21 Ordinance. Most of them are illustrated with

1 actual signs in the little document that we  
2 handed out.

3 The first change is to make explicit in  
4 the Ordinance that signs in the public way  
5 are not subject to the Sign Ordinance.

6 Typically the signs get reviewed, maybe not  
7 for content or detail, but are approved by  
8 the City Council because there's use of the  
9 public way in some fashion and they get  
10 approved that way. Sometime ago the Law  
11 Department, in reviewing our Ordinance and  
12 the difficulty of applying it to signs in the  
13 public way, because the Ordinance is written  
14 around buildings on private lots, made the  
15 determination that administratively we would  
16 not enforce the Ordinance with regard to  
17 signs in the public way. So, this is a  
18 memorialization of that analysis of the  
19 Ordinance. And basically it deals with  
20 things which are illustrated in the pictures  
21 here, the various banners on light poles,

1 banners across the street, the banners that  
2 flutter in Main Street and Kendall Square.  
3 The signs that are in the bus shelters  
4 throughout the city. And the A-frame signs  
5 that frequently are requested by private  
6 property owners to be put in the public way.  
7 Most of these are quite variable in size. My  
8 sense is that generally the city is  
9 supportive of those kinds of things, and  
10 they're very hard to tie to any specific  
11 property certainly, and to determine what is  
12 the most appropriate size for them. So then  
13 the notion is simply just not to regulate  
14 them in any detailed way and allow the City  
15 Council to approve them.

16 HUGH RUSSELL: So, what happens with  
17 a projecting sign that's mounted on the face  
18 of a building that projects out into the  
19 public way?

20 LES BARBER: Well, that actually  
21 occurred to me that maybe we ought to make

1           sure that we're talking about signs that  
2           aren't attached to a building and a property  
3           because those signs are in the public way and  
4           we don't mean to exempt those. So it might  
5           be appropriate to make sure that the language  
6           is clear on that matter.

7                         In this particular section there is  
8           also some additional language which says  
9           we're waiving or that the Sign Ordinance  
10          doesn't apply to the Kendall Square  
11          Redevelopment Authority area. That isn't  
12          anything new. It actually occurs elsewhere  
13          in the Ordinance. And this change simply is  
14          putting it in a place that talks about the  
15          applicability of the Ordinance which seems a  
16          logical place to put it. So, that isn't  
17          anything new. That's existed since the  
18          founding of the redevelopment authority area  
19          and adoption of the sign work.

20                         HUGH RUSSELL: There's sort of a  
21          sunset language in there. Is that something

1 in which it says as long as there's a  
2 redevelopment district, the Ordinance doesn't  
3 apply?

4 LES BARBER: I think that's also  
5 already in the Ordinance.

6 HUGH RUSSELL: Okay. I mean, it  
7 makes sense so that there would be a  
8 continuity of regulation, I mean if the body  
9 changed.

10 LES BARBER: And there is an  
11 elaborate review of signs as there is  
12 buildings in the redevelopment authority. So  
13 they're not exempt from any reasonable  
14 review.

15 The second change relates to what we've  
16 called "branding by corporations." And this  
17 is just to make it a little easier to enforce  
18 the Ordinance and determine what we should  
19 include in a sign and what we shouldn't  
20 include. I think as you're aware,  
21 corporations frequently pick a color as

1 representative of their company, corporation.  
2 They frequently have patterns or other  
3 graphics which identify them as being what  
4 they are. And the notion here is that we  
5 would explicitly say that if that indeed is  
6 something that is representative of the  
7 corporation, we would include that area,  
8 whatever it is, in the calculation of the  
9 sign if there's something else on it like  
10 letters or words and numbers that constitute  
11 a sign. So the illustrations there show  
12 Citizens Bank which has sort of a green color  
13 as their corporate symbol. And where you put  
14 Citizens Bank and their logo on a green  
15 background then the entire background would  
16 count as part of the sign. If you don't have  
17 words or logo symbols on the background, you  
18 can have the color anywhere you want. So  
19 that in the lower-right hand illustration  
20 there, Citizens Bank actually had erected the  
21 banners with just the color on them and we

1 would not treat that as a sign.

2 The Sunoco Station, the whole canopy  
3 has a very bright and lively set of patterns  
4 and colors and it occurs at least on two  
5 occasions in Cambridge, so the notion would  
6 be that you can count all of that canopy area  
7 as the sign. The result being obviously that  
8 they couldn't meet the sign regulations by  
9 having that much graphic and they would have  
10 to reduce it.

11 Another illustration is the Au Bon Pan  
12 chain where clearly yellow is their current  
13 corporate symbol and it occurs in -- if you  
14 have a color copy, which the audience does  
15 not, all the awnings are yellow. And where  
16 they actually put the name of the store on  
17 them, then we would count all of that color  
18 as part of their sign. And you do discover  
19 that this is important for appropriations.  
20 And when you tell them well, just change the  
21 color, they resist. They do want the color.

1 It means something to them.

2 Then, the third --

3 H. THEODORE COHEN: Excuse me.

4 LES BARBER: Yes.

5 H. THEODORE COHEN: Les, I may have  
6 been looking at an old Ordinance, but there  
7 is an existing, the one I was looking at, an  
8 existing 7.14(c) which talks about measuring  
9 using the smallest rectangle or other  
10 geometric shape when you've got individual  
11 letters or symbols attached to a service wall  
12 or window. Is the intent to eliminate that  
13 provision?

14 LES BARBER: No, no. Do I seem to  
15 be substituting here?

16 H. THEODORE COHEN: This is going to  
17 be a new paragraph (c) and I didn't know  
18 whether it was a substitution.

19 LES BARBER: It's not intended to  
20 be, and I'll just check to make sure that the  
21 references are correct.

1 H. THEODORE COHEN: Oh, okay.

2 WILLIAM TIBBS: You do say in your  
3 thing to redesignate, paragraph (c) to (e)  
4 and (z) to (f).

5 LES BARBER: Okay.

6 WILLIAM TIBBS: You just didn't  
7 write it.

8 LES BARBER: In the little black box  
9 I think Bill is referring to.

10 H. THEODORE COHEN: I see.

11 WILLIAM TIBBS: It's right below the  
12 box.

13 LES BARBER: So the next proposal is  
14 to permit signs which exceed the 20 foot  
15 height limit on buildings under limited range  
16 of circumstances. And as the Board may  
17 recall, you've reviewed over the years, many,  
18 many proposals here for signs typically near  
19 the top of buildings. So we've come to call  
20 them "Building identification signs" or:  
21 Tenant identification signs." In fact, there

1 are many proposals where the request is to  
2 exceed the 20 foot height limit but not  
3 necessarily to put the sign up at the top of  
4 the building, but just to put it on the  
5 second or third floor rather than up at the  
6 top. Because sometimes the limitation is 20  
7 feet or below the second floor windows which  
8 puts signs down intentionally close to the  
9 ground at the pedestrian level. So there are  
10 frequently requests to go above the 20 feet.

11 And in this case the proposal is to  
12 define the kinds of signs that we would find  
13 acceptable and allow them as of right. So  
14 this isn't a Special Permit process, this is  
15 an as of right process. Currently for the  
16 most part, this is required to be a Variance.  
17 And it's not too dissimilar to the kinds of  
18 signs that we allow for hotels already in the  
19 Ordinance. It's actually more restrictive  
20 than that provision. But the proposal is to  
21 allow one sign for each street frontage that

1 the building faces, but no more than two such  
2 signs. And then further to require that the  
3 sign be either naturally or externally  
4 illuminated. It can't be internally  
5 illuminated. The sign can be located at any  
6 height on the facade, but it still can't be  
7 above the roof which is a prohibition city  
8 wide. Where a sign is greater in height,  
9 greater than 100 feet, it would increase the  
10 maximum size of the sign allowed from 60  
11 square feet, which is a universal limitation  
12 in the city to -- except for hotels, to 90  
13 square feet. The sign has to consist of  
14 individual letters or individual graphic  
15 symbols mounted directly onto the building.  
16 And the sign is to be accessory to either  
17 tenants in the building or to identify the  
18 building itself.

19 STEVEN WINTER: Les, excuse me.

20 Could you define raceway?

21 LES BARBER: Well, I'm not actually

1           sure why I put raceway in here. Typically a  
2           raceway is a horizontal feature that contains  
3           all the electronics that provide the conduits  
4           to individual letters that light up in an  
5           internally illuminated sign. If we're not  
6           allowing internal illumination, I'm not sure  
7           there would ever be a raceway. So, that may  
8           be an element that might logically be  
9           eliminated here.

10                   HUGH RUSSELL: What is halo  
11           illumination?

12                   LES BARBER: Halo illumination is  
13           considered external illumination. For those  
14           who've ever noticed the Amgen sign is halo  
15           illuminated. There are lights behind the  
16           letters, but the light hits the back -- hits  
17           the wall and then bounces back to the viewer.

18                   Otherwise all other provisions of the  
19           Ordinance would continue to apply.

20                   There was another point I wanted to  
21           make and I've forgotten what it is. Oh, well

1 I do want to go to the illustrations here.  
2 There are three and it will be -- I should  
3 clarify the circumstances of these various  
4 signs because they're illustrative to the  
5 type of sign that's being proposed. They  
6 aren't exactly conforming to the regulations  
7 as proposed. The Biogen sign is actually in  
8 Kendall Square and it's exempt under the  
9 Ordinance which is why it's up there. But it  
10 is also located above the roof of the  
11 building which would not be permitted under  
12 this Ordinance.

13 The second illustration, I think it's  
14 Di ad.

15 H. THEODORE COHEN: Excuse me, do  
16 you know how large the Biogen sign is?

17 LES BARBER: I don't. But I do know  
18 how large the Genzyme sign is which I'm  
19 getting to.

20 HUGH RUSSELL: Biogen sign appears  
21 to be about four feet high and maybe 15 feet

1 long. So it's probably under 60 square feet.  
2 I'm comparing it to the windows.

3 LES BARBER: It's actually slightly  
4 bigger than that.

5 HUGH RUSSELL: The Biogen?

6 LES BARBER: Oh, the Biogen? Oh,  
7 I'm sorry. That could very well be. I was  
8 thinking of Genzyme.

9 The Diad sign is one of a group of two  
10 or three, if not more, that were granted a  
11 Variance under the current regulations. And  
12 it is at a location on the wall which would  
13 be permitted under the Ordinance.

14 Genzyme which -- there are two of them  
15 actually got a Variance as well, and it is at  
16 a location above the roof. So if it were to  
17 be, if the regulation were to be adopted, it  
18 would still need a Variance for that  
19 location. And that sign is five feet tall  
20 and 24 feet long. And depending how you  
21 measure it, it's 100 feet or 120 feet in

1 area. And so what we would be permitting  
2 would be slightly smaller than that.

3 HUGH RUSSELL: We're going to get a  
4 lot of public testimony on this subject  
5 because we've already received a lot of  
6 written comments.

7 LES BARBER: Yes.

8 HUGH RUSSELL: So maybe we'll listen  
9 to that before we go into that.

10 LES BARBER: And I should say that  
11 the regulations are meant to be a reflection  
12 of the kinds of signs that we've seen in the  
13 past and what the Board has generally been  
14 supportive of, but there's almost nothing  
15 magical about any of the details. We can try  
16 to be much more specific about some factors.  
17 We can change the numbers. So please feel  
18 free to think about all of that as we discuss  
19 the provisions.

20 The next major change is a general  
21 waiver of the sign limitations. And in this

1 case, this is for an entire site that would  
2 be a Special Permit generally issued by the  
3 BZA, but it would be issued by the Planning  
4 Board if they had jurisdiction over the  
5 property, which they do in many properties  
6 because of another Special Permit. The  
7 Galleria Mall for instance, the Board issued  
8 a Special Permit. And this is a provision in  
9 business districts to waive not the total  
10 amount of signage which remains the same, and  
11 not to waive the height which remains the  
12 same at 20 feet, but to waive all of the  
13 individual limitations with regard to  
14 dimensions and illumination for projecting  
15 signs and wall signs and the like. Subject  
16 to the presentation to the Board of a plan  
17 for all signs, sign area that would be  
18 allowed on the site. So the Board could  
19 allow flexibility in terms of for instance  
20 the number of projecting signs which  
21 currently is limited to one per store. Or

1 allow illumination for a free-standing sign  
2 which is currently prohibited now. It could  
3 allow those signs to be slightly bigger than  
4 they're allowed. And I think in many cases  
5 with a plan and with a review and  
6 consideration of the entire site of that  
7 flexibility could be quite positive. So that  
8 would be allowed by Special Permit with the  
9 various standards that are enumerated here.  
10 And again, it's not increasing the total area  
11 of signs and it's not increasing the height  
12 of 20 feet.

13 HUGH RUSSELL: Where are these  
14 specifics that are enumerated?

15 LES BARBER: It's just the set of  
16 requirements that follow.

17 HUGH RUSSELL: Is it like a 1.1  
18 through 6?

19 LES BARBER: Yes, right.

20 HUGH RUSSELL: But there aren't any  
21 specific criteria for the Board to consider?

1                   LES BARBER: No, no. I guess  
2 they're not standard, they're basically  
3 requirements for setting up the proposal.

4                   And then the last change is again a set  
5 of signs that the Board has seen frequently  
6 advance, particularly by the institutions  
7 Harvard and MIT for the kinds of banners and  
8 posters that are typically applied to  
9 buildings, museums and libraries and  
10 performance spaces identifying current  
11 programs. And, you know, it's a typical form  
12 of advertising for those kinds of venues.  
13 And I think that generally the Board has  
14 found that kind of activity and enlivening  
15 and pleasant and interesting and certainly in  
16 the interest of the organizations.

17                   The regulations as set forth here  
18 basically are extrapolations of the approvals  
19 that have been granted in the past for some  
20 of the signs actually that are illustrated  
21 here; the banners on the Harvard Museum, the

1 banner for the Carpenter Center, the banners  
2 that are typically posted on the theatre.  
3 And I actually have no idea how those get  
4 approved because they certainly don't conform  
5 to the existing Sign Ordinance but there may  
6 be some approval in the past.

7 This would apply to, as indicated here,  
8 essentially non-profit entities that have a  
9 theatre performance, museum or operator, a  
10 library or art gallery that has changing  
11 exhibits. And the notion is that these would  
12 have to be the soft fabric kinds of sign,  
13 that they would be temporary in the sense  
14 that you can't keep them up forever. They're  
15 not meant to be the sign saying this is the  
16 Fogg Art Museum. It's just the Fogg Art  
17 Museum's current exhibit Mediterranean art or  
18 something or other. And that they should be  
19 changed at least once a year. There are  
20 limitations as to the sizes and their  
21 locations. This would apply both in

1           resi denti al and busi ness di stri cts, and  
2           essenti al ly wou ld refl ect what has been i n  
3           the past the ki nd of si gns that the Board has  
4           been posi ti ve about when they sou ght  
5           Vari ances.

6                   I 'd be happy to answer questi ons i f you  
7           have any further questi ons?

8                   HUGH RUSSELL: Do we have any more  
9           questi ons at thi s time? Pam.

10                  PAMELA WI NTERS: Les, does thi s have  
11           anythi ng to do wi th bi ll boards, bi ll boards?

12                  LES BARBER: No.

13                  PAMELA WI NTERS: No? Okay. That' s  
14           too bad.

15                  LES BARBER: Whatever bi ll boards  
16           means.

17                  PAMELA WI NTERS: I 'm j ust thi nki ng  
18           about i n Porter Square there' s a huge  
19           bi ll board.

20                  LES BARBER: Yes. We once tri ed  
21           that and were not very successfu l .

1 PAMELA WINTERS: Not very successful  
2 with the City Council?

3 LES BARBER: No, no, we were  
4 successful with City Council. We actually  
5 have a set of regulations in the Ordinance  
6 which are unenforceable with regard to  
7 enforcing the removal of billboards. But I  
8 think if you look over the long term, they're  
9 going one at a time and they can't be  
10 re-erected. So we're making progress in  
11 another way.

12 PAMELA WINTERS: Good to know.

13 LES BARBER: Of their illumination.

14 PAMELA WINTERS: Thank you.

15 HUGH RUSSELL: Okay. Are we ready  
16 to go on to the public testimony? Okay. Is  
17 there a sign-up sheet?

18 LES BARBER: There is.

19 HUGH RUSSELL: So I'll read names  
20 from the sign-up sheet. And if your name is  
21 not on the sign-up sheet, I'll ask at the end

1 if other people want to speak. When you do  
2 speak, please come to the podium, speak into  
3 the microphone, give your name and address  
4 for the record. Spell your name if you have  
5 a name that's unique and usual so we get it  
6 right in the record. And please speak for no  
7 more than three minutes. My colleague Pam  
8 will let you know, and she will make various  
9 signs to you and if you don't pay attention  
10 to them I'll come in and remind you.

11 First one to speak is Hubert Murray.  
12 And the second person following him will be  
13 Kevin Crane.

14 HUBERT MURRAY: Thank you very much.  
15 My name is Hubert Murray. I live in Erie  
16 Street in Cambridge. For the record, I did  
17 write a letter addressed to you,  
18 Mr. Chairman, this morning and it was  
19 directed I believe through Suzanne?

20 PAMELA WINTERS: Susan.

21 HUBERT MURRAY: Susan.

1                   SUSAN GLAZER: I'm sorry, I did not  
2 see it.

3                   HUBERT MURRAY: Okay.

4                   HUGH RUSSELL: Okay. And I did not  
5 see it. So proceed.

6                   HUBERT MURRAY: And actually it  
7 would have been better informed with the  
8 helpful explanation that Les just gave, and  
9 thank you for the illustrations. I'm really  
10 here in regard to Section 3, the building  
11 identification signs, and I leave other  
12 issues to other people. And I'm particularly  
13 concerned about the effect on the view from  
14 the Charles River with regard to the  
15 enactment of this Ordinance and the fear that  
16 signage may take over the view in the Charles  
17 River basin. Much as Doctor Johnson said,  
18 "The finest view in Scotland was the road to  
19 England." One of the finest views in Boston  
20 is actually the Cambridge skyline. And  
21 whereas I think the Planning Committee over

1 the years has done a tremendously good job on  
2 the Cambridge side of the river in overall  
3 planning, I think showing Boston up to be a  
4 second best. On the other hand, Kendall  
5 Square and going down to Kenmore is a bit, I  
6 don't know if it has been said that it's a  
7 bit like Ryad without the charm. So it's  
8 possible that signs of the sort envisioned in  
9 this document might actually cheer up Kendall  
10 and Kenmore a little bit, but I think that it  
11 would be very detrimental to the view from  
12 the Charles River basin. We're not -- our  
13 image as a city and our reputation, our  
14 worldwide reputation in the city, is not  
15 principally as a commercial city. So I think  
16 we need to be very careful how we establish  
17 our profile and how it might be affected,  
18 because the work of centuries may be undone  
19 in a few moments if we're not very careful.

