

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, August 3, 2010

7:00 p.m.

in

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

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

Susan Glazer, Acting Assistant City Manager
for Community Development

Community Development Staff:
Liza Paden
Les Barber
Roger Booth
Stuart Dash
Jason Roberts

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
617. 786. 7783/617. 639. 0396
www. reportersinc.com

I N D E X

CASEPAGE

Update by Susan Glazer 37

Board of Zoning Appeal Cases 3

PUBLIC HEARINGS

PB#231A - 159 First Street,
65 Ben Street and
29 Charles Street 38

GENERAL BUSINESS

1. City Council Petition to
Amend Article 7.000
Signs and Illumination 56

2. PB#249 - 126 Charles Street,
Design Revision 52

3. Other

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

P R O C E E D I N G S

1
2 HUGH RUSSELL: Good evening. This
3 is the meeting of the Cambridge Planning
4 Board. First item on our agenda is a review
5 of the Zoning Board cases.

6 LIZA PADEN: So, this is the agenda
7 for August 12th if somebody has a question.

8 STEVEN WINTER: Mr. Chair, I have a
9 question. It's case 9971, 12 Hubbard Park
10 Road. It calls for a Variance to add two,
11 15-foot dormers. And my question is, is
12 there a standard size, a standard industry
13 size for a dormer according to our Zoning
14 language?

15 LIZA PADEN: Well, we have the
16 guideline on dormers that if the dormer
17 complies with the other dimensional
18 regulations and is 15 feet or less, then it's
19 reviewed in Inspectional Services. So the --

20 HUGH RUSSELL: That was based on a
21 conversation between me, Ranjit and Les, 25

1 years ago as to what we thought would be that
2 objecti onabl e.

3 STEVEN WINTER: So the 15-foot
4 dormers is wi thi n, then, our standard
5 operati ng procedure to be acceptabl y call ed a
6 dormer?

7 LIZA PADEN: Yes.

8 STEVEN WINTER: Okay.

9 CHARLES STUDEN: Because i t' s on the
10 agenda toni ght i n a much broader sense, case
11 No. 9974, to i nstal l a new sign.

12 LIZA PADEN: Yes.

13 CHARLES STUDEN: How do you
14 pronoun ce that? Anyway, above the second
15 fl oor.

16 LIZA PADEN: Al nyl am.

17 CHARLES STUDEN: And the i ssue there
18 i s they' re taki ng down the existi ng sign and
19 repl aci ng i t wi th somethi ng el se. That
20 requi res a Vari ance because i t' s too hi gh or
21 too bi g?

1 LIZA PADEN: It's above the second
2 floor.

3 CHARLES STUDEN: I see.

4 LIZA PADEN: So the tenant would
5 like the sign not between the first and
6 second floor, but higher than the second
7 floor, higher than 20 feet.

8 CHARLES STUDEN: Okay.

9 HUGH RUSSELL: Do we have any
10 drawings of that?

11 LIZA PADEN: Yes.

12 CHARLES STUDEN: I'm wondering if
13 any of the changes we're considering now
14 would address that issue?

15 LIZA PADEN: Yes.

16 CHARLES STUDEN: Yes, that's what I
17 thought.

18 (Clari fyi ng Di scussi on Hel d).

19 LIZA PADEN: The corner of Third
20 Street and Binney Street, the first floor is
21 very tall and it has a lot of glass at the

1 ground floor level where the retail space and
2 the lobby is, so it would either be 20 feet
3 or under the second floor sill. They want to
4 be above the tree line.

5 PATRICIA SINGER: Thank you very
6 much.

7 THOMAS ANNINGER: Interesting. Is
8 this an existing one?

9 HUGH RUSSELL: That's existing.

10 LIZA PADEN: That's existing.

11 THOMAS ANNINGER: And this would be,
12 I guess, parallel to that? It's exactly the
13 same height.

14 LIZA PADEN: Yes.

15 THOMAS ANNINGER: So there's a
16 certain symmetry there.

17 LIZA PADEN: Yes. That sign
18 received a Variance from the Board of Zoning
19 Appeal as well.

20 THOMAS ANNINGER: I don't see how
21 this one would fit that one. It seems okay

1 to me.

2 STEVEN WINTER: All set.

3 LIZA PADEN: So are there any
4 comments that you wanted to send?

5 HUGH RUSSELL: I would say we would
6 leave this to the Board of Zoning Appeal and
7 hope the Council acts fairly soon so the city
8 policy is clear.

9 THOMAS ANNINGER: Well, is this
10 going up against a hardship problem?

11 HUGH RUSSELL: Yes.

12 THOMAS ANNINGER: And they found a
13 hardship in that previous case?

14 HUGH RUSSELL: They granted relief.

15 LIZA PADEN: They granted the
16 Variance, so I would make that assumption
17 that they did, yes.

18 HUGH RUSSELL: As you're aware, it's
19 been the policy of the Zoning Board for
20 sometime not to look too carefully at
21 hardship in cases where there's no

1 opposi ti on.

2 THOMAS ANNINGER: That' s ri ght.

3 Al though they seem to be loo king harder than
4 I am. And they were -- and there seems to be
5 change i n that. I wou ld not thi nk i t
6 i nappropri ate to say that we see a si mi l ari ty
7 to the previ ous one. I see no reason to --

8 HUGH RUSSELL: Are you trying to
9 thi nk of cri teri a for consi deri ng such si gns?
10 We' ve been encouraged by our correspondence
11 to do -- one cri teri a that seems to be clear,
12 i s i t i n an appropri ate place on the
13 bui l di ng? And i t seems to be i n thi s case
14 that i s the best place to put that
15 appl i cati on si gn. But the bri ck facade wi ll
16 be up hi gher. Because the si gn doesn' t
17 real ly seem to be -- go up hi gher. And, you
18 know, i ts i mpact on hi stori c bui l di ngs or
19 open spaces seem to be si gni fi cant. I t seems
20 i n scal e wi th the bui l di ng. Those are thi ngs
21 that I wou ld loo k at mysel f. Other -- you

1 can use this as a little way of looking at
2 the way you think about this.

3 THOMAS ANNINGER: I notice -- tell
4 me if I'm wrong, but I notice that this one
5 seems to be one color. There is a previous
6 one seems to be multicolored.

7 LIZA PADEN: The previous one has --
8 does have background color on it, yes.

9 THOMAS ANNINGER: I'm not sure why
10 one color is such a virtue, but it seems to
11 have found its way into the recommendations,
12 so I would say that this one has met the one
13 color standard, which is something we're
14 considering in a broader sense.

15 HUGH RUSSELL: Is it an illuminated
16 sign or not?

17 Obviously they couldn't choose, if the
18 Ordinance has changed to reapply.

19 LIZA PADEN: Yes, it is illuminated.
20 It's internally illuminated.

21 THOMAS ANNINGER: As is the other

1 one?

2 LIZA PADEN: I believe so, yes.

3 It's what's called a halo lighting.

4 HUGH RUSSELL: Ted?

5 H. THEODORE COHEN: I was just going
6 to comment on, I don't know why we are making
7 recommendations, if we are making a
8 recommendation to the Board of Appeals, based
9 upon criteria in an Ordinance that we've not
10 yet made a recommendation on and which the
11 Board, at which City Council has not yet
12 approved. I would be fine with leaving it up
13 to the Board of Appeals in its own wisdom to
14 deal with this one as it dealt with the
15 earlier one. If on the other hand some
16 members of this Board feel in looking at it,
17 it really is an appropriate place to put it,
18 then I have no objection to saying that if
19 they were to approve it, that seems an
20 appropriate place. But I object to the
21 concept of applying new criteria that we've

1 not acted on yet, and nobody's acted on yet.

2 CHARLES STUDEN: I would support
3 that. I agree.

4 STEVEN WINTER: I concur.

5 THOMAS ANNINGER: My understanding
6 is that many of the criteria we've just been
7 talking about are criteria that's been
8 applied on an administrative basis for
9 sometime, and much of it is just being
10 reflected in what's been put down, but that
11 this is not new criteria, it's just
12 administrative becoming statutory. Is that
13 true?

14 LIZA PADEN: I guess so. I mean,
15 it's a very hard question to -- I don't know
16 what they've been doing at the Board of
17 Zoning Appeal or Inspectional Services.

18 THOMAS ANNINGER: Well, I am talking
19 more about what I think has gone through I
20 guess what I would say through Mr. Barber.

21 LIZA PADEN: The sign certification

1 process? Well, the sign certification
2 process does not address whether or not
3 there's more than one color hue or any of
4 these other things. The certification
5 process that we do at Community Development
6 is what the size proposal is and whether or
7 not it conforms to Article 7.000. If we
8 check off yes, then we move along. But if
9 those standards don't have to do with the
10 color or the graphic or the design as much as
11 the size, the height and the area and
12 illumination, number of signs.

13 HUGH RUSSELL: In this case the sign
14 didn't get a check off because it didn't meet
15 the criteria.

16 LIZA PADEN: Right.

17 THOMAS ANNINGER: I think at a
18 minimum we can say that it's an appropriate
19 place. I think that would be helpful to the
20 Board, and it seems if that's not
21 objectionable.

1 STEVEN WINTER: I couldn't hear you.

2 THOMAS ANNINGER: I said --

3 HUGH RUSSELL: I think, Ted, you
4 actually phrased it quite well. If the
5 Zoning Board grants it, we would offer our
6 opinion that A, it seems to be an appropriate
7 place. And B, it relates to an existing sign
8 al ready on the building.

9 LIZA PADEN: Okay.

10 HUGH RUSSELL: Okay?

11 LIZA PADEN: Okay.

12 Mr. Braillard is here from Clearwire
13 for an installation proposed for Mount Auburn
14 Hospital and Mount Auburn Street. And
15 because there will not be a meeting on the
16 17th, he's asked if he could have a few
17 minutes of your time to get comments on that
18 installation before his BZA hearing.

19 HUGH RUSSELL: Sure.

20 ATTORNEY ADAM BRAILLARD: Thank you,
21 Li za. Thank you members of the Board. I

1 appreciate it.

2 Just for the record, my name is Adam
3 Braillard. I'm with Prince, Lobel. I'm here
4 on behalf of the applicant, Clearwireless, a
5 subsidiary of Sprint Spectrum. I'm here in
6 connection with a Special Permit that was
7 filed with the Board of Zoning Appeals to
8 modify an existing facility located at 333
9 Mount Auburn Street, also known as the Mount
10 Auburn Hospital.

11 Simply, the proposal is to add four
12 dish antennas onto the existing facility.
13 What I would like to do is pass out photo
14 simulations and plans so the Board has those
15 to follow along. Currently on the hospital,
16 or more specifically, the existing facility,
17 the existing Sprint facility consists of six
18 panel antennas and some ancillary radio
19 equipment. We're not going to be proposing
20 to change any of the radio equipment or radio
21 cabinet, just adding a four dish antennas.

1 The six panel antennas are separated into
2 three sectors of two antennas each. So
3 there's Sector A, B and C. What we propose
4 to do is modify Sectors B and C.

5 If you look at the photo sims, let me
6 pass out the plans, too, for those who like
7 to look at the plans. To look at the photo
8 sims, the first page of the photo sims kind
9 of gives you an idea of what we're doing
10 altogether. It shows both sectors. But more
11 specifically, if you go further into the
12 sims, you'll see what we're proposing to do.
13 What's existing, like I said, is two panel
14 antennas per sector on the building. What
15 also exists per sector are four pipe mount
16 installations. So what Sprint did is they --
17 they were approved for four antennas, four
18 pipe mounts per sector. They only put two
19 antennas and four pipe mounts up. They never
20 utilized the two pipe mounts and so those
21 stayed. What we're going to do is

1 essentially utilize those now on just two of
2 the three sectors.

3 I can get into a little bit more of the
4 actual installation and the actual mounting.
5 It's not straight forward in terms of we're
6 just going to put the antennas -- the dish
7 antennas on the existing pipe mounts. What
8 we're actually going to do because the dish
9 antennas need to face out, the Sector B,
10 you've got the four pipe mounts; two panel
11 antennas are on the outside pipe mounts. We
12 want to take those two panel antennas and put
13 those on the inside vacant pipe mounts and
14 utilize the then vacant exterior pipe outside
15 mounts for the dish antennas. Those need to
16 face or there as they're facing in opposite
17 directions. So if we're --

18 STEVEN WINTER: That's here?

19 ATTORNEY ADAM BRAILLARD: That's it.
20 Right. You can see that on the third, the
21 fourth page, third and fourth page. Third is

1 existing, fourth is proposed. And that's for
2 Sector B.

3 Sector C, the final sector --

4 THOMAS ANNINGER: Where is it?

5 ATTORNEY ADAM BRAILLARD: Well, the
6 best way to look at this is to go to page
7 three -- go to page -- the third page of the
8 photo sims, photo simulations. That's
9 existing. That's Sector B that you're
10 looking at there. And then flip to the next
11 page, that would be the proposed changes to
12 that sector. And then we would run a
13 half-inch co-ax cable from that to the
14 existing rooftop radio equipment that's
15 currently there.

16 The second sector, the Sector C in
17 where the final two dish antennas are going
18 to go, very similar as it currently lays,
19 four pipe mounts, two panel antennas existing
20 on the exterior pipe mounts on the outside of
21 the four pipe mounts. But here because the

1 dish antennas need to face similar AZMTs
2 (phonetic) not opposite across, but similar
3 areas, but not exactly the same, we need to
4 put those in the two -- if you're looking at
5 the photo sims, left side pipe mounts. So
6 we're going to take the -- if you look at the
7 panel antennas, we're going to take one of
8 the panel antennas, move that two over so
9 that the panel antennas are together. And
10 then the two dish antennas are going to be
11 together. And that's shown on the last two
12 photo simulations.

