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PLANNING BOARD FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, September 7, 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
- William Tibbs, Member
- Pamela Winters, Member
- H. Theodore Cohen, Member
- Ahmed Nur, Member
- Charles Studen, Member

Susan Glazer, Acting Assistant City Manager  
for Community Development

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

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

1  
2 HUGH RUSSELL: This is the meeting  
3 of the Cambridge Planning Board. And the  
4 first item on our agenda is discussion of our  
5 recommendations on Zoning Board of Appeal  
6 cases.

7 Liza, have you spotted anything that  
8 you want to bring to our attention?

9 LIZA PADEN: I didn't, no, but if  
10 you have something you want to look at, I've  
11 got the cases here.

12 HUGH RUSSELL: I don't see anything.

13 CHARLES STUDEN: Nor, do I.

14 H. THEODORE COHEN: I have one  
15 question. Liza, what is case 9985, 1820  
16 Cameron Ave. to create a non-conforming  
17 parking area?

18 LIZA PADEN: So, this application is  
19 a case to establish a common driveway with an  
20 easement with an abutting property owner. So  
21 I'll show you the picture that they've drawn

1 for this. But the reason it's non-conforming  
2 is because they'll be accessing the parking  
3 space through another property. So they come  
4 in off of Cameron Avenue here (indicating),  
5 and they come into these parking spaces here  
6 (indicating).

7 H. THEODORE COHEN: I see. So we're  
8 not creating any new parking on the front or  
9 on the street?

10 LIZA PADEN: No.

11 H. THEODORE COHEN: Okay. Thank  
12 you.

13 HUGH RUSSELL: Okay. If there are  
14 no comments, we can proceed on.

15 Susan, do you want to give us an  
16 update?

17 SUSAN GLAZER: Sure, good evening.  
18 This is our first meeting in September. The  
19 Board will meet again on September 21st when  
20 there will be a public hearing on a parcel of  
21 land in East Cambridge -- rather, east of the

1 Gilmore Bridge and north of O'Brien Highway.  
2 We call it the remnant parcel. It's a parcel  
3 of land owned by the state actually as part  
4 of the Central Artery work. And there is a  
5 proposal to rezone that land to perhaps  
6 fulfill a better development need. So, the  
7 Board will be hearing that on September 21st.

8 And then in October, the meetings will  
9 take place on October 5th and October 19th.  
10 And right now the agendas for that are still  
11 up in the air.

12 HUGH RUSSELL: Okay. Thank you.

13 PAMELA WINTERS: Susan, can I ask  
14 you a question?

15 SUSAN GLAZER: Sure.

16 PAMELA WINTERS: As a frequent  
17 walker around Fresh Pond, I notice that  
18 there's going to be a city-wide meeting about  
19 Fresh Pond and I was wondering if you could  
20 tell us a little bit about that.

21 SUSAN GLAZER: My understanding is

1 that there will be a series of meetings about  
2 Fresh Pond. I think the first one is  
3 September 14th at the West Cambridge Youth  
4 Center. I'm not quite sure of the time. I  
5 think it's 6:30 or 7:00. But I'm not sure of  
6 the time. You can check I'm sure. And this  
7 is a series of meetings for the public to  
8 discuss topics that have come up in the past  
9 regarding Fresh Pond and the use of the area.  
10 You know, dog walkers have one idea, and the  
11 people who jog have another. So, I think  
12 they're trying to get people together to air  
13 some of the issues and to try to find some  
14 common ground.

15 PAMELA WINTERS: Are there going to  
16 be several meetings?

17 SUSAN GLAZER: My understanding is  
18 that there are going to be a whole series of  
19 meetings over the next oh, maybe six to nine  
20 months. I'm not quite sure what the schedule  
21 is, but I know that our department will be

1 participating in a way because of the Healthy  
2 Playgrounds Program that we've had.

3 PAMELA WINTERS: Great. Well, I  
4 think it's important because it's such a  
5 treasure to the city, you know.

6 Thank you.

7 HUGH RUSSELL: So, I'm wondering if  
8 we could actually take the two agenda items  
9 out of order and address the KayaKa  
10 Restaurant because I believe the Petitioner  
11 is here and the architect.

12 SUSAN GLAZER: Li za?

13 LIZA PADEN: Yes.

14 SUSAN GLAZER: Do you know if the  
15 KayaKa people are here?

16 LIZA PADEN: Yes.

17 SUSAN GLAZER: I see no reason why  
18 we can't.

19 HUGH RUSSELL: Maybe members are  
20 interested.

21 LIZA PADEN: So these are updated

1 traffic numbers that were submitted by the  
2 Applicant.

3 HUGH RUSSELL: So, is the general  
4 nature of this discussion first to determine  
5 whether the changes are consistent with the  
6 permits we voted?

7 LIZA PADEN: Yes, please.

8 HUGH RUSSELL: So we don't have to  
9 start from ground zero. We just have to look  
10 at what's changed and decide if there's  
11 really a change that would affect the  
12 permits, right?

13 LIZA PADEN: Right.

14 HUGH RUSSELL: And accept the plans?

15 LIZA PADEN: Right.

16 THOMAS ANNINGER: And whether it's  
17 Minor or not?

18 LIZA PADEN: There are no Minor  
19 Amendments for this type of Special Permit.  
20 The only Special Permit that has a Minor  
21 Amendment is a PUD because it's specifically

1 called out for that.

2 HUGH RUSSELL: So, I guess if we  
3 found that it was significant, then we would,  
4 you know, rehear the case.

5 LIZA PADEN: If this was found to be  
6 a change to the Special Permit, that was of  
7 that magnitude, then we would go back and  
8 advertise this for a public hearing.

9 Michael, can you use the microphone?

10 MICHAEL MCKEE: Can you all see the  
11 Boards? My name is Michael McKee, and I'm  
12 the architect for the project. I'm joined  
13 with Mr. Kim the owner, and David  
14 Proch-Wilson who will be the operator of the  
15 hotel --

16 LIZA PADEN: Can you speak into the  
17 microphone.

18 PAMELA WINTERS: Is the green light  
19 on?

20 MICHAEL MCKEE: The green light is  
21 on.

1           So I'm joined by -- my name is Michael  
2           McKee, I'm the architect of the project. I'm  
3           joined by Mr. Kim who is the owner of the  
4           Kayaka Restaurant and the developer of the  
5           hotel. And David Proch-Wilson who is with  
6           Collegiate Hospitality, and they will be the  
7           operators of the hotel.

8           What we have here is the image -- the  
9           change that we're proposing is an internal  
10          change. It's revising the room count of the  
11          hotel and revising the size of the  
12          restaurant. The original proposal that was  
13          approved last year was for a 50-room hotel  
14          and a 200-seat restaurant. And on advice by  
15          the operator who has been involved with us  
16          since then, they were looking to try to make  
17          the restaurant smaller and then perhaps  
18          increase the size of the -- increase the room  
19          count. So what we've done is we've reworked  
20          the plans in a way that doesn't change the  
21          exterior of the building at all. We've

1 basically -- the rooms are still on the upper  
2 four floors of the building. What we've done  
3 is we've taken a bunch of suites and we've  
4 split them into single rooms. So we haven't  
5 increased the floor area that's dedicated to  
6 rooms.