20 Now, I distinguish between two areas  
21 and that leads me to say that even though I

1           I like this illustration, it's very helpful, I  
2           do think that a comprehensive signage report  
3           and how -- the application of the signage in  
4           the various areas, including historic  
5           preservation neighborhoods, as well as the  
6           commercial neighborhoods, would be a  
7           tremendous help and I don't think that this  
8           Ordinance should be enacted without such a  
9           comprehensive report prefacing it.

10                   Thank you very much.

11                   HUGH RUSSELL: Thank you.

12                   Kevin Crane. And after Kevin, Charles  
13           Marquardt.

14                   ATTORNEY KEVIN CRANE: Good evening,  
15           Mr. Chairman, members of the Board. My name  
16           is Kevin Crane and I reside at 27 Norris  
17           Street in Cambridge. I'm also an attorney  
18           with an office at 104 Mount Auburn Street in  
19           Cambridge. I have submitted a letter to the  
20           Board and the Chairman referred to it earlier  
21           along with a letter from Terrence Regan who

1 is my client. He is the President of  
2 Intersystems which is a technology company  
3 headquartered at One Memorial Drive. They  
4 occupy approximately 40 to 45 percent of the  
5 space at that building, and the rest of the  
6 building I believe is occupied by Microsoft.

7 Within my submission I also had a  
8 photograph, and I just want to make sure that  
9 the members of the Board have the photograph.  
10 Okay.

11 PAMELA WINTERS: (Indicating.)

12 ATTORNEY KEVIN CRANE: My client has  
13 occupied One Memorial Drive for 22 years,  
14 they employ 300 people at that site. As to  
15 these proposed amendments, I want to speak to  
16 the building identification signs and the  
17 general waiver of limitations special process  
18 sign. Although the focus seems to be on the  
19 Charles River and the Charles River is  
20 certainly a critical element of this  
21 proposal, this proposal is not just the

1 Charles River. If you walk down or drive  
2 down Mass. Avenue from the north, I could see  
3 on the Henderson Carriage building a sign for  
4 elephant walk on the northerly facing sign.  
5 In Porter Square I can see a post office  
6 building, a sign for Roach's Sporting Goods.  
7 In Porter Square further at the Commonwealth  
8 Locke building, I could see a sign on the  
9 northerly facing blank brick facade now for  
10 Bank of America. The corner of Massachusetts  
11 Avenue and Shepard Street, a large apartment  
12 building with retail on the first floor.  
13 Again, I could see Marathon Sports below the  
14 roof line.

15 Building identification sign portion of  
16 the Ordinance allows the 60 square foot sign  
17 above the 20 feet, which is the present  
18 regulation, so long as it's below the roof  
19 line. If it's above 100 feet, which I'm not  
20 sure on those floor locations where the 100  
21 foot line would be, but on some of them it

1 would be 100 feet, you could have a 90 square  
2 foot sign as a matter of right.

3 I could see in the Alewife area as long  
4 as a tenant was in the building on the first  
5 floor, for example, or any other location, I  
6 could see the Dunkin' Donuts sign, a  
7 Starbucks sign, a Bertucci's sign. In  
8 Central Square on the Baron building, I can  
9 see a Dunkin' Donuts sign on the left side of  
10 the building as you face it as a matter of  
11 right. Utility building at the corner of  
12 Mass. Ave. and Prospect Street, where the  
13 leading bank. Also mobile phone, a national  
14 company heavily advertising, you can see a  
15 sign on that building as a matter of right.  
16 Kendall Square, One Broadway another Dunkin'  
17 Donuts sign could go up. You could also see  
18 a Microsoft sign going up at One Memorial Drive.

19 The second part that I think the Board  
20 has to address and I think Mr. Barber might  
21 be missing it a bit, is that the waiver of

1           Limitations does apply to the building  
2           identification signs. The building  
3           identification signs under the Ordinance  
4           proposed is defined as a wall sign. Wall  
5           signs are covered by the waiver of  
6           Limitations process, which will be a Special  
7           Permit process with the general standard of  
8           detriment to the public interest and not the  
9           regular standard of a Variance.

10                   PAMELA WINTERS: Excuse me,  
11           Mr. Chairman, I need to let you know that  
12           time is up and it's up to you if you wish to  
13           let him continue or not.

14                   ATTORNEY KEVIN CRANE: Can I just  
15           have 30 more seconds?

16                   HUGH RUSSELL: Sure, go ahead.

17                   ATTORNEY KEVIN CRANE: So I think  
18           that the Board has to look at that as far as  
19           the Special Permit process being triggered  
20           rather than a Variance process.

21                   Finally, the passage of this Ordinance

1 would do nothing more than allow companies to  
2 advertise on the tops of buildings, probably  
3 out of state companies, and the citizens of  
4 Cambridge would get absolutely no benefit  
5 from it. So I would ask that you reject  
6 certainly the building identification signs  
7 and the limitations waiver aspect of the  
8 Ordinance.

9 Thank you.

10 HUGH RUSSELL: Thank you.

11 ATTORNEY KEVIN CRANE: If you have  
12 any questions, I'd take them. Thank you.

13 HUGH RUSSELL: Maybe later.

14 Charles Marquardt. And after him the  
15 next person is Leland Cheung.

16 CHARLES MARQUARDT: Charles  
17 Marquardt, 10 Rogers Street, Cambridge. I  
18 want to start out quickly and say we need to  
19 understand what problem we're trying to  
20 solve. Les did a great job showing all the  
21 signs that have already gone up. It doesn't

1 seem to me that the companies going through  
2 the Variance process are having a problem.  
3 They're having a problem explaining why they  
4 need to have the sign as a hardship, but  
5 they're getting through there. Maybe we need  
6 to solve that process rather than granting as  
7 of rights across the board. What concerns me  
8 about the as of right, is taking away a  
9 fundamental part of what is Cambridge.  
10 Cambridge has been built up over the years  
11 through the participation of the City  
12 Council, Boards such as yourselves, and the  
13 public as annoying as some of us may be,  
14 participating. This proposal takes that out  
15 for signs, gone. Signs can go up.  
16 Mr. Barber did a good job on showing what the  
17 signs are. But picture Roach's Sporting  
18 Goods with a symbol, a gun, as of right on  
19 their wall. We would have no say in the  
20 matter. It's an as of right, they can put  
21 that symbol of their store right up on the

1 wall. So driving up Mass. Ave. you see a  
2 gun. That's my quick example there.

3 And also I'm not going to go over to my  
4 neighborhood where you can see lots of things  
5 along the Charles River, I'm sure lots of  
6 people can hit that. I actually want to  
7 point to a building that just tonight we  
8 talked about for the third time with regard  
9 to how a cell phone antenna would impact the  
10 view of that building from Concord Ave, and  
11 that's 10 Fawcett Street. With the passage  
12 of this Ordinance, that building as of right  
13 could put up a 60 square foot sign with no  
14 input from this Board. With a Board that's  
15 gone through and looked at that building  
16 numerous times for something that is far  
17 smaller than 60 square feet, to allow two, 60  
18 square foot signs up on that building without  
19 having any say in how it impacts the  
20 architecture, the view the skyline, the  
21 streetscape seems beyond belief to me that we

1 would actually be considering that.

2 And finally we're sitting here looking  
3 at it and trying to think through all our  
4 heads what buildings are impacted, I'm sort  
5 of disappointed in city staff that there's  
6 not a list here. Here's all the buildings  
7 that today would be impacted at either the  
8 100 foot or below the 100 foot line. And  
9 then finally how about an explanation as to  
10 why someone over a 100 feet gets a 50 percent  
11 bonus? I don't know -- understand the  
12 rationale. Maybe it's a little higher up and  
13 they need a little more space. But there's  
14 no explanation in the rules or no explanation  
15 in the presentation as to why when you hit  
16 that magic 100 foot mark, you get an  
17 additional 30 square feet or 50 percent of  
18 the 60 square feet before.

19 Thank you.

20 HUGH RUSSELL: Thank you, Charles.

21 Leland Cheung. And the next is Tom

1 Si eni ewi cz.

2 LELAND CHEUNG: Hi . Leland Cheung,  
3 101 Hampshire also with the City Council .

4 This hasn't yet hit the Ordinance  
5 Committee of the City Council so it would be  
6 inappropriate for me to voice support or  
7 opposition at this time. But I did want to  
8 take the time to thank everybody for their  
9 careful review of this process. And also  
10 just, with everybody here, to just reassure  
11 people in the audience that there are a lot  
12 of us in the Council are very aware of this  
13 Ordinance and are watching very carefully,  
14 and not just letting it slip by but we're  
15 keeping a keen eye towards it. I just wanted  
16 to reassure everybody that that is happening.  
17 And also thank everybody for coming out. I  
18 think that it's, it's heartening to see so  
19 many people interested in the process. I  
20 think it's an opportunity for us to really  
21 look at the Ordinance which Les has started

1 and come up with something that satisfies all  
2 our needs and satisfy the needs in the  
3 community, and at the same time revamping an  
4 outdated and out voted Ordinance that no  
5 longer satisfies what we're looking for.

6 And finally I think we're all concerned  
7 about this because of this picture that's  
8 been floating around. Listening to what Les  
9 was talking about earlier, it really seemed  
10 that this kind of thing isn't even possible.  
11 Because you just have to have letters on top  
12 of a building, you couldn't have a Burger  
13 King logo on top of a building. I'll be  
14 curious as to -- I'll be looking forward to  
15 learning more. I'm just curious is this  
16 really possible, and if so, how do we address  
17 it? And if not, doubly concerned about the  
18 misinformation that's getting out to the  
19 public.

20 Thank you.

21 HUGH RUSSELL: Thank you. So, Tom,

1           how do you pronounce your name?

2                   TOM SIENIEWICZ:   Sanavi ch  
3           (phonetic).  So it's spelled like it sounds.  
4           It's spelled for the record  
5           S-i -e-n-i -e-w-i -c-z.  I'm a resident of  
6           Magazine Street and I have some materials  
7           that I just want to quickly show.  I know  
8           I've got three minutes, but here are some  
9           handouts, and I have some for the Board.

10                   HUGH RUSSELL:  We'll start counting  
11           time when you get all organized.

12                   TOM SIENIEWICZ:  Good evening and  
13           thank you.  I'm here really to speak about  
14           three things in my three minutes:  Signs in  
15           the urban context, their relationship to the  
16           innovation economy, and rationalizing the  
17           process.

18                   I'll speak a little bit about signs in  
19           the urban context.  I'm here at the urging  
20           actually of the Cambridge Innovation Center  
21           who asked me to speak.  I'm a city planner

1 and architect who is in a firm in Harvard  
2 Square for 25 years. We practice globally,  
3 and I practice in cities across America that  
4 are attempting to attract the very businesses  
5 that we seem to have in excess or perhaps a  
6 bounty of. Signs, we're of course not  
7 talking about the kinds of signs like the  
8 Citgo sign or the Coca-Cola sign which are  
9 iconic signs as in the case of Atlanta,  
10 Georgia but they have a tremendous power to  
11 make a place. Signs in and of themselves  
12 actually have a tremendous positive impact on  
13 an urban environment, certainly some at that  
14 scale. Some at a smaller scale, but are  
15 definitely associated with those great  
16 American cities. The Chicago Tribune and the  
17 New York Times sign. The New York Times  
18 sign, is probably I think just about 20 feet  
19 above the grade. But definitely signs and  
20 brands that those particular cities are  
21 extremely proud of. And I think that here in

1 the City of Cambridge we have such brands.  
2 The -- nobody can doubt that we have one of  
3 the most extraordinary innovation economies  
4 here. And there are, as I say, cities across  
5 America that would die to have, and in fact  
6 are working very, very hard to attract the  
7 businesses that already exist here in  
8 Cambridge. And I think we should be very  
9 mindful of that. Cambridge Innovation Center  
10 itself hosts 260 startups and has attracted  
11 over \$1 billion in capital.

12 Now to the rationale process. I sat on  
13 the Zoning Board for ten years. I was the  
14 chair I believe for five of the seven years.  
15 It's all a bit of blur, I left that position  
16 because my tenure was up in 2007. So I know  
17 very much I reviewed over 2,500 Zoning  
18 Variances, Special Permits, 40-B applications  
19 and worked in concert with the Planning Board  
20 and understand very specifically what the  
21 difference is between a Special Permit and a

1 Variance process. And I would say that the  
2 Variance process that these signs have been  
3 put through is one that is difficult and  
4 actually puts the Zoning Board in a very,  
5 very difficult position. Les spoke to this  
6 in his opening remarks and said that in fact  
7 what is being attempted here is to try to  
8 rationalize the Zoning Code which has many  
9 (inaudible) to be rationalized. I would say  
10 the Special Permit process is probably the  
11 appropriate process to engage the good minds  
12 that are on the Planning Board and my fellow  
13 citizens who I love and are probably the most  
14 informed, perhaps the most educated citizens  
15 on the planet. Certainly the most articulate  
16 and passionate at times, and I have loved  
17 working with them to try and work on the  
18 problems in the community. And we should  
19 avail ourselves of that extraordinary  
20 resource here to involve every detail of sign  
21 permits. So I would urge perhaps a slight

1 redrafting of the Ordinance to suggest that a  
2 Special Permit process happen through the  
3 Planning Board to approve the signs. I would  
4 also say I'm concerned also by the effect on  
5 the historic districts of a blanket  
6 Ordinance. Something like this should be  
7 very carefully understood relative to the  
8 historic districts. More study is also I  
9 think in order here. I agree with Hubert  
10 Murray in that regard. So that's it.

11 PAMELA WINTERS: Thank you.

12 HUGH RUSSELL: Okay. I wonder if  
13 you could answer a question.

14 TOM SIENIEWICZ: Sure.

15 HUGH RUSSELL: I'm also a Zoning  
16 Board veteran myself so many years ago. And  
17 do you think that if the corporate branding  
18 signs became a Special Permit, what sorts of  
19 standards should be established? Do we just  
20 leave it to the Board or should there be more  
21 standards?

1 TOM SIENIEWICZ: Well, I'm not an  
2 attorney, but a couple of us, and I think  
3 we're on opposite sides of the issue in the  
4 back when a comment was made about our local  
5 gun shop, that in fact the ability to display  
6 something on a sign is actually protected  
7 under our Constitution, it's a free speech  
8 issue. So you have to be very, very careful  
9 about what it is that you're going to try to  
10 control. There are many of us who go to  
11 great lengths to defend the right of somebody  
12 who posts a picture of a gun on a sign if he  
13 felt that's what he needed to do. So,  
14 conditions certainly would be, I think,  
15 certainly details of the illumination are  
16 vital especially in a community that's  
17 concerned about green issues, sustainable  
18 issues. Light pollution from signs is a  
19 significant problem in cities and should be  
20 controlled. So maybe limits on the time that  
21 things are illuminated, how they're

1 illuminated and that should be reviewed in  
2 great detail. I think there's a concern  
3 about how the signs are permitted. How much  
4 of a tenancy one would expect in a building  
5 in order for it to be identified for that  
6 particular tenant. And that's something I'm  
7 not quite sure how to define off the cuff.  
8 But I'm told the market generally will  
9 control, but that concerns me. I think that  
10 there's a proper place for the Planning Board  
11 to review that.

12 HUGH RUSSELL: Okay, thanks. It's  
13 quite possible that it might not be the  
14 Planning Board. It might be the Zoning  
15 Board. It might be a combination. After  
16 Renata is Bill August.

17 RENATA VON TSCHARNER: My name is  
18 Renata von Tscharner and I'm a resident of  
19 Cambridge and I would like to speak to mostly  
20 the building identity component and also of  
21 the corporate branding.

1 I'm here as the Founder and President  
2 of the Charles River Conservancy. This is a  
3 ten year old organization with 18,000  
4 supporters and volunteers and we provide  
5 advocacy and renewal for the urban parklands  
6 from the Boston Harbor to the Watertown dam.  
7 The mission of the conservancy is to make the  
8 parklands more attractive, active and  
9 accessible. While I'm speaking on behalf of  
10 the conservancy, I'm also speaking as a  
11 resident of Cambridge, an architect and city  
12 planner who has been professionally involved  
13 in city identity, public spaces and signage  
14 since my arrival in this country in the late  
15 1970s. While this is a planning concern that  
16 affects the whole City of Cambridge and its  
17 identity, the impact on the Charles River and  
18 its parklands is particularly serious. As  
19 the painter Gookin once said, "Water doubles  
20 everything." And when there are signs on  
21 buildings, it will be reflected to the

1 Charles River as well.

2 The Charles River parklands are not  
3 only the frontage and welcoming phase of  
4 Cambridge, the parklands are also on the  
5 National Register For Historic Places. The  
6 buildings that are around Kendall Square, an  
7 area where exchange could have a large  
8 impact, are adjacent to what is also referred  
9 to as the Court of Honor. The Longfellow  
10 Bridge now being restored could become one of  
11 the most visited tourist attractions, and  
12 brief stops on that bridge will set the tone  
13 for Cambridge's identity.

14 While Cambridge has reasons to be proud  
15 to be home of some very innovative companies,  
16 Cambridge has an identity all its own and  
17 should not be like a strip mall with signs  
18 competing for size and visibility.

19 Cambridge's physical identity is closely with  
20 the Charles River, its parklands and its high  
21 quality of architecture. Already the current

1 Zoning prohibitions call for signs that in my  
2 view detracts from the beauty of the  
3 parklands and the architecture and therefore  
4 from the cityscape. I think the proposed  
5 changes could make it even easier for larger  
6 signs to be posted on the sides of buildings.  
7 The existing Variance process ask the  
8 applicants to demonstrate hardship, a step  
9 that provided some hurdles. The proposed  
10 change increases the per right size of signs.  
11 If anything it should be harder to place  
12 signs on buildings. Once the sign has been  
13 approved with a Special Permit, it might  
14 become more difficult for the public to  
15 contest that decision. With the existing  
16 Zoning Variance process there are specific  
17 criteria that must be met, the Board of  
18 Zoning Appeals truly weighs those criteria.  
19 Because issuing Special Permit is  
20 discretionary and not subject to the rigorous  
21 standards of Zoning Variance process, such

1           permits should be largely immune to court  
2           challenges.