13 CHARLES STUDEN: I'd like to observe
14 that I guess it seems inevitable that we're
15 going to have these kinds of installations on
16 buildings throughout the city of Cambridge
17 because of our insatiable need to stay
18 connected to one another. And I appreciate
19 Clearwire's attempts here to consolidate all
20 of this mechanical stuff in one area as
21 opposed to having it scattered in other

1 Locations on the building which could have
2 easily happened. I wonder of course if some
3 day it would be possible to have some of this
4 technology consolidated period, so that we
5 don't have all these competing cell phone
6 companies, it seems, doing the same thing,
7 but I don't know that much about the
8 technology and perhaps I'm being very naive.
9 But in the absence of something like where
10 you are competing with other companies, just
11 the mere fact that everything is put together
12 like this, to me goes a long way. I have no
13 problems with this.

14 THOMAS ANNINGER: I missed
15 something. Where is the consolidation?

16 ATTORNEY ADAM BRAILLARD: There's
17 no, no consolidation in terms of carriers.
18 Clearwire is a subsidiary of Sprint.

19 THOMAS ANNINGER: No, no, no. On
20 the building. Are you consolidating
21 something here?

1 ATTORNEY ADAM BRAI LLARD: No, we're
2 just utilizing existing pipe mounts.

3 THOMAS ANNINGER: You're not
4 eliminating any?

5 ATTORNEY ADAM BRAI LLARD: No. What
6 we are doing, however, and what I neglected
7 to say is that because the dish antennas are
8 not as tall, they're round, they're not as
9 long as the panel antennas, we're going to be
10 reducing the existing pipe mount height. So
11 that the pipe mount shouldn't -- if you're
12 looking at it horizontally, the pipe mount
13 won't extend above or below the dish. So
14 we're going to reduce the pipe mount
15 essentially by half.

16 HUGH RUSSELL: Yes, Pam.

17 PAMELA WINTERS: So I have a
18 question for you. There seems to be a little
19 chimney, I guess, that's there. And I was
20 wondering if, you know, under the existing
21 and proposed in the first sim here --

1 ATTORNEY ADAM BRAILLARD: Yes.

2 PAMELA WINTERS: -- would it be
3 possible for you to put any of those on that
4 chimney? It seems as though it would be, you
5 know, just more camouflaged that way. I'm
6 not crazy about any of these. And part of me
7 thinks that even having the circular antenna
8 as opposed to the vertical ones are almost a
9 distraction because they're so dissimilar in
10 a way. It's visually, you know, to keep them
11 all in order is almost better, but
12 technologically it may not be. So I just
13 asked you two questions I guess.

14 ATTORNEY ADAM BRAILLARD: Sure. I
15 think I can try to answer them. The number
16 of problems with the smoke stack; one, it's
17 not a bandwidth that's being utilized. So I
18 haven't had much success with installing
19 these types of antennas or any type of
20 wireless facility on an existing utilized
21 smoke stack. Just, you can't lag bolt it or

1 you can't wrap it. It gets too hot. May be
2 some melting, especially in the summer.

3 Secondly, what the applicant is also
4 trying to do is not expand its footprint on
5 the roof. And so what we thought would be
6 the best is that we stay within our
7 parameters that are currently there to try
8 not to make any more, you know, sky
9 penetrations or any offshoots to the existing
10 building.

11 PAMELA WINTERS: So, in other words,
12 you have to have more of those little tubings
13 across the edge of the building rather than
14 consolidating it into the circular ones; is
15 that what you're saying?

16 ATTORNEY ADAM BRAILLARD: I just
17 tried to answer the first question why we're
18 not going anywhere else. I went further and
19 told you why we weren't going anywhere else
20 further than what we are.

21 I think your second question was why

1 are we using the second type of panel
2 antennas instead of the dish. It's
3 technology. The panel antennas are a Wi Max
4 cellular -- not to get really into detail.
5 But transmitting and receiving data antenna
6 for your cell phone or for a wireless
7 apparatus. And the dish antennas are what --
8 so what happens is that the information
9 either comes or receives from the panel
10 antennas, goes into the radio equipment, then
11 comes out in a data form that is easily
12 transferable either on T1 lines, ground lines
13 or through the dish antennas. We utilize --
14 or we use the dish antennas because they're
15 equivalent to about three or four hundred T1
16 lines. And because of the Wi Max and the
17 ability to have broadband high speed secure
18 wireless service, we need the dish style
19 antennas to transmit and receive the
20 transformed information.

21 HUGH RUSSELL: So, where are the

1 dishes pointed? Where are they pointing to?

2 ATTORNEY ADAM BRAILLARD: They point
3 to other dish, other dishes in different
4 areas, either in the city here or in across
5 the way, maybe as far as Watertown. I'm not
6 sure where they actually go. But it's a line
7 of sight technology for the dish antennas.

8 HUGH RUSSELL: So conceivably the
9 dish can be mounted on the roof itself, set
10 back in the middle of the roof as long as the
11 antenna was looking at what is a higher
12 elevation?

13 ATTORNEY ADAM BRAILLARD: Yes, the
14 idea of the dish is to conceivably -- I don't
15 know if you can notice, but on the third page
16 you do see some existing dish antennas there.
17 I think those are -- those belong to the
18 hospital for transmitting and receiving for
19 9-1-1 services and their ambulances. So that
20 is a type of installation we could use. I'm
21 not sure if the Board would -- we'll try to

1 do like I said, stay within our existing area
2 or existing leased area. We may butt up
3 against some issues with existing lease areas
4 on that roof and we're not sure what's there,
5 but that may be a concern.

6 THOMAS ANNINGER: Is this new
7 technology? Is the reason behind this some
8 3G concept or something?

9 ATTORNEY ADAM BRAILLARD: It is.
10 It's actually 4G.

11 THOMAS ANNINGER: 4G?

12 ATTORNEY ADAM BRAILLARD: You
13 probably have seen the Sprint commercials.

14 THOMAS ANNINGER: I can't wait for
15 five.

16 ATTORNEY ADAM BRAILLARD: I was
17 around when 3G started back when I was doing
18 this in 2000. And that was essentially
19 wireless internet. 4G is essentially high
20 speed broadband secure wireless internet, and
21 it's not dial up. So instead of currently

1 you can get on-line on your Blackberry, but
2 it's a dial-up speed. What Clearwire and
3 Sprint are trying to do is compete with
4 traditional cable and FiOS and Verizon
5 services.

6 THOMAS ANNINGER: You know, if you
7 combine a few things, I think Pam's comments
8 are ones that I understand and have sympathy
9 with which is on the one hand you can make
10 the argument that the satellite dishes are
11 smaller than these drop down, what did you
12 call them?

13 ATTORNEY ADAM BRAILLARD: Panel
14 antennas.

15 THOMAS ANNINGER: Panel antennas.
16 But in terms of design and symmetry and
17 rhythm why this is just more as Pam said,
18 distracting than what we had before.

19 PAMELA WINTERS: It looks more
20 cluttered.

21 THOMAS ANNINGER: It isn't an

1 improvement visually although it might be a
2 little smaller. Smaller doesn't necessarily
3 mean better. That's No. 1.

4 No. 2, as we just heard, 3G is now 4G
5 and there's really no end in sight and you're
6 going to be back to us or somebody else with
7 yet more. Maybe it is time to think about
8 going to the roof not necessarily to
9 penetrate the sky as you put it, but set it
10 back far enough so that you can't see it from
11 ground level and rethink the whole location
12 of it, because eventually we're going to be
13 called upon to clutter this yet more. Maybe
14 now's the time to rethink it if there is
15 another approach that may, may be more
16 burdensome to you in terms of going beyond
17 your perimeter now, but it might, it might
18 give us something for the future. This is
19 not only an important building and important
20 view, they've improved this whole complex
21 tremendously. There's a new edition to it, a

1 very handsome one, but yet you can't help but
2 look up and admire that building now. And
3 your eyes are going to scan the horizon and
4 look at the old building as well as the new
5 one. And I don't see a whole lot of reason
6 why we need to make that the cornus line of
7 that old building any worse than it is now.

8 ATTORNEY ADAM BRAILLARD: What we
9 try to do in every installation, especially
10 in Cambridge, is look at it from a, you know,
11 a handful of disciplines, obviously, and
12 probably most importantly in this city is the
13 zoning aspect.

14 Secondly, leasability.

15 And the third, whether it works from a
16 radi ofrequency standpoint, whether it's
17 optimal or not.

18 And then finally, if it can be
19 constructed. So we look at all those
20 aspects. Constructability is obviously
21 clear. The pipe mounts are already there.

1 The system's already there. That's kind of
2 inevitable. From a radiofrequency standpoint
3 we just want to make sure we have a line of
4 sight and we don't cause any interference.
5 And then the two tricky parts, the
6 leaseability and zoning. Obviously zoning, we
7 want to make sure we comply with the wireless
8 by-law here in the city. We really can't do
9 anything wireless without a Special Permit
10 so we're always in front of you folks and
11 we're always in front of the Board of Zoning
12 Appeals.

13 Leaseability is also another issue here
14 as well. We did look at other options. If
15 we could go on top of the roof, if we could
16 go somewhere else in the building, these
17 weren't the optimal locations for our
18 radiofrequency folks to point the dishes.
19 The short answer is at this time there is no
20 other option from a leaseability standpoint.
21 The hospital had, you know, set these

1 parameters. We got a Sprint application
2 here. We'll amend it -- I mean, a Sprint
3 lease here, and we'll amend it to account for
4 dish antennas, but at this time we don't want
5 to proceed with putting the antennas anywhere
6 else on the building. And I think it may
7 have been an aesthetic in terms of them. I
8 wasn't part of the acquisition part of it.
9 But I can tell what I heard from the
10 acquisition folks to report that.

11 And obviously we're going to reduce the
12 pipe mount size. We're going to paint the
13 antennas to match the color of the brick.
14 I've been in front of this Board, we've not
15 only done that, and gone back and painted the
16 old antennas where it didn't work out so
17 well. I have to report that we've actually
18 done that which is a good thing over there on
19 288 -- what's that? I forget the name of
20 that street.

21 HUGH RUSSELL: Thank you. Well, I'm

1 also feeling this is a significant
2 degradation of the installation and I think
3 it's because of the discordant sizes and
4 shapes of the antennas and the number. So I
5 would like to recommend to the Zoning Board
6 that they look to see if there's a way to put
7 the dishes in another location that would not
8 be visible. Combining with the existing
9 antennas is not particularly, not attractive.
10 And I think we also have a case here, it's
11 like the owner that has a high building has
12 to at some point take responsibility for the
13 overall impact of these installations and how
14 reluctant to do it. And I assume it has
15 something to do with their corporate
16 structure, you know. There's no office in
17 the hospital to talk about. Those kinds of
18 issues. So somebody negotiates the lease,
19 somebody else approves it. You know, various
20 people have to sign off. They don't approach
21 it with the same kind of eyes that we

1 approach it. And so, I don't know, is that a
2 general point of view, you were willing to
3 accept it?

4 CHARLES STUDEN: No, I totally
5 disagree. I'm going to repeat what I said
6 earlier. I think what they've done here,
7 actually, is very good. And when I look --
8 when I flip from existing conditions and
9 proposed conditions in virtually every one of
10 these, you can barely tell the difference.
11 And to most passers by, I would argue nine
12 out of ten people they're looking at the
13 street, the people on the street, the cars
14 and landscaping and so on. They're not
15 looking up at the ridge line of this
16 building. And I mean, the color matches the
17 brick exactly. The shapes are slightly
18 different, but I think they're perfectly
19 fine. I think the Board has had before us in
20 the past other proposals that were for more
21 egregious than this one. And we heard the

1 applicant say there is no other alternative.
2 So what we're saying is no more cell phone
3 installations on this building. Is that
4 correct? You can't, the hospital has been
5 unwilling to lease other locations on the
6 roof, for example, for these installations?

7 ATTORNEY ADAM BRAILLARD: I'm not
8 sure about other carriers or other actual
9 locations. What they wanted us to do in this
10 installation was stay within the Sprint
11 existing leased area. They wouldn't
12 entertain going outside that area at this
13 time. I mean, I can't say it would be
14 definitive and they would never allow that.

15 HUGH RUSSELL: I think our
16 experience --

17 ATTORNEY ADAM BRAILLARD: Right now
18 other areas are not available for us.

19 HUGH RUSSELL: -- our experience is
20 on these things if we push back, then it
21 causes them to reevaluate their position.

1 It's hard for me to believe that there are
2 technical reasons about running a hospital
3 that prevent any other location for cellular
4 antennas. It doesn't make sense to me.

5 ATTORNEY ADAM BRAILLARD: Yes, from
6 a technical standpoint I don't think so. But
7 possibly from a space standpoint there might
8 be issues that they have. They may want to
9 put up additional of their own dish antennas.

10 HUGH RUSSELL: Well, we've spent 15
11 minutes on this. I think that's more than
12 enough. Those of you at the table want to be
13 on one position or the other?

14 H. THEODORE COHEN: I think we've
15 spent enough time. I think the original
16 installation was not particularly attractive.
17 I think this is less attractive, and I agree
18 that I would suggest that the Board send it
19 back to see if they can come up with
20 something better.

21 HUGH RUSSELL: Steve.

1 STEVEN WINTER: I feel like the
2 discussions we have on this issue are so
3 often circular because we're not working with
4 a policy. And I think that that's really
5 what's been missing from these discussions
6 all along. I generally find them distasteful
7 looking, generally. However, it's technology
8 that we need, but we don't have much to go
9 on.