7           And then on the ground floor, we used  
8 to have a large 200-seat restaurant, and now  
9 what we've done is we've reduced it to a  
10 smaller restaurant that's focussed on the  
11 front of the building. So it's still -- we  
12 still have our setback, we still have our  
13 sidewalk seating. We still have the exact  
14 same appearance from Mass. Ave. And then  
15 we've introduced two small meeting rooms,  
16 which will be hotel meeting rooms, for the  
17 hotel guests. And so -- and then the kitchen  
18 has gotten a little bit smaller. We've added  
19 -- the lobby has gotten larger. Some of the  
20 restaurant space became a larger lobby. So  
21 what we've done is just reapportioned our

1 same FAR within the building. We've done it  
2 in a way that does not change the exterior  
3 facade at all, the fenestration, the  
4 setbacks, the massing, the heights. All of  
5 the treatments around the base of it are  
6 exactly what they were before.

7 We did distribute some numbers. The  
8 advantage of this, and there's operations,  
9 and David can speak to the operations  
10 advantage, but from the neighborhood point of  
11 view, what it does is it takes the  
12 restaurant, the large 200-seat restaurant  
13 which was a -- in our traffic studies, that  
14 was determined to be the peak traffic flow  
15 was in the evening, during the evening rush,  
16 and that was attributed to the restaurant.  
17 So by -- what we've done is we've balanced --  
18 we've made the restaurant smaller to relieve  
19 parking, to empty up some parking spaces in  
20 our garage to accommodate the added rooms  
21 that we've added upstairs. So we still have

1 the below grade garage is identical to the  
2 one that was approved last year. It's still  
3 40 spaces. What has changed, then, is just  
4 the intensity and the use of it. We still  
5 need 40 spaces, we still have 40 spaces, but  
6 the traffic, the number of trips generated  
7 both coming to and from the site are  
8 significantly reduced. The actual, when we  
9 calculate the use of the parking as opposed  
10 to the Ordinance required amount of parking,  
11 it goes down. So we have extra -- we have an  
12 extra factor of safety of our parking garage  
13 filling up.

14 And then our loading needs also reduce.  
15 Although the loading requirements in the  
16 loading docks as we designed them last year  
17 stay unchanged, but the number of trucks that  
18 we expect to come and the frequency of trucks  
19 is significantly reduced because the  
20 restaurant is so much smaller. So that's the  
21 change.

1 I think in the site plan -- so the site  
2 plan is still the same site plan. Literally  
3 the same plan as before. We still have the  
4 turnaround space. We still have the  
5 landscaped garden. The ramp is still at the  
6 back. We still have our setback for the  
7 seating, for the sidewalk seating. And we  
8 still have our drop off all of our loading  
9 and drop off on to the street and on to the  
10 site. So none of that is changed from what  
11 was approved from before.

12 HUGH RUSSELL: Okay.

13 So are there any questions by members  
14 of the Board?

15 WILLIAM TIBBS: I assume that the  
16 conference rooms can be used for eating if  
17 need be?

18 MICHAEL MCKEE: Well, I'll let David  
19 do --

20 DAVID PROCH-WILSON: You will find a  
21 time when some people in the hotel will get

1 together and they'll want to use the  
2 conference room for lunch, and lunch could be  
3 served in the conference room, yes.

4 THOMAS ANNINGER: Just one thing. I  
5 remember when you showed this to us the last  
6 time when there was a change to the parking  
7 garage down below, that you showed us an  
8 entrance that seemed tight and somewhat, I  
9 don't want to call it congested, but seemed  
10 like there was little space to navigate  
11 around what would be some waiting spaces up  
12 on top. Has any of that, because of this,  
13 gotten easier?

14 MICHAEL MCKEE: Well, what we will  
15 have -- I think the most of this discussion  
16 when we discussed the valet and all that  
17 whole operations during the evening time,  
18 most of that discussion, the concern that was  
19 raised was during the restaurant peak.

20 THOMAS ANNINGER: That's right.

21 MICHAEL MCKEE: When people are

1           ei ther coming and going in mass during that  
2           three hour window. So that di ssi pates. We  
3           won' t say i t' s complet ely gone, but i t i s  
4           signi fi cantl y reduced. And so the hotel  
5           traffi c that we' ve added, whi ch i s  
6           signi fi cantl y l ess than the restaurant  
7           traffi c that we' ve del eted i s more  
8           di stri buted through the day. So the crunch  
9           time of three peopl e l ooking for valet s whi l e  
10          someone i s trying to get out of the garage  
11          and then that whi ch -- we thought we had that  
12          cover ed anyway, but i t' s, you know, i t  
13          becomes al most moot.

14                    THOMAS ANNINGER: That' s the poi nt.  
15           I f anythi ng, thi s i s hel pi ng out somethi ng  
16           that wasn' t enti rel y sati sfactory i n my vi ew  
17           the l ast time you showed i t to us.

18                    MICHAEL MCKEE: Yeah, i t was the  
19           best we coul d do wi th what we had --

20                    THOMAS ANNINGER: That' s ri ght.

21                    MICHAEL MCKEE: -- i n the previ ous

1 scheme, and it's significantly eased this  
2 time around.

3 HUGH RUSSELL: Pam.

4 PAMELA WINTERS: Could you describe  
5 the back garden area again? That is, is it  
6 going to be open to the public?

7 MICHAEL MCKEE: Yes. And we had  
8 actually written, there's a commitment -- all  
9 of the commitments that we made -- we made a  
10 commitment and wrote out which I think is  
11 part of our original approval on the fact  
12 that it would be open to the public. That it  
13 would be controlled by the hotel, maintained  
14 by the hotel. And, you know, they -- so  
15 that's still the same.

16 PAMELA WINTERS: Okay.

17 And I have to ask because I know -- I  
18 live close by here. What happens if you get  
19 unruly people kind of hanging out in that  
20 park?

21 MICHAEL MCKEE: Well, I think our --

1 the answer to that is they probably will  
2 disturb the hotel guests much more than the  
3 residents.

4 PAMELA WINTERS: Right.

5 MICHAEL MCKEE: So, the hotel -- in  
6 our rules that we publish, we say we have the  
7 right to remove people, to, you know, in  
8 order to control the -- so I think.... So I  
9 think we can cover that.

10 PAMELA WINTERS: Okay. Thank you.

11 HUGH RUSSELL: Ahmed.

12 AHMED NUR: On Table 1 here we see  
13 that the weekly morning peak hours increased  
14 10 percent, 15 percent.

15 MICHAEL MCKEE: That's correct.

16 AHMED NUR: How?

17 MICHAEL MCKEE: Well, that's -- when  
18 you look at the, the various peaks, the  
19 morning peak was always the lowest by far.

20 AHMED NUR: Right.

21 MICHAEL MCKEE: Very little

1 restaurant activity. So that one didn't go  
2 up, but there is more in the calculation,  
3 there is more hotel activity in the morning  
4 because we do have more rooms. But it's  
5 still not even close to the critical time  
6 period.

7 AHMED NUR: Okay.

8 MICHAEL MCKEE: That's 38 cars in an  
9 hour total. That's 20 cars coming and going,  
10 because the trip is either coming or going.  
11 So we've added --

12 AHMED NUR: So it's related hotel  
13 functions not the restaurant obviously  
14 because you guys used that --

15 MICHAEL MCKEE: That's right. The  
16 ones that went down -- the average is about  
17 30, 35 percent down in the overall daily.  
18 But in the mornings, since there's very  
19 little, since there was no restaurant traffic  
20 in the morning.

21 DAVID PROCH-WILSON: Hotel checkout.

1                   MICHAEL MCKEE: So the hotel numbers  
2 did go up for the peak.

3                   HUGH RUSSELL: Okay. Any other  
4 comments?

5                   Would somebody like to make a Motion as  
6 to whether we can accept these plans or  
7 revised plans under the permit that we've  
8 issued?