3                   PAMELA WINTERS:   Renata, excuse me,  
4           your time is up.

5                   RENATA VON TSCHARNER:   Okay.

6                   PAMELA WINTERS:   Are you finishing  
7           up your comments?

8                   RENATA VON TSCHARNER:   I have about  
9           another 20 seconds.

10                  PAMELA WINTERS:   Okay.

11                  RENATA VON TSCHARNER:   All right.

12                   As a city with a strong civic pride, we  
13           want to be identified as beautiful parklands  
14           and elegant architecture rather than  
15           corporate logos and advertising. I,  
16           therefore, ask the Cambridge Planning  
17           Committee to reject this change to  
18           Cambridge's planning laws.

19                   Thank you very much.

20                  HUGH RUSSELL:   Thank you.

21                  RENATA VON TSCHARNER:   I also have

1 my comments in writing. Would you like  
2 those?

3 HUGH RUSSELL: Why don't you give  
4 those to Susan and she can pass those around.

5 The next speaker is Bill August. And  
6 following Bill I guess it's Mary Keating  
7 (phonetic) or something like that.

8 UNIDENTIFIED FEMALE: I'm not  
9 speaking. I just signed in. Sorry.

10 HUGH RUSSELL: Okay. And then  
11 unclear. We'll figure it out after Bill  
12 speaks.

13 BILL AUGUST: Hi. Bill August, 17  
14 Lawrence Street and I'm here this evening in  
15 my capacity as a member of the Board of  
16 Directors of the Cambridgeport Neighborhood  
17 Association. Our front yard is the Charles  
18 River and we value Cambridge as an innovation  
19 economy greatly, but we also emphasize as  
20 Renata von Tscharnier just did that we're also  
21 a tourism economy just as well as we're an

1 innovation economy. And I guess people --  
2 many people -- and our lists are -- we have  
3 an internet community bulletin board has been  
4 buzzing with e-mails expressing fear that  
5 this is too much deregulation too fast  
6 without adequate study as Hubert Murray and  
7 Tom mentioned. This can effect not just the  
8 branding of corporations but of the entire  
9 city for centuries to come. I mean, the  
10 Charles River basin not only is on the  
11 Historic Registry, but as we know, it's  
12 really sacred ground. It's not just a  
13 regional resource, it's an international  
14 treasure and we don't want signs unless it's  
15 pursuant to careful standards and criteria  
16 and specifications.

17 We also see in the existing Ordinance  
18 it says the Community Development Department  
19 shall approve certified signs for compliance  
20 within a ten day period. That's not  
21 addressed in the amendments, but as part of

1 the larger review, we should look at  
2 Community Development -- you can't order a  
3 pizza in ten days in most businesses, let  
4 alone review sensitive sign decisions. Maybe  
5 that's extended routinely, but clearly it  
6 shows that there's not a comprehensive review  
7 process. Maybe there should be a sign  
8 committee, not just the Planning Board, with  
9 institutionalized expertise about the best  
10 practices in this area.

11 So, I just think, you know, we're not  
12 anti development. We love businesses, but  
13 tens of thousands of people can be negatively  
14 impacted by signage interfering with their  
15 view of the river and biking, and we have as  
16 great an interest in balancing the public  
17 needs and very careful, diligent, deliberate  
18 manner and that's it I think.

19 Thanks.

20 HUGH RUSSELL: Thank you. Does  
21 Monika Kratzmann wish to speak?

1                   MONI KA KRATZMANN: I think I need to  
2                   withdraw my request because I'm not living in  
3                   Cambridge. I used to live in Cambridge for  
4                   ten years. I've worked along the river for  
5                   30 years.

6                   HUGH RUSSELL: You're certainly  
7                   welcome to speak.

8                   MONI KA KRATZMANN: I have to  
9                   withdraw. I'm not a resident of Cambridge.

10                  WILLIAM TIBBS: You don't need to  
11                  be.

12                  HUGH RUSSELL: You don't need to be  
13                  a resident of Cambridge to speak.

14                  MONI KA KRATZMANN: I don't have to  
15                  be?

16                  HUGH RUSSELL: It's helpful if you  
17                  speak in English. Could you spell your name,  
18                  please?

19                  MONI KA KRATZMANN: Moni ka,  
20                  M-o-n-i-k-a. And the last name is Kratzmann,  
21                  K-r-a-t-z-m-a-n-n. I'm not really used to

1 speaking in front of an audience like this  
2 but I'll give it a try.

3 I would like to reinforce the position  
4 that it is a beauty to look at the Cambridge  
5 skyline as well as it is a beauty to look at  
6 the Beacon Hill skyline. And what we somehow  
7 have not emphasized is that Cambridge is a  
8 citadel of knowledge, research, technology.  
9 And recently has been joined by a very vivid  
10 life size group of organizations. And that  
11 is kind of a vulnerable area. The halls of  
12 knowledge, technology and research is kind of  
13 a quietly productive area that need not be  
14 advertised by neon signs or any other signs  
15 because they glow from within and they  
16 illuminate from within. They illuminate our  
17 minds. And I would like to -- for the Board  
18 to give that consideration and keep the  
19 beauty intact for those very reasons because  
20 we have brought about a great knowledge at  
21 MIT, Harvard that is along the river and I

1 would like to see that preserved for the  
2 future.

3 And I wanted to add one more thing, in  
4 this era of cyber advertisement that totally  
5 penetrates our lives 24/7, why is it even  
6 necessary for these huge organizations to put  
7 a plaque on top of their building, on the  
8 side of their building, because now a days in  
9 cyber advertisement you can do anything  
10 anywhere with as much glitz and glamour as  
11 you wish.

12 Thank you very much. I oppose the  
13 building edification and the waiver. Thank  
14 you.

15 HUGH RUSSELL: Thank you.

16 Next speaker is Tim Rowe and following  
17 him is Steve Kaizer.

18 TIM ROWE: Thank you, members of the  
19 Planning Board. I know it's a great deal of  
20 work to serve on a Board like this and come  
21 out for many hours in the evening, so thank

1 you. I also want to thank members of the  
2 Cambridge community who are here. I'm a life  
3 long Cambridge resident and I run Cambridge  
4 Innovation Center. I'm not going to speak  
5 from a technical perspective. I want to  
6 second some of the technical comments by Tom  
7 who spoke here. I want to make just a  
8 general point about signs.

9 I'm speaking from the perspective of  
10 someone who's building the economy in  
11 Cambridge. Kendall Square businesses in  
12 Kendall Square pay about \$6 out of every \$10  
13 to run the City of Cambridge. It's the  
14 businesses that are there, the property taxes  
15 that they pay that sustain the schools that  
16 we have, the parks that we have and so forth.  
17 That stuff doesn't run by itself. We live in  
18 a global competitive economy. And right now  
19 if you were graduating from MIT or Harvard or  
20 BU or one of the schools around here, and you  
21 were to think about where you want to start

1 your career. And you were going to visit the  
2 Silicon Valley and the areas around Kendall  
3 Square and the areas around Boston, the  
4 message you take away is the action is out  
5 there. You walk around Kendall Square and  
6 you see almost no activity, it's dead. You  
7 know, second to Ryad. It's like Ryad without  
8 the charm someone said.

9 If you drive down Highway 101 in  
10 California, you see the companies that are  
11 forging the technology revolution on every  
12 side as you go through Palo Alto. We're not  
13 telling our story. It's an important story  
14 that we have, we're not telling it. I don't  
15 know how to exactly technically word this and  
16 I'm not going to propose or suggest that I  
17 know how to do that, I think some of the  
18 concerns raised about the gun images and so  
19 forth are great concerns. I hope you find  
20 good ways to address those within the limits  
21 of civil liberties. But please don't draw

1 the conclusion that it's okay for us to just  
2 be kind of New England Puritans and hide the  
3 assets that we have. We have some really  
4 important assets, and I think we want to  
5 really tell our story better.

6 Thank you.

7 STEVE KAIZER: My name is Steve  
8 Kaizer, K-a-i-z-e-r on Hamilton Street. I'd  
9 like to thank Les Barber for his presentation  
10 today. I thought it was excellent. And with  
11 Jim Rafferty here I would like to say why,  
12 because he did it with a handout and not  
13 with PowerPoint. And he did a good job. I  
14 hope more developers can do the same thing.

15 I would say about this sign proposal, I  
16 don't think it's ready for the prime time. I  
17 think that's the message that a lot of people  
18 have delivered. It needs to be talked about,  
19 needs to be discussed, but there are some  
20 other serious flaws in here. Let me just  
21 highlight one here that I found. Right on

1 the first page, applicability, signs in the  
2 public way. Why should signs and banners in  
3 a public way be not required? But if they're  
4 in a private way, they must be? Why is  
5 public way in there?

6 And the exceptions are, it says except  
7 especially provided. And I don't know, Les,  
8 if there's any other reference to public way  
9 except on page two where it refers to exempt  
10 signs. And this in effect duplicative  
11 because it exempts properly traffic and  
12 directional signs plus bus schedules. No  
13 problem there. Other signs in the public  
14 way. What is that? And why a public way? I  
15 would note that the Memorial Drive is not a  
16 public way. Very interesting situation.  
17 It's a road built on park land. It's not a  
18 public way. So if you look at item No. 1,  
19 the signs not visible from the public way  
20 means that they can do anything they want  
21 along Memorial Drive because Memorial Drive

1 is not a public way legally.

2 So, these are the sort of odd things  
3 through here, very peculiar.

4 Now, on the height issue, signs above  
5 20 feet, I see an unfairness here, not a  
6 serious one. That it's the Microsoft  
7 problem, it's the big shot who gets the big  
8 sign, advertising sign only, not informative,  
9 but advertising up in the air. It's the  
10 company that is too big to be denied,  
11 therefore, they can't be turned down. The  
12 little guy will get turned down. So, I see a  
13 problem there. And I'm going to refer you to  
14 the -- my favorite piece of the state  
15 Constitution. I've given you a piece of it  
16 in the past. But it's very good guidance on  
17 how public agencies should do their business.

18 "Government is instituted for the  
19 common good, for the protection, safety,  
20 prosperity and happiness of the people. And  
21 not for the profit, honor or private interest

1 of any one man, family or class of man." It  
2 doesn't say anything about Microsoft, but it  
3 could. Therefore, the people alone have the  
4 incontestable, inalienable and indisputable  
5 right to refuse government as they wish,  
6 etcetera, etcetera. I think that is a really  
7 important guidance for everybody here. This  
8 is a group of very rich and powerful people  
9 that get certain benefits by this regulation,  
10 and we should be very careful to serve the  
11 people and not the individual businessman.

12 One last thing is --

13 PAMELA WINTERS: Steve, you need to  
14 make it brief.

15 STEVE KAIZER: I'll finish up real  
16 quick.

17 Les did mention if you have a little  
18 bit of free time, and I would urge that you  
19 try to look into North Point. It's a rather  
20 crucial issue.

21 Thank you.

1 HUGH RUSSELL: Thank you.

2 BILL AUGUST: I have a technical  
3 question about public way that I meant to  
4 include if I can just address it, it's a  
5 technical point?

6 HUGH RUSSELL: Sure.

7 BILL AUGUST: All right. I'm just  
8 concerned -- Bill August, Lawrence Street,  
9 Cambridge.

10 I'm just concerned about the codifying  
11 or memorializing an interpretation that  
12 relinquishes review of public ways. That  
13 seems to be going in the wrong direction  
14 rather than saying we have an interpretation  
15 we can't regulate the public way based on  
16 language in the Zoning Ordinance. Les just  
17 said that it was because it was based on the  
18 regulation, it has to do with regulation of  
19 lots. Rather than give up oversight of the  
20 public way, why not include signs in the  
21 public way within the jurisdiction of the

1 Sign Ordinance, so you'll have more oversight  
2 rather than less?

3 HUGH RUSSELL: Okay. That's a  
4 question which I think I will actually in the  
5 discussion period ask Les maybe to address  
6 that question so he understands the ruling by  
7 the City Solicitor.

8 This was the end of the list of people  
9 who indicated they wanted to speak. But I  
10 think I'd also like to just read the names of  
11 the people who have signed this list saying  
12 they're in opposition who don't wish to  
13 speak. It's always troubled me that we  
14 don't, we don't hear that. So those people  
15 are -- in this particular hearing everybody's  
16 name that I'm reading has checked the No  
17 column and the Opposed column. There aren't  
18 any others. So Mary Ann Donofrio, Mary  
19 Bradway, Susan Ragon, Reanne Lensos  
20 (phonetic), Mary Beth Roz (phonetic), Julie  
21 Ray, Phillip Ragon. And we go down to Kelley

1 Clark.

2 UNI DENTI FIED FEMALE: No. That was  
3 in the box. It was already checked when I  
4 signed my name.

5 HUGH RUSSELL: Okay. So you're not  
6 in this category of people who are opposed.  
7 Okay.

8 Then Karen Schwartzman, Courtney Waal  
9 and Mary -- it looks like Kegan of Fayette  
10 Street.

11 UNI DENTI FIED FEMALE: Kearns.

12 HUGH RUSSELL: Kearns. Robert Leff.  
13 And so that's the list of people that have  
14 checked off.

15 UNI DENTI FIED MALE: May I add my  
16 name?

17 HUGH RUSSELL: Now we go to the next  
18 part which is anyone else who wishes to  
19 speak, they can speak and just say they're  
20 opposed and talk for three minutes. So does  
21 anyone else wish to be heard?

1 (Show of hands.)

2 HUGH RUSSELL: Okay. So let's just  
3 sweep this way. Starting with -- yes.

4 DENNIS CARLONE: Hi. My name is  
5 Dennis Carlone. I'm an architect urban  
6 designer. Carlone is C-a-r-l-o-n-e. I live  
7 at 16 Martin and work at 222 Third.

8 As I said, I'm an architect urban  
9 designer and I can see both sides of this  
10 issue like I'm sure you're experiencing now,  
11 and maybe some people in the audience. We  
12 all want to preserve the sanctity of the  
13 Charles River and the neighborhoods. At the  
14 same time as an urban designer, and it was  
15 alluded to by the other urban designers that  
16 spoke tonight, there is the vivaciousness of  
17 life and business and of image that is also  
18 important, and I -- this as I'm thinking this  
19 out, the logic of being able to have a sign  
20 up high seems right, but the rules seem as,  
21 you've briefly discussed, seems to really

1 need to be thought out. In the old days if  
2 it were, signage took over buildings in  
3 Central Square and Harvard Square. You've  
4 all seen those pictures. None of us want  
5 that. I would say that in the neighborhoods,  
6 that's a completely different issue than in  
7 the high commercial districts and I can't  
8 imagine most any neighborhood group wanting  
9 this to happen, maybe through a Special  
10 Permit as discussed, but allowing signs up  
11 high. Whereas in certain commercial  
12 districts, the high commercial districts  
13 there is a logic to this. Now whether that  
14 size makes sense or not that you specify,  
15 does need to study. I have to say I was a  
16 little relieved when Les mentioned that  
17 Genzyme was about 100 to about 125 feet and  
18 we're talking about 90. But all of that  
19 really has to be studied.

20 In the public way I totally agree with  
21 one of the last speakers, in that this is one

1 of the more dominant intrusions of signage,  
2 and many of them just look terrible and do  
3 not reflect the quality of Cambridge even in  
4 front of City Hall. So, this overall  
5 picture, I think, the fact that you're  
6 discussing it and that there's a need for it,  
7 I totally support. How it's done has got a  
8 long way to go. And I think the presentation  
9 tonight helped me understand it and see that  
10 there's a lot of good logic behind it, but  
11 the impact has to really be studied.

12 And I might say one other thing. In  
13 older buildings and good, new buildings,  
14 there's a place for a sign even at the top of  
15 the building that's integrated. So any new  
16 buildings, if this moves forward, I hope you  
17 begin to look at new buildings like where  
18 would that sign be? And the logic of the  
19 corporate identity not being spread out,  
20 there was a time when corporate identity was  
21 part of the buildings. God, I sure hope we

1 get back to that because it made for much  
2 more interesting buildings.

3 So, thank you.

4 HUGH RUSSELL: Thank you, Dennis.

5 Heather, I think you were the next.

6 HEATHER HOFFMAN: Hi, my name is  
7 Heather Hoffman. I live at 213 Hurlley  
8 Street. And I'm still not convinced that  
9 there's anything broken here. I will point  
10 out that one of the very high commercial  
11 districts that we speak of, Kendall Square, I  
12 can see from my kitchen. I can see from my  
13 house, inside. I look out of my studio where  
14 I do my knitting and beading, and right out  
15 there is Kendall Square. So, I am not at all  
16 convinced that any of these places are  
17 isolated from the neighborhoods where people  
18 might like just to live their lives and not  
19 be visually assaulted.

20 The one other thing was, actually, I  
21 have a question for the Chair, the article in

1 the Globe that quoted you, I was curious to  
2 know if the quote was accurate and fair?

3 HUGH RUSSELL: I have not seen the  
4 article.

5 HEATHER HOFFMAN: Because I will say  
6 that it disturbed me. If it was accurate and  
7 fairly represented what you said, it made me  
8 feel as though at least one member of this  
9 Board had already made a decision, and that  
10 disturbed me greatly. And I hope that I'm  
11 completely wrong. I hope that every one of  
12 you is keeping an open mind.

13 Thank you.

14 HUGH RUSSELL: Okay. Man in the  
15 green shirt.

16 ROBERT LEFF: My name is Robert  
17 Leff, L-e-f-f. I live on Cambridge Street  
18 right here in Cambridge.

19 I wanted to address the point made  
20 earlier about graduates from local schools  
21 and making a decision whether to stay in

1           Cambridge or go elsewhere. I graduated from  
2           MIT twice and I settled in Cambridge twice.  
3           And one of the reasons is because I like this  
4           city that is not commercially in your face.  
5           It's much more low key, and I don't think I  
6           made my decision because there were signs or  
7           not signs. I don't know of any college  
8           graduate who has done that, and it would be  
9           hard to imagine anybody doing that.

10                   As you noted, I am against this  
11           Ordinance. I think careful review of every  
12           sign is a very good thing so I don't think  
13           anything should be done by rights.

14                   Thank you.

15                   HUGH RUSSELL: Thank you. I think  
16           Mr. Rafferty is next.

17                   ATTORNEY JAMES RAFFERTY:

18           Mr. Chairman, members of the Board, James  
19           Rafferty, R-a-f-f-e-r-t-y. I'm an attorney  
20           with offices at 130 Bishop Allen Drive in  
21           Cambridge.