10 PATRICIA SINGER: We do have
11 criteria that guide us, and so long as this
12 falls within the criteria, I don't see why we
13 are making major exceptions. In terms of the
14 study, I think I would be far more upset if
15 he were breaking the sky. So I would fall on
16 that end of the spectrum.

17 HUGH RUSSELL: Okay, can you write
18 up some guidance to the Zoning Board that
19 shows a variety of our points of view?

20 LIZA PADEN: Sure.

21 THOMAS ANNINGER: Can I ask one

1 question, Hugh, on what you said? I assume
2 that in finding another location those two
3 end panels, since they are unused would
4 disappear. It isn't as if it would stay in
5 form and they would just find another place?

6 HUGH RUSSELL: That's what I would
7 hope that would happen.

8 THOMAS ANNINGER: That would be part
9 and parcel of what we're talking about.

10 HUGH RUSSELL: Okay. Shall we move
11 on? Thank you very much.

12 ATTORNEY ADAM BRAILLARD: Okay.
13 Thanks.

14 HUGH RUSSELL: We appreciate your
15 patience.

16 PAMELA WINTERS: You can take back
17 your paper stuff.

18 HUGH RUSSELL: Are we all done with
19 the Zoning Board stuff? Then we can ask
20 Susan to give her update.

21 SUSAN GLAZER: Thank you, Hugh.

1 This will be our only meeting in
2 August. The August 17th meeting has been
3 cancel ed.

4 And the meetings in September right now
5 are scheduled for September 7th and the 21st.

6 On the 21st right now we have a public
7 hearing for the proposed EF International
8 Company Zoning Petition which is in the North
9 Point area east of the Gilmore Bridge. So
10 you will be hearing about that then.

11 Just two other things. We right now
12 don't have anything on for September 7th, but
13 we'll see how tonight's discussion falls.

14 Two other things you should be aware
15 of. Last night at the City Council meeting
16 the City Council voted both the Green
17 Building Zoning, which this Board worked long
18 and hard on. And also the MXD Zoning in
19 Kendall Square. So those are two significant
20 pieces of legislation that we're adopting.

21 HUGH RUSSELL: Okay. Thank you.

1 And we will go on to the public
2 hearing, Planning Board case 231A, 159 First
3 Street, 65 Bent Street and 29 Charles Street.
4 This is the second public hearing for the
5 final development plan.

6 STEVEN WINTER: Mr. Chair, here,
7 please. Could we make certain that the folks
8 in front of us can hear us properly with the
9 noise? Can we just do a check on that?

10 HUGH RUSSELL: Well, I have the
11 quietest voice. Who can't hear me?

12 (Show of hands).

13 UNIDENTIFIED MALE: When you speak
14 in the microphone it's okay.

15 STEVEN WINTER: Thank you.

16 HUGH RUSSELL: Okay. Would you like
17 to go forward, Mr. Rafferty?

18 ATTORNEY JAMES RAFFERTY: Good
19 evening, Mr. Chair, and members of the Board.
20 For the record, James Rafferty on behalf of
21 the Applicant. The Applicant is Bent Street

1 Land Company, LLC. With Bent Street Land
2 Company is Robert Dickey. He is a manager
3 and director at Jones, Lang, LaSalle. And
4 the Board will recall last month was the
5 public hearing on the initial development
6 proposal. And the Board was so impressed
7 with that presentation that it was adopted in
8 the request and the final development
9 proposal was to do nothing. So we are here
10 having responded accordingly and are hoping
11 that we will now -- the Board would be able
12 to adopt as the final development plan what
13 will in fact mirror the final development
14 plan as you recall in this case from two
15 years ago. This is a PUD that has run up
16 against the 12-month limit as opposed to the
17 ordinary two year window. So, we do not have
18 anything to add and we're here obviously to
19 answer any questions.

20 HUGH RUSSELL: Okay. Are there any
21 questions at this point in time?

1 SUSAN GLAZER: Hugh, just one thing
2 to keep in mind because the Green Building
3 Zoning was passed last night and the
4 Applicant has not had time to submit the
5 required paperwork for it, I would suggest
6 that the Board add a condition that says that
7 the staff will work with the Applicant to
8 have that information filed.

9 Is that okay?

10 ATTORNEY JAMES RAFFERTY: Yes. As
11 my reading, I discussed this with Council
12 last night. It's my reading it will be
13 required regardless because the building
14 permit cannot issue without the submittal of
15 that paperwork as well. So, I had offered a
16 consensus for consideration by the staff that
17 acknowledges that the project is subject to
18 the provisions of Article, whatever the
19 numbers were, on the green task force. I
20 think not because it's a submittal
21 requirement under the application, because

1 this application predated that, but because
2 the Ordinance goes on to address both
3 requirements for the building permit and the
4 certificate of occupancy. So it's a very --
5 it catches you in three places. So it's
6 designed that if you are a project that
7 already has a Special Permit but does not yet
8 have a building permit, you are then subject
9 to it. And this would be that case. This
10 project has some elements of a Special
11 Permit, but not a PUD Special Permit. So, in
12 discussions with the staff, we didn't think
13 it was necessary to make further amendments
14 to this application, because the way the
15 Ordinance is laid out, the project clearly
16 doesn't have a building permit and the
17 information required under the Green Building
18 Zoning that was adopted is required to be
19 submitted to CDD and they have to do a
20 certification before the building permit gets
21 issued, and similarly before the certificate

1 of occupancy is issued for the building is
2 further ongoing. So I think there's no
3 question that the project is subject to that
4 in an affirmative statement or sentence to
5 that effect in that decision is probably a
6 good drafting.

7 HUGH RUSSELL: And I guess you're
8 not modifying your permit request, you're
9 saying that it wouldn't affect the uses in
10 the building, the sizes of the buildings, the
11 general appearance, those are sort of the
12 essential parts of what we're approving
13 wouldn't have to change.

14 ATTORNEY JAMES RAFFERTY: That's
15 correct. Thank you.

16 HUGH RUSSELL: Okay. Any other
17 comments from Board members?

18 (No response.)

19 HUGH RUSSELL: I guess I'll make a
20 further statement just to amplify what
21 Mr. Rafferty mentioned for people who didn't

1 attend the hearing last month. This is a
2 project that we granted a PUD permit for two
3 years ago, and the permit is only good for
4 one year. And so the permit is now --
5 they're requesting to reissue it so it will
6 go back to being in effect. That's why we're
7 not hearing an elaborate presentation on the
8 various characteristics of the project
9 because we've done that several times before.

10 So, now it's time for public testimony.
11 There's nobody actually on the list, but that
12 doesn't mean -- I will ask if people want to
13 speak on this project. And I would ask
14 people that want to speak, raise their hands
15 first so I can get an idea and then we can go
16 around the room. So people raise their
17 hands.

18 (Show of hands.)

19 HUGH RUSSELL: Okay. One hand is
20 raised. So would you come and speak. And
21 when you come, please give your name and

1 address and limit your remarks to three
2 minutes.

3 RHONDA MASSE: This touches on all
4 of the development. Eleven years ago when my
5 children --

6 CHARLES STUDEN: Excuse me, who are
7 you?

8 RHONDA MASSE: Oh, I'm sorry.
9 Rhonda Masse, 211 Charles Street in East
10 Cambridge. Eleven years ago when my children
11 played youth soccer in East Cambridge, I was
12 disappointed that the city had not attempted
13 to purchase any part of the land for a need
14 which even they saw a sports field. A survey
15 by the recreation department acknowledged the
16 children in East Cambridge were far less apt
17 to participate in high school level sports
18 than their peers in other parts of Cambridge.
19 The Green Ribbon Report listed a sports field
20 in East Cambridge as a priority. At a
21 meeting in the wake of the announced plans to

1 build what was being called Cambridge
2 Research Park, Deputy City Manager Richard
3 Rossi and East Cambridge City Councilor
4 Timothy Toomey promised the community a
5 sports field across Fulkerson Street from the
6 baseball diamonds. When that didn't come to
7 pass, I began to attend meetings to speak of
8 the need for one full sized sports field in
9 East Cambridge. My mother told me I was
10 wasting my time, and the city would do what
11 the developers wanted and would not take the
12 needs and desires of the residents. I have
13 to admit that I regret to admit that as usual
14 my mother does know best. Over those 11
15 years I have spoken to developers at East
16 Cambridge Planning Team meetings. I've
17 spoken at City Council meetings, Ordinance
18 Committee meetings, Planning Board meetings,
19 Board of Zoning Appeal meetings, and I
20 thought most importantly of all, community
21 preservation committee meetings. Developers

1 who have come into Cambridge and bitten off
2 chunks of East Cambridge. In the beginning I
3 had hoped that one of the above city entities
4 would act in the best interest of the
5 community and not the best interest of the
6 developers. But all along the way I was
7 wrong.

8 When the Boston Globe published an
9 article about the development in East
10 Cambridge, they quoted Beth Rubenstein as
11 saying, "The city desired density in the
12 area." I thought that it was highly
13 questionable to increase the density in an
14 already dense part of the city. I appealed
15 to Councilor Toomey to speak for less
16 density. And the only answer I got from him
17 was that he would give me Ms. Rubenstein's
18 number so that she could explain to me why
19 density was desirable. I wasn't interested
20 in explanations, I wanted his advocacy for
21 the neighborhood. Over time spent stepping

1 into enough dog deposits on our neighborhood
2 sidewalks, I also began to see a need for a
3 dog park in East Cambridge. What we got
4 instead was a designation of morning hours at
5 a local park as a dog walking rotation. The
6 dog walkers regularly walking the dogs can be
7 encountered at any time of the day or night.
8 Many parents of small children are not happy
9 with their children playing on a surface rich
10 with bacteria from the regular deposits, but
11 the City of Cambridge is happy to be saving
12 money that would otherwise be spent to
13 require and maintain land in East Cambridge
14 for such a purpose. After all, the City
15 Manager has openly stated he will not pay to
16 maintain a dog park in East Cambridge.

17 Mr. Rafferty proudly pointed out to us
18 at the last Planning Board meeting that this
19 project actually follows ECaPs guidelines,
20 and I suppose that's good, but what I'm
21 seeing is not the development in front of us

1 but the opportunities that have slipped away.
2 Please do not tell us that we should be
3 grateful for the crumbs that fell off the
4 table from the Alexandria feast at which
5 ECaPs was thrown aside to soothe the desires
6 of the developer. The proposed field is not
7 fair and is not suitable --

8 PAMELA WINTERS: Excuse me. Ma'am,
9 I'm sorry, your three minutes is up.

10 RHONDA MASSE: Okay.

11 PAMELA WINTERS: Would you like to
12 summarize your last couple of thoughts?

13 RHONDA MASSE: I'll summarize it.

14 Let's see, they'll have to raise a
15 single story building which was renovated in
16 a manner respectful to the community to give
17 us this park. The other park is a large
18 traffic island which will be accessed by
19 crossing a six lane divided road on one side
20 and two streets with double yellow lines down
21 the middle. The dog owners don't feel that

1 i t' s safe. I t' s a gl ori fi ed traffi c i sl and.

2 I woul dn' t bri ng a chi ld to pl ay there.

3 The last paragraph, last week at the
4 Communi ty Preservati on Act Commi ttee meeti ng

5 I found a handout wi th the words I' ve been

6 dreadi ng for years. Proposed unrestrict ed

7 proj ect, acqui si ti on for open space i n East

8 Cambri dge, no parcel currentl y avai l abl e.

9 I' ve now watched and commented for 11 long

10 years whi le land has been bought and traded

11 i n East Cambri dge by devel opers wi th the ci ty

12 maki ng no move to purchase any for the

13 communi ty.

14 Thank you.

15 PAMELA WINTERS: Thank you.

16 HUGH RUSSELL: Does anyone el se wi sh
17 to be heard?

18 (No response).

19 HUGH RUSSELL: Seei ng no one, so
20 then we wi ll cl ose the publ ic testi mony part
21 of thi s heari ng.

1 Any discussion of this proposal?

2 (No response.)

3 HUGH RUSSELL: Anyone wishing to
4 offer a motion?

5 THOMAS ANNINGER: Why don't you tell
6 us what kind of motion you would like us to
7 consider?

8 HUGH RUSSELL: So, basically I
9 wanted to issue a PUD Special Permit for the
10 project as presented and designed that would
11 include all of the conditions formally in the
12 permit that we did pass in the project two
13 years ago, and including the additional
14 condition that Susan mentioned that
15 Mr. Rafferty reviewed.

16 STEVEN WINTER: Yes. That's the
17 parking spaces; is that correct?

18 CHARLES STUDEN: Yes, the parking.

19 HUGH RUSSELL: The Green Zoning. I
20 don't have the other decision in front of me,
21 but I think what we're doing is reaffirming

1 what we did two years ago, that the facts
2 haven' t changed.

3 THOMAS ANNINGER: And that' s the key
4 poi nt, nothi ng has changed.

5 HUGH RUSSELL: That' s ri ght. So I
6 thi nk that i s the moti on.

7 H. THEODORE COHEN: So moved.

8 PATRI CIA SINGER: Seconded.

9 HUGH RUSSELL: Second. Okay.

10 Any di scussi on?

11 On the moti on, all those wanti ng to
12 grant the PUD permi ts?

13 (Russel l , Anni nger, Si nger, Wi nter,
14 Cohen, Wi nters, Studen.)