9                   H. THEODORE COHEN: I move that  
10 inasmuch as there is no change to the  
11 exterior of the building or to the site plan,  
12 and that there's only change as to the mix of  
13 size of restaurant and number of hotel rooms,  
14 all of which appear to be beneficial to  
15 traffic considerations, that this Board has  
16 discussed before, that we conclude that the  
17 amended plan should be the one that's  
18 referred to in the Special Permit, and that  
19 there would be no reason to reopen the  
20 hearing or hold any further hearings on the  
21 matter.

1 HUGH RUSSELL: Is there a second?

2 WILLIAM TIBBS: I second.

3 HUGH RUSSELL: Any discussion?

4 On the Motion, all those in favor?

5 (Show of hands.)

6 HUGH RUSSELL: And everyone votes in  
7 favor.

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

10 PAMELA WINTERS: May I make a  
11 comment on the Motion?

12 HUGH RUSSELL: Yes.

13 PAMELA WINTERS: I just have to say  
14 that I know as one of the few people, I  
15 certainly do approve of this difference in  
16 change, but I do have to comment that I was  
17 the only person on the Board that still feels  
18 as though the building is too tall and too  
19 dense for the area. So I hope you prove me  
20 wrong. Good luck.

21 MICHAEL MCKEE: Thank you very much.

1                   DAVID PROCH-WILSON: Thank you.

2                                   \* \* \* \* \*

3                   HUGH RUSSELL: Okay. The next item  
4 on our agenda is a discussion of the City  
5 Council. How are we going to do this? Are  
6 you going to present to us your latest  
7 thinking?

8                   SUSAN GLAZER: I think that would be  
9 helpful to you.

10                   Les, are you prepared to walk them  
11 through the latest changes? I think that  
12 would be most helpful because there have been  
13 some changes and I certainly want the public  
14 to be able to understand them.

15                   LES BARBER: As you know, we had a  
16 discussion on the initial draft of the  
17 Ordinance which the staff had amended in  
18 various ways at our meeting in August and had  
19 a fairly extensive discussion, which  
20 discussions suggested that there ought to be  
21 some changes yet again in the amended draft

1 that we had before us at that time. And a  
2 discussion again revolved principally around  
3 the building identification sign section.  
4 There being what, four other sections which  
5 didn't have a lot of comment either from the  
6 public or from board members. So, they in  
7 trying to respond to the Planning Board  
8 comments and the comments that we heard at  
9 the Ordinance Committee we, have suggested a  
10 fairly substantial alteration in that section  
11 of which I guess we don't have page numbers  
12 on the Ordinance here, but it's the -- it  
13 begins on the third page. It's part D,  
14 special use signs. And then subparagraph 3  
15 there, building identification signs.

16 So why don't I just briefly go through  
17 and highlight the provisions that are being  
18 proposed here for the Board's consideration,  
19 and we hope for at least a large measure  
20 response to your comments the last time.

21 We've tried to set out a purpose

1 section as to why we're doing this, and  
2 identifying the fact that we're proposing  
3 this to reflect the interest and concerns of  
4 large companies and enterprises in the city  
5 that are an important part of the city's  
6 economic base. And have tried to suggest  
7 that these building identification signs are  
8 best limited to those areas of the city where  
9 there is now or will be in the future a  
10 concentration of fairly large corporate kinds  
11 of enterprises.

12 The map we distributed illustrates the  
13 districts that we're proposing to the subject  
14 where these particular signs will be  
15 permitted. And they are in the eastern and  
16 western parts of the city. And it excludes  
17 all of the lower scale districts in the  
18 middle of the city.

19 The proposal is that these kinds of  
20 signs will be allowed in those districts, or  
21 portions of those districts, where the

1 maximum height is 50 feet or more. So that  
2 if the height allowed is less than that,  
3 which tends to be closer to residential  
4 neighborhoods, these signs will not be  
5 allowed to vary from the base sign ordinance  
6 requirements.

7 So then we've significantly expanded  
8 the next section limitations and requirements  
9 for these wall signs where it had been as of  
10 right, it's now Special Permit. And if it's  
11 a Special Permit granted by the Planning  
12 Board rather than the Board of Zoning Appeal.  
13 These signs would be limited to  
14 non-residential buildings, rather than all  
15 buildings. And buildings of 50,000 square  
16 feet or more. We've added or reestablished  
17 the internal illumination provision in the  
18 Ordinance. I think there was some discussion  
19 amongst board members that --

20 THOMAS ANNINGER: External.

21 LES BARBER: Ex? Did I say

1 internal ?

2 THOMAS ANNINGER: You said internal .

3 LES BARBER: Excuse me. External .

4 That had been in the original proposal . We  
5 had deleted it in the first revision, because  
6 in attempting to be as restrictive as  
7 possible and to lay people's fears about  
8 excessively bright signs. But I think it was  
9 the staff's feeling that external  
10 illumination would be appropriate in many  
11 circumstances and that's something the Board  
12 can review.

13 While in all of the previous versions  
14 the height was -- of the signs were limited  
15 to below the roof of the building, which is a  
16 universal provision actually in the Zoning  
17 Ordinance. There was some discussion amongst  
18 the Board that it might be appropriate to  
19 allow these signs to be above the roof when  
20 they're on mechanical equipment. And we have  
21 -- we've distributed some illustrations of

1 signs which are very similar to what would be  
2 allowed under this set of regulations. And  
3 Genzyme and Amgen are both on the mechanical  
4 equipment screen above the roof. So their  
5 kind of sign was thought by the Planning  
6 Board to be appropriate and will be subject  
7 to review by the Board.

8 Again, the signs are to consist of  
9 individual letters and graphic symbols. In  
10 the revision we proposed last time, we  
11 actually suggested a limited range of varied  
12 muted colors. And some board members thought  
13 that was too restrictive and they might want  
14 to have more flexibility on that regard. So  
15 we simply eliminated that restriction. So  
16 the Board can consider anything that's  
17 presented to them in any range of colors.

18 Lots of discussion about which tenant  
19 in the building ought to have a right to have  
20 one of these signs. And we've elaborated on  
21 that. It's essentially an office tenant in

1 the building. And as we've written it here,  
2 occupying a significant portion of the  
3 building. We've already had comments from  
4 the general public that "significant" is an  
5 undefined term. Perhaps the Board doesn't  
6 want to have -- leave that wide open. So we  
7 might want to think of a way to at least  
8 define what "significant" is in some way. My  
9 notion as I thought about it, we can simply  
10 say that significant is, for purposes of this  
11 regulation, some percentage of the building,  
12 maybe 20 percent or something. But allow the  
13 opportunity for the Board to consider  
14 occupancy at 18 percent. But if someone  
15 comes in above 20 or above, then it's  
16 automatically assumed to be a significant  
17 portion of the building.

18 Again, the building can't be located on  
19 the local conservation or historic district.  
20 And it's important to emphasize again and  
21 again that the total area of signs permitted

1 on the lot isn't changing. It's still  
2 limited by the one square foot provision.

3 And then we've tried to elaborate on  
4 the standards the Board would use in  
5 reviewing these signs. There are specific  
6 dimensional limitations that can't be waived,  
7 but there is flexibility here. So, we've  
8 listed the kinds of things the Board would  
9 look at. Obviously the quality of the design  
10 of the proposed sign that was integrated into  
11 the architecture of the building. How it's  
12 perceived as viewed from nearby residential  
13 districts and historic districts and  
14 conservation districts and parks and open  
15 space and the Charles River. And then the  
16 nature and impact of the proposed lighting  
17 both in terms of visibility and glare from  
18 perhaps residential neighborhoods, and as it  
19 might impact the desire of the city to  
20 protect the night sky and not encourage a lot  
21 of up lighting into the atmosphere.