1 I'd like to say that it's a great  
2 opportunity to speak here this evening on  
3 this issue because I have been present for  
4 the better part of two years while the  
5 Planning Board has deliberated this policy.  
6 The first draft I have of this goes back to  
7 April of '08. I have one for May of '09. I  
8 have been present at countless BZA review  
9 cases where the Planning Board attempts to  
10 advise the BZA on the plethora of sign  
11 variances. But I also have to tell you that  
12 I spend a great deal of time on Thursday  
13 evenings at the Zoning Board. And some of my  
14 work is on this poster to my right. And it  
15 is a challenge frankly to articulate the  
16 hardship associated with some of these signs.  
17 I think what Mr. Barber has acknowledged is  
18 that there needs to be a decision made about  
19 the appropriateness of building signs. And  
20 the City Zoning Ordinance is the embodiment  
21 of its land use policies. And if there's a

1 belief that certain location at certain  
2 districts with appropriate limitations, these  
3 signs can serve a purpose, then they should  
4 not be outlawed which is what a Variance  
5 says, you're not permitted.

6 I watched this issue for a long, long  
7 time. I watched the draft language come out  
8 back in March. It made perfect sense to me.  
9 And then the last ten days I started  
10 receiving all types of information that  
11 totally puzzled me. A very glossy brochure,  
12 four pages, with no author on it except a  
13 media person to contact. So I looked up the  
14 media person, Polaris Public Relations. They  
15 say they leverage longstanding media contact  
16 and personal credibility to negotiate matters  
17 of timing, and store replacement and slant.  
18 They then say they create and oversee  
19 advertising strategies to influence public  
20 opinion. And they proudly list their clients  
21 as among others, the Boston Globe and

1 Intersystems Corporation.

2 And then I started to figure out what's  
3 going on here. Mr. Barber noted, if you read  
4 this language, nothing that appeared in that  
5 photograph in the newspaper could occur. The  
6 section that says general waiver of sign  
7 limitation, says it applies to Sections A, B  
8 and C, paragraphs A and C above. The  
9 building identification sign is paragraph D.  
10 So, if that's not clear, there's a way to  
11 make it more clear. I would respectfully  
12 suggest that the Board not allow this process  
13 to get highjacked by someone who has a  
14 personal animus against a particular  
15 corporation or a particular sign. That's not  
16 good urban planning. That's an attempt to  
17 use this process and use one's influence to  
18 change things.

19 I'd also note that the MXD District has  
20 had signs permitted for years. Many of them  
21 you see here. And the notion of Kendall

1 Square has expanded long much beyond what the  
2 confines of the MXD District is. So to say  
3 to Genzyme, which is on the other side of  
4 Broadway, you have to get a Variance but  
5 we'll say to another company on the other  
6 side of Broadway, you can have your sign as  
7 of right. I think Cambridge does a pretty  
8 good job of figuring out what's right and  
9 what's not right.

10 I'll close by showing you what I think  
11 is a rather ironic photo. That the location  
12 that seems to concern all this concern is One  
13 Memorial Drive.

14 HUGH RUSSELL: The CIA sign.

15 ATTORNEY JAMES RAFFERTY: It's the  
16 former home of the electronics corporation of  
17 America. One of the more iconic Cambridge  
18 signs that if today this building were being  
19 built instead of in 1979, I suspect there  
20 would be a huge audience suggesting that sign  
21 in all its glory needs to be preserved.

1 That's what the Charles River looked like not  
2 too long ago. So for those who write in and  
3 say this is going to be the degradation of  
4 the Charles River and challenges the  
5 historical nature of the river and the  
6 buildings along the river, I think it all  
7 depends how long of a history you have. I  
8 have great confidence in the Planning Board's  
9 judgement. I urge you to cut through some of  
10 the spin here and recognize the good work of  
11 the Community Development Department.

12 Thank you.

13 HUGH RUSSELL: Thank you. Who else  
14 wishes to speak? The man in the night shirt.

15 STUART SALZER: Good evening.  
16 Mr. Chairman and the Board. Thank you. My  
17 name is Stuart Salzer, S-t-u-a-r-t  
18 S-a-l-z-e-r. I'm a resident of North  
19 Cambridge. I live in Green Street and I work  
20 at the building that is the source of the  
21 controversy, One Memorial Drive.

1           There's only one aspect of the proposal  
2           that has me concerned, and that is the focus  
3           on illumination. I'm -- I think that any  
4           kind of illumination is a bad idea, and I'm  
5           sure that once one company starts  
6           illuminating their signs, others will. And  
7           Cambridge has an image of a green city and I  
8           really don't think it's appropriate to be a  
9           green city with spending large amounts of  
10          money lighting signs.

11           Thank you, good evening.

12           HUGH RUSSELL: Thank you.

13           Does anyone else wish to be heard?

14           DOUG YOFFE: Hi. My name is Doug  
15          Yoffe. I live at 50 Follen Street in  
16          Cambridge. And I just want to go on record  
17          saying that I do not support the proposal.

18           HUGH RUSSELL: Thank you. Okay.

19           Yes, Ma'am. And after you than the man  
20          the purple shirt.

21           COLLEEN CLARK: My name is Colleen

1 Clark. I live at 21 Williams Street. I  
2 submitted a letter earlier because I wasn't  
3 sure that I was going to be able to come.

4 I have three concerns: One was for  
5 many of us this is the first time we've heard  
6 of this, so I don't know if we're sort of out  
7 of it or why that is, but anyway, it seems  
8 like changes, change is being made. And a  
9 meeting at this time of year it means a lot  
10 of people are out of town.

11 The second question has been raised, I  
12 didn't hear your presentation in the  
13 beginning, is the question that many of us  
14 have is what problem is this -- are these  
15 changes addressing? And I do think it's good  
16 for people, for all of those, us who come to  
17 understand what's, what's underlying this and  
18 why are these changes, you know -- what,  
19 what's going on? And then I, as many people  
20 have said, they have some objection to some  
21 of the details of the proposals. I'm not

1 really familiar with all of these ordinances.  
2 Because it looks to me -- I mean, I printed  
3 out the old ordinance and the new -- these  
4 changes, and it looks like it's, it's, it's  
5 either simplifying or sort of kind of blowing  
6 through some of the requirements, and I don't  
7 really understand why this is necessary. I  
8 think review is a good idea. And some of the  
9 way that it's written is not consistent with  
10 some of the language about protecting the  
11 environment and the aesthetics of this and  
12 that for Cambridge. And so I'm at least a  
13 question not a supporter yet.

14 Thank you.

15 HUGH RUSSELL: Okay. Thank you.

16 Yes, sir.

17 TED PECK: Hi, I'm Ted Peck from  
18 Three Tremont Street in Cambridge. I just  
19 wanted to say I remember that ECA sign from  
20 when I first arrived at MIT and I kind of  
21 thought it was an eyesore at the time. So I

1        wouldn't necessarily argue for preserving it  
2        or recreating it. Yeah, I just want to echo  
3        the point of the previous speaker, you know,  
4        what is really the problem here? You know, I  
5        don't -- I kind of like the signs in the  
6        Kendall Square area and so forth because  
7        they're, you know, interesting and they're  
8        companies that most people haven't heard of.  
9        But I think there's a big difference, at  
10        least in my mind, to companies that everybody  
11        has heard of like Citibank or Microsoft or  
12        whatever. You know, I think it kind of -- I  
13        don't know how you make that distinction,  
14        maybe you can't. But, you know, as Tim Rowe  
15        was saying, you know, we want to advertise  
16        the innovation that occurs here in our town  
17        but we don't necessarily want to advertise  
18        large, you know, national firms that everyone  
19        knows about already. So, I'm also in favor  
20        of more careful review, you know, I'm  
21        sensitive to the concerns that you guys have

1 to waste all your time approving variances.  
2 So better guidelines would be good. But I'm  
3 also in favor of preserving the natural  
4 quality of the Charles River and protecting  
5 the image of Cambridge for academia and  
6 innovation that's local.

7 Thank you.

8 HUGH RUSSELL: Thank you. This  
9 gentleman and then the woman over there.  
10 Then actually now three.

11 STEPHEN PETTIBONE: I'm Stephen  
12 Pettibone, I wrote a letter. It's in your  
13 packet. P-e-t-t-i-b-o-n-e. I live at 6  
14 Harrington Road in Cambridge. I have lived  
15 here since 1968. So you're familiar with the  
16 electric side which I really kind of enjoyed  
17 but that's separate.

18 I agree with the people that are  
19 opposed to this due to the thought of giving  
20 up control to signage to anyone who wants to  
21 buy the property and put up a major photo

1 opportunity for advertisement especially for  
2 a company that may not have any interest  
3 whatsoever not being a part of the city.  
4 There has to be a meaningful and substantial  
5 way I think that having a review process like  
6 we have now is nothing but sound and prudent  
7 and I can't imagine why we would want to  
8 dispense with that for any reason whatsoever.

9 Thank you.

10 HUGH RUSSELL: Thank you. Sir,  
11 please come forward.

12 ATTORNEY DONALD SUCHMA:

13 Mr. Chairman, members of the Board. My name  
14 is Donald Suchma, S-u-c-h-m-a. I'm an  
15 attorney Craig and Macaulay in Boston. I'm  
16 an attorney with Intersystems along with  
17 Kevin Crane. And just by way of background,  
18 I served on the Planning Board of my town in  
19 Westford for a number of years.

20 I would like to address something that  
21 I believe is incorrect in Les Barber's

1 presentation materials. On one of those  
2 pages it is stated that the sign, any sign  
3 that is allowed by Special Permit could not  
4 be higher than 20 feet. That is simply not  
5 true. I draw your attention to the Special  
6 Permit provision of the proposed amendment  
7 where it says that the limitations and  
8 restrictions of paragraph A through C of  
9 7.16.22 and of 7.16.3 may be waived by  
10 Special Permit. The building identification  
11 sign is simply a wall sign that meet certain  
12 criteria. If it meets those criteria, then  
13 it is entitled to serve as benefits as  
14 outlined in the proposed amendment. However,  
15 it is a wall sign, and wall signs are  
16 regulated by paragraph C of Section 7.16.22.  
17 So there's no question that the Special  
18 Permit provisions of the proposed amendment  
19 apply to building identification signs.  
20 Indeed, further reinforcing that assertion is  
21 the fact that in paragraph 3 of subparagraph

1 E the general waiver of sign limitations, it  
2 is said that no sign in the approved plan may  
3 be higher than 20 feet. But then the  
4 important words appear, unless otherwise  
5 permitted in this Article 7. Now, that  
6 language is absolutely meaningless if the  
7 Special Permit provisions of the proposed  
8 amendment do not apply to building  
9 identification signs. The only thing that,  
10 quote, unless otherwise permitted, end quote,  
11 language applies to are building  
12 identification signs and the museum  
13 performance center signs. So, there's no  
14 question that the Special Permit provisions  
15 of the Zoning amendment apply to building  
16 identification signs.

17 Thank you very much.

18 HUGH RUSSELL: Okay. Thank you.  
19 You're next.

20 COURTNEY WAAL: Hello. I'm Courtney  
21 Waal. I'm a resident of 37 Lee Street. I am

1 currently an employee of Intersystems,  
2 although I'm speaking mostly as -- I am  
3 former owner of a startup which I relocated  
4 to Cambridge. And one of the things that  
5 Cambridge really has going for it is that it  
6 is a very welcoming environment to startups.  
7 And you one of the things that worries me  
8 about this law is that it favors majority  
9 tenants. The wordage in the law is such that  
10 the only person with those limited signs on  
11 the building is in most cases of market  
12 pressure going to be the majority tenant.  
13 And this, in most cases, is going to be a  
14 company that will be a Google, a Microsoft  
15 and not one of our homegrown businesses. And  
16 I have to echo in some ways what Tim Rowe  
17 said. I'm a former tenant of his. That we  
18 need to create environment that fosters small  
19 business and doesn't let the image of small  
20 business be bowled over by those of large  
21 business.

1 Thank you.

2 HUGH RUSSELL: Thank you. Does  
3 anyone else wish to be heard?

4 (No response.)

5 HUGH RUSSELL: Okay. I see no hands  
6 so we'll close this hearing for public  
7 testimony but I leave it open for written  
8 testimony?

9 (All agreed).

10 HUGH RUSSELL: Okay. We're agreed  
11 to do that.

12 Now it's time, let's just make a  
13 general comment. That this is a matter that  
14 is before the City Council as a change to the  
15 Ordinance. And the Planning Board's rule is  
16 to advise the City Council in whatever way we  
17 see is fit. So, that's what we'll be  
18 discussing, is what advice do we want to pass  
19 on to the City Council? We may or may not  
20 conclude our discussions tonight. We may ask  
21 -- we suggest that certain information be

1 produced. We'll have to see. So let's  
2 start. Does someone want to start kicking  
3 off?

4 Charles.

5 CHARLES STUDEN: I don't know if I'm  
6 the only one in the room that didn't see the  
7 Boston Globe article and the photograph that  
8 was being referred to. And I assume that  
9 it's the eight-and-a-half-by-eleven color  
10 photograph that was in the packet that we  
11 received. I'm concerned about this  
12 photograph because when I looked at it, I  
13 thought, oh, my God, is this a photograph of  
14 the existing condition? It doesn't really  
15 say. Or even worse, is this what someone is  
16 saying that the proposed changes via the  
17 Community Development Department would result  
18 in? And I'm equally disturbed by that.  
19 Either way I'm disturbed by that. And I  
20 suspect it's the latter. I don't know if  
21 anyone can clarify. Is this a photograph of

1 the way the river looks now?

2 (From the Audience: No).

3 CHARLES STUDEN: Nor is it a  
4 photograph of what the river would look like  
5 if the very modest changes that are being  
6 proposed to this Ordinance, that are being  
7 proposed based on years of experience with  
8 Community Development Department staff and  
9 the design community and planning community  
10 if we can't pass these, I find it very  
11 troubling because it's not going to look like  
12 this. And, again, what's being proposed in  
13 the Ordinance is not being made up.  
14 Everything being proposed is as a result of  
15 years of experience trying to understand the  
16 issues associated in particular with building  
17 identification signs. There's a very low  
18 comment on the other changes, again, I assume  
19 because as I said earlier, I think all of the  
20 changes that are being proposed are very,  
21 very modest and I'm quite in favor of all of

1           them and would want to send my endorsement to  
2           the Ordinance Committee and to the City  
3           Council that they give these every  
4           consideration because frankly city staff are  
5           stretched to the limit with their budget  
6           constraints and all of this is designed to  
7           make government a little more efficient and  
8           make the process a lot easier to deal with.  
9           We don't need to torture applicants and  
10          everyone in the process.

11                   HUGH RUSSELL: Bill.

12                   WILLIAM TIBBS: I come in slightly  
13           different based on where Charles is and that  
14           is that I came at this, particularly when I  
15           first read this, was coming and then looking  
16           at some more previous, I thought we were  
17           going through a process of just incorporating  
18           things that we had discovered over the years  
19           that were problematic and we're looking at  
20           changing the language to just deal with some  
21           of those routine things. And so I think that

1           there's a substantial piece of that here.  
2           But I guess I am concerned about, and I was  
3           when I read it, the as of right piece. I  
4           felt for me, needed more thought than that.  
5           Because I don't think any -- in my past  
6           deliberations I didn't feel that we needed a  
7           broader as of right allowance, particularly  
8           for the building identity sign. So I came to  
9           this hearing kind of open minded just to get  
10          a sense of how to think about that. And I  
11          guess one concern -- I'll be very honest with  
12          you, I'm a proponent of a Sign Ordinance, but  
13          I've felt that our Sign Ordinance is somewhat  
14          arbitrary. And I'm not quite sure if the  
15          dimensional stuff that we have is really the  
16          right dimensions. But we have them, so I  
17          figured that we should stick with them. And  
18          I guess somebody asked a question that what  
19          are we making the changes for? But I think  
20          in my case the -- I've always kind of,  
21          because it may sound a little strange, but I

1 always kind of viewed the signage, the reason  
2 why I could deal with the signage ordinance  
3 the way it was even though I didn't know how  
4 some of the dimensional stuff got there,  
5 because it was fairly limiting and it did  
6 force a review. So if you wanted to do  
7 something more than just a very, very limit,  
8 you got a review and at least we -- between  
9 the Zoning Board or us that that review did  
10 occur. I don't think that if we're going to  
11 change the Ordinance, I don't think that's  
12 the way it should be. I think that's kind of  
13 just tweaking it. And I guess if we're just  
14 going to tweak it, we could do that, but I  
15 wouldn't be in favor of the as of right  
16 pieces. But I actually do think that I for  
17 one would like to see something a little more  
18 comprehensive, but I think that's going to  
19 require a whole lot more effort and time than  
20 this would do. Unless the city wants to put  
21 together some kind of panel like they do with

1 the green initiatives and stuff like that.  
2 But I think we're at a time where we really  
3 should look at the signage ordinance to see  
4 what we have to do. We've come, we just had  
5 many, many instances. We had old buildings  
6 that had sign banners. I mean, places where  
7 signs that are limited sizes didn't even fit  
8 within those, but would be perfectly adequate  
9 to do that. I look at something like the New  
10 York signs, the New York Times sign in New  
11 York and that's a huge sign which we would  
12 never allow. Obviously we would with Special  
13 Permit of some sort. I'm not saying that's  
14 appropriate for all over Cambridge. But I  
15 think signing is from a perspective, signage  
16 is something that's important. And so I  
17 think that from my perspective either we do  
18 limit it, in which case we force the process  
19 we feel that process is getting too  
20 burdensome, I think we just take a little bit  
21 more harder look at this and try to come up

1 with some series of things. And I'm really,  
2 really concerned with as of right, the  
3 building ID's as of right really scares me.  
4 And one concern I have quite honestly is we  
5 don't enforce the Sign Ordinance that we  
6 currently have because we come up with lots  
7 of signs. It's not like we have sign police  
8 roaming the streets of Cambridge saying,  
9 whoops, where that sign come from? You got  
10 to rip it down. And we've seen many signs  
11 before us that I'm encouraged, you know, that  
12 people do come before us with those signs.  
13 And I think that from my perspective I've  
14 always been the one to say show me what the  
15 Sign Ordinance allows to do before you may  
16 ask us to make an exception to it. And a lot  
17 of times when they do do that, I'm convinced  
18 that the exception makes sense. So that to  
19 me says our Sign Ordinance is very limiting  
20 and if its purpose is to get us to look at  
21 it, then that's kind of an approach to the

1 Special Permitting in general. But I think  
2 we're at a time when we should do something  
3 more comprehensive and my recommendation is  
4 we look at a more comprehensive approach to  
5 doing it and put together a commission or  
6 team or committee or something to look at  
7 this.