15 HUGH RUSSELL: All members voti ng.

16 Now, we have two i tems i n our general
17 busi ness. One seems l ike a very short i tem
18 whi ch i s i tem No. 2. And one seems l ike a
19 very l ong i tem whi ch i s l abel l ed No. 1. We
20 are not requi red to go i n order, and I' m
21 wonderi ng i f i t makes sense to pick up the

1 Charles Street matter first if the Petitioner
2 is here and prepared, they can come forward.

3 LIZA PADEN: Yes.

4 HUGH RUSSELL: Okay. Let's do that.

5 ATTORNEY JAMES RAFFERTY: Good
6 evening, Mr. Chairman. You will recall me
7 from the prior case, James Rafferty on behalf
8 of the Applicant. The Board just recently
9 adopted a Special Permit, you'll recall, it
10 is a conversion of a building constructed as
11 an office building. Since the vote by the
12 Board and the drafting of the Special Permit,
13 the Applicant has been working closely with
14 his architect and discovered that a
15 modification in the plan would allow him to
16 take advantage of some existing windows in
17 the building. The building, as you recall,
18 is very tight. It's built out to the edges
19 of the site. And the current building was
20 not going to change. It has doors on either
21 side of the front and it was going to contain

1 corridors. But if you look at the floor plan
2 that we submitted, you will see that by
3 relocating that corridor to the middle of the
4 building, the ground floor units on the
5 right-hand side gets expanded and takes
6 advantage of those windows. That change then
7 led to a couple of site plan changes all
8 consistent with what you approved prior with
9 the same amount of landscaping, paved area,
10 bicycle parking and the like. But the change
11 results in a door being added in the middle
12 of the building so there's an elevation
13 change in the building, and there's a slight
14 fenestration change in the windows and the
15 floors above based on the location of a
16 demising wall.

17 Because the opportunity existed to
18 address this now before the decision was
19 about to be recorded at the office the City
20 Clerk when the Applicant discovered this, the
21 thinking was that maybe the Board -- it would

1 be efficient if the Board, we took a pause
2 here and the Board were to amend its prior
3 decision to allow for this set of drawings,
4 site plan elevation and floor plans to be the
5 relevant drawings contained in the Special
6 Permit relief. So that's the nature of the
7 quest. It really is the result -- it's an
8 eight-unit building, tight constraints but a
9 little additional thought created this
10 opportunity for the windows and we're asking
11 for the plans to be amended so that these
12 plans can accompany the official decision.

13 HUGH RUSSELL: So, thank you.

14 So, what action do you want us to take,
15 Liza?

16 LIZA PADEN: Well, I think it would
17 be useful if the Board said that these plans
18 were appropriate in keeping with the original
19 Special Permit that was granted, and that
20 they are an improvement or acceptable given
21 the Special Permit that was granted which is

1 the conversion permit.

2 HUGH RUSSELL: So would we be voting
3 a Minor Amendment to that effect?

4 LIZA PADEN: Well, there's no Minor
5 Amendment for Special Permit. So, I would
6 see this more as a design change; that the
7 building use hasn't changed, the density
8 hasn't changed. There's no characteristics
9 except for the change of the door, and the
10 location of the door is in the center of the
11 lot and creates better units for those people
12 who inhabit the building.

13 HUGH RUSSELL: Okay. So we have to
14 decide if we think that's true. Do we all
15 agree? I think it's true.

16 STEVEN WINTER: I concur.

17 CHARLES STUDEN: Absolutely.

18 PAMELA WINTERS: As do I. I think
19 it's an improvement having the door there.
20 It lends more of a feeling of domesticity to
21 the building. So I really like it.

1 ATTORNEY JAMES RAFFERTY: I think if
2 it's treated as a design change and a
3 reference to the decision in these plans --

4 LIZA PADEN: No, what I've done is
5 taken in the event that you would accept this
6 as an improvement, I have cited these plans
7 that you're looking at tonight as the plans
8 that the permit's going to be based on.

9 HUGH RUSSELL: Okay. So I think
10 just for form sake we'll take a vote.

11 So all of those who agree with the
12 substitution in plans, raise your hand.

13 (Russell, Anninger, Singer, Cohen,
14 Winter, Winters, Studen.)

15 LIZA PADEN: Thank you.

16 ATTORNEY JAMES RAFFERTY: Thank you.

17 HUGH RUSSELL: Okay. So next item
18 on the agenda is the discussion of the City
19 Council Petition to Amendment, the Sign
20 Ordinance. And Liza's giving us a package of
21 about a dozen sheets of paper which I've not

1 seen yet. I've glanced at some of these.
2 What I think we're going to do is take a
3 break about ten minutes and the Board will
4 read these things and then we'll reconvene at
5 about 8:10.

6 (A short recess was taken.)

7 HUGH RUSSELL: Okay. We're going to
8 get started now. I believe the way we're
9 going to proceed is ask the staff to give us
10 a presentation on the revisions that they
11 drafted for us and perhaps look at plans and
12 Zoning maps and other things.

13 LES BARBER: Les Barber from
14 Community Development. We had a hearing on
15 these proposals a few weeks ago I guess. And
16 soon after that there was a hearing by the
17 Ordinance Committee of the City Council on
18 the same matter and the comments were fairly
19 similar.

20 So the revisions that have been
21 distributed to the Board and the color copy

1 are indicated by blue text in the Ordinance
2 which is set in the full Ordinance without
3 all of the details, but showing the sections
4 and subsections so you can get a sense of
5 what's being changed and how potentially the
6 changes relate to other sections of the
7 Ordinance.

8 The principal changes are in the two
9 major sections. The first being the building
10 identification signs which essentially are
11 the signs which would be allowed to be above
12 the normal 20-foot height limit. And there
13 was a lot of discussion about whether this
14 was a good idea. Whether the proposal was
15 opening up the potential for abuse and the
16 creation of unattractive and inappropriate
17 signs throughout the city. So the notion
18 here -- and this was originally a proposal
19 which described signs which would be allowed
20 as of right if you met the standards in the
21 Ordinance. So the proposal is first to

1 restrict the application of the section to a
2 more limited number of districts, and that's
3 what is illustrated on the map to my left
4 here.

5 For the most part it's eliminating a
6 lot of business districts, particularly in
7 the lower density business districts in the
8 city, you know, along Cambridge Street, Mass.
9 Ave. and the Central and Harvard Square
10 business districts.

11 And the proposal is that it would be
12 issued, be granted a waiver of the normal
13 provisions by Special Permit. And in
14 addition, a subject which came up at the
15 Ordinance Committee which suggested that
16 where there were Special Permits to be issued
17 here, it was perhaps more appropriate that
18 they be issued by the Planning Board rather
19 than the Board of Zoning Appeal. But the
20 next major section which is creation of a
21 plan for an entire lot, had been a Special

1 Permit, but the Special Permit would have
2 been issued by the Board of Zoning Appeal.

3 And then just tightening up on the
4 requirements for the sign, the first change
5 in subparagraph (a) was essentially not to
6 allow these signs to be lighted, crossing out
7 external illumination, which is either flood
8 lighting or lighting, a lighting form which
9 is called halo lighting which are lights
10 behind the face of the building and don't
11 actually -- not the building, behind the face
12 of the sign, but the light doesn't actually
13 transmit through the face of the sign. It
14 splashes against the wall behind. It creates
15 this sort of glowing halo effect. The sign
16 sort of looks like a shadow in front of that
17 that type of lighting.

18 These are suggested changes. There's
19 nothing particularly right or wrong about any
20 of them. It's essentially meant just a way
21 of tightening up.

1 In paragraph (d) just identifying the
2 range of colors that these signs would be
3 allowed to be rendered in, illuminating
4 perhaps potentially gaudier renditions of
5 signs.

6 There had been an issue about Dunkin'
7 Donuts leasing a 200 square foot space in the
8 ground floor of a building and being allowed
9 to have a sign up on the roof. The
10 suggestion here is that we would just require
11 that the sign be either identifying the
12 building as a whole or identifying a
13 non-retail tenant in the building.

14 And in response to the Historical
15 Commission requests specifically indicating
16 that this waiver would not apply in the local
17 historic and conservation district.

18 In the next section general waiver, a
19 sign of limitations, which would apply to
20 signs on an entire lot, again, identifying
21 the Planning Board rather than the Board of

1 Zoning Appeal as the permit granting
2 authority, making it explicit, which I think
3 was explicit already in the Ordinance which
4 was the previous Ordinance waiving
5 identification signs were not further waived
6 in this section. And then trying to in
7 response to some comments Hugh made, make
8 more explicit reference to guidelines in the
9 Ordinance with regard to what standards you
10 would use in trying to assess the wisdom of
11 the relief being sought. And that's in
12 subparagraph 2.

13 And then in the last major section
14 related to performance spaces, just being
15 more explicit about the kinds of activities
16 that we were intending these signs to be
17 servicing and being a little more explicit in
18 subparagraph (e) about the temporary nature
19 of those signs.

20 So those were the basic changes. I
21 don't -- aside from imposing the Special

1 Permit standard, I think they're more
2 tweaking of the sections rather than
3 wholesale changes and intent of. But I would
4 be happy to answer questions of anyone.

5 HUGH RUSSELL: Sure. Ted.

6 H. THEODORE COHEN: Les, thank you.
7 I have a number of questions. And I'm very
8 glad you have a plan and we can see where we
9 were, because a lot of my concerns involved
10 Mass. Ave, Central and Harvard Squares. But
11 in subsection E, E -- 3-E. "The sign shall
12 be accessory to a non-retail business or a
13 consumer service establishment." Do I take
14 that to mean that what is not -- it has to be
15 something other than the uses that are
16 specified in Sections 4.35 and 4.36 in the
17 Table of Uses? 4.35 is labelled retail
18 business and consumer service establishments.

19 LES BARBER: Yes.

20 H. THEODORE COHEN: And 4.36 is open
21 area drive-in, retail and service.

1 LES BARBER: Perhaps we should
2 explicitly call out the numerical reference
3 there in the table. But it was -- I was
4 thinking of just the first 4.35 is it? The
5 first section. But we can add the second one
6 as well.

7 H. THEODORE COHEN: Okay.
8 And everything listed there is
9 presumably, it can't be any of those things?

10 LES BARBER: Right. If you're that
11 kind of activity, you don't get the advantage
12 of this.

13 H. THEODORE COHEN: But to the
14 contrary, something in 4.34 office and
15 laboratory use, would still be allowed.

16 LES BARBER: Yes.

17 H. THEODORE COHEN: So, for example,
18 an office of an accountant, attorney or other
19 non-medical professional, if I were to have
20 an office building or a house in one of these
21 districts, I could apply for a Special Permit

1 for Cohen Law Office at whatever height and
2 whatever size is otherwise allowed by this?

3 LES BARBER: That's right.

4 H. THEODORE COHEN: And similarly,
5 any other use of light industry, wholesale
6 business, manufacturing or hospital, having
7 anything else in the --

8 LES BARBER: Yes.

9 H. THEODORE COHEN: -- in the Table
10 of Uses would apply for --

11 LES BARBER: Would be admitted in
12 those districts.

13 H. THEODORE COHEN: Would be --

14 LES BARBER: Right.

15 H. THEODORE COHEN: Yes.

16 Would that apply say for a residential
17 use, if I had a home there and I wanted to
18 operate it as a bed and breakfast, that I
19 could have a sign saying Cohen B&B --

20 LES BARBER: That might fall under
21 the hotel exception. But potentially, yes.

1 H. THEODORE COHEN: Potenti ally.

2 Okay.

3 Well, that is one of -- I'll ask
4 questions. But that is one of my concerns
5 that we still have a vast array of uses that
6 could in theory apply for this Special
7 Permi t.

8 And then the second question is I am
9 still troubled by the fact that there is no
10 defi ni ti on of what a tenant is. And I'm
11 wonderi ng whether if you and staff had
12 consi dered that in any further detail or
13 whether the Ordi nance Commi ttee embrace it.
14 I mean, I still think there ought to be some
15 sort of percentage as to occupancy of the
16 bui lding that enti tles you to seek this
17 Speci al Permi t. And while I, you know, don't
18 know what that percentage is or want to
19 specu late about it, I was wonderi ng has
20 anybody else been consi deri ng thi s?

21 LES BARBER: It certainly was not a

1 subject that was initially considered by me
2 or I don't think others on the staff. Our
3 concern was what this particular sign looked
4 like on the building. We weren't
5 particularly interested in telling property
6 owners whose tenant ought to benefit from
7 this. They're free to select whomever they
8 thought was appropriately given the advantage
9 of these signs. But, you know, we were
10 eliminating the character of the signs, their
11 physical location and their number. We
12 weren't trying to particularly regulate who
13 got the benefit.

14 H. THEODORE COHEN: Well, do you
15 happen to know, I'm just curious, in the
16 buildings that have been granted Variances to
17 do this, are -- were any of them granted for
18 -- to an entity that wasn't say the primary
19 tenant in the building?

20 LES BARBER: That's typically not
21 the case. It is not the case typically that

1 it's hired out to whoever wants to put the
2 sign up. It's generally a significant tenant
3 or owner of the building.