1           So I think those are the principal  
2 changes. There have been, as you can see on  
3 subsequent pages, some clarifications of the  
4 other sections but I don't think they involve  
5 significant changes in policy and  
6 regulations.

7           And we did distribute some  
8 illustrations of signs that are fairly, that  
9 have received variances in the past, that  
10 were the progenitors of the Board's  
11 discussion about this topic. And Jeff  
12 Roberts has done all the work with regard to  
13 photographing these and trying to get some  
14 measurements here. And there are, I think,  
15 the illustrations that give you the good  
16 sense of the intent and meaning and likely  
17 results of the set of regulations. Some of  
18 the signs are bigger than allowed. Some of  
19 them are lighted in ways that wouldn't be  
20 permitted now. But I think you get a good  
21 sense of what's likely to be presented to the

1 Board over time.

2 Another map in addition to illustrating  
3 the districts that will be allowing these  
4 signs, Jeff has sort of surveyed the existing  
5 ID signs. And there are a whole number of  
6 them principally in East Cambridge, and some  
7 of them are at the top of the building. A  
8 number of them are sort of midrange in the  
9 building which is a common request from in  
10 the past to the BZA for a relaxation of the  
11 20 foot height limit. This isn't a  
12 comprehensive identification of all such  
13 signs, but I think it's a substantial  
14 representation of what's out there.

15 HUGH RUSSELL: Those are the boards  
16 that are there?

17 LES BARBER: Yes.

18 HUGH RUSSELL: Jeff, do you want to  
19 give us a highlight of those and hold them up  
20 so people can see them?

21 (Demonstrating photographs.)

1 PAMELA WINTERS: And again, these  
2 are what are currently there now or are  
3 these --

4 LES BARBER: These are signs which  
5 in the past have received variances because  
6 they didn't conform to the current Ordinance.  
7 They were the signs that over a number of  
8 years the Board has seen and generally found  
9 to be acceptable. They went to the Board of  
10 Zoning Appeal and they were granted  
11 variances. The fact is that the Board is a  
12 little less receptive now to such variances  
13 than it was in the past, so it might not be  
14 as easy in the future to get these kinds of  
15 signs approved through the Board of Zoning  
16 Appeal as it has been in the past.

17 PAMELA WINTERS: So I'm looking, for  
18 example, at the Amgen sign, and that seems  
19 very small to me in relation to the size of  
20 the building. So they had to go through a  
21 Special Permit from the BZA in order to

1 get --

2 LES BARBER: Yes.

3 PAMELA WINTERS: -- because it was  
4 supposed to be even smaller than that?

5 LES BARBER: No, it's too high.  
6 It's only allowed at the first floor. No  
7 sign above the first floor is allowed. It's  
8 too high. It's in the range of what would be  
9 allowed under this Ordinance.

10 PAMELA WINTERS: Okay.

11 LES BARBER: And that raises a  
12 point. I know people have criticized the  
13 fact that this Ordinance increases the size  
14 by 50 percent to 90 square feet. Well, 90  
15 square feet on a huge building like that is  
16 fairly modest. And, actually, when you put a  
17 sign up at the top of the building and it's  
18 too small, quite frankly from a design point  
19 of view it frequently looks silly. It's out  
20 of scale. You don't want a huge sign, but  
21 you want a sign that, you know, feels

1 comfortable in its location.

2 PAMELA WINTERS: Right.

3 LES BARBER: So the reason for the  
4 90 square feet, when you're up that high, a  
5 little larger area might actually be useful  
6 from an urban design point of view. I don't  
7 think it's having a dramatically different  
8 impact on the city's landscape.

9 PAMELA WINTERS: Thank you.

10 LES BARBER: All these crazy names  
11 hard to pronounce. But from Archemix.  
12 Archemix. Whatever. Is a type of sign which  
13 has a background which wouldn't be permitted.  
14 We're saying you have to have individual  
15 letters like the Novartis sign, like the  
16 Amgen sign. The EF sign. I don't know if  
17 the Board can see it down there, is  
18 internally illuminated. And it's actually  
19 quite large. It's much more than is being  
20 proposed as the limit currently and it's  
21 internally illuminated. So that would not be

1           permitted either.

2                   HUGH RUSSELL: One sort of side that  
3           I thought of is windows tend to be 30 or 40  
4           square feet an area, and so do most of those  
5           buildings. And so, like that's a window  
6           that's about 30 square feet for example. So  
7           at 60 square foot sign is about the size of  
8           two windows. A 90 square foot sign is about  
9           the size of three windows. I mean, obviously  
10          the buildings can have different size windows  
11          and they all do. But if you're trying to  
12          imagine what a sign is, it's a couple of  
13          windows.

14                   LES BARBER: The Genzyme sign is  
15          actually -- we actually have the dimensions  
16          of that which I haven't got with me. But if  
17          you don't count the stray portions of letters  
18          going up and down, just measure the basic  
19          shape, that's pretty close to 90 square feet  
20          if you include the little curves. And I  
21          don't know what you call those on letters.

1 If you include that, then it becomes a bigger  
2 sign.

3 HUGH RUSSELL: Descenders. They're  
4 called descenders.

5 LES BARBER: Descenders.

6 H. THEODORE COHEN: Les, the  
7 externally illuminated includes halo,  
8 correct?

9 LES BARBER: And Amgen and Genzyme  
10 are both halo lit.

11 H. THEODORE COHEN: They are?

12 LES BARBER: If you go out at night,  
13 you can see exactly what that means. That  
14 means the light is not going through what we  
15 see there at Genzyme. That's fully opaque.  
16 The light is shining against the wall to the  
17 back. And the dark letters become sort of a  
18 silhouette against the lighted background.  
19 That under our ordinance is considered  
20 external illumination.

21 H. THEODORE COHEN: Now, I know this

1 is a ludicrous question, but would it be  
2 external illumination for someone to have a  
3 (inaudible) on the street just aimed  
4 constantly at their sign 100 feet above  
5 ground?

6 LES BARBER: Technically, yes.

7 H. THEODORE COHEN: There's nothing  
8 in the current zoning that would prohibit  
9 that?

10 LES BARBER: Probably not, no. But  
11 that certainly, you know, the lighting is  
12 within your purview when you want these  
13 signs. So it's something you can look up.

14 CHARLES STUDEN: Les, I had a  
15 question about under restrictions limitations  
16 and requirements. Specifically No. 7. You  
17 had made a comment earlier in reference to  
18 signs shall be accessory to a non-retail  
19 business or consumer service establishment,  
20 office/tenant occupying a significant portion  
21 of a building. I do think that significant

1 is a little vague.

2 LES BARBER: It is.

3 CHARLES STUDEN: And actually my  
4 reaction to your proposal of 20 percent, I  
5 would think even slightly more than that.  
6 Maybe like a quarter of the building would be  
7 significant. But, obviously we could argue  
8 this endlessly so it's kind of difficult.

9 LES BARBER: I think it's fair to  
10 say that you don't want to allow a tenant  
11 that occupies 600 square feet --

12 CHARLES STUDEN: Right.

13 LES BARBER: -- somewhere to rent  
14 that space just for the opportunity of having  
15 a large sign on the top of a building. I  
16 mean, there may be a property owner who given  
17 enough incentive monetarily would exceed to  
18 that type of regress. And I don't think  
19 that's what we mean. And I think it's fair  
20 to eliminate that possibility.