8 HUGH RUSSELL: Pam.

9 PAMELA WINTERS: Yes, I just want to  
10 echo Bill's comments and agree with them.  
11 And I know both you and Charles brought up  
12 the issue of the signage request clogging the  
13 zoning process. And if this is correct from  
14 Intersystems over the last three years has  
15 been an average of 11 variance requests per  
16 year related to signs, and of that request  
17 during that three-year period all but five  
18 were approved. So I'm not sure that there's  
19 an over abundance of requests.

20 Charles, does that answer your concern?  
21 I know you had a concern about that.

1 CHARLES STUDEN: What I'm concerned  
2 about is, and I've had some experience in  
3 working with the Community Development  
4 Department staff in the past with the  
5 existing Ordinance, and that is that there  
6 are some issues with it. And I don't think  
7 that what's before us tonight is being made  
8 up. I think it's based on very real  
9 experience, and what's being proposed is the  
10 Community Development Department's  
11 recommendation of what should happen and I  
12 support it. It's just that simple. And, you  
13 know, obviously we're all going to feel a  
14 little bit differently about that. That's  
15 all.

16 PAMELA WINTERS: Thank you.

17 HUGH RUSSELL: Ted.

18 H. THEODORE COHEN: Well, I will  
19 echo a lot of what other people have said. I  
20 think -- well, first I'll go on record that I  
21 think the idea of building branding and

1 corporate identification and signage that  
2 provides for that is not a bad idea. That  
3 it's appropriate in many circumstances and it  
4 ought to be allowed in a controlled manner.  
5 I don't know that I think that it ought to be  
6 allowed as of right for every building and in  
7 every location. I also don't think that the  
8 Variance process is the appropriate process  
9 for it to go through because there are  
10 statutory requirements that always get bent a  
11 little bit in order to allow the ZBA to  
12 authorize a Variance. And so I think, you  
13 know, a Special Permit process or some other  
14 review process would be more appropriate. I  
15 do think that there ought to be a review  
16 process. I disagree with some of the  
17 comments that were made. I think that what  
18 Les Barber said is correct, that the waiver  
19 provision does not apply to these branding  
20 provisions. You know, lawyers can always  
21 disagree, that's what we get paid for, but I

1 don't think it applies and I don't think  
2 clearly it can be made 100 percent clear that  
3 it doesn't apply. You know, having said  
4 that, the opponents have raised, I think, a  
5 very valid concern with regard to who will  
6 get to use these signs and who will get to  
7 have the sign. And I think the fact that the  
8 proposal is that the sign be accessory to a  
9 tenant or activity located on the building or  
10 identifies the building, does leave open that  
11 the possibility that the major corporations,  
12 McDonalds, Dunkin' Donuts, whatever, could  
13 have a very small ground floor facility in a  
14 large building, and through their economic  
15 clout, convince the building owner that they  
16 should be the entity or the tenant that gets  
17 to put the sign on the building. And I can  
18 envision Dunkin' Donuts doing this in every  
19 third building along a street or something  
20 and that clearly is not what we want to allow  
21 to happen. And I don't know what the

1 appropriate percentage is, whether a tenant  
2 to be a tenant or have majority ownership of  
3 30 percent or 40 percent or 50 percent, but I  
4 think some significant percentage of the  
5 building. Because, you know, even somebody  
6 like the State Street Bank does not occupy  
7 its entire building. It has its name, you  
8 know, strewn across the top.

9 And speaking about that, you know, I  
10 think, you know, the Prudential building that  
11 has its name on all four sides. I don't  
12 think anybody objects to that. So I do think  
13 that there ought to be a process, reasonable  
14 process for, you know, allowing either major  
15 tenants or the owner of the building to put  
16 their name on the building. I think it ought  
17 to be reviewed somehow. And I would also  
18 support the concept that, you know, maybe it  
19 is time to do an overall comprehensive review  
20 of the Zoning By-Law, because, you know, the  
21 Genzyme signs if they're 100, 120 feet, they

1 don't offend me given the height they're at.  
2 They seem like they're the appropriate size.  
3 Therefore, is 90 the appropriate size? Maybe  
4 if it's at 100 or 200 feet, but if it's a lot  
5 lower than that what's the appropriate size?  
6 I don't know. I think there are a lot of  
7 questions that need to be addressed and, you  
8 know, maybe it is appropriate for some sort  
9 of task force to be put together to review  
10 this all. But I certainly don't oppose what  
11 the by-law amendment, what the Ordinance  
12 amendment would do in concept. I also don't  
13 necessarily disagree with codifying the  
14 exemption of signs that are totally within  
15 the public way. Because my understanding as  
16 Les articulated it, is that the City Council  
17 reviews and approves all of those signs. And  
18 because things that are in the public way it  
19 belongs to the city, and so the city is  
20 approving what is being placed in our own  
21 property. I think it already says that it

1 has to be entirely within the public way, so  
2 I don't think there is a problem with signs  
3 that project from buildings, but certainly  
4 that can be clarified to be made, you know,  
5 very clear.

6 I have no problem with the provisions  
7 relating to temporary signs. I think we all  
8 like the temporary signs and we try to  
9 promote them as much as possible. I guess  
10 the only question I would have is really  
11 whether it ought to be limited to just to  
12 non-profit institutions or maybe there should  
13 be some other institutions that, you know,  
14 maybe are for profit that ought to get the  
15 benefit for that, although I can see the  
16 reason we don't want to have, you know, a  
17 Harvard Square Cinema say that has the right  
18 to put up whatever it wants.

19 All in all, I think, you know, it's a  
20 very good attempt to address the problems  
21 that have been coming before us and before

1 the ZBA over a number of years, and I think  
2 it's an excellent start, but I think, you  
3 know, we've now heard enough things that  
4 personally I think we ought to tell the City  
5 Council it's not yet ready for prime time as  
6 somebody else said, and that we ought to look  
7 at it in great detail.

8 HUGH RUSSELL: Thank you.

9 Ahmed.

10 AHMED NUR: I also probably am going  
11 to echo what all my colleagues are saying. I  
12 think this needs definitely certainly a  
13 review. It's complicated. And, Les, I would  
14 bear the question rather Pam mentioned the  
15 billboards. One particular one that bothers  
16 me is in the Inman Square, the Cambridge  
17 Alliance billboard on the left side of the  
18 hospital or free advertisement, huge  
19 billboards in our city in a variety of  
20 different places and I wonder if you're going  
21 to include those if we're going to recommend

1 to the City Council or whomever with regard  
2 to the billboards? Or even the usual Joe  
3 with the truck, you know, we buy houses for  
4 cash on the different light poles. People  
5 looking for things to buy and just big signs,  
6 24-by-24 inch right in my face while I'm  
7 riding around everywhere. That type of  
8 stuff. I wonder if we could include that in  
9 the thought.

10 Thank you.

11 HUGH RUSSELL: Well, I can answer --  
12 I think the answer has already been given on  
13 the billboards which the city made a very  
14 strong attempt to regulate billboards, it was  
15 challenged in court and the city lost. So  
16 the law that governs billboards is one that  
17 we can't at a municipal level overturn.

18 Ted said almost exactly what I believe.  
19 But I wanted to add that I particularly  
20 appreciated Kevin Crane's analysis because he  
21 was looking at sort of a creative look at the

1           Loopholes. If you sit down and read these  
2           words, what might happen that you didn't  
3           intend? And it was convincing to me that we  
4           didn't, we really hadn't done that exercise  
5           for the building identification signs. We  
6           were looking at the history of what's  
7           happened and thinking that's fine or that's  
8           perfectly okay, and it's not out of control,  
9           but we weren't, I think, seeing what someone  
10          else could do with those same words. And it  
11          seems like there are significant competing  
12          interests here that are fairly fundamental  
13          level. You know, we hear advocates for the  
14          Charles River and the open space saying we  
15          don't want the character of the open space to  
16          change, and we're worried that this might be  
17          an unintended consequence. We got a letter  
18          from the Historic Commission that says that  
19          they're concerned by making additional signs  
20          that are higher than 20 feet conforming makes  
21          their job of regulating the Harvard Square

1 Conservation District more difficult. And at  
2 the other hand, other side I think I mean, I  
3 like the building ID signs. I like, okay,  
4 Amgen is actually a California company and  
5 it's, this is building No. 42 in their fleet.  
6 I remember from the time they got the permit.  
7 So, but there are Cambridge companies, and I  
8 mean I see Novartis there. Novartis is a  
9 Swiss corporation, an international  
10 corporation. But Cambridge is the  
11 headquarters of their research activities.  
12 I'm proud that Novartis chose to be here.  
13 And as someone else pointed, as a citizen and  
14 a taxpayer, it's to my benefit that the  
15 commercial interest in the city are paying 60  
16 percent of the taxes in the city. So we have  
17 in the past, in the city where there have  
18 been competing interests, put the competing  
19 people in a room and say you guys figure it  
20 out. We'll give a structure to it, we'll  
21 have a -- we, the city, usually the Community

1 Development Department will facilitate a  
2 process where people talk to each other and  
3 find at the end of it is there common ground  
4 or is there not common ground? And I've been  
5 on at least one of these and usually you find  
6 there's some common ground and there are some  
7 things you can't agree on. And the things  
8 you can agree on, you go forward with. I  
9 don't think all of the proposals before us  
10 tonight need to be on that table. I think  
11 it's really the building ID signs. And to  
12 the extent that the overall Special Permit  
13 for sort of a PUD for signs relates to that  
14 may also be something that needs to be not  
15 enacted by the Council. The other pieces  
16 seem to be perfectly okay. The other Council  
17 enact as they're written. I don't think that  
18 we in the Planning Board should say well,  
19 we're going to solve this problem because of  
20 the competing interest, and what we've heard  
21 tonight that we need a broader section of

1 this community. I think it's worth having a  
2 task force. You know, if we don't do it, the  
3 procedure will go forward and presumably we  
4 aren't going to get a bad outcome if that  
5 happens. But it just isn't right to make it  
6 a Variance procedure if it's something that  
7 is frequently granted, and for which hardship  
8 is really not an issue. So what sort of a  
9 Special Permit should be and I think it  
10 probably -- these signs should be subject to  
11 a Special Permit, but what should the  
12 criteria be? What should the limits be? And  
13 I don't -- maybe, you know, when you discuss  
14 that, you'll discover that well, maybe the  
15 grants procedure is the right answer. I  
16 don't know that answer. I hope that's not  
17 the result, but, you know, I haven't studied  
18 this in a way that it needs to be studied.

19 So other, Patricia, do you want to  
20 weigh in on this?

21 PATRICIA SINGER: I came into the

1 room with a bias. I don't want to say my  
2 mind was made up, but I came into the room  
3 with bias actually in favor of these  
4 regulations but with many questions. And I  
5 think listening to the comments generally  
6 that the proposal that Bill made for further  
7 study really would satisfy me. It would  
8 allow me to make a recommendation to the City  
9 Council which I didn't feel comfortable doing  
10 as I walked in the door or even as I was  
11 listening to all these comments.

12 The one thing that I didn't hear that  
13 I'd like to add to the mix is that Cambridge  
14 Historic Council did comment, and that was a  
15 very important to me as I was reading through  
16 this, because although we're concerned with  
17 aesthetics, they are really the panel to make  
18 in the community concerned with preservation.  
19 And so that really, when I got that letter  
20 tonight, I had to tell you that really kind  
21 of rocked me a bit. And I think that that

1 goes beyond the river. I think it goes  
2 beyond the historic districts. I think it  
3 has a place, although not through that  
4 commission, but points out to us that we need  
5 to preserve the aesthetic of the different  
6 areas of this community. And having said  
7 that, I also want to remark that things  
8 change. Life goes on. Nothing that we see  
9 and nothing that we do here today is going to  
10 really make too much different in 50 years.

11 HUGH RUSSELL: Steve.

12 STEVEN WINTER: I think the first  
13 thing I want to say is let's not forget  
14 what a good discussion this is. This is  
15 great discussion and we know how to do this  
16 in Cambridge. We know how to do it very well  
17 over and over and over again. However, the  
18 first thing I wanted to note is that the  
19 public voice has to stay in the process.  
20 That's just -- that cannot go away. The  
21 voice of the people has to stay. With regard

1 to all the regulations and the nuance of the  
2 Ordinance, I think that we need to step back  
3 from that and do a much more careful and  
4 comprehensive study with the correct research  
5 question, what is our research question? Now  
6 I'm not going to try to frame it now, but  
7 anybody sitting in R&D knows your research  
8 question has to be correct at the start or  
9 else your product is going to be wrong. So  
10 let's figure out the research question and  
11 then go after that.

12 I heard some really good stuff tonight  
13 about urban identity and urban design  
14 reflecting who we are, all those things are  
15 true. The public landscape that doesn't  
16 belong to us alone. We have a stewardship  
17 for it, all those things are true. But, I  
18 also think that urban design does tell the  
19 story of who we are. And you know what?  
20 Kendall Square is -- got its own buzz. Got  
21 its own thing happening. It's a real

1           di fferent place from Cambri dge, and i t' s real  
2           di fferent from Boston. I t' s j ust that i t' s  
3           got i ts own thi ng goi ng there. I thi nk that  
4           what we need to do i s we do need to tel l that  
5           story and we do need to get that story out.  
6           That' s, that' s clear. But I thi nk i t' s all  
7           about how we can creati vel y tel l that story.  
8           I s i t about putti ng l abel s on bui l di ng s? I  
9           don' t know. I s i t about somethi ng el se? You  
10          know, we' re creati ve enough to fi gure that  
11          out. What i s i t that we can do to Kendal l  
12          Square to vi sual ly accompa ny wi th urban  
13          desi gn? What i s real ly happeni ng there and  
14          what real ly makes i t snap, crackl e and pop?  
15          So those are my thi nkts.

16                   HUGH RUSSELL: Thanks. You sparked  
17                   i n my mi nd and from recent memory we gave a  
18                   Speci al Permi t for a bui l di ng that' s real ly  
19                   si gni fi cantl y al tered the ni ghtti me l andscape  
20                   of the Charl es Ri ver, wel l somewhat al tered  
21                   whi ch i s the MIT medi a l ab. As you wal k

1 across the Harvard bridge towards Cambridge,  
2 it's surprising there's this big splash of  
3 light from their top floor conference center  
4 that wasn't there before. And, you know, one  
5 of them's probably okay, you know. Very many  
6 of them would make quite a difference. But I  
7 don't think anybody has thought about that,  
8 that consequence of that building. You know,  
9 it doesn't say Burger King. You have to know  
10 it's the media lab to know what it is, but  
11 still it's a change. And it's a big piece of  
12 brightness on the skyline that used to be not  
13 so bright in that spot.

14 Pam.

15 PAMELA WINTERS: So I think a lot of  
16 what you're saying, Hugh, is about aesthetics  
17 and I think that's what Tricia was talking  
18 about, too. And so, I think that, you know,  
19 I like looking at each building individually  
20 and seeing how the signs fit in with the  
21 aesthetics of the building. You know, I'm

1           thinking about just in my neighborhood the  
2           carriage house, for example, all of the signs  
3           for the businesses in that building all  
4           conform and it is an historic building,  
5           conform, though those black signs that are  
6           very nice. And then there's just one sign  
7           that kind of pops out that's a -- it's  
8           actually Children's Day Care Center and it's  
9           in yellows and greens, and I thought oh, you  
10          know, I can understand why they did that, but  
11          it would be nice if the whole thing was sort  
12          of conforming. So that's one aesthetic.

13                 The other one is the -- I'm just  
14          thinking where I go all the time is the Whole  
15          Foods in Alewife and, you know, I thought to  
16          myself, I think that even came before us  
17          actually. It did. And they went to the  
18          larger sign. And I thought to myself, you  
19          know, that sign could be just a bit tad  
20          larger to fit into that groove that they have  
21          in the top of the building. It's just a tiny

1 bit too small, maybe 20 percent larger. So I  
2 think it all depends on the individual  
3 building, the size of the bidding, the  
4 aesthetics of the building. There's so much  
5 to consider I think when you're considering  
6 signage. So I have to agree with what you  
7 and Patricia just commented on.

8 HUGH RUSSELL: Is there anyone else  
9 who wants to weigh in?

10 (No response.)

11 HUGH RUSSELL: It seems to me that  
12 there's a range of viewpoints here, but that  
13 most of us believe that at least the building  
14 signage provisions need more study. I guess  
15 my question then would be to the staff, do  
16 you need more from us to communicate to the  
17 Council about where the Planning Board is?  
18 And then to the Board, is it something we  
19 wanted to discuss further at say the next  
20 meeting?

21 PATRICIA SINGER: I for one don't

1 really see how much further we could get  
2 continuing this discussion. I think that the  
3 -- in this one, really the devil is in the  
4 details and that in part is what I meant  
5 about my comment about change is coming. We  
6 can't stop it. But I think what we can try  
7 to do is look at those details and get them  
8 as bright as we can get them today. And  
9 that's not a one night affair. It's  
10 something that a lot of people with a lot of  
11 different perspectives, unfortunately a lot  
12 of time to hammer through and even then maybe  
13 they can't come to a consensus. Maybe they  
14 would have to give a range of opinion the way  
15 that we sometimes do.

16 HUGH RUSSELL: Ted.

17 H. THEODORE COHEN: I concur that I  
18 don't see the need for further discussion in  
19 the immediate future about this. I would  
20 hope that City Council would not act right  
21 now on the provisions about the building

1 signs, on the branding, and instead would  
2 either refer it back to staff or create a  
3 task force or do something else that we would  
4 then have an opportunity at some future time  
5 to comment upon.

6 PAMELA WINTERS: Should we recommend  
7 that there be a task force formed, would that  
8 be helpful?

9 HUGH RUSSELL: I think a number of  
10 us would think that would make sense. I  
11 think it's not a universal.

12 CHARLES STUDEN: It's going to be  
13 many, many years before it gets resolved  
14 that's all I can say.

15 STEVEN WINTER: I'd like to comment  
16 on that if I could. We have to be really  
17 careful that that doesn't happen. You know,  
18 I think we have to be very mindful when we go  
19 to the Council and make our presentations,  
20 and we have to have some sense of stewardship  
21 for the process, too. We cannot let this

1           become a sluggish process. We have to be  
2           really careful to stay on this to make  
3           something creative happen. We can do that.

4                   HUGH RUSSELL: Les.

5                   LES BARBER: Are we talking about  
6           the building ID signs? Is that the segment  
7           that we're talking about? Or is it something  
8           more than that?