4 H. THEODORE COHEN: Well, I guess it
5 seemed to me that the concept behind this,
6 and I think, you know, identifying buildings
7 is a good concept and that, you know, having
8 the owner of the building if he or she wants
9 to put their name on the building, that's
10 fine. Or alternatively if there is some
11 major tenant, even if Dunkin' Donuts had its
12 headquarters in one of the buildings, that
13 they could call it the Dunkin' Donuts
14 building. But I'm not sure -- and so that I
15 can understand in terms of branding the
16 building and identifying the building, but I
17 have difficulty with just letting any tenant
18 who happens to be in the building be the one
19 because of economic clout or whatever else
20 with the landlord, being able to just put
21 their name on it. For example, you know, the

1 Henderson Carriage Building now has Turk in
2 it and a preschool in it and a bank in it.
3 And I would suppose that under the way this
4 is drafted now, any of those could negotiate
5 with the landlord to be the entity that could
6 put a large --

7 STUART DASH: Not in that district.

8 H. THEODORE COHEN: Pardon me.

9 STUART DASH: Not in that district.

10 H. THEODORE COHEN: Yes, I thought
11 of the example before you came up with the
12 map, so correct. But if it were a similar
13 building in the appropriate district, any
14 entity in the building that could negotiate
15 with the owner of the building could be the
16 one to put the name on the building. And
17 that troubles me because it seems to me that,
18 you know, if Henderson owned the building,
19 great. Or if Henderson was the primary
20 tenant in the building, great. But just
21 having, you know, Eastern Bank or Ipswich

1 Bank or whatever one happens to be in the
2 corner happens to be the one that puts their
3 name up, it troubles me and there's a concept
4 of that.

5 LES BARBER: I don't fundamentally
6 have a problem with saying some percentage,
7 but if something like Henderson Carriage, you
8 know, everyone may have one or two percent of
9 space. I mean, it may be full of small
10 enterprises. I don't have any idea what the
11 tenancy is. Yes, that wasn't a level of
12 interest that we had ever considered getting
13 into.

14 H. THEODORE COHEN: Okay.

15 And then my last question is just while
16 I always thought it was a red herring,
17 obviously we've made clear now that the
18 waiver provision, the Special Permit waiver
19 provision does not under any circumstance
20 apply to this. I guess my last question, I'm
21 sorry, is any particular reason why there was

1 a limitation of colors?

2 LES BARBER: I think -- well,
3 probably my own aesthetic as opposed to the
4 general community policy. If the objection
5 is that these signs high up on buildings are
6 particularly intrusive and unwelcome, just
7 keeping them modest in terms of their impact
8 seems to be a positive thing. And typically
9 the signs are in those range of colors. And
10 there are a few which have been fairly
11 brightly colored. I personally always find
12 those a little more irritating than the
13 fairly subdued signs that generally go up in
14 Cambridge. It was purely an aesthetic.

15 H. THEODORE COHEN: Okay. Thank
16 you.

17 HUGH RUSSELL: Tom.

18 THOMAS ANNINGER: Sticking with this
19 list, can we go back up to this question of
20 illumination? When you say externally
21 illuminated, does that exclude internally

1 illuminated?

2 LES BARBER: Yes.

3 THOMAS ANNINGER: Right now I think
4 what we have for those signs that are
5 considered acceptable, Genzyme.

6 LES BARBER: Genzyme is one of those
7 halo lit signs which is considered externally
8 illuminated, such as Amgen.

9 THOMAS ANNINGER: Those can be seen
10 at night.

11 LES BARBER: Right.

12 THOMAS ANNINGER: Is that seen as a
13 problem? What's wrong with --

14 LES BARBER: I don't have any
15 problem with the Amgen or the Genzyme sign.
16 I was trying to indicate areas where if,
17 depending on what your view was, you thought
18 we were being too generous with the character
19 of these signs. This might be one area where
20 you can tighten up. But I personally don't
21 have any trouble with external illumination

1 on a sign.

2 THOMAS ANNINGER: Well, that's an
3 area that I'm going to put a question mark on
4 when the time comes. Likewise for the single
5 color.

6 PATRICIA SINGER: I have too many
7 clarifying questions.

8 HUGH RUSSELL: Sure.

9 PATRICIA SINGER: In 17.16.23, (e)
10 3. No sign in the approved plan may be
11 higher than 20 feet. I'm assuming that
12 that's the physical sign itself may not
13 exceed 20 feet; is that correct?

14 LES BARBER: The height at the top
15 of the sign.

16 PATRICIA SINGER: Yes. So, it's
17 actually the dimension of the sign?

18 LES BARBER: No, it's the height of
19 the sign at its top from the ground.

20 PATRICIA SINGER: Okay.

21 LES BARBER: The sign may only be

1 two feet wide.

2 PATRICIA SINGER: I think just that
3 the language might need a clarification
4 there.

5 LES BARBER: Well, height I think is
6 defined in the Ordinance.

7 PATRICIA SINGER: Okay, great.

8 And I have a similar question on, in
9 17.16.23 D, a free-standing sign may not be
10 higher. I guess I'm still tripping on the
11 word "higher." So, is it the mount or the
12 size? It's the size.

13 LES BARBER: It's the height to the
14 top of the sign.

15 PATRICIA SINGER: Okay. That's
16 still confusing me frankly.

17 HUGH RUSSELL: Okay. In looking at
18 the map, and I'm thinking about what the
19 standards for granting a Special Permit might
20 be. And I guess I'm a little -- show me
21 again where you've got the standards and the

1 bui l di ng i denti fi cati on si gns.

2 LES BARBER: I don't think there are
3 expl i ci t standards other than the general
4 ones. Because ini ti al ly it was treated as an
5 as of ri ght ci rcumstance, so there weren't
6 standards. If you just meet these cri te ri a,
7 then you were al lowed to.

8 HUGH RUSSELL: Okay. So the
9 standards real ly are the ones that relate to
10 the general wai ver?

11 LES BARBER: Yes. And the
12 purpose --

13 HUGH RUSSELL: Essen ti al ly the plan
14 and si gn plan. It's li ke a PUD di stri ct for
15 si gns?

16 LES BARBER: Yes.

17 HUGH RUSSELL: So, the kind of
18 standards -- what woul d we be consi deri ng?
19 Is the si gn proposed in the scal e wi th the
20 archi tectural character of the bui l di ng?
21 Irrespective of what size it is. Does it

1 harmonize with the architectural features of
2 the building? Now, the building we're in
3 right now is actually a building that would
4 qualify for a building identification sign
5 because it's in the Office 1 District. And
6 it seems like the sign that is on this
7 building, which is kind of on the canopy, is
8 actually a perfectly good sign for this
9 building. So it seems to me that it would be
10 impact if the Board would want to consider
11 adverse impacts on certain kinds of adjacent
12 or uses that the sign would be usable from.
13 So, the impact adjacent residential, low
14 density residential structures. It might be
15 that the Office 1 Districts are to be
16 excluded from this list of permitted things.
17 That's a different issue. But there are some
18 places thinking along, say, Second Street
19 where there are houses across the street from
20 buildings that could allow these signs, and I
21 don't think anybody wants to look out of

1 thei r bedroom wi ndow 30 feet across the
2 street and see a big sign i denti fyi ng a
3 tenant across the street.

4 LES BARBER: I t' s probabl y useful
5 before you go further wi th your descri pti on,
6 Hugh, to understand that whi le there' s a very
7 modest sign out here at the front, that' s not
8 a li mi ta ti on in thi s di stri ct. You can have
9 a -- what do you thi nk the di men si on i s of
10 the size of thi s? You coul d have l ots of
11 i nte rnal ly i l l u mi na ted si gns on thi s
12 bui l di ng.

13 HUGH RUSSELL: But not hi gher than
14 the second fl oor wi ndow si ll .

15 LES BARBER: They can' t be hi gher
16 than the second fl oor wi ndow si ll . So, i t
17 i sn' t that thi s di stri ct requi res tasteful
18 and modest si gns. So the onl y i ssue here i s
19 whether that si gn coul d be above 20 feet.

20 HUGH RUSSELL: Al though we can argue
21 that i n fact the en ti re Or di na nce i s i nte nded

1 to provide tasteful and functional and modest
2 signs citywide.

3 LES BARBER: Yes.

4 HUGH RUSSELL: And to me it actually
5 seems to be working in the retail districts.
6 I mean, there can be plenty of non-conforming
7 signs in every retail district even though
8 the Ordinance hadn't been in effect for what,
9 25 or 30 years?

10 LES BARBER: This current version
11 since '91 I think.

12 HUGH RUSSELL: Yes.

13 So, impact on adjacent residential
14 uses, on open space, on historic districts --
15 I mean, they're prohibited from historic
16 districts. But I think, for example, the
17 direct special District 8 abuts --

18 LES BARBER: Fort Washington.

19 HUGH RUSSELL: -- Fort Washington.

20 PAMELA WINTERS: Right, the Fort.

21 HUGH RUSSELL: And we would want to

1 consider that. I'm not saying that you
2 couldn't put in an appropriate sign on a
3 building on that site, but you'd want to
4 think about it.

5 And sort of like the general -- the
6 other question I have, which is clearly the
7 reflection of the testimony that we heard
8 last time, is what's the cumulative impact of
9 this regulation if every building that
10 qualifies in the shaded areas gets one of
11 these, is that a problem? Particularly if
12 the suggestions for color and illumination --
13 I take it illumination seems to me the
14 nighttime sky is very different than the
15 daytime sky. I wouldn't mind illuminated
16 signs during the day, but they have a
17 different impact at night. And so I'm
18 puzzled. I really would like to consider the
19 sort of overall potential impact.

20 LES BARBER: Clearly the timing of
21 the illumination could be a subject of a

1 condi tion of a Speci al Permi t.

2 HUGH RUSSELL: I mean, peopl e have
3 -- the si gns have certai n functi ons. Peopl e
4 have certai n -- clearl y have -- they have
5 sort of a busi ness functi on. There are other
6 val ues i n our soci ety that have been
7 represen ted at these heari ngs before that are
8 di fferent. And so the questi on then becomes
9 how do we gi ve advi ce for the Counci l on how
10 to bal ance those di fferent i nterests? Can we
11 gi ve any advi ce? It' s thei r job to make
12 those ki nds of wei ghi ng val ues and deci si ons
13 i n Zoni ng. But I don' t thi nk I' m getti ng
14 very far so I' m goi ng to ask --

15 CHARLES STUDEN: Hugh, i sn' t thi s
16 the way that i t' s bei ng proposed i s what thi s
17 Board woul d be requi red to do as part of the
18 overal l eval uati on of any si gn under the
19 Speci al Permi t that we' d be granti ng, to look
20 at the i ssue of cumul ati ve i mpact and
21 i l l umi nati on of si gn? Because I' ve been

1 struggling with the same thing. Under the
2 current regulation the Board of Zoning Appeal
3 right now, under the Ordinance, has to make
4 this hardship finding, which is very, very
5 difficult to do. What we're proposing here
6 is a Special Permit that would be granted by
7 this Board and then what becomes really
8 difficult, I think, are the sign specific
9 standards that we're going to use to evaluate
10 all these proposals. And I think that whole
11 issue is very, very complex. And a number of
12 people have suggested, of course, that we
13 form a task force to do that. My only
14 concern with that, because I think task
15 forces can be very, very helpful, is that I
16 think that -- while I'm fearful we would
17 never get an agreement, that because it's so
18 complex. But on the other hand some people
19 have suggested, you know, that to simply rely
20 on this Board to make the finding that it's,
21 you know, within the public interest, that

1 i t' s, you know, we' re caring about the public
2 safety and wel fare and so on, isn' t
3 suffi ci ent. I t' s got to be much more
4 detai led. So I don' t know, you know, what
5 the answer is here. But I kind of -- I don' t
6 know, it kind of -- it struck wi th what made
7 me kind of laugh, is the monkey, thi s whol e
8 sign issue has jumped the current from the
9 Board of Zoning Appeal onto our backs. And
10 we' re having to deal wi th thi s monkey and
11 what to do wi th it and it' s a seri ous issue.
12 And it' s just hard to know exactly how to
13 move forward wi th thi s. And so maybe I' d
14 like a l i t t l e more di scussi on among our
15 colleagues, among you on thi s noti on of a
16 task force to take a look at some of these
17 issues and the sign speci fi c standards.
18 Agai n, cognizant of my fear that it' s just
19 going to go on forever. I t' s going to take
20 years. And as a resul t, we' re just going to
21 end up wi th the same Ordi nance or the same

1 burden on the Zoning Board of Appeal and
2 nothing will get adopted. And I don't want
3 that to happen. So, there's a real conundrum
4 here that I'm sure the Ordinance Committee
5 and the Council is struggling with as we
6 think about this.

7 HUGH RUSSELL: Well, there's another
8 thing to consider which is that there have
9 been several times in the history of the city
10 where having regulations have been a real
11 incentive for certain things to happen. The
12 best example of that I think is in the
13 biotech. There was one business in the city
14 25 or 30 years ago was rumored to be doing
15 some inappropriate research, went to the
16 floor of the Council, I believe it was
17 Councilor Bellucci championed the notion
18 that this was ridiculous. So he formed a
19 task force. They appointed citizens, either
20 ex- or current City Councilors, scientists,
21 to create appropriate standards for doing

1 biological research in the city. And at that
2 point the city had a policy and nobody else
3 did. So if you were wanting to hear that
4 kind of research, you knew what the rules
5 were here and so people came here. It was
6 the most positive I think factor that got us
7 started arguably at MIT and Harvard perhaps
8 additional factors, but still you didn't know
9 what the rules were across the river. You
10 knew what the rules were here. So I'm afraid
11 that if we establish rules for this, for
12 these signs, the same thing is undoubtedly
13 going to happen. That now that it's --
14 there's a set of rules as to what to do,
15 people will say oh, well, now, you know, if I
16 follow the rules, I can get this and it's
17 going to lead to a number of people saying I
18 want to do this.

19 Whereas, now where the rules say you
20 can't do it and it's only if you really want
21 to that you go through the Variance

1 procedure, because there's no guarantee about
2 what the outcome is going to be. And those
3 are the two processes both of which have
4 their down sides.