21 CHARLES STUDEN: So, I for one would

1 I like to see that one aspect of it be a little  
2 more specific, because I know this has been  
3 something that a lot of members of the public  
4 have expressed a concern about as well. You  
5 know, just exactly who does get to put a sign  
6 on the building and under what circumstances?

7 LES BARBER: Right. Yes, if a  
8 building, you know, were tenanted by four  
9 tenants each having 25 percent, I don't  
10 particularly feel it's the public's  
11 responsibility to say who among those four  
12 get to have a sign up there. But we  
13 certainly --

14 WILLIAM TIBBS: As a follow up to  
15 that, are we saying we could have four signs  
16 up there?

17 LES BARBER: No.

18 CHARLES STUDEN: No.

19 LES BARBER: Number of signs is  
20 limited per building by the number of streets  
21 that the lot fronts which you can never have

1 more than two per building.

2 H. THEODORE COHEN: But following up  
3 on that, if we had two tenants that each had  
4 50 percent, we could have two different names  
5 on the building?

6 LES BARBER: Yes.

7 HUGH RUSSELL: And there's an  
8 example of the Archemix, those were two  
9 tenants in the same building.

10 LES BARBER: And it's one of the  
11 advantages of a Special Permit process. You  
12 get to review that context.

13 HUGH RUSSELL: I guess there are  
14 also four photographs up there that I took  
15 because as I was considering all the  
16 testimony that we got. There was -- people  
17 were saying well, you're going to ruin the  
18 city's riverfront. So I decided -- I mean, I  
19 knew that a very misleading rendering had  
20 been circulated that showed something that  
21 was scary. So I wanted to go out and see how

1 many buildings are out there that could have  
2 the signs? And what's the number? Is it  
3 100? Is it 500? And I think the answer is  
4 closer to 10.

5 So this is the segment -- MIT is here  
6 (indicating). And these are MIT dormitories  
7 (indicating). Here. That's the Hyatt Hotel.  
8 I believe that already does have a sign on  
9 it, and it's not in the district as permitted  
10 as a matter of right.

11 LES BARBER: It's under a different  
12 set of regulations for hotels.

13 HUGH RUSSELL: Right.

14 So, I think 60 Memorial Drive is a  
15 building that could possibly have a sign.  
16 It's also in the jurisdiction of the Historic  
17 Commission. There is, I think, some sign and  
18 space on that building. And there are a  
19 couple of buildings that might or might not  
20 be tall enough. But in any case, the trees  
21 along the river block the buildings almost

1           enti rely. So there might be a potenti al for  
2           three si gns way down there (i ndi cati ng).

3           Then essenti al l y there' s nothi ng.

4                     There are bui l di ngs that are set back  
5           three or four blocks from the ri ver, but  
6           those bui l di ngs, that di stri ct i s almost  
7           enti rely bui l t out at the hei ght that you  
8           cou l d see them over the bui l di ngs i n front.

9                     When you get passed MIT, you come --  
10          and thi s i s -- you get the hotel , i t al ready  
11          has a si gn. I t' s a much l arger si gn than i s  
12          permi tted under these regul ati ons and you can  
13          barely see i t. You can see i t more cl early  
14          when you' re standi ng on the ground, not wi th  
15          your camera. Thi s bui l di ng i n the di stri ct,  
16          the redev el opment di stri ct. Thi s regul ati on  
17          doesn' t affect that bui l di ng. There i s MIT,  
18          MIT dorm. The ol d Raytheon bui l di ng whi ch  
19          cou l d have a si gn on i t. And the ri verfront  
20          offi ce park. One Memori al Drive, two  
21          bui l di ngs. So there are potenti al l y four

1 buildings there that could have signs.

2 And there's actually a building there  
3 which has a sign which seems to conform.  
4 It's the building -- it shows better on this  
5 proof here. There's a sign right here  
6 (indicating). I believe it's pretty close to  
7 conforming. There's a power plant. It's not  
8 an office building, so I don't think it can  
9 get a sign. This is River Court, that's  
10 residential. You could probably replace the  
11 statue of Athena with a sign. I thought if  
12 this Board would favor that. And there's  
13 going to be a building at 100 Binney Street,  
14 that's back here (indicating), that would be  
15 visible. It could have a sign. It's  
16 possible there might be two buildings that  
17 might be visible. Again, these signs are so  
18 tiny though, so small, you could see a sign,  
19 but -- and then, you know, there's the old  
20 Lotus building which is this building  
21 (indicating), it could have a sign. So, I

1 think there might be 10 buildings that have  
2 signs. I believe there are now five signs.  
3 And I think the total signage would be less  
4 than twice of what's there. And I would  
5 submit that the river is not ruined by the  
6 signs that are there, and doubling the amount  
7 of signage won't make any difference. From  
8 all of the rhetoric and my thinking, I  
9 thought there could have been many, many more  
10 signs. I was very surprised to find there  
11 seemed to be only about 10 buildings that  
12 could have signs.

13 PAMELA WINTERS: Hugh, thank you for  
14 taking the time to do that. It's good to  
15 have the visuals.

16 HUGH RUSSELL: Okay.

17 Anyone want to comment on the latest  
18 draft?

19 CHARLES STUDEN: I'll make a comment  
20 actually. I'll start.

21 HUGH RUSSELL: Charles.

1 CHARLES STUDEN: I actually like  
2 very much what's being proposed in this  
3 current revision. I think there's been a  
4 real attempt to reflect what both this Board,  
5 as well as many members of the public, not  
6 all of you, of course, but many members have  
7 tried to raise as issues. I think what's  
8 important here to remember is that the  
9 building identification signs specifically  
10 are important to the economic well being of  
11 the city and are competitiveness as a place  
12 to do business. And I don't think that's  
13 something to be scoffed at especially when  
14 you hear statistics that I heard earlier  
15 today on NBR about what's happening in  
16 Massachusetts right now. Companies make  
17 decisions about where to locate for a whole  
18 bunch of reasons, and I'm not suggesting that  
19 signage is all that important to them, but it  
20 is one factor. I think a lot of companies  
21 feel that that kind of identity is important.

1 And so, I guess I'm of a mind that what we  
2 have before us here is worth sending on to  
3 the City Council. I have this feeling that  
4 I'd like to see something very close to this  
5 being adopted and why don't we try it and see  
6 what happens in the Zoning just like anything  
7 else that we revise based on our experience  
8 with what we find. And I have comfort in the  
9 fact that what is being proposed comes very  
10 specifically out of the Community Development  
11 Department and their experience over the  
12 years in trying to administer the very  
13 antiquated Zoning around signage that's  
14 currently in place. It really presents a lot  
15 of difficulties. In particular, of course,  
16 the whole issue of having those signs  
17 requiring a variance from the Board of Zoning  
18 Appeal. I think the fact that the signage is  
19 going to be coming to us as a Board and where  
20 there's a very specific criteria, and again,  
21 this criteria was put down based on the input

1           that we got, that we'll look at those  
2           criteria when we look evaluate future  
3           proposals for the number of buildings that  
4           are going to come forward that want this kind  
5           of signage. And as Hugh is suggesting, there  
6           probably aren't going to be that many of  
7           them. So I guess that's my sense and I'd be  
8           interested in my colleague's on the Board  
9           feelings as well.