9                   HUGH RUSSELL: I believe it's the  
10          building ID signs but there's also the piece  
11          that I'm still not convinced is well  
12          enough studied is the provisions for sort of  
13          a comprehensive signage Special Permit. And  
14          that's something which could become clear in  
15          the matter of a week or two as I think more  
16          about it. It's subject to perfecting the  
17          language to make sure that its intention is  
18          clear. I mean I should make a comment. I  
19          think actually that it's very well done.  
20          Some of the subject is difficult and so  
21          that's why we have this bigger public

1 process. And I'm not critical of the work  
2 that's been done to date, but I think there's  
3 more to be done. I would like to see this --  
4 I personally would -- my colleagues agree,  
5 that the portions that are not controversial,  
6 could be enacted right away I think.

7 WILLIAM TIBBS: I agree. I agree  
8 with Ted on that one. That there are pieces  
9 here. The general waiver of signage  
10 limitations actually is a piece that I  
11 actually like because I think if you look at  
12 a place like Porter Square or the Fresh Pond  
13 or whatever, it's just something where you  
14 can take the whole thing and try to come up  
15 with a comprehensive look at it. I think you  
16 very early in the conversation hit upon the  
17 issue with this one, which is that it sort of  
18 said what triggers you into it, but it  
19 doesn't have very much criteria. And I think  
20 if it had -- if we just had a better sense of  
21 criteria always help us when we're trying to

1 do a Special Permits. So, but I think the  
2 idea of doing that on a comprehensive way is  
3 actually good. And I just want to be clear  
4 that the idea of a building identity sign  
5 doesn't bother me. It was the as of right  
6 piece of it and the unforeseen circumstances  
7 which really got me. So I think we're, I  
8 think we are -- and I agree actually,  
9 Charles, that a lot of the stuff here does  
10 actually address issues that we have been  
11 dealing with. So I think if we just clarify  
12 those and maybe have a little bit more  
13 comprehensive process, I think it will work.  
14 I think in a lot of ways we're not in as much  
15 disagreement as it might sound. I think it's  
16 just we need more clarity.

17 LES BARBER: I would sort of  
18 encourage you not to make the decision  
19 tonight. And I think there isn't a need to,  
20 I don't think. The Council probably can't  
21 act until September in any case. And there

1           may be a procedural move that they have to  
2           make at the August meeting. And you  
3           certainly have another meeting to discuss it.

4                       Sign issues are a quagmire and I just  
5           assume not be part of a quagmire quite  
6           frankly. In the end it is a subjective  
7           doctrine. None of the numbers make are  
8           sacrosanct. Quite frankly I think the Sign  
9           Ordinance work pretty well as it is now. And  
10          we simply identified, I think, in our many  
11          discussions and review of what comes before  
12          you, that it would be useful to not force  
13          people to get Variances in order to tweak it  
14          a little bit. And if they can justify it,  
15          present an alternate sign scheme that we  
16          would all judge to be better than the  
17          straight jacket that the existing Ordinance  
18          puts people in. I'm not sure what the  
19          criteria is for making that judgment.

20                       HUGH RUSSELL: Well, I mean to me  
21          it's an end. It would be that, you know, you

1 compare it to the as of rights.

2 LES BARBER: Yes.

3 HUGH RUSSELL: And you find that  
4 it's the public policies of the city insofar  
5 as they are applicable, are better served by  
6 the alternative than by the as of right.

7 LES BARBER: And I think we're  
8 suggesting that there be a narrative that  
9 people make their case in that regard, but  
10 you know, everything's going to be new again  
11 every time you see a new set of designs. And  
12 I think that's the intent. That we should be  
13 refreshed by someone's creativity as long as  
14 we're not stretching the envelope  
15 unreasonably. So I would simply suggest  
16 maybe you could take another week or two to  
17 think about it.

18 HUGH RUSSELL: Okay. And maybe you  
19 can come back with some language that might  
20 address some of the specific points that came  
21 up tonight.

1 LES BARBER: Absolutel y.

2 HUGH RUSSELL: And we coul d talk  
3 about it maybe in a month or whenever the  
4 schedule seems to allow it. Is that okay?

5 (Al l agreed).

6 HUGH RUSSELL: Okay.

7 PATRICIA SINGER: Can I make another  
8 suggesti on? Sort of at the end of thi s  
9 process, however the process ul timatel y  
10 defi nes itsel f, that we bui ld a peri odi c  
11 revi ew? We do that sometimes wi th parki ng,  
12 or you know, noi se or thi s or that or the  
13 other thi ng. I thi nk thi s i s a broad enough  
14 subj ect whi ch has enough movi ng pi eces that  
15 i t warrants a l ook peri odi cal l y. We' re  
16 l earni ng as we go. We saw that, for exampl e,  
17 wi th the antenn as. We wrote what we thought  
18 were prett y good rul es, and now every ti me we  
19 l ook at a bui l di ng, we have somethi ng el se to  
20 say about i t.

21 HUGH RUSSELL: Okay. So, we' ll not

1           decide this tonight. Put it on the agenda  
2           for a later meeting and we'll take a recess  
3           now for about ten minutes and then take up  
4           the rest of our general business.

5                           (A short recess was taken.)

6                           HUGH RUSSELL: Ten minutes have  
7           elapsed. So we'll take up the first item on  
8           your General Business.

9                           Planning Board case 151,360 Binney  
10          Street. Major Amendment to reduce the  
11          maximum and minimum of parking spaces. And I  
12          think we received a communication, but if I  
13          cannot -- it may have gotten lost in the  
14          paperwork. Here it is. Communication from  
15          Barbara Broussard which says that they've met,  
16          that the proposed plan -- I'm now coming to  
17          the conclusion. Although the proposed  
18          maximum of 284 spaces is an acceptable  
19          minimum, zero is not. Members of the  
20          planning team believe that the maximum should  
21          reflect the 63 spaces presently used plus a

1 small buffer for future employees. I think  
2 that's because the building isn't entirely  
3 occupied now. And the majority voted for 284  
4 maximum and 70 minimum. And two members  
5 voted for no reduction. They also wished  
6 that this would only apply to Amgen and not  
7 the future residents of 360 Binney Street.  
8 I'm not sure we can do that.

9 So, I guess I would like to ask our  
10 esteemed Traffic and Transportation  
11 Department colleagues what they think about  
12 this idea of having a minimum of 70 which  
13 kind of makes sense to me.

14 SUSAN CLIPPINGER: I think we  
15 continue to feel comfortable with zero  
16 minimum, and I think there's a couple of ways  
17 that we're thinking about it.

18 One of them is I think it's an  
19 opportunity for this particular building and  
20 this particular location to be a further  
21 incentive for some of the very positive

1 improvements that they've been making in  
2 terms of getting people not to use their car.  
3 The parking garage is there. It's a  
4 commercial parking lot. It's available.  
5 There is enough space for anybody who would  
6 be driving to this site to find parking  
7 there. They do provide currently a discount  
8 for employees who park, as well as the  
9 discounts for people who are biking and  
10 taking transit. So they're not really  
11 changing the commuter choice program that  
12 they've been providing for their employees.  
13 It's really an incentive for the developer,  
14 for the company themselves to be thinking  
15 about spending less money, reserving parking  
16 spaces from a separate entity. They don't  
17 own the garage which I think can be used for  
18 other kinds of transportation related  
19 services and support to their employees that  
20 encourages them not to drive. So I think  
21 it's a nice way with providing them with the

1 flexibility and the financial flexibility to  
2 be doing the kinds of things. And they've  
3 got -- they have a great track record in  
4 terms of what they've done already.

5 In terms of trying to think about, you  
6 know, what could go wrong that would hurt the  
7 residential community, it's pretty hard to  
8 park in the residential area there unless you  
9 have a resident sticker. If you work at  
10 Amgen and you live in Cambridge, you're  
11 probably already parking with your resident  
12 sticker in the neighborhood. So it's not  
13 really changing anything that exists today.  
14 And, you know, we put meters in to a lot at  
15 Faulkner Street and the areas there. There's  
16 more enforcement going on. The people who  
17 are driving, I don't think that this change  
18 is going to change any kind of adverse  
19 parking impact on the community. And so it's  
20 a way of providing an incentive and making it  
21 easy and encouraging them to, you know, put

1           thei r focus on what empl oyees need and not be  
2           -- havi ng to have thi s fi nanci al rel ati onshi p  
3           wi th the garage i n order to meet the Zoni ng  
4           mi ni mum. So that' s, that' s basi cal ly the  
5           reason that we' ve been encouragi ng i t. And I  
6           thi nk that, you know, i f you' re uncomfortabl e  
7           wi th zero, then I woul d real ly encourage  
8           thi nki ng about a mi ni mum that' s a very, very  
9           smal l number so that that i ncentive aspect  
10          of, you know, i s real ly good because when a  
11          devel oper has to meet a Zoni ng mi ni mum and  
12          they don' t own the parki ng, they have to rent  
13          those spaces whether they' re used or not.  
14          And so that means they' re putti ng money out  
15          for spaces that they may or may not use. And  
16          i t' s not real ly protecti ng us from maki ng  
17          sure that they have space for empl oyees  
18          because the spaces are there. So, that' s  
19          where I come out on thi s.

20                   HUGH RUSSELL: Thank you. Comments?

21                   Steve.

1                   STEVEN WINTER: I thank you very  
2 much for that. It makes sense to me also.  
3 Are we looking to the proponent or are we  
4 moving ahead?

5                   HUGH RUSSELL: This is a discussion.  
6 Unless someone feels we need to listen to the  
7 proponent, we can ask him.

8                   STEVEN WINTER: I concur with Sue.

9                   CHARLES STUDEN: I do as well. I  
10 think for all the reasons that were just  
11 articulated, that it makes sense to have it  
12 be at zero.

13                   HUGH RUSSELL: So, I'm concerned  
14 that the permit goes with the property and  
15 not with the applicant. And that, you know,  
16 it's a volatile industry. Amgen, you know,  
17 may decide this building is superfluous. It  
18 may decide it's nowhere near big enough for  
19 their use in Cambridge. We don't know. It's  
20 a dynamic industry. It's a very substantial  
21 company. And so, if someone else -- they

1 vacate the building, someone else comes in  
2 and has a very different program, I mean I  
3 guess the building's required to have a TDM,  
4 right?

5 SUSAN CLIPPINGER: Yes. They're not  
6 required to have a PTDM because they have no  
7 parking. They do have a TDM that's part of  
8 the Special Permit for the building.

9 HUGH RUSSELL: And so as the tenancy  
10 changes, that plan gets updated; is that  
11 correct?

12 SUSAN CLIPPINGER: It's a  
13 requirement on the building. It's a  
14 requirement on the building.

15 HUGH RUSSELL: Other people want  
16 to --

17 WILLIAM TIBBS: I'm listening  
18 because the -- I did have -- initially I had  
19 a problem with the zero, it just didn't seem  
20 right to me even though I understood very  
21 much that we wanted to be giving the

1 incentive to you, we don't want to  
2 disincentive you. But it is a precedent that  
3 it seems that so I'm listening. As you were  
4 talking, I listened to Sue and I said well,  
5 that makes sense. But I agree with you  
6 earlier when the 70 made sense. So I'm still  
7 listening. I haven't decided yet.

8 HUGH RUSSELL: Okay.

9 Ted.

10 H. THEODORE COHEN: Well, I was not  
11 here at the hearing and I won't be voting on  
12 this, but my only comment is in light of what  
13 you were just talking about, Hugh, was that  
14 since it does go with the building, is it  
15 possible to grant it but with a time limit of  
16 say five or ten years or that it has to be  
17 reviewed in some period of time so that if  
18 the ownership does change and factors change,  
19 that some future Board could look at it  
20 again?

21 STEVEN WINTER: May I respond to

1           that? The only thing I wouldn't want to do  
2           is give a business a cost that's a variable  
3           cost in the future. So I wouldn't want to --  
4           I mean, the cost is a cost, and if you know  
5           it's coming down, then you can budget it and  
6           you can plan for it. But if it's a variable,  
7           I think that's very, very hard to plan for.

8                   LES BARBER: Unlike Variances you  
9           can actually tie a Special Permit to a  
10          person. And the permit is granted to Amgen,  
11          not granted to the building per se. That may  
12          be an option. The benefit of Amgen is the  
13          entity that owns the permit. Otherwise  
14          establish some minimum for a future entity.

15                   HUGH RUSSELL: Pam.

16                   PAMELA WINTERS: Sue, you mentioned  
17          a minimum. A minimum amount that you would  
18          feel comfortable with. Do you have a number  
19          in mind?

20                   AHMED NUR: Zero.

21                   PAMELA WINTERS: I know you said

1 zero but you said or a small amount.

2 SUSAN CLIPPINGER: Well, I mean I  
3 don't think it should be more than what  
4 they're currently using because that kind of  
5 takes away any kind of incentive. And if  
6 you're trying to incentivize it, it should be  
7 less than what they're currently using.

8 CHARLES STUDEN: Again, this is a  
9 company that's a model for what we'd like to  
10 see other companies operate in the City of  
11 Cambridge. And I think what the  
12 Transportation Traffic and Parking Department  
13 is proposing is something extremely  
14 innovative. And I think that this is a  
15 company that's going to be around for a long  
16 time. I'm not fearful of that, and I think  
17 perhaps we're trying to control too much.  
18 I'd like to see them get this granted and get  
19 other companies to do the same thing. If we  
20 could get everybody to do what they're doing,  
21 we'd be in a good place.

1 HUGH RUSSELL: Ahmed.

2 AHMED NUR: Yes, I also concur. I'm  
3 in favor of the Major Amendment to reduce the  
4 maximum number of parking spaces required to  
5 be reduced to zero.

6 HUGH RUSSELL: So, Bill and I are on  
7 the fence. Is everybody else at zero?

8 Tri ci a.

9 PATRICIA SINGER: If I remember  
10 correctly, that although this is a long-term  
11 agreement with the parking garage, it gets  
12 adjusted annually?

13 HUGH RUSSELL: Your name for the  
14 record.

15 CHRISTOPHER BARR: Yes. Chris Barr,  
16 B-a-r-r.

17 So, yeah, they do look at it annually.  
18 We have our legal team and the procurement  
19 team that looks at these on an annual basis.  
20 And that's, you know, obviously that would be  
21 something that we would probably look at in

1 the near future. I can't comment on it right  
2 now, but that's kind of the deal, yeah.

3 PATRICIA SINGER: So it seemed  
4 logical to me that there's an incentive from  
5 the company's perspective to pay for zero  
6 parking spaces if in fact they know that they  
7 have picked a number wildly. X number of  
8 employees who need to park there in order to  
9 continue contributing to the wellbeing and  
10 the success of the company. So even if we  
11 would grant a zero baseline, the company has  
12 to act responsibly in order to be an ongoing  
13 concern.

14 CHARLES STUDEN: Exactly.

15 CHRISTOPHER BARR: Right.

16 WILLIAM TIBBS: So where does that  
17 position --

18 HUGH RUSSELL: I think this whole  
19 argument centers around a physical situation  
20 of this humongous garage that is much larger  
21 than is needed to service the buildings it's

1 intended to service. And Amgen being one of  
2 those. And we certainly -- I mean, the owner  
3 could elect to demolish the garage, but then  
4 that would upset a whole bunch of permits,  
5 require review of a number of permits and we  
6 would be able to weigh in on that and the  
7 public could weigh in on that. They could  
8 lease to other people, but then again  
9 requires permits. So any of the changes,  
10 Sue's recommendation is based on this is the  
11 way things are now and they can't change so  
12 why not go to zero? I think that's -- I'm  
13 paraphrasing it. But it's not a general  
14 thing city wide, it's really this particular  
15 district.

16 PATRICIA SINGER: It's for this  
17 particular relationship, Hugh. Somebody used  
18 the word precedent setting. And one of my  
19 very first comments to this Board was that we  
20 need to be very, very careful about  
21 precedent. That when entities in general

1 start to rely on precedent, they become lazy.  
2 Like we are here to think about the situation  
3 individually.

4 STEVEN WINTER: Mr. Chair, I  
5 certainly concur about precedence. However,  
6 there's one of the things that I'm doing as a  
7 Planning Board member is supporting the  
8 municipal staff's relationship building with  
9 this company in a really interesting and  
10 innovative way. So I'm in the same way that,  
11 you know, we might talk about transfer of  
12 development rights as something we need to  
13 implement because it's there and it's on the  
14 books. There's something really unique and  
15 interesting that we have to support there.

16 PATRICIA SINGER: I am absolutely in  
17 support. If I've given you a different  
18 opinion, please don't think that.

19 STEVEN WINTER: No, I get all that.

20 PATRICIA SINGER: No, I'm going to  
21 zero.

1 WILLIAM TIBBS: I have a listened  
2 and I think I can support zero too.

3 HUGH RUSSELL: So it sounds like  
4 we're ready for a motion.

5 AHMED NUR: Yes, indeed.

6 HUGH RUSSELL: Would someone like to  
7 -- I don't have the backup paperwork for  
8 this. It's the Major Amendment --

9 PAMELA WINTERS: To reduce --

10 HUGH RUSSELL: It's written there in  
11 the agenda.

12 PAMELA WINTERS: It's a Major  
13 Amendment to reduce the maximum and minimum  
14 number of parking spaces required from 284 to  
15 424 to zero to 284 as allowed in Section  
16 6.3.5.1 and Section 10.45 of the Zoning  
17 Ordinance. No other changes to the Special  
18 Permit are anticipated. Amgen, Inc.  
19 applicant.

20 HUGH RUSSELL: So you're moving to  
21 grant the relief sought?

1 PAMELA WINTERS: I am.

2 HUGH RUSSELL: Is there a second?

3 CHARLES STUDEN: Second.

4 HUGH RUSSELL: Charles.

5 All those in favor?

6 (Show of hands.)

7 HUGH RUSSELL: Okay it's a vote.

8 (Russell, Winter, Tibbs, Nur,

9 Studen, Winters, Singer.)

10 HUGH RUSSELL: This is Planning  
11 Board case 248. And there's a designer here.  
12 And we voted a permit based on drawings and  
13 some changes, and in case anybody has to tell  
14 the department that we think these are not  
15 significant.

16 LES BARBER: Yes.

17 HUGH RUSSELL: Or if they are  
18 significant, we go another route.

19 LES BARBER: If they were deemed to  
20 be significant, they would require a new  
21 Special Permit granted.

1                   HUGH RUSSELL: So is this a request  
2                   for a Minor Amendment or just an advisory  
3                   basis?