5 CHARLES STUDEN: Yes, again, I think
6 we've gotten a lot of very thoughtful
7 commentary on both verbally as well as in
8 writing about what some of the sign specific
9 standards -- what we should consider, you
10 know, what we should add. But every time I
11 look at those, I think well, are these right
12 or are they not right? And I just struggle
13 with how would we ever make that
14 determination of what these specific
15 standards would look like and I don't know.
16 I mean, it's frustrating. And maybe it's
17 better, I don't know, I'll be bold here, to
18 consider the way it's currently drafted and
19 see maybe it can be tightened up a little bit
20 under paragraph E, the general waiver of sign
21 limitations and add a little bit more

1 speci fi ci ty but not too much and then see
2 what happens with it. I know that doesn't
3 gi ve great comfort to many people in the
4 publ ic, but because we're going to be
5 granting this Special Permit and we want a
6 certain amount of flexi bi li ty as we move
7 forward with this, it might be the easier
8 way.

9 HUGH RUSSELL: I think (d) and (e)
10 are really different proposals and they're
11 really not related in a sense that they're
12 speci fi cal ly decoupled in the language. And
13 (e) I'm not worried about much at all because
14 I think we're saying there's a set of rules,
15 you've got to A, pick a site, usual
16 condi ti on. You want to go through a
17 comprehensive plan and that will -- if the
18 plan basi cal ly is clearly superior, well, we
19 can bend the rules. And that's in a small
20 scale, it's the -- I refer to as PUD for
21 signs. It's really the same notion. And I

1 don't think we're going to be given very much
2 latitude to throw the principles of the
3 Ordinance away.

4 LES BARBER: I think it's important
5 to realize that the Ordinance assumes that
6 signs are a positive thing in the city. And
7 I think the experience is particularly with
8 paragraph E, that I think generally our
9 limitations work fine, but there's always the
10 opportunity to be more creative in a
11 particular context, and it's helpful to have
12 the flexibility to invite that and approve
13 that kind of creativity when it can be
14 demonstrated as a positive thing. So, I look
15 at (e) as being a very positive way of
16 allowing that kind of variation.

17 CHARLES STUDEN: I do, too. I'm not
18 sure about your earlier statement though. I
19 wonder if there is agreement among everyone
20 that signs are a positive thing in the City
21 of Cambridge. What I'm -- yes, see I'm

1 seei ng peopl e sayi ng no.

2 LES BARBER: Well , wether others
3 agree I thi nk the assumpti on i n the
4 Ordi nance --

5 CHARLES STUDEN: In the Ordi nance,
6 you' re ri ght. Okay, that' s fai r enough.

7 LES BARBER: -- there are si gns.

8 CHARLES STUDEN: Yes. But I thi nk
9 that' s what' s happeni ng now. I thi nk there' s
10 a much broader di scussi on about si gns i n
11 general and what purpose they serve and are
12 they appropri ate.

13 LES BARBER: There' s nothi ng -- I
14 al ways thought that more unappeal i ng and
15 deadeni ng than to see a suburban shopp i ng
16 center where you can tel l that there' s a
17 parti cul ar rule about what the si gns are
18 supposed to be, and every si gn asi de from the
19 l etters l ooks the same. And that' s certai nly
20 not taki ng advantage of the dynami sm that' s
21 i nherent i n the creati ve si gn desi gn. You

1 know, we don't want that sort of thing.

2 H. THEODORE COHEN: I will assume
3 that going along with the Ordinance that
4 signs are a good thing, a positive thing and
5 diversity is a positive thing. But in
6 response to what you said, Charles, I think
7 if were to, or if City Council were to adopt
8 the Ordinance the way it is drafted now, I
9 bet what will happen is we will be inundated
10 with applications for Special Permits,
11 because I think most owners of buildings and
12 most tenants in buildings will think that
13 higher is better, and will seek a Special
14 Permit as soon as possible. And that we will
15 not, you know, once we start granting them --
16 hearing them and granting them, it will then
17 become very difficult, if not impossible, to
18 start denying them. I know you give two or
19 three in Kendall Square, who is going to say
20 no to the fourth building and the fifth
21 building? And I actually think that this

1 makes a significant change to the Ordinance.
2 And I don't know that it's not a good change,
3 but I think it perhaps ought to be considered
4 in greater detail before City Council really
5 passes upon it. And I think, you know, the
6 idea of some sort of task force is a good
7 idea. It seems to me that there was a task
8 force on windmills. And there was a task
9 force on green zoning that were very
10 successful and, you know, acted very promptly
11 and came up with suggestions that I think we
12 in City Council were able to act upon very
13 quickly. And so I don't see why a task force
14 couldn't be set up with a, you know, a sunset
15 provision that it's supposed to report back
16 in a certain period of time, and then we and
17 City Council, you know -- and the task force
18 could be split and could make recommendations
19 in different directions. And then we and
20 City Council can weigh in and decide what's
21 the correct thing for the city.

1 CHARLES STUDEN: I think the only
2 concern I would have, for example, in the
3 green building task force, that whole topic
4 is much more objective on their standards and
5 their standards and there's a science to it.
6 Unfortunately with what we're dealing with
7 here is so subjective, we can go around this
8 table and around this room and talk endlessly
9 about what is an appropriate standard for
10 signage and never really reach any conclusion
11 that can be codified in a rational way. So
12 it's kind of a balance in trying to have an
13 Ordinance that allows you to move forward,
14 because we agree generally that signage is
15 important, unfortunately or fortunately
16 actually because I'm willing to do this under
17 the Special Permit process that's being
18 suggested here. This Board would have that
19 responsibility to evaluate these signs. And
20 the issue of a proliferation, I think part of
21 our responsibility would be to make sure that

1 there isn't that proliferation. You know,
2 that there is such a thing as too much. So,
3 but again, I don't know. Again, I go back to
4 what I said earlier, that I think a task
5 force is great as long as it can work
6 promptly and efficiently and come up with
7 something. Because in the meantime we have
8 the old system which is everybody admits
9 isn't ideal, and our poor colleagues on the
10 Board of Zoning Appeal are struggling with
11 it. And so is City Staff as they have to
12 deal with it.

13 PATRICIA SINGER: I think there's
14 another advantage to the direction in which
15 this conversation is going, and that is that
16 as somebody who has made their career reading
17 words in contracts, I missed a major
18 definition. I mean, we are not -- we are a
19 group that is always presented with visuals.
20 And right now we don't really have, or at any
21 time I shouldn't speak for you all, I don't

1 really have good visual image of how these
2 words translate. So then the map for example
3 were huge for me.

4 PAMELA WINTERS: Les, I have a
5 question for you. How did all of this start
6 initially? I think you probably mentioned it
7 before, but how did this come about? Who
8 proposed this?

9 LES BARBER: The city -- the
10 Planning Board has been struggling with these
11 issues for decades or maybe a decade. I
12 don't want to be too hyperbolic here.
13 Particularly the building ID signs, which I
14 think have come to the Board on a fairly
15 regular basis. And I think the Board or
16 members of the Board were finding that
17 generally they're well designed, they were
18 thought to be fine, and they were positive
19 recommendations for the Board of Zoning
20 Appeal. But it was clearly understood that
21 the Board of Zoning Appeal, under their

1 mandate probably shouldn't be issuing
2 Variances for these kinds of things. So if
3 we can define what we think are relatively
4 benign signs and define those, then just let
5 people do it as they want without having to
6 go through a process. And there -- you know,
7 there are lots of signs that want to be 23
8 feet off the ground and not up 90 feet. And
9 we talk a lot about the signs up on top of
10 buildings, but that occurs regularly, but I
11 don't know if that's the majority. There are
12 lots of signs that want to be adjusted a
13 little bit on the facade of the building.

14 And then our experience administering
15 the Ordinance on whole buildings or one
16 tenant in a whole building where the landlord
17 refuses to get involved and just sends the
18 tenant to us to solve the problem. Or
19 instances like the Porter Square shopping
20 center where they came in and got a Variance
21 for a plan for their entire sign program on

1 the site, which has made it easy for them
2 going forward, and I think makes sense for
3 the public in general. So there had been in
4 recent times an accumulation of these issues
5 coming back to us and people asking well, is
6 there a solution to dealing with these
7 continual problems? And we had, I think we
8 discussed a package like this a year or so
9 ago before the Board. And so we just in
10 response to that general atmosphere, pulled
11 out a few of these major proposals to see if
12 the city wanted to make a change at this
13 time.

14 PAMELA WINTERS: The difficulty for
15 my perspective, and I think Charles touched
16 on it, was that a lot of it is aesthetics and
17 how the signage works with the individual
18 building. And I remember mentioning at the
19 last meeting the carriage house, and there
20 was that one sign of the day care center
21 which ironically a week later disappeared and

1 conformed to the rest of the signage on the
2 carriage house. And also the -- I think I
3 mentioned the Whole Foods building in Porter
4 Square where I thought the sign could
5 actually have been a little bit larger to fit
6 into that space and would have been more
7 suitable for the size of the building. So it
8 just seems like each individual building has
9 its own aesthetic and appropriate sign that
10 goes, you know, would fit with the building.
11 So it makes it very difficult, you know, to
12 throw everything into one thing.

13 LES BARBER: Yes. In the end,
14 unfortunately it's always going to be a
15 judgment. So I think we could have -- if you
16 get too detailed with the regulations, then
17 you're stifling the imagination to making a
18 new sign.

19 CHARLES STUDEN: And the idea of
20 trust us, the Planning Board will make a
21 decision that you're comfortable with

1 apparently is not what most people are
2 comfortable with. They want more things to
3 be codified more, but it's so difficult to
4 know how --

5 LES BARBER: It's important to
6 understand that we're not increasing the
7 number of the area of signs allowed. That's
8 still there. You can have all of these
9 signs, they're just down and closer to the
10 ground. And we're only allowing, in terms of
11 building ID sign, a limited number up above
12 and I think are fairly vigorously limited in
13 their character. So we're not totally
14 opening up for wholesale change.

15 H. THEODORE COHEN: Can I just ask
16 why do you say a limited number?

17 LES BARBER: There's one per street.

18 H. THEODORE COHEN: Right.

19 LES BARBER: Up to two. So you can
20 have two.

21 H. THEODORE COHEN: Right. A

1 limited number on any building.

2 LES BARBER: Oh, certainly not in
3 the city.

4 H. THEODORE COHEN: Any number of
5 buildings if they're in the districts that
6 we're talking about.

7 LES BARBER: Absolutely. Yes.

8 HUGH RUSSELL: Tom, did you have a
9 question?

10 THOMAS ANNINGER: I want to come
11 back to the Ordinance that you drafted and
12 just ask a question. We have the Planning
13 Board issuing a Special Permit and we have
14 this list of call them conditions, we're used
15 to being able to waive those conditions in
16 other context. Are we able to waive these
17 standards when we issue our Special Permit or
18 are we constrained to stay within the
19 confines of what's printed here or something
20 less than that?

21 LES BARBER: Yes. These are

1 Limiting conditions which you can't waive,
2 and that's partly as a result of the origin
3 of the provision which started out as an
4 as-of-right proposal where there wasn't any
5 waiver and introduced a Special Permit that
6 theoretically could grant a specific latitude
7 if you chose to do that, but I didn't alter
8 the specific condition suggested.

9 HUGH RUSSELL: For example, this
10 Genzyme sign, does that fall under condition
11 B or not?

12 LES BARBER: It does not. Again, as
13 I indicated in the presentation last time, I
14 said Genzyme would still require a Variance
15 because it's above the roof.

16 HUGH RUSSELL: Right. And the roof
17 often buildings have multiple roof levels,
18 there's likely a roof level above the tenant
19 space. There might be another roof above
20 mechanical equipment that might be either,
21 you know, the same footprint as the building

1 or a smaller footprint. Sometimes it might
2 be quite a small, you know, mechanical
3 stretch somewhere, which roof is it?

4 LES BARBER: That's essentially --
5 we've had this issue come up administratively
6 totally unrelated to signs, and we've always
7 interpreted the roof to mean the roof at the
8 top of the building, at the top of the
9 habitable space, and not including roofs that
10 cover mechanical penthouses. And that all
11 relates to other exemptions of the Ordinance
12 that prevent those kinds of things from
13 height that measures those things from the
14 roof. So it's a really consistent
15 interpretation.

16 HUGH RUSSELL: This might logically
17 fall sometimes on mechanical penthouses, and
18 depending on the architectural design so I
19 wouldn't want to be limited -- I wouldn't
20 want that to be prohibited.

21 LES BARBER: From a design point of

1 view, I think the Genzyme sign is where it
2 ought to be. And frequently trying to put
3 those signs on the facade of the building
4 with other things going on, including rows of
5 windows and whatever, it's hard to find a
6 place where the sign can find a logical
7 location. It always looks a little odd. So
8 in this particular circumstance, I think the
9 penthouse wall is a logical place for the
10 sign.

11 CHARLES STUDEN: But that would
12 require a Variance.

13 LES BARBER: Right.

14 HUGH RUSSELL: Right. But you could
15 also change this to say below the roof or
16 including the roof or including the
17 mechanical penthouse.

18 The other suggestion I would have is
19 perhaps have a minimum building sign,
20 building area which would allow you to use as
21 provision. And that might be a large area.

1 LES BARBER: I'm not quite sure what
2 you mean.

3 HUGH RUSSELL: So that on this
4 building which is a 35,000 square feet, you
5 wouldn't be able to do it. If you had
6 100,000 square foot building you could.

7 LES BARBER: Oh, I see what you
8 mean.

9 HUGH RUSSELL: That would be one way
10 of reducing proliferation in trying to
11 identify the larger tenants in the city. I'm
12 sure there still would be dozens and dozens
13 of buildings on the East Cambridge waterfront
14 that would be both above 100,000 feet. But
15 generally put on buildings that are several
16 thousand square feet in size.