10                   HUGH RUSSELL: Go ahead, Tom, do it.

11                   THOMAS ANNINGER: I can't improve on  
12           what Charles just said. I think he said it  
13           very well and I agree with everything you  
14           said. There are two areas that I -- one of  
15           which has been talked about tonight, that I  
16           wanted to at least hone in on for a moment.  
17           And that's this significant presence in the  
18           building. I like the idea of putting a  
19           percentage, if for no other reason, than  
20           significant, if it were just standing out  
21           there alone, somebody might say it has to be

1 more than 50 percent. And I want to make  
2 clear that that's not the case in my  
3 definition. And I think that would be a  
4 mistake to have that high of a threshold. 25  
5 percent, which is what you voted sort of as  
6 an idea, would be fine with me. And  
7 particularly if we tie that together with  
8 what Les Barber said, which is to have some  
9 discretion to go below that if we thought  
10 that was necessary in a specific case where  
11 either for historical reasons or otherwise,  
12 the presence of a tenant was so associated  
13 with the building that it could go below 25  
14 percent. So I think that would be an  
15 improvement to significant.

16 The other one is to spend a moment on  
17 what the Community Development Department  
18 added for criteria. I think they're all very  
19 helpful. I wouldn't want somebody to say  
20 that relationship to this list of things  
21 meant that it couldn't be seen from those

1           perspectives at all. Relationship is another  
2           soft word like significant.

3                   I actually like the way Les said it  
4           better when he sort of interpreted what that  
5           meant. I think you said how it is viewed  
6           from residential districts, historic  
7           districts, from the river and so on, so that  
8           it really placed an emphasis on what I think  
9           you're really saying is that we should really  
10          take a look at it from each and every  
11          perspective to see what the impact might be.  
12          Relationship probably does that. I just  
13          would want to throw out a caution that it  
14          ought not to mean that it can't be seen from  
15          that perspective. Otherwise I'm with Charles  
16          and prepared to send it to the Council with a  
17          vote of support.

18                   HUGH RUSSELL: Ted.

19                   H. THEODORE COHEN: Well, I agree  
20          that I think we need to do something and that  
21          this is a very good attempt at addressing the

1 issue.

2 I agree that significant is not  
3 sufficient. That we can deem it a  
4 percentage. And I agree that 50 percent is  
5 too high. I'm not quite sure what the right  
6 percentage is. I think, you know, it's  
7 certainly an economic issue. I think it  
8 probably is somewhere between 25 and 30  
9 percent, but I'm not exactly sure what the  
10 number is.

11 I have a question about the building of  
12 50,000 square feet. And I'm wondering if,  
13 you know, Les, you could give us some idea of  
14 the size of some of these buildings. I'm a  
15 little concerned that 50,000 might be too  
16 small and might, you know, engender too many  
17 smallish buildings that, you know, may be  
18 only 50 or 60 feet high, and they're all  
19 going to -- we're going to see a lot of  
20 consumer services of accountants or law firms  
21 or things of that nature being on smaller

1            buildings, and what we have been talking  
2            about, what we think this is really  
3            attempting to address.

4                    LES BARBER: 50,000 square feet  
5            wasn't particularly my issue. So maybe some  
6            of the other staff might want to talk to  
7            that. But these buildings are all 100,000.  
8            Probably the smallest one is the -- what is  
9            it? 301 -- 100 Third Street. That's  
10           probably maybe 100,000 square feet. Novartis  
11           is 500,000 square feet. Genzyme, I think, is  
12           240 or something like that. EF I think is  
13           140,000 maybe. Amgen, I would guess,  
14           200,000. So these are all big buildings.

15                    H. THEODORE COHEN: Right. Which is  
16            what I thought we were mostly trying to  
17            address. That's why I'm concerned that the  
18            50,000 might be too small.

19                    LES BARBER: Oh, I see.

20                    H. THEODORE COHEN: And I might be  
21            more comfortable saying that it can't be

1 under 100,000 square feet. To get away, you  
2 know, Hugh's going through and seeing how  
3 many buildings there are by the river,  
4 looking at big buildings and I'm thinking  
5 50,000 square foot building.

6 CHARLES STUDEN: I think, Les, isn't  
7 50,000 square feet is the trigger for an  
8 Article 19 Special Permit as well.

9 LES BARBER: It is. It's sort of a  
10 common --

11 CHARLES STUDEN: Yes.

12 LES BARBER: -- threshold, a  
13 comfortable, round number sort of thing.

14 I think it's well to remember, though,  
15 while we're focusing on these signs up at the  
16 top of the buildings, there are lots of  
17 people who want on a 30,000 square foot  
18 building just want their sign on the second  
19 floor. We're eliminating some of that  
20 already. And at 50,000 square feet you're  
21 not very high. So you're probably not going

1 to be seen very far away.

2 H. THEODORE COHEN: Well, I actually  
3 do have a concern about that, because I think  
4 we're then moving away from the concept of  
5 branding a building because there's some  
6 major economic benefit to it, to the owner or  
7 the tenant, and Cambridge the city at large  
8 to just opening up a very large can of worms  
9 that well, up until now it could only be 20  
10 feet or the first floor, and now suddenly all  
11 these buildings can go to 30 feet or 40 feet.  
12 That we're going to be arbitrarily or, you  
13 know, post-facto just changing the height  
14 limitation through an enormous part of the  
15 city for an enormous number of buildings.  
16 So, that's my concern that I think, you know,  
17 the 50,000 -- I don't necessarily want to see  
18 all the small buildings being able to be  
19 branded. I'm perfectly content with the big  
20 buildings.

21 LES BARBER: One of the criticisms

1 we've heard in testimony is that this  
2 proposal favors the big international  
3 companies, and is it particularly serving the  
4 interests of local homegrown companies?

5 A lot of those local homegrown  
6 companies are in some of the smaller  
7 buildings. And quite frankly I don't know  
8 who's homegrown and who's national in many  
9 instances. But, you know, that's another  
10 consideration. But, you know --

11 H. THEODORE COHEN: I understand  
12 that and I don't dispute that that's a valid  
13 point of view, but I think that that opens up  
14 the entire sign ordinance. And maybe at some  
15 point in time it ought to be opened up and  
16 the whole height issue reconsidered city  
17 wide. But if, from my point of view, I've  
18 been looking at it as allowing this branding  
19 on these big buildings because, you know, it  
20 makes some sense to do it for the big  
21 building. And I don't necessarily want to

1 see it everywhere unless the city wide  
2 decides this is what we want to do and how we  
3 should do it. So, I would like to stick to a  
4 smaller number of buildings and see how that  
5 works first before we expand it.

6 PAMELA WINTERS: So you're talking  
7 about a larger building?

8 H. THEODORE COHEN: That would be my  
9 suggestion, that it needs to be a larger  
10 square footage to qualify for the Special  
11 Permit.

12 WILLIAM TIBBS: Les, you said that  
13 number came from others on the staff? Can we  
14 hear from people as to what they thought the  
15 pros and cons of that number or was it just  
16 kind of a random number?

17 LES BARBER: Well, I think the  
18 50,000 square feet was sort of a comfortable  
19 number. But I think others on the staff felt  
20 that we ought to have a, you know --

21 STUART DASH: We were just thinking

1 of a way to sort of searching for a minimum  
2 as we were discussing it, found the 50,000  
3 way back when we put the project, that review  
4 19 -- whatever the service was, that starts  
5 to be a big building. So I think it was sort  
6 of that number.

7 THOMAS ANNINGER: Article 19?

8 STUART DASH: Yes, Article 10,  
9 that's right.

10 And then beyond that then it sort of  
11 was 100, 150. We felt more comfortable  
12 saying 50 was a minimum. But less where you  
13 want to start.