4                   LES BARBER: Well, this is  
5                   essentially a determination as to whether the  
6                   changes are merely modifications that are  
7                   subject to review of the design as it  
8                   evolves, or whether they're so significant  
9                   that a new Special Permit is issued. Unlike  
10                  PUDs we don't have Major or Minor. It's just  
11                  either design review or new permit.

12                  HUGH RUSSELL: Okay. Please  
13                  proceed.

14                  PETER QUINN: Good evening. My name  
15                  is Peter Quinn, Peter Quinn Architects, 1955  
16                  Mass. Ave. Cambridge.

17                  We came before this Board on April 20th  
18                  to present a five-story mixed use building,  
19                  former Bowl and Board site in Putnam Square.  
20                  This is a building with ground floor  
21                  commercial use. Above that are four stories

1 of residential use. And below an underground  
2 parking garage for 20 cars. The total  
3 building area is approximately 13,000 square  
4 feet just to give you a background.

5 We appreciate the Board's consideration  
6 of Special Permit approval and apologize for  
7 having to return to request approval for what  
8 we think is a slight change in our plans.

9 But we hope that what we're presenting can be  
10 dealt with administratively without further  
11 hearing process since we are responding  
12 positively to several issues that were raised  
13 by the Board; namely, the issue of privacy  
14 for the Trowbridge Street neighbors and the  
15 overall livability of the building.

16 The setback we received was for setback  
17 relief on three yards at the residential  
18 level. Minimal setback was actually required  
19 for all yards at the commercial level, but it  
20 calculated setback is required for the  
21 residential levels. And generally this

1 amounts to five feet for the, the street  
2 sides and substantially more for any inland,  
3 inboard property line at 20, 25 feet. The  
4 Zoning By-Law of course gives this Board the  
5 authority to modify those setbacks under the  
6 Harvard Square Overlay part of the by-law as  
7 Article, for the record, 25.5. And we  
8 indicated at the time that we requested  
9 relief on the residential side. I'm just  
10 going to walk over to the board so you can  
11 see where I'm talking about.

12 So this is our 3-D model. Mass. Ave.  
13 Trowbridge. This is a large parking deck for  
14 1105 Mass. Ave. and then there's a fourth  
15 side in which we pulled the building away at  
16 the second floor, the first floor from 1105.

17 WILLIAM TIBBS: For me it would be  
18 helpful -- I'm not saying you shouldn't go  
19 through this, but if you can just kind of  
20 emphasize what's changed from before so that  
21 I can -- or else I'll get kind of confused.

1                   PETER QUINN: That part of my speech  
2 is about to happen. Just hang in there a  
3 sec.

4                   So, what we had done originally is we  
5 asked for relief on the Mass. Ave. side, the  
6 Trowbridge side and the side facing the  
7 parking deck. We indicated at the time that  
8 we request relief on the residential side for  
9 Mass. Ave. and Trowbridge front that would  
10 allow eight inch setbacks for the floors two  
11 through five. And one inch for the --  
12 actually, one inch is allowed by right for  
13 the storefront. So we actually had an offset  
14 in the facade from the curtain wall above to  
15 the storefront level below. So that's just  
16 jumping ahead a little bit. When I say  
17 curtain wall, that's this part. This is the  
18 residential here. (Indicating.)

19                   And likewise we had the same  
20 dimensional pattern on the side facing the  
21 parking garage.

1           The fourth side complied by more than  
2           20 feet from what we required. So our first  
3           request is that we are proposing to increase  
4           the setback on the -- what we call the right  
5           rear side, is the side facing the parking  
6           deck for 1105. And that's this side here  
7           (indicating) off of the second through fifth  
8           floors to increase that from eight inches to  
9           three foot, one. So actually we're improving  
10          the setback situation. And that is also the  
11          design change as well. We'd like to make  
12          this a solid wall (indicating). And I'll go  
13          into reasons why for that. But this side is  
14          what faces the Trowbridge neighborhood and  
15          it's the side that is closest to the property  
16          line, inboard property line.

17                 This solves a number of problems that  
18                 have arisen since we first moved on to the  
19                 construction drawings; namely, the original  
20                 proposal. The proposed curtain wall eight  
21                 inches off the property line would require

1 two Vari ances from the Board of bui l di ng  
2 appeal which is the Board that governs the  
3 bui l di ng code. We were aware of that going  
4 i nto thi s of course. We had made a tentative  
5 agreement wi th the nei ghbors at 1105 that  
6 they woul d establ ish a no bui l d easement  
7 al ong our property l i ne. The two Vari ances,  
8 one for (i naudi bl e) and one for operabl e  
9 wi ndows woul d -- when we l ooked at i t  
10 cl osel y, we saw that we mi ght come away wi th  
11 hal f a l oaf i n the approval process and be  
12 several months i nto i t thereby del ayi ng  
13 constructi on. So we deci ded to try a  
14 di fferent tack. And i n thi s scenari o, whi ch  
15 we are presenti ng, we wi ll pul l the bui l di ng  
16 back three foot, one from the property l i ne  
17 and make the wal l a fi re rated wal l wi th  
18 l i mi ted openi ngs. And al l of thi s i s allowed  
19 wi th the current bui l di ng code wi thout any  
20 Vari ances or si te agreements from the  
21 adj oi ni ng property.

1           So to conclude on this first request,  
2           what we are actually -- I think that there  
3           are several resulting benefits to this  
4           proposal.

5           First, of course, we can move forward  
6           with our construction drawings and start  
7           construction without permitting delays. But  
8           we also, you know, there's a new stretch code  
9           in Cambridge, and to meet that with a curtain  
10          wall is kind a challenge. We could do it,  
11          but it's one of these things where having a  
12          north side solid is going to be, that side  
13          that you see there is the north side with a  
14          solid highly insulated wall will make it a  
15          lot easier.

16          And then thirdly, and we think this is  
17          actually a major public benefit, we would  
18          provide a wall that we can design  
19          contextually with regard to the residential  
20          neighbors to the north addressing their  
21          concerns for privacy that were raised at the

1 meeting by minimizing the glazing and  
2 interior uses along this wall with windows to  
3 bedrooms. To expand on this a bit. I know  
4 the image of the building was more than just  
5 a side bar at the hearing, so I'm trying to  
6 dovetail that part of the discussion. In  
7 making the wall solid, we expressed the rear  
8 wall as kind of a solid anchor from which the  
9 three transparent curtain walls extends.

10 If I can just digress as an architect  
11 for a minute. The logic is to treat it  
12 differently so that it can be thought of to  
13 result from the context; namely, facing the  
14 residential neighborhood wherein the walls  
15 are generally solid, discrete windows and  
16 dimensional siding. So that's what we tried  
17 to provide right here (indicating). This is  
18 a kind of fiber cement board. It's a little  
19 larger scale than a typical clapboard. You  
20 can think of it as transitional into a  
21 commercial use. The windows or awning and

1 clear story windows. Transoms. They all  
2 open. And as I said, the material's solid.  
3 And so it does give us --

4 STEVEN WINTER: Peter, may I ask a  
5 clarifying question?

6 PETER QUINN: Sure.

7 STEVEN WINTER: Can you point on  
8 that rendering where the solid wall is?

9 PETER QUINN: It's on the back.

10 STEVEN WINTER: Thank you. Thank  
11 you. Okay, I just wanted to make sure I knew  
12 where it was.

13 CHARLES STUDEN: But do you have a  
14 rendering, did we see a rendering of the  
15 north side of the building?

16 PETER QUINN: Only the flat  
17 elevations like this.

18 CHARLES STUDEN: I'm confused. No.

19 PETER QUINN: Oh, before?

20 CHARLES STUDEN: Yes, before.

21 PETER QUINN: You saw a colored

1           versi on of thi s as a curtai n wal l .

2                   CHARLES STUDEN:   What i t l ooks l i ke  
3           up above?

4                   PETER QUI NN:   Yes.   Just a di fferent  
5           vari ati on.

6                   CHARLES STUDEN:   Okay.

7                   HUGH RUSSELL:   Is i t your i nte nti on  
8           to have di fferent col ored pal l ets on thi s  
9           wal l ?

10                   PETER QUI NN:   Yeah, ri ght, ri ght.   I  
11           don' t know i f you' ve been to Patri ot Pl ace  
12           down by Patri ot' s Stadi um.   There' s a  
13           commerci al bui l di ng, one of the bi ggest ones  
14           that has the same materi al on i t.   I guess I  
15           got the i dea of havi ng i t sort of random  
16           col or, col ored random pattern and i t' s a  
17           materi al cal l ed Ni chi ha whi ch i s a fi ber  
18           cement board.   Commerci al di mensi on to i t.

19                   By the way, we di d speak wi th the  
20           nei ghbor who i s most affected by that, that' s  
21           Nancy Anderson.   Some of you may know her.

1 Her husband was a famous architect in the  
2 town. She couldn't be more happier with  
3 this change. She always worried that even  
4 though her house is 80 some odd feet away,  
5 that her privacy was always going to be  
6 compromised. We saw this as a win/win  
7 proposal certainly for her. And adding a  
8 little bit more setback was something that  
9 she is highly desirable as well.

10 CHARLES STUDEN: This making the  
11 building smaller?

12 PETER QUINN: Well, what happens is,  
13 I simultaneously want to request that we  
14 align the facades on those two street sides  
15 to all one inch of the gown. And I'll give  
16 you the logic of that here in a second.

17 On the street side we propose the  
18 increase in setback to the residential level  
19 from eight inches to align the storefront  
20 below. To be honest the seven inch offset  
21 that's the difference between one inch and

1 eight inch resulted from not so much of a  
2 careful analysis but rather from a last  
3 minute adjustment that we had to make to the  
4 building area in order to comply with, I  
5 don't know if you're aware of this, a rather  
6 complicated building area formula used when  
7 you have mix of commercial and residential,  
8 plus we were trying to obtain the 30 percent  
9 bonus on the residential. And there were a  
10 number of variables that we couldn't nail  
11 down until the end of that design process.  
12 So we actually always intended to have them,  
13 but I had to make, you know, a quick  
14 adjustment at the last minute when we  
15 submitted our plans in I think it was March.

16 So our original intention was to have  
17 these surfaces aligned to have these  
18 supporting columns between lower storefront  
19 glazing and the curtain wall above fronted  
20 with a normal cantilever. It's technical  
21 side bar here that the curtain wall's

1 bracketed off the structural system. It  
2 greatly complicates that we cannot align all  
3 of our exterior curtain wall columns through  
4 the basement because the exterior columns are  
5 seismic frame for the building. Also by  
6 putting the residential setback on these two  
7 fronts to one inch thereby aligning the  
8 storefront below we do pick up the square  
9 footage that we lost on the back. It happens  
10 to work out exactly.

11 Now, there's one other thing and there  
12 was a discussion when we were here on the  
13 20th about the corner. So we took this as an  
14 opportunity to take a look at it, and plus  
15 Mr. Russell in particular asked us to do so.  
16 The drawings that you have -- I'm just going  
17 to hand out a small revision over, you know,  
18 what you have in your package. We've been  
19 able to fine tune the curtain wall with  
20 respect to how we treat it.

21 HUGH RUSSELL: I like that much

1 better. Small change.

2 PETER QUINN: Small change that  
3 makes a big difference. This was the  
4 original approved building.

5 H. THEODORE COHEN: Can I see that?

6 PETER QUINN: Sure. It's what I  
7 call a carpenter's solution. And which  
8 elicited several comments which I just  
9 mentioned Mr. Russell said maybe we could do  
10 better. But the vertical alignment that  
11 we're requesting allows us to really  
12 emphasize the sheet-like nature of both the  
13 upper and lower walls, make that meet better.  
14 And then each wall meets vertically in each  
15 side, then reaches a composite. It allows us  
16 to open up the corner and express that  
17 architecturally. And what we're proposing  
18 here -- and this is actually what we would  
19 like to do. This is, this is kind of an Audi  
20 version of the one that is otherwise in your  
21 set that was handed out to you a week ago.

1 But the idea here is that we pull back the  
2 curtain wall, express the edge as you're  
3 coming down Mass. Ave. and create a kind of  
4 corner element to address that corner and  
5 then allow these -- each side of curtain wall  
6 to have its own surface. Which I think  
7 actually reads pretty well and creates a much  
8 more interesting corner. We have a sense of  
9 cantilever quality by doing that. So I'll  
10 leave it at that and I'll take any questions.  
11 Thank you for your consideration here  
12 tonight.

13 CHARLES STUDEN: I'm going to  
14 actually react here to what you're proposing  
15 on the north side because one, I'm  
16 sympathetic to the neighbor and the privacy  
17 issue that this might address. There are  
18 windows, you can still look out, etcetera.  
19 It seems to me to be kind of a compromise to  
20 what is otherwise a very elegant building.  
21 And it almost looks like, if I can imagine

1 this building being built like just a  
2 temporary wall, and that some day another  
3 building's going to be attached to and grow  
4 to the north but that's never going to  
5 happen. You kind of look at it and you go  
6 well, why does it look like that? What's the  
7 reason for that departure in what is an  
8 otherwise very glassy, very open building? I  
9 don't know. It just strikes me as being very  
10 arbitrary. But anyway just my reaction.

11 PETER QUINN: It certainly was  
12 debated within my office and with Roger the  
13 owner.

14 UNIDENTIFIED MALE: I was in the  
15 glass side.

16 PETER QUINN: I think, you know --

17 CHARLES STUDEN: I'm on the glass  
18 side too, you can tell.

19 PETER QUINN: If we did glass given  
20 the way that we're heading now, we would just  
21 simply, it would be all opaque except where

1 we have windows. So it wouldn't function the  
2 same way the other sides do.

3 CHARLES STUDEN: Okay.

4 AHMED NUR: Okay. Well, I have a  
5 question for you. The 1075 address numbers  
6 that are on the chamber facing Mass. Avenue,  
7 have you considered putting that address on  
8 the bottom of the curtain wall in that  
9 horizontal spandrel? I mean, that's just a  
10 question that I had. Personally I think it  
11 would look better.

12 PETER QUINN: Let me make sure I  
13 understand what you're talking about. You're  
14 referring to this here (indicating)?

15 AHMED NUR: Yes.

16 PETER QUINN: You're talking about  
17 putting it here?

18 AHMED NUR: Right.

19 PETER QUINN: We had not done a  
20 comprehensive signage study on this yet. And  
21 part of that is because of, you know, the

1 tenants, the building name, it's going to  
2 have a name. We haven't resolved that yet.

3 AHMED NUR: I understand.

4 PETER QUINN: Well, this is more. I  
5 knew you were talking about signage. We  
6 thought we'd provoke the issue.

7 AHMED NUR: Is that going to be  
8 replaced by something else?

9 The second question I had for you is  
10 the -- what you call the north elevation.  
11 What type of a material are you -- I missed  
12 it. I think you explained. Is it brick? Is  
13 it CMU? What is it?

14 PETER QUINN: It's a fiber cement  
15 panel. So it's a heavy cement panel that  
16 comes pre-primed, pre-painted with, you know,  
17 a 20 year warranty. It's pretty durable  
18 material. It's a commercial material.

19 AHMED NUR: And so that entire  
20 facade is, is there any detail recess or  
21 projection?

1                   PETER QUINN: Where the color breaks  
2                   that whole line. It's like a clapboard  
3                   almost with a joint and it gives an expressed  
4                   joint.

5                   AHMED NUR: And roughly the  
6                   residential windows would look just like  
7                   that, maybe two here and two, three here kind  
8                   of a thing or is it a lot more windows going  
9                   on in that?

10                  PETER QUINN: We actually can add,  
11                  you know, we're allowed 15 percent window  
12                  openings. And we're about 12 now. So  
13                  technically we can add a few more windows and  
14                  we would still stay within the building code  
15                  parameters.

16                  AHMED NUR: And the last question I  
17                  have is if I look up the curtain wall north  
18                  elevation and then look at the brick facade  
19                  down under that you're proposing, it seems to  
20                  me that the width has changed. Is there a  
21                  recessed curtain wall on the right side

1           rather than --

2                   PETER QUINN: That's where our green  
3           roof is.

4                   AHMED NUR: Oh, I see.

5                   PETER QUINN: It's a corresponding  
6           rear elevation.

7                   AHMED NUR: Oh, I see. You flipped  
8           it. Okay, good. Thank you.

9                   PETER QUINN: And there's one other  
10          thing that you mentioned I just want to clear  
11          up. It will come to me.

12                   AHMED NUR: Yes, that's fine.

13                   PATRICIA SINGER: I have a technical  
14          question which doesn't really impact a vote,  
15          but I don't understand how residential is  
16          going to sit on top of a commercial in the  
17          back with a three foot, one setback. Is it  
18          going to look like children's blocks? Or  
19          will I not even notice it from a distance  
20          because it's up higher and back?

21                   PETER QUINN: It's up higher. It's

1 off a parking garage. In other words,  
2 there's a -- I'm sorry, I don't have context  
3 photographs here. But you have that there  
4 which is a parking deck which is raised two  
5 or three off the street level that goes right  
6 up to our property line. And it has a small  
7 parapet. So our wall continues up above it  
8 about another 12 feet. And that will be  
9 stucco and finished and then color. And then  
10 above that it steps back and that's where  
11 your curtain wall begins. So it's, you know,  
12 there's not much we can do at that lower  
13 level because the cars are right there. And,  
14 you know, it does have to be extremely  
15 durable. That's actually a concrete wall.

16 PATRICIA SINGER: Actually, my  
17 concern was that that three foot, one inch  
18 ledge would collect water.

19 PETER QUINN: It's got a slight  
20 pitch that's all. It's like a -- so it just  
21 drains off.

1                   PATRICIA SINGER: Then I have  
2 another question. You've said that the  
3 concrete panels in the back are going to be  
4 different colors?

5                   PETER QUINN: Right.

6                   PATRICIA SINGER: Are those going to  
7 be strong colors or subtle colors?

8                   PETER QUINN: It would be like a  
9 muted, you know, a muted, you know, sort of  
10 along the lines of this. I assume we would  
11 do an administrative review with the planning  
12 department on colors and facade samples and  
13 all that.

14                  PATRICIA SINGER: I think I would  
15 like to go on record strongly preferring the  
16 colors that we've seen on a lot of buildings  
17 like they're coming in with strong colors.  
18 And I think it would be out of character to  
19 the neighborhood. And I think it would  
20 actually have the opposite effect of what is  
21 and using color to breakup a big expanse.

1                   PETER QUINN: Yes, I know what you  
2                   mean.

3                   PATRICIA SINGER: I think using a  
4                   strong color in this case would emphasize  
5                   that it's a big expanse.