17 Anyone else want to weigh in on this?
18 We're not obliged to take public testimony,
19 but given that there have been some new ideas
20 on the table here that are pretty
21 significant, I'd like to get the reaction to

1 the new ideas. On the other hand I wouldn't
2 like to spend an hour and a half here hearing
3 exactly the same testimony that we heard two
4 weeks ago. And I'm not quite sure how we can
5 accomplish this.

6 ATTORNEY JAMES RAFFERTY: Make
7 comments to the changes.

8 THOMAS ANNINGER: That's correct.

9 HUGH RUSSELL: I think, but because
10 in a sense it's the change and then if these
11 changes were adopted, would that change your
12 overall thinking about the provision? So,
13 does anyone on the Board have any other
14 advice on this?

15 CHARLES STUDEN: No, that was good.

16 H. THEODORE COHEN: I have no
17 objection but hearing from the public, but we
18 just put a 9:30 say --

19 ROGER BOOTH: We can't hear you.

20 H. THEODORE COHEN: Sorry. I was
21 going to say we put a time limit on public

1 comment saying 9:30, 20 minutes and ask
2 people not to, you know, rehash the same
3 comments we heard before, but to address
4 whatever is new.

5 HUGH RUSSELL: Can I have a show of
6 hands of people who might like to talk to us
7 tonight?

8 (Show of hands.)

9 HUGH RUSSELL: Ten. So if we heard
10 ten people in our usual three minutes, that
11 would take half an hour. So we would ask you
12 to make use of your full three minutes.

13 PAMELA WINTERS: Two minutes?

14 CHARLES STUDEN: Yes, how about two
15 minutes?

16 HUGH RUSSELL: Why don't we give you
17 a warning at two minutes?

18 UNIDENTIFIED FEMALE: We haven't
19 seen these for too long. Can we know if
20 you're going to have another hearing because
21 these were not distributed widely and they do

1 not include the entire Article, so that
2 definitions were missing so that the public
3 who is not familiar with this Article, and
4 even you perhaps might not be able --

5 HUGH RUSSELL: I think you're going
6 beyond the question. The question was are we
7 going to act on this tonight?

8 UNIDENTIFIED FEMALE: Yes.

9 HUGH RUSSELL: The answer is I can't
10 answer that. We're not obliged to act on it
11 tonight. The City Council, I think, has time
12 for us to consider further, and Susan would
13 like to offer some advice.

14 SUSAN GLAZER: The expiration date
15 for this particular proposal isn't until
16 early October, I think October 4th. So the
17 Board does have additional time to consider
18 any further amendments. And if you have
19 suggestions at the end of this evening that
20 you'd like staff to go back and either
21 research or consider, we can do that.

1 HUGH RUSSELL: Okay. So I can't
2 predict what we're going to decide after we
3 hear you. So, why don't we go forward.

4 And so I think again, two minutes
5 preferably. Please give your name and
6 address when you come forward. And why don't
7 we start on that side of the room and sweep
8 this way this time? So again, raise your
9 hands if you want to speak. Nobody wants to
10 speak anymore? First one is Kevin.

11 ATTORNEY KEVIN CRANE: Good evening,
12 Mr. Chairman, members of the Board. My name
13 is Kevin Crane. I reside at 27 Norris Street
14 in Cambridge and I'm an attorney, I represent
15 Intrasystems Corporation of One Memorial
16 Drive in Cambridge. I believe you received a
17 correspondence from me dated yesterday
18 regarding comments from the hearings and also
19 from Les Barber's provisions. I think the
20 revisions are very good as I say in my
21 letter. I think there are a number of

1 issues, though, that still need to be
2 addressed.

3 I'll start by just saying that
4 fundamentally I do think that the case for
5 making the signs generally subject to the
6 Special Permit process hasn't been made. I
7 understand the problem about the Variance and
8 the BZA coming up with the justification for
9 hardships, but I believe there should be that
10 test. And furthermore, just sitting here
11 tonight listening, I say, you know, the BZA
12 grants Variances on lots of issues other than
13 signs which probably could not be justified
14 as far as meeting the hardship standard, so I
15 don't really understand why the hardship is
16 causing the BZA a problem just as it pertains
17 to signs. As for the particulars of the
18 revisions as far as the tenant identification
19 which Mr. Cohen raised, I made a suggestion
20 that we set a standard as far as the tenant
21 is concerned, and that it possibly be a sole

1 tenant in a building except for ground floor
2 retail or that the tenant lease at least 90
3 percent of the building. If we leave it as
4 it is right now, we have this general office
5 use which you could have a national company
6 that leases a very small office space in the
7 building and that they would be entitled to
8 apply for a Special Permit. That would not
9 be unusual at all I don't think. I do think
10 that there is a problem with the
11 proliferation issue. And also I think that
12 the Charles River and open space question
13 should be addressed and there should be some
14 consideration of possibly having language to
15 limit the building identification signs to
16 any areas that abut -- have not areas abut
17 the open space areas. Not only Charles River
18 but throughout the city.

19 PAMELA WINTERS: Thank you.

20 ATTORNEY KEVIN CRANE: Thank you.

21 HUGH RUSSELL: Mr. Rafferty.

1 ATTORNEY JAMES RAFFERTY: Thank you,
2 Mr. Chairman. Good evening, again, James
3 Rafferty. I'm an attorney with a law office
4 at 130 Bishop Allen Drive. I too submitted
5 correspondence to the Board. I hope you had
6 an opportunity to see it. I did so prior to
7 seeing the text changes so I'd just like add
8 a couple of things.

9 As I noted in my letter, I represent a
10 range of clients with issues involving
11 signage. I should also note that I represent
12 Microsoft which happens to be located in
13 Cambridge. And I think there was some
14 suggestion that there was some attempt to
15 disguise that fact. But, having said that, I
16 think this has been an excellent discussion
17 focussed right where it needs to be, and I
18 think one of the reasons that's been achieved
19 is because ambiguity has been removed to the
20 extent it ever existed, that the type of
21 signs that were promulgated through various

1 communications simply can't happen now. Or
2 if they could have with this adoption, they
3 don't. So I think focusing now in on things
4 like criteria and standard, it should be
5 noted when this is a BZA case, a Variance
6 case, there are no criterion standards. They
7 are adrift at trying to figure out what's
8 involved here. So to suggest that we need to
9 have criteria, but just go to the BZA, they
10 don't have any direction or guidance. I
11 attached to my correspondence the transcript
12 of the hearing that I participated in but a
13 few weeks ago to give the Board a full flavor
14 of what the BZA deals with in sign cases.
15 And with all due respect, I don't think it's
16 accurate to say that the BZA takes a benign
17 view on hardship. In fact, I've never had a
18 case where a Variance had been granted that
19 I'm aware of that the hardship didn't exist
20 at the BZA, and I didn't -- and I suspect
21 that's the case. They have a specific

1 responsi bi l i ty.

2 We talked last time about the fact that
3 the Ordinance embodies land use policies.
4 And if the city feels that building identity
5 signs are being allowed here and Variances
6 have been granted all over the place, that
7 those aren't proper, then the Variance is the
8 right place for them because they shouldn't
9 be allowed. But before people get overly
10 concerned, we do have the MXD District where
11 these signs are allowed and they are
12 reviewed. And they happen to be reviewed by
13 the design advisory group (inaudible), and I
14 think we can look to the MXD District that
15 signs done well can add to this. So I
16 encourage it, continuing discussion on this
17 and I won't take any additional time, but to
18 say that I think the notion of continuing to
19 subject these signs to Variances is just bad
20 land use policy.

21 Thank you.

1 HUGH RUSSELL: Okay. Thank you.

2 So another show of hands who would like
3 to speak.

4 (Show of hands.)

5 HUGH RUSSELL: Sure. Would you like
6 to step forward? And maybe Renata can be
7 next.

8 CAROL O' HARE: My name is Carol
9 O' Hare. You have two letters in your package
10 from me. One has to do with the process, and
11 all I will say about that is that I would
12 encourage you to really strenuously to not
13 decide this matter tonight until you have had
14 a chance to read the materials that you have
15 been provided. And I'm not purporting to
16 tell you what to do, I just urge you to
17 postpone any decision.

18 We received these revisions, the public
19 that is, I'm one of the public, sort of
20 inadvertently. Somebody sent it to me. I
21 had already sent -- on Friday after business

1 hours, I had already sent a letter in to you
2 about this -- these proposals, but I never
3 received the revisions from this body. I
4 think many people in the city have not seen
5 either the original or the proposed revisions
6 that you have got. And as -- well, I'll just
7 go forward with one of the things I said. I
8 do not think that we want signs on every
9 single one of these buildings that faces
10 Beacon Hill whether they are -- and I do
11 think that having them unlit is a great
12 improvement. But if every single one of
13 those buildings along the historic river
14 district which is on the national register of
15 historic places, has a building identity sign
16 at the top of the building, if it is a white
17 sign -- say they were all white, it would
18 just brand that whole end of the river with
19 commercial enterprises. Do we want Boston to
20 look -- would we want to look at Boston,
21 Beacon Hill and see nothing but commercial

1 enterprises? Why does the river have to be
2 branded? Cambridge is the brand that we
3 should promote along the river.

4 PAMELA WINTERS: Thank you.

5 CAROL O'HARE: That's it.

6 PAMELA WINTERS: Thank you.

7 RENATA VON TSCHARNER: My name is
8 Renata von Tscharner. I'm a resident of
9 Cambridge and I'm here for the Charles River
10 Conservancy. It was talked about the
11 assumption that signs are a positive thing,
12 and I think there can be big discussion about
13 that. And obviously my perspective is from
14 the Charles River. And I think signs are
15 great for streetscapes to animate
16 streetscapes, but signs are not an advantage
17 for big business and for when it is reflected
18 in the water.

19 Then there is talk about it should not
20 be located in an historic district. I think
21 again we need to look beyond just being in a

1 hi stor i c di stri ct and look at the vi sta from
2 the water -- vi sta from across the water
3 al ong the parkl ands. So I hope these are all
4 thi ngs that you mi ght take i nto consi derati on
5 as you look at those changes to that i ssue.

6 Thank you very much.

7 HUGH RUSSELL: Thank you.

8 ROBERT LEFF: Hi. I'm Robert Leff,
9 109 Antrum Street. I thi nk Board Member
10 Studen' s suggesti on of a task force coul d
11 have a lot of val ue, because as we can see
12 here, we' re not sure what the purpose of
13 these si gns are i n terms of how i t benefi ts
14 the publ i c. I thi nk a task force mi ght be
15 abl e to determi ne, for exampl e, i s thi s
16 real l y sort of a bi ll board adverti si ng for a
17 company and does that benefi t the publ i c? Or
18 maybe street si gns are somethi ng that benefi t
19 the publ i c so you can fi nd where you' re goi ng
20 and ani mate the streetscape as we sai d. And
21 I thi nk that' s real l y what a task force mi ght

1 be able to determine.

2 I reiterate everything that was said
3 about the river. I think it's a special
4 place and we should try to maintain it and
5 take advantage of the improvements that we've
6 seen already in terms of large signs
7 disappearing. And that's all I have to say.

8 Thank you.

9 HUGH RUSSELL: Thank you.

10 TED PECKS: Hi. I'm Ted Pecks from
11 No. 3 Traymore Street, North Cambridge.

12 I just am a little confused still about
13 the distinction between Section D and Section
14 E. One of the modifications now says that
15 Section E specifically excludes paragraph D,
16 and what I understand that to mean is that
17 signs that are subject to building
18 identification and special use in the special
19 use section cannot be liberalized by applying
20 for a waiver. And the reason I'm confused is
21 because a lot of the discussion amongst the

1 Board beforehand seemed to be talking about
2 granting waivers for building identification
3 signs. But that seems, if I understood it
4 right, to be not allowed with this new
5 specific exclusion. So, did I misunderstand
6 the Board's discussions? I don't know if you
7 guys will ever talk back to me but....

8 HUGH RUSSELL: It's always a stretch
9 to expect a thing like that. We'll take note
10 of what you said and we'll sharpen our
11 discussions.

12 TED PECKS: Okay. Well, thank you.

13 HUGH RUSSELL: Yes, sir, you wanted
14 to speak?

15 JAMES WILLIAMSON: Thank you for
16 that gratuitous remark. I really don't, I
17 don't see why that kind of thing is
18 necessary.

19 THOMAS ANNINGER: Nothing happened.
20 I'm trying to tell you raise the thing.

21 JAMES WILLIAMSON: Oh, I thought I

1 heard you say "Are you ready for this?"

2 THOMAS ANNINGER: No.

3 JAMES WILLIAMSON: My name is James
4 Williamson and I live at 1000 Jackson Place.
5 Start my two minutes.

6 I'm one of those people who was
7 interested in this, but only got wind of it
8 at the last minute. Missed the Ordinance
9 Committee meeting, and I'm having a hard time
10 understanding the language. I find it
11 difficult to understand Zoning language. So
12 this is a real challenge, and especially
13 playing catch up. I'll try to make a couple
14 of remarks as briefly as I can.

15 First of all, I think the signage issue
16 is a problem in the city. It's a big
17 problem. I offer a recent example. I
18 thought a wonderful job was being done with
19 the building on Remington Street, and then
20 all of a sudden one night I noticed this
21 giant banner that says Hotel Veritas. I

1 brought it to the attention of Charlie
2 Sullivan. It turns out it was put up without
3 the appropriate approval, and it's in
4 violation of the regulations for the Harvard
5 Square District. And there's going to be a
6 hearing about that Thursday night. So
7 they're asking for it retroactively. So I
8 think there are -- that's not exactly
9 relevant to the point we're talking about
10 except in the general case of problems with
11 signs and people just going ahead and doing
12 things and then well maybe I can get it
13 retroactively.

14 I am confused about what the waiver in
15 Section (e) applies to. Does it apply to all
16 the regulations? Would a special -- I'm
17 confused about that and I request
18 clarification.

19 I also think there is this question --
20 I think this is what Hugh was alluding to, is
21 this about control? Is this about something

1 that's gotten out of hand because of the way
2 the BZA have been granting Variances, and
3 this is an attempt to get a handle on it? Or
4 is this something -- is this going to
5 actually basically ratify something that's
6 been liberalized possibly inappropriately?
7 And if the BZA aren't doing their job and are
8 inappropriately granting willy-nilly hardship
9 approvals when they shouldn't be, then why
10 should that be ratified? I mean, I think
11 that there's a question there. So I hope
12 you'll look at that. And on the question of
13 branding, I mean --

14 PAMELA WINTERS: Mr. Williamson, I'm
15 sorry, is this your last point?

16 JAMES WILLIAMSON: This will be my
17 last point.

18 PAMELA WINTERS: Well, all right,
19 thank you.

20 JAMES WILLIAMSON: On the question
21 of the identification, of building

1 i denti fi ca ti on, i t' s con ven i ent ly re fer red to
2 as bu i l di ng i den ti fi ca ti on. In o ther forms
3 peo ple talk about brand ing and mar ket ing, it
4 seems to me that what this is is mar ket ing,
5 put ti ng a nice big brand ing ad ver ti se ment on
6 the top of the bu i l di ng, and I think it has
7 to be eval u ated in the light of that and
8 whether what' s the pub lic pur pose of that?
9 And I have re ser va ti ons about how hel pful ,
10 you know, how po si ti ve it is to have big
11 brand ing things on the tops of bu i l di ngs.

12 And I thank you for look ing at that
13 aspect.

14 HUGH RUSSELL: Thank you.

15 Charl es.

16 CHARLES MARQUARDT: Char lie
17 Marquardt, Ten Rogers Street. I' ll try to be
18 bri ef.

19 A cou ple of quick things. First, I
20 think the staff has done a good job
21 re spon di ng to com ments heard here, com ments

1 from the public. So I think they've made a
2 good direction. But I think we all have to
3 remember that once signs go up, they're hard
4 to get down. We've tried to do with
5 billboards, we failed. We couldn't get the
6 Sonesta sign down which I hate. It beams
7 right into my living room. So I think we
8 have to be really careful when we look at
9 that. That's why I said in my letter
10 criteria are critical. Once we let them go
11 up and talk about, let's see what happens.
12 The problem with let's see what happens is
13 once it happens, we can't make it un-happen.
14 So you can't get a sign up and say well, take
15 it on down. I look at the Sonesta sign and
16 every night I just want to rip it down.

17 I look across the street at the Hotel
18 Marlo sign that sign actually makes me happy.
19 I think the idea of a task force to delve
20 into those criteria is I think really
21 important, time limited of course. I also

1 think that when we look at the buildings and
2 just look at the tall buildings down
3 (inaudible) a little bit, because the staff
4 has mentioned there are some buildings that
5 may be going from 20 to 23 feet might make
6 sense. I hate to put those small building
7 owners through something more arduous than
8 the larger building owners go through. We're
9 trying to encourage small business into the
10 city not force them out. Maybe there's some
11 smaller thing we can do with them.

12 And last, I think it's important based
13 upon all the discussion that's come up and
14 some of like the more heated discussions, is
15 what do we do with those buildings that are
16 adjacent to but not in either historic
17 districts or conservation districts? They do
18 have an impact on them, but they're not in
19 them. So how do we measure in versus not in.

20 I think I came in under.

21 PAMELA WINTERS: Thank you.

1 HUGH RUSSELL: Does anyone else wish
2 to be heard?

3 CHRIS MATTHEWS: Chris Matthews. 26
4 Sixth Street and I'm the Vice President of
5 the East Cambridge Planning Team.

6 Just speaking for myself tonight, I'm
7 ready to reinforce what I said in my letter
8 today. I do think the task force is an
9 excellent idea. This is a very, very
10 complicated issue, and I find it very hard to
11 imagine where it will end up. I think that
12 generally signs on the street are a good
13 thing at a low level, at a pedestrian scale.
14 They make the streets livelier. Something
15 that in East Cambridge we really need. But I
16 see that as an entirely different issue to
17 these big, big signs high up on the
18 buildings. That seems to me really a
19 suburban approach. It's branding buildings.
20 They're big enough to be seen from moving
21 cars. Big enough to be seen from a long

1 distance. It doesn't seem like an
2 appropriate approach to signage in a dense
3 city. I do worry about the view from the
4 Charles River and from Boston. I worry
5 particularly about the view of from the East
6 Cambridge neighborhoods. Many people live in
7 small apartments, small units, and we're a
8 very dense neighborhood, and a view from a
9 high level unit is a very, very valuable
10 thing to people living in the neighborhood.
11 So to have that cluttered up night and day
12 with these signs, you know, could be a real
13 detriment to the people living there.

14 I also worry that under the Special
15 Permit we are going to get requests for
16 illuminated signs. And I think that
17 everybody that designs environments in the
18 city is trying very hard to protect the night
19 sky, and to have bright signs up there
20 obscuring our view of the night sky is
21 something that I would really worry about.

1 So, I'm trying very hard to get my head
2 around it. It's extremely complicated and I
3 think the task force would be the next step.

4 HUGH RUSSELL: Thank you.

5 Anyone else wish to be heard?

6 (No response.)

7 HUGH RUSSELL: 9:31. Thank you.

8 We now need to agree that we don't have
9 to take a vote tonight, correct?

10 (All agreed).

11 HUGH RUSSELL: And what should the
12 department be thinking about in the next five
13 weeks between now and our next meeting on
14 this subject? Steve.

15 STEVEN WINTER: I think that we need
16 to be thinking about the fact that there are
17 a lot of very thoughtful and very tempered
18 voices asking us to slow down, and I think we
19 are cognizant of that, we're aware of that.
20 I believe as we've heard from the people who
21 spoke and some of the colleagues have

1 suggested, that we be the last one to
2 recommend a task force. But I think that we
3 need to take a very quick, facilitated,
4 targeted thoughtful look at this with a group
5 of people who are appointed to bring
6 expertise to the table and to bring some
7 feedback both to the staff and back to the
8 Board about some options that are out there
9 for us. I also would want to echo the
10 comments that were directed to you, Les. I
11 think that you've done a terrific job with
12 the draft Ordinance, and I think the draft
13 Ordinance is part of what we're looking at,
14 but it's not the end point of this process.
15 And I think once we start looking at it as
16 the end point, we start to get into trouble.
17 And, you know, what we're trying to get at is
18 not necessarily ordinance driven. And,
19 Charles, that echos some of your ideas about
20 how very complex this is. It's not ordinance
21 driven, it's values driven. It's about a

1 cul tural landscape. It's about a sense of
2 pl ace. And we need, we need some work done
3 off line and then brought back to us.

4 THOMAS ANNINGER: I guess what I
5 would like to see in the next round, and I
6 think that's clear that we're headed to
7 another round, is some attempt at answering
8 this questi on of what cri teri a could we put
9 into the Ordi nance to hel p guide us? We have
10 exampl es of that in Arti cle 19. There are a
11 number of cri teri a there. When we had the
12 task force on rooftop mechani cal s, a task
13 force on which I sat, the outcome was to gi ve
14 us some cri teri a on how we woul d judge
15 rooftop mechani cal s, and I thi nk we mi ght be
16 abl e to take a page from some of those
17 efforts and see if we can do that here,
18 beari ng in mi nd some of the thi ngs we've
19 heard toni ght, such as taki ng i nto account
20 the ri ver and tryi ng to put somethi ng on i t
21 to hel p us. Thi s i s di fferent from what we

1 struggled with very early on which is
2 deciding whether an antenna is a plus or not.
3 For us just about all the antennas are a
4 negative. And so we have a very difficult
5 time with antennas, but I think Steve is
6 right, we are struggling with that and it is
7 somewhat circular because we don't have a
8 whole lot of guidance and I wish we could
9 find some way to do that. I don't look at
10 signs here as a negative at all. I think
11 they can be a plus, but I think we need some
12 help perhaps with criteria. Whether we can
13 find some that everyone will agree on is
14 another question. But I think that's an
15 attempt that would be worthy for the next
16 round.

17 HUGH RUSSELL: I guess I would
18 actually encourage those of you who are
19 facing us to maybe suggest criteria to Les
20 who probably will be the center of the
21 department's thinking on this. I'm not sure

1 how you're going to organize it, but is Les
2 the right person to send suggestions to or
3 Li za?

4 SUSAN GLAZER: They can send them
5 either to any of the staff. Certainly Stuart
6 who is the head of the Community Planning
7 Division. If that's okay with you, Stuart.
8 Or to me.

9 And another suggestion would be, and I
10 don't know if this is sort of a compromise
11 thing, we perhaps could have in early
12 September sort of a working session. You
13 could use your next meeting, the September
14 7th meeting as sort of a working session to
15 hash out some of these criteria. And if
16 people want to weigh in before that, we can
17 certainly put all of those ideas on the table
18 for you to consider. And in the meantime we
19 can certainly, we've had a lot of feedback
20 tonight, we can start to work on some, you
21 know, some other modifications based on

1 tonight's discussion.

2 STUART DASH: I think, you know,
3 between the staff we can let you know now
4 sort of what we've heard and when we come
5 back to you, we tend to come back to you with
6 versions, that look at the expanding criteria
7 based on some of the things that people have
8 mentioned, including use list, look at map
9 changes including issues about the 01 and the
10 IA-1 perhaps something we should consider
11 taking out. Look at tightening the
12 regulations as noted in the areas of size of
13 the building, for sensor for tendency, how do
14 you remove signs? Timing. Lighting. Look
15 at the relationship to the river to open
16 space to historic districts. And sort of
17 those are kinds of things that we'll look to
18 come back to you soon with what we've heard
19 tonight with those kinds of issues.

20 HUGH RUSSELL: Because we expanded
21 to, for example, what Counselor Crane made a

1 number of suggestions in his letter to us,
2 and I think as part of what you need to sort
3 through. And as Tom said to me, I don't want
4 to do a design charrette here at the next
5 meeting. And I second that. I think in part
6 we're not making the decision here. It's the
7 people in the big house down the street
8 making decisions, one of them from the city
9 is here listening all evening. And so, how
10 we can best help them in making this decision
11 is the question we have to think about. And
12 so I've noticed over the last decade or so
13 that the Council usually cuts much better
14 deals than we do. And I think it's because
15 of the nature of the task. They're able to
16 bring in a bigger, a broader perspective,
17 broader priorities where we're working within
18 a set of planning policies and guidelines,
19 and I think they can see a bigger picture
20 than we do. And so, you know, out of a
21 Zoning Ordinance comes a soccer field say.

1 And we knew there were soccer fields needed
2 but we just didn't know how we could do that.
3 So I'm not sure that -- I think we did the
4 best we can. We forwarded to the Council,
5 and then in their process they might say no,
6 we don't want -- we think the task force is a
7 good idea and that's how we want to see it go
8 forward. Or, no, we think we know enough
9 now, you know, I don't know how they're going
10 to make their decision and I'm sure they're
11 not looking forward to it.

12 So other things you want to do tonight?

13 PAMELA WINTERS: Can I make a
14 comment?

15 HUGH RUSSELL: Sure.

16 PAMELA WINTERS: I agree with what
17 my colleagues have said and I agree with what
18 Tom had mentioned. I don't want to spend the
19 whole next meeting doing a design charrette.
20 I would rather go in the direction of a task
21 force. I was particularly taken by Renata's

1 comments about the impact of the signage on
2 historic districts and the view from the
3 river and residential districts, and how
4 things are going to look from the Charles
5 River in Boston. I thought those were very
6 good and important comments. So I just
7 wanted to say that.

8 HUGH RUSSELL: Charles.

9 CHARLES STUDEN: I had one other
10 thought. I'm generally, when faced with
11 issues like this one or others, I'm not
12 trying to invent the wheel. And toward that
13 end I just wondered whether it would be
14 possible or whether someone's already done
15 this, there are resources out there, for
16 example, the American Planning Association
17 has a wonderful resource library available to
18 it in the whole issue of signage. Cambridge
19 can't be the first city of this size to be
20 struggling with this. And I'd be interested
21 in maybe how other cities had looked at it

1 both from a process point of view, because I
2 think that could be helpful, but then also
3 specifically about some of the standards
4 because it is a difficult issue. And I think
5 again, I can't believe we're the only ones
6 that are doing this. I don't want to make
7 this more work for staff because I know
8 you've got a lot on your plate, but it might
9 be helpful to just do a little bit of that
10 and see if it results in anything that might
11 be helpful here.

12 HUGH RUSSELL: Okay. Are we
13 complete?

14 So we'll close this portion of the
15 meeting, and I believe if there's nothing
16 further before us, we can be adjourned.

17 ATTORNEY KEVIN CRANE: Are we coming
18 back September 7th?

19 HUGH RUSSELL: It will be on our
20 agenda on September 7th I'm sure.

21 SUSAN GLAZER: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

STUART DASH: Check on-line.

SUSAN GLAZER: Fol ks shoul d check
on-line just to be sure.

(Whereupon, at 9:45 p.m., the
meeti ng adj ourned.)

1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS
3 BRISTOL, SS.

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 19th day of August 2010.

17
18 _____
19 Catherine L. Zelinski
20 Notary Public
21 Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE
DIRECT CONTROL AND/OR DIRECTION OF THE
CERTIFYING REPORTER.