14 ROGER BOOTH: Well, clearly we did  
15 have quite a bit of discussion about it. And  
16 actually my point of view was exactly what  
17 Ted articulated. I would rather see a larger  
18 number.

19 THOMAS ANNINGER: Can you just take  
20 it a step further and say where would you put  
21 that line?

1                   ROGER BOOTH: I think 100,000 would  
2                   be a good number. But I absolutely agree we  
3                   don't want to start seeing signs on lower  
4                   buildings. Part of -- if you look much more  
5                   broadly, we've done a lot of work on  
6                   renovations and a lot of these smaller  
7                   historic buildings people wanted signs up  
8                   higher and we said no, stick with the  
9                   Ordinance because we want smaller signs that  
10                  are pedestrian-oriented. So I think this  
11                  really should be an exceptional condition in  
12                  my view.

13                  WILLIAM TIBBS: I just -- I tend to  
14                  agree with both you and Ted on that one.

15                  HUGH RUSSELL: Okay.

16                  Ahmed.

17                  AHMED NUR: I also agree with my  
18                  colleagues. One clarification that I would  
19                  like -- never mind.

20                  One clarification would be the Article  
21                  7.12 the public ability on this general

1 saying no sign or advertising device of any  
2 kind. Now this advertising device is what  
3 worries me sometimes, and that's where do you  
4 draw the line in terms of what's really sign  
5 and what's not a sign and sort of a billboard  
6 or directional?

7 For example, one thing that I'm  
8 thinking of is Fresh Pond. There's a good  
9 photo of Fresh Pond. And I'm not sure if  
10 this is of Fresh Pond, but it looks like this  
11 (indicating). With the Dunkin' Donuts and  
12 Cheddar Cheese and this and that all over the  
13 place. Some of these signs are moving signs,  
14 and some of this stuff's not even there.  
15 They're just advertisement. So, I guess one  
16 clarification that I would like is what is,  
17 what is a sign and where do you draw the  
18 line?

19 LES BARBER: Well, a lot of -- you  
20 don't have a lot of the Ordinance here. And  
21 this section is only in because the headiness

1 changed. But there is a definition of signs  
2 which is very broad and can include lots of  
3 things that people use to call attention to  
4 their property. And it's sometimes difficult  
5 to say what is the sign and what isn't a  
6 sign. It's one of the reasons that we're  
7 adding this section about corporate brand  
8 identification because it's sometimes things  
9 that are clearly identified with a  
10 corporation can just be considered a  
11 background color, for instance, and not  
12 included in the sign. So we're trying to  
13 make that more explicit.

14 But there are sections of the Ordinance  
15 that try to define what is a sign? What's  
16 included in a sign? And it isn't just words,  
17 it isn't just obvious symbols. Many sign  
18 ordinances include those little plastic  
19 triangles that gas stations historically have  
20 strung all over the place as a sign.

21 AHMED NUR: Right.

1 LES BARBER: And regulate them.

2 AHMED NUR: Okay. Thank you.

3 HUGH RUSSELL: I guess I would say  
4 that it seems like we're honing in on a  
5 recommendation that makes sense to me.

6 Anything more we need to say about  
7 this?

8 WILLIAM TIBBS: I just want to say  
9 the way we were thinking percentage, 30 came  
10 to my mind and somewhere -- 25 or 30.

11 H. THEODORE COHEN: I just have a  
12 couple technical questions. In Section  
13 3(c)7: "The sign shall be accessory to a  
14 non-retail business or a consumer service  
15 establishment."

16 Should it then say "or office tenant  
17 occupied. "?

18 LES BARBER: That's very awkward  
19 language which I think we ought to correct.  
20 What it means is that it can't be a retail --

21 H. THEODORE COHEN: Right.

1 LES BARBER: -- and it can only be  
2 an office/tenant.

3 H. THEODORE COHEN: Right.

4 LES BARBER: So, I will disassemble  
5 that sentence.

6 HUGH RUSSELL: When you say an  
7 office/tenant, and Novartis isn't really an  
8 office/tenant.

9 LES BARBER: Well, they are. Oh,  
10 they own the building you mean?

11 HUGH RUSSELL: They own -- because  
12 there's a laboratory.

13 LES BARBER: Yes, that's an office  
14 under our Ordinance. And we'll make  
15 reference to the specific section of the  
16 Ordinance.

17 HUGH RUSSELL: Okay.

18 H. THEODORE COHEN: And I assume we  
19 were also talking about the owner.

20 HUGH RUSSELL: Another thing that's  
21 permitted is for an owner to say this is the

1 Empire State Building.

2 LES BARBER: Yes.

3 H. THEODORE COHEN: And then in  
4 subsection (e) about the general waiver. You  
5 said "The limitations and restrictions of  
6 Section 7.16.22, but specifically excluding  
7 any limitation or restriction set forth in  
8 paragraphs (d)1-3 above."

9 Do you really need 1-3 or just 3?  
10 Because 1 is wall and freestanding signs for  
11 theatres and cinema. And 2 is hotels and  
12 motels.

13 LES BARBER: Well, we're actually  
14 not waiving any of those either.

15 H. THEODORE COHEN: So you want it  
16 that way?

17 LES BARBER: Yes.

18 One of the issues was the reason that  
19 when the plan was created here, there were  
20 suggestions that you couldn't include any of  
21 these other sections which allow the ID signs

1 or the hotel signs. That -- what is the  
2 section here? Part 3. In that section, no  
3 sign in the approved plan may be higher than  
4 20 feet unless otherwise permitted in Article  
5 7 or previously approved by a Variance.

6 That's simply saying that as part of  
7 the plan, you can include those signs that  
8 have been granted a height greater than 20  
9 feet under other sections.

10 H. THEODORE COHEN: Right.

11 LES BARBER: But in no way are they  
12 being granted any waivers that are unique to  
13 this section.

14 H. THEODORE COHEN: That I  
15 understood.

16 LES BARBER: Okay.

17 HUGH RUSSELL: Tom.

18 THOMAS ANNINGER: I still am a  
19 little bothered by just one section.

20 I find in (d) what I said before, and I  
21 was wondering whether anybody wanted to

1 discuss it. We're now down to some  
2 wordsmi thing here. But I find the words  
3 "si gns rel ati onshi p to" somewhat metaphori cal  
4 and a l i t t l e d i f f i c u l t t o g r a s p , a n d I ' d l i k e  
5 t o f l o a t a s a n i d e a s o m e t h i n g t h a t a c t u a l l y  
6 f i t s i n a n i c e p a r a l l e l w a y w h i c h s t a r t s o u t  
7 h o w w e l l i t i s i n t e g r a t e d a n d h a r m o n i z e d w i t h  
8 t h e d e s i g n a n d c h a r a c t e r o f t h e b u i l d i n g u p o n  
9 w h i c h i s p l a c e d . A n d t h e n I w o u l d s u b s t i t u t e  
10 f o r s i g n s r e l a t i o n s h i p a n d h o w t h e s i g n i s  
11 v i e w e d f r o m n e a r b y r e s i d e n t i a l d i s t r i c t s ,  
12 h i s t o r i c o r n e i g h b o r h o o d c o n s e r v a t i o n  
13 d i s t r i c t , p a r k s a n d t h e C h a r l e s R i v e r , w h i c h  
14 w o u l d m e a n w e w o u l d s i m p l y l o o k a t i t f r o m  
15 t h o s e p e r s p e c t i v e s a n d d e c i d e h o w w e l l t h a t  
16 w o r k e d . I t w o u l d n ' t m e a n i t w a s p r o h i b i t e d  
17 t o b e v i e w e d f r o m a n y o f t h o s e , b u t s i m p l y a  
18 p e r s p e c t i v e t h a t w e w o u l d h a v e t o t a k e . T o  
19 m e , t h a t ' s b e t t e r t h a n r e l a t i o n s h i p w h i c h I  
20 d o n ' t r e a l l y --

21 PAMELA WINTERS: It's not very



1 25.