6                   HUGH RUSSELL: I think I would go a  
7                   step further that part of the building is  
8                   (i n a u d i b l e). I think back the building  
9                   should be say in the same greys.

10                  PETER QUINN: Yeah. Yeah, that's an  
11                  interesting --

12                  WILLIAM TIBBS: I agree with that.  
13                  I was having some difficulty --

14                  PETER QUINN: With the yellow.

15                  WILLIAM TIBBS: -- with that yellow.  
16                  Whereas if that were some, as you said a  
17                  grey, it wouldn't bother me as much. Because  
18                  what I'm saying is how different is this?  
19                  And you have changed it from a kind of a  
20                  glass cube where everything was glass, even  
21                  the corner detail, you now have two glass

1 panes so that they're almost set on the side.  
2 But I think the, that that material unless  
3 that's material that really kind of blends in  
4 to me is a different, but I think if you can  
5 detail it and make sure the colors are such  
6 that it's a grey to match the front side, it  
7 doesn't bother me as much.

8 HUGH RUSSELL: I think the way it's  
9 done is very wise. If you look at the floor  
10 plan you can see it, that the back wraps  
11 around the corners a little bit?

12 PETER QUINN: Right. Right. So  
13 what you're seeing is a little -- there's  
14 about an 18 inch section that wraps around  
15 and then you see it here again at the corner  
16 of Trowbridge. And this is addressing --  
17 this is the subject that I wanted to bring up  
18 Mr. Studen had a question about creating this  
19 wall. I really wanted to make -- now that we  
20 embraced the wall to make it an architectural  
21 element that is solid that's facing this

1           resi denti al nei ghborhood and usi ng mud  
2           col ors. Li ke i f you actual ly look at the  
3           house that Nancy Anderson li ves i n, these are  
4           strong but muted col ors and there' s a number  
5           of others i n that nei ghborhood. Sort of --  
6           some have some sort of, you know, di al oque  
7           wi th them. But they' re al so, the col ors i n  
8           that area, you know, they' re not pl ai n.  
9           They' re defi ni tel y strong.

10                   WILLIAM TIBBS: But I thi nk too much  
11           of a di al oque j ust makes i t somethi ng very  
12           di fferent.

13                   PETER QUI NN: No, I real ly li ke the  
14           i dea of the vari ation of the theme of greys  
15           and bl ues. We' ll look at that.

16                   PAMELA WI NTERS: Is the gl ass, does  
17           i t sort of have a green tinge to i t?

18                   PETER QUI NN: Green-bl ues.

19                   PAMELA WI NTERS: Green-bl ues.

20                   PETER QUI NN: Yeah.

21                   PAMELA WI NTERS: Perhaps the grey

1 should have a little touch of blue in it.

2 PETER QUINN: Yeah.

3 HUGH RUSSELL: I'm looking at this  
4 saying as a grey frame that the glass is in  
5 and so --

6 PAMELA WINTERS: Oh, okay. I see  
7 what you mean.

8 HUGH RUSSELL: It's a frame element  
9 rather than a --

10 PAMELA WINTERS: Okay. Rather than  
11 -- gotcha.

12 PETER QUINN: You have this sort of  
13 thing there.

14 WILLIAM TIBBS: As opposed to some  
15 new facade element.

16 HUGH RUSSELL: But if it were all  
17 single color grade, it would be very  
18 depressing.

19 PAMELA WINTERS: Gotcha.

20 HUGH RUSSELL: So it would be using  
21 a variation, that sort of variation gives it

1 a certain life that sort of celebrates what  
2 it can do.

3 PETER QUINN: Exactly. Took the  
4 words out of my mind.

5 HUGH RUSSELL: Susan, yes.

6 SUSAN GLAZER: I have one question  
7 about the base for that wall, the north  
8 facing wall. And you can refresh my memory.  
9 How is that, that's where the garage is, is  
10 that --

11 PETER QUINN: There's a ramp right  
12 behind that.

13 SUSAN GLAZER: Okay. Or is it that  
14 grey band at the base, that's the back of the  
15 retail, yes?

16 PETER QUINN: Between here and the  
17 retail is --

18 SUSAN GLAZER: That sort of grey  
19 band underneath the or below the residential?

20 HUGH RUSSELL: If you look at A4.

21 SUSAN GLAZER: I was looking at the

1 elevation that had the color.

2 HUGH RUSSELL: About 60 percent of  
3 it is the ramp and about 40 percent is  
4 retail.

5 PETER QUINN: Here it is right here.

6 SUSAN GLAZER: My concern is having  
7 a blank wall facing the abutters. And we've  
8 talked a lot in the past about having garages  
9 that don't have blank walls that are broken  
10 up here, you have, you know, like a 12-foot  
11 wall that is facing that abutter. How is  
12 that going to be treated to soften that?

13 PETER QUINN: We were going to  
14 stucco it in a color that's, you know, part  
15 of the whole study, but I'd certainly  
16 entertain any ideas you know.

17 SUSAN GLAZER: And because you have  
18 the ramp there there's no opportunity for  
19 landscaping. That's part of it.

20 PETER QUINN: No. And the parking  
21 deck is actually a basement garage as well,

1 so, you know, they've got a whole structure  
2 there. So, as it turns out, you know,  
3 there's a lot of -- there's a lot of transfer  
4 of loading that comes off this three foot,  
5 one offset. So that wall is very, very  
6 solid. There's a lot of -- there's a lot of  
7 serious material.

8 SUSAN GLAZER: I'm just trying to  
9 figure out a way to sovereign it for the  
10 abutters.

11 PETER QUINN: If we could do --

12 SUSAN GLAZER: I don't even know if  
13 there's enough room for it, for, you know,  
14 ivy.

15 PAMELA WINTERS: Or bamboo. Bamboo  
16 would grow very quickly.

17 SUSAN GLAZER: It's just a thought.

18 PAMELA WINTERS: Or a mural.

19 PETER QUINN: There's actually,  
20 their garage is actually six inches short of  
21 their own property line.

1 PAMELA WINTERS: So you've got half  
2 a foot. Bamboo.

3 PETER QUINN: It would probably push  
4 the buildings apart in ten years.

5 HUGH RUSSELL: I don't think they'd  
6 be too happy about the northern exposure.

7 CHARLES STUDEN: Unfortunately I  
8 think what I was saying earlier, the change  
9 in making the upper floors less glassy and  
10 consistent with the rest of the building  
11 combined with this garage is making this  
12 building, the buildings going to have a Queen  
13 Anne front and a Maryanne behind. It's going  
14 to be a very, you know, it's going to look  
15 like a back door. Like I said earlier, it's  
16 going to look like this building eventually  
17 is going to come marching to the north like  
18 it's not finished. There would be other  
19 buildings attached to it rather than it was  
20 designed to, I don't know, that this was --  
21 it looks unfinished to me. I don't know. I

1 mean, it's hard. I know you're doing it, and  
2 I understand the permitting issue. You're  
3 anxious to move forward and perhaps you won't  
4 get your Variances, who knows. I mean, I  
5 don't know what the likelihood of you  
6 getting --

7 PETER QUINN: We did talk to a  
8 number of color consultants who discouraged  
9 us from this whole process. It was very  
10 likely we'd get one and if you don't get  
11 both, you're nowhere. The fire rating relief  
12 on the other.

13 UNIDENTIFIED MALE: I think that was  
14 our biggest driving factor.

15 CHARLES STUDEN: The permitting  
16 issue.

17 UNIDENTIFIED MALE: Yeah. We  
18 thought we wouldn't get it and then we'd be  
19 left holding the bag and restarting it and  
20 all that.

21 CHARLES STUDEN: And then he'd have

1 to come back with design changes anyway if  
2 you weren't successful.

3 UNI DENTIFIED MALE: Right.

4 WILLIAM TIBBS: I agree with you,  
5 Charles. And I think it does require some  
6 attention now by making that change that  
7 requires some attention, what the material  
8 is. Its color can help. I agree with Susan  
9 that the -- or that the, that big wall really  
10 stands out now and that you're -- it actually  
11 reemphasizes it. It probably wasn't an issue  
12 there anyway, but when it was a glass top.  
13 It kind of lightened it. Now it makes it  
14 much more bigger and heavier. I guess in my  
15 mind, I guess the question is is this a  
16 substantial change enough to make it a new  
17 public hearing. And in my mind that with  
18 proper attention, it probably wouldn't but it  
19 needs some attention. So that's my piece.

20 H. THEODORE COHEN: I'm just curious  
21 if Les or Susan were the abutters notified of

1           this meeting this evening?

2                   LES BARBER: I can't say I know what  
3           Li za -- whether she sent out notice or not.

4                   PETER QUINN: As I said, we met with  
5           the --

6                   H. THEODORE COHEN: I'm not  
7           disputing that. But I do agree with Bill and  
8           Charles that it's changing significantly, the  
9           one facade that the abutters on Trowbridge  
10          Street really see. And I know they had a lot  
11          of concerns about privacy and issues, but  
12          they may have been in the long run  
13          comfortable with an all glass building and a  
14          glass wall there and they feel less  
15          comfortable with the solid, essentially a  
16          solid wall there.

17                   CHARLES STUDEN: Right.

18                   H. THEODORE COHEN: And I'd be  
19          curious to know whether they knew about it  
20          and chose not to come. But I'd feel more  
21          comfortable saying that maybe it doesn't --

1 CHARLES STUDEN: I think this is a  
2 rather substantial change in the design of  
3 the building. I don't know. Anyone else  
4 feel that way? Hugh, what's your sense?

5 HUGH RUSSELL: I would, in my -- I  
6 mean, I looked at that back wall and I said I  
7 don't know how they're going to do this. How  
8 do you satisfy Section 7.05, the state  
9 building code? And the answer is now that  
10 you do it by Variance if you can get it.

11 CHARLES STUDEN: Right.

12 HUGH RUSSELL: As a practicing  
13 architect, I never wanted to ask for  
14 Variances because it's a difficult procedure.  
15 They require you to -- you don't get advisory  
16 opinions. You have to commit yourself. You  
17 have to go and do it all. You have to apply  
18 for a building permit. You have to get a  
19 rejection and then you go to them. And, you  
20 know, I've been there several times and have  
21 gotten the right sensible answers from them.

1 I don't think it's a capricious Board. But  
2 that whole process is very disturbing because  
3 you can't, you can't take concept to them and  
4 get a reading in a timely fashion. So, I'm  
5 not surprised to see this come back. I think  
6 what we care about in this building, I think  
7 99 percent of it is unchanged, you know.  
8 And, you know, the actual, you know, surface  
9 area, it's about maybe 15 percent has  
10 changed, or 10 percent has changed. But it's  
11 the part that we care the least about. So,  
12 and because of the actual testimony out there  
13 of the abutters saying she was concerned  
14 about privacy and I -- and now she's saying  
15 she's happy. I mean, she's not here to say  
16 it for herself, but it makes sense to me. I  
17 don't distrust the representation. So, I  
18 think, I can find it within myself to say  
19 that this is an evolution of a design. It  
20 doesn't throw off the important parts we  
21 liked and it addresses some real hard issues.

1 And we can go forward with that. I think,  
2 you know, as -- I don't know how long this  
3 back drawing's been in existence, but it's  
4 not very long. And as it gets developed, I  
5 think some of the discipline that you see on  
6 the front of the building will start showing  
7 up on the back of the building. So, you  
8 know, as a concept, it's viable. The  
9 details, I'm trusting will get further  
10 developed. Part of that's our history with  
11 this architect as one of the more serious and  
12 tail end people that come before us. You  
13 know.

14 PETER QUINN: I reject that  
15 characterization.

16 HUGH RUSSELL: And probably should  
17 strike that from the record.

18 PETER QUINN: The Special Permit  
19 that we received was exclusively for the  
20 setback relief. The design was discussion  
21 that I think I can characterize that we all

1 wanted to get into, and we certainly  
2 benefitted a lot from what the Board had as  
3 comments, but it was not a voted matter. And  
4 so, you know, again, we're here with the  
5 changes to the setback. That, you know, I  
6 certainly appreciate all the comments that  
7 have been made.

8 WILLIAM TIBBS: I would say I  
9 wouldn't go that far. I think you're right  
10 technically. But having put all that -- we  
11 have to put all that in context.

12 PETER QUINN: Certainly. Okay.  
13 I'll leave it at that.

14 HUGH RUSSELL: Technically we voted  
15 -- it doesn't require more relief. It  
16 requires us --

17 WILLIAM TIBBS: Right.

18 PATRICIA SINGER: I don't think  
19 that's entirely correct.

20 HUGH RUSSELL: The seven since.

21 PATRICIA SINGER: We moved the back

1 forward, but then we moved the forward  
2 towards the street and towards Trowbridge.

3 HUGH RUSSELL: You're correct.

4 PATRICIA SINGER: You changed two  
5 cases.

6 HUGH RUSSELL: Three cases.

7 PATRICIA SINGER: One better and two  
8 worse.

9 HUGH RUSSELL: If it's significant.

10 PATRICIA SINGER: Right. But they,  
11 we have diminished the setback that is  
12 without dispute. We increased it on one side  
13 and decreased it on two.

14 HUGH RUSSELL: Right.

15 STEVEN WINTER: Mr. Chair.

16 HUGH RUSSELL: Steve.

17 STEVEN WINTER: I agree that there's  
18 a lot going on here, but I'm coming down on  
19 the side where I do not feel that these  
20 changes are so significant given the process,  
21 given the context, that the changes are

1           operating within. I do not feel that they're  
2           so significant that it changes the entire  
3           building or the entire design. And I wanted  
4           to make two comments on this building.

5                        That's a very tricky piece of  
6           landscape, urban landscape with the roads  
7           going this and that way and the sidewalks.

8                        PETER QUINN: It certainly is.

9                        STEVEN WINTER: It's a very  
10          interesting and challenging place to build.  
11          And I have to say this is just a lovely  
12          building. I mean, it's just fabulous. I  
13          know that's not part of our discussion, but  
14          you know, every once in a while you see a  
15          building and you say, wow, that's just about  
16          as good as it gets. So I think we've got a  
17          really, really lovely building here. We've  
18          got some changes to the front. It's  
19          operating on -- it's almost a hostile  
20          environment particularly on the rear wall.  
21          And, you know, I think, I do not think that

1 we should hold this up due to the finding of  
2 that there are significant changes happening.  
3 I feel like we need to let this one go.

4 WILLIAM TIBBS: I just want to say  
5 what I said earlier. I think the rear wall  
6 needs attention. I'm comfortable with it.  
7 But if you were able to leave it like it was,  
8 it's almost like how you designed it is  
9 really the issue there. And I think we've  
10 made some suggestions and ideas, and I think  
11 your comment enough as an architect to hear  
12 those and understand them and hear that.

13 PETER QUINN: Thank you.

14 WILLIAM TIBBS: To avoid the wall  
15 being very massive and big and that it  
16 integrates better with the rest of the  
17 building.

18 HUGH RUSSELL: Ahmed, did you want  
19 to say something?

20 AHMED NUR: I'm actually building a  
21 building just like that. Three face curtain

1 wall and brick in the back. And the abutters  
2 like the brick in the back because they said  
3 to me that when there's a curtain wall they  
4 have no idea where -- they feel like a big  
5 eye is just looking at them at all times.  
6 Whereas, if there's windows, if somebody is  
7 staring at them, they know who is staring at  
8 them. So they actually felt very warm with  
9 the brick. And economically speaking it's  
10 cost effective now a days to have that  
11 facade. I think it is -- I agree with Steve  
12 that it's a very attractive building and I  
13 welcome it.

14 CHARLES STUDEN: At the risk of  
15 design by committee here this is always a  
16 dangerous thing, it just occurred to me, I  
17 wondered whether that blank wall that faces  
18 the neighbor, the one that's going to be  
19 stuccoed and perhaps have bamboo, hopefully  
20 clumping not running bamboo. We don't want  
21 running bamboo. But if you covered that with

1 the same material that you're putting on the  
2 wall up above, how would that work? Did you  
3 look at that?

4 PETER QUINN: The trouble is how do  
5 you end it? There's, you know, there's  
6 always the possibility of cars hitting it.

7 CHARLES STUDEN: I see.

8 PETER QUINN: Yeah -- no, I like  
9 that idea. You know, when I -- you focus on  
10 one thing and then you realize oh, my gosh I  
11 really forgot to my effort into the other  
12 thing. I'm sitting here and saying I agree  
13 with you. We have to do something with the  
14 wall.

15 CHARLES STUDEN: Anything you can do  
16 to make it look less than like a back door.

17 PETER QUINN: Some texture.

18 CHARLES STUDEN: I don't know.  
19 You'll be able to do it.

20 HUGH RUSSELL: Clearly the one  
21 option is to look at the grid up above.

1 PETER QUINN: Right.

2 HUGH RUSSELL: And put that into the  
3 thing down below or use a grid or do  
4 something.

5 CHARLES STUDEN: I really like that.  
6 The grid, because then that repeats what's  
7 going on in the curtain wall on the other  
8 side. So that's a grid or you do something.

9 HUGH RUSSELL: But the other thing  
10 is that it's solid and so it creates  
11 something that's solid and it's creating  
12 something that's containing.

13 PETER QUINN: Right.

14 CHARLES STUDEN: Are you thoroughly  
15 confused now?

16 PETER QUINN: I think it's okay.

17 WILLIAM TIBBS: I think he  
18 definitely gets it.

19 HUGH RUSSELL: I think we've reached  
20 a determination that this is not a major  
21 change and that it falls under the design

1 review that we expect. Do you want to vote  
2 to that effect?

3 LES BARBER: I think that would be  
4 helpful.

5 HUGH RUSSELL: So would someone like  
6 to put it in the form of a motion?

7 WILLIAM TIBBS: I would just like to  
8 say so moved.

9 HUGH RUSSELL: Okay. Second?

10 STEVEN WINTER: Second.

11 HUGH RUSSELL: All those in favor?  
12 Can everybody vote on this?

13 LES BARBER: You all vote and we'll  
14 figure it out. I can't find the file.

15 (Show of hands.)

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

18 (Whereupon, at 10:55 p.m., the  
19 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  
Notary Public, certify that:

I am not related to any of the parties  
in this matter by blood or marriage and that  
I am in no way interested in the outcome of  
this matter.

I further certify that the testimony  
hereinbefore set forth is a true and accurate  
transcription of my stenographic notes to the  
best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 28th day of July 2010.

\_\_\_\_\_  
Catherine L. Zelinski  
Notary Public  
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