2 THOMAS ANNINGER: That's what I  
3 wanted.

4 CHARLES STUDEN: Yes, let's do that,  
5 25.

6 HUGH RUSSELL: Council, will I'm  
7 sure --

8 THOMAS ANNINGER: They can improve  
9 on it.

10 HUGH RUSSELL: -- do what the  
11 Council is supposed to do.

12 THOMAS ANNINGER: That means that we  
13 can't raise the level to 30 percent. We  
14 don't have discretion to do that. We have  
15 discretion to go below 25 --

16 WILLIAM TIBBS: Below.

17 THOMAS ANNINGER: -- but not above?  
18 Is the way I understand that proposal.

19 HUGH RUSSELL: Yes.

20 THOMAS ANNINGER: Okay.

21 HUGH RUSSELL: We can't deny a 25

1 percent tenant solely on that.

2 THOMAS ANNINGER: Exactly. Exactly.

3 HUGH RUSSELL: Are we ready for a  
4 Motion to forward our recommendations to the  
5 City Council?

6 ATTORNEY KEVIN CRANE: Mr. Chairman,  
7 are you going to hear at all from the public  
8 for this?

9 HUGH RUSSELL: Well, I wasn't  
10 planning to solicit testimony. And I've  
11 heard a great deal from the public, both in  
12 public hearing and then in the 100 pages or  
13 so of communications.

14 What do the rest of the Board want to  
15 do about that?

16 CHARLES STUDEN: It's my sense that  
17 unless someone has something new to say,  
18 which is a possibility, I would not like to  
19 have more testimony. But if there's  
20 something that has come up that we're not  
21 aware of already, then perhaps it would be

1           okay. I don't know.

2                   HUGH RUSSELL: I think, you know, my  
3 feeling on that I guess is that because we're  
4 only making a recommendation to the Council,  
5 you know, we've spent a lot of time on this  
6 recommendation and we've received a lot of  
7 communication and I think we know where we  
8 stand. I'm not quite sure what the point of  
9 people getting up and saying well, I don't  
10 agree with you is. And I'm sure that many  
11 people in this room don't agree with this  
12 recommendation. But I think they need to say  
13 that to the Council or the decision makers,  
14 because I don't think any new issues have  
15 been on the table for a while.

16                   ATTORNEY KEVIN CRANE: Mr. Chairman,  
17 I'd just like to note my objection because I  
18 think these are substantial revisions that we  
19 just got last Wednesday, and I think the  
20 public has the right to make comment on them.  
21 We did make comment to the Council a couple

1 hours ago, and I think that it would be  
2 enlightened from the Planning Board as well  
3 to hear from the public.

4 HUGH RUSSELL: Okay. So noted.

5 THOMAS ANNINGER: I've read each and  
6 every letter. And it was a lot.

7 CHARLES STUDEN: It was a lot.

8 THOMAS ANNINGER: And I feel that  
9 together with the testimony that we had last  
10 time under the two minute rule, which I found  
11 particularly effective and the letters that  
12 we have that speak essentially to the new  
13 criteria that was added by the Community  
14 Development Department, and that many of the  
15 letters found inadequate, I think we have  
16 enough.

17 HUGH RUSSELL: Yes.

18 CAROL O'HARE: May I point out that  
19 I --

20 HUGH RUSSELL: Could you give your  
21 name, please?

1 CAROL O' HARE: My name is Carol  
2 O' Hare.

3 HUGH RUSSELL: Thank you.

4 CAROL O' HARE: At 172 Magazine  
5 Street.

6 That confirming what Mr. Crane said, I  
7 received my copy of these recent revisions  
8 from Robert Winters. I believe other people  
9 received no copies of these revisions. So  
10 many people in this city believe that the  
11 last round of revisions, including no lights  
12 on these signs on the river is --

13 CHARLES STUDEN: You're repeating  
14 the substance of the letter you wrote to us.  
15 I don't think that's a procedural question,  
16 I'm sorry, but --

17 CAROL O' HARE: Notice is a  
18 procedural question.

19 HUGH RUSSELL: Susan.

20 SUSAN GLAZER: We sent the revisions  
21 to anyone who came to the last hearing. We

1 have a mailing list with labels and they all  
2 went out at the same time the Board -- the  
3 package to the Board went out. We also sent  
4 this via e-mail to those who preferred to get  
5 it via e-mail, and that's why, you know, some  
6 people got it that way.

7 But we made every effort to send it to  
8 those people who had indicated an interest,  
9 who had prior to, you know, tonight's meeting  
10 and we had it up on our website. So we did  
11 our best to get it to as many people who had  
12 shown interest to us in the past.

13 HUGH RUSSELL: And it's my  
14 understanding that Council has sometime to  
15 act on this?

16 SUSAN GLAZER: The clock on this  
17 runs until I believe October 5th. And the  
18 Council indicated tonight at its committee  
19 meeting that although they were forwarding  
20 the item to the full Council, they were going  
21 to keep it in committee and they were going

1 to have another session to discuss it.

2 PAMELA WINTERS: Will the public be  
3 allowed to speak during those committee  
4 sessions?

5 SUSAN GLAZER: It's up to the  
6 Council on that.

7 ATTORNEY KEVIN CRANE: Mr. Chairman,  
8 the recommendation to the Council was without  
9 recommendation. And the other thing as far  
10 as something new tonight, quite frankly, I've  
11 got my mail on this Friday. But, you know,  
12 you've testified yourself as to certain  
13 things about the changes which I'd like to  
14 make comment about, but I think the public  
15 probably would like to as well as far as  
16 those pictures which are new tonight.

17 HUGH RUSSELL: So someone would make  
18 a Motion?

19 Ted.

20 H. THEODORE COHEN: Sure.

21 I make a Motion that we recommend to

1 the City Council revision to the Zoning in  
2 the form that was submitted to us and  
3 described to us by staff and discussed this  
4 evening with the changes that the minimum  
5 size of the building would be 100,000 square  
6 feet.

7 That the language relating to  
8 non-retail business consumer service and  
9 office/tenant will be revised by staff in  
10 accordance with what has been discussed this  
11 evening.

12 That the language relating to the  
13 criteria by which the Planning Board will  
14 determine whether to grant a Special Permit  
15 will be revised in accordance with the  
16 language proposed by Mr. Anninger.

17 And that there would be a provision  
18 that the minimum size for an office/tenant to  
19 be eligible for such a Special Permit would  
20 be that they occupy 25 percent of the  
21 building.

1 HUGH RUSSELL: Okay.

2 Is there a second?

3 CHARLES STUDEN: Second.

4 HUGH RUSSELL: Charles.

5 Any more discussion?

6 On the Motion, all those in favor raise  
7 their hands.

8 (Show of hands.)

9 HUGH RUSSELL: Okay.

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

12 HUGH RUSSELL: And I believe there  
13 is no more business before us tonight so we  
14 are adjourned.

15 (Whereupon, at 8:20 p.m., the  
16 meeting adjourned.)

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## C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.